



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 9th September 2003 commencing at 9.03am.

PRESENT:

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

General Manager, A V Burgess; Acting Director Engineering, A P Vermeulen; Director Environmental Services, B W Casselden; Acting Director Corporate and Community Services, P J Hanrahan; Director Business Enterprises, G B Snape; and Donna Pearson.



APOLOGY:

2003. 737

RESOLVED:

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

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



ASSESSMENT OF ITEMS LISTED ON CONFIDENTIAL BUSINESS PAPER

2003. 738

RESOLVED:

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

That confidential item DBE1 Saleyards - Allocation of Sale Dates for 2004 be moved from Confidential Business into Open Council.

MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 12TH AUGUST 2003.

2003. 739

RESOLVED:

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

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

*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.*

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MAYOR

MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 26TH AUGUST 2003.

2003. 740

RESOLVED:

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

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 26th August 2003, be adopted.

MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 18TH AUGUST 2003.

2003. 741

RESOLVED:

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

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 18th August 2003, be adopted.



PUBLIC FORUM

- 1 - Mrs Gail Cheers addressed Council regarding Utilisation of Sporting Fields – DE7 page .
- 2 - Mr Ian Argue addressed Council regarding Sale Yards – Allocation of Sale Dates for 2004 – DBE1 Confidential

At this stage 9.28 a.m. the Mayor adjourned the Meeting and upon resumption at 9.32 a.m. all present at the adjournment were in attendance.

- 3 - Ms Mary-Lou Buck addressed Council regarding Point Plomer Road DE1.
- 4 - Mr Kevin Hill addressed Council regarding Surplus Land GM4.



CONSIDERATION OF LATE REPORTS

2003. 742

RESOLVED:

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

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



ADOPTION OF AGENDA ORDER OF BUSINESS

THIS IS PAGE 2 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

That items DE 1, Aboriginal Liaison Committee Report and DCCS 6 be considered consecutively when item DE 1 is dealt with in consideration of reports relating to Public Forum and the remaining Agenda Order of Business be adopted.

**CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM –
Reports DE7, DBE 1, DE1 and GM4.**

DE7	UTILISATION OF SPORTING FIELDS	
	FILE: R3-11 GJW (NRN)	{Folio No. 260641}

SUMMARY:

Reporting on the Utilisation of Council's Sporting Fields.



A report was presented to the January 2003 meeting of Council, regarding the utilisation of Council's Sporting Fields.

The facilities at Willawarrin, Crescent Head, Gladstone, South Kempsey and Frederickton were identified as being under utilised for all or part of the year.

The recommendations of the Director Engineering were as follows:

- “1. *That the following sporting fields be closed and sporting fixtures usually played there be transferred to Kempsey:*
 - i) *Baker Drive Sporting Fields*
 - ii) *Frederickton Sporting Fields*
 - iii) *South Kempsey Oval.*
2. *That Gladstone sporting fields be closed during Summer and sporting fixtures usually played there be transferred to Smithtown.*
1. *That Birralee Oval be closed as a sporting field and the area offered to the Crescent Head Public School on the understanding that it would be available to the public outside school hours.”*

Council resolved to refer the matter to the Macleay Valley Sports Council, inform all schools of this recommendation and investigate the possibility of User Groups becoming responsible for the maintenance of Sporting Fields.

Council subsequently received many representations from sporting clubs, community groups and private citizens. All submissions, with one exception, supported the retention of all existing sporting facilities. The Macleay Valley Sports Council expressed similar sentiments, but asked that an updated report on the fields identified as being under-utilised, be prepared, as many users were not booking in their usage, which, therefore, was not included in the original report.

The updated information is presented below.

Crescent Head

- Summer - Cricket – (Junior) Competition and Training
- T Ball - Training
- Touch Football - Competition
- School

- Winter - Soccer – (Junior and Senior) Competition and Training
- School
- Netball Training

Gladstone

- Summer - No usage

- Winter - Soccer – (Junior and Senior) Competition and Training
- Rugby League - Training

Willawarrin

- Summer - Little Athletics – Competition
- School

- Winter - Soccer (Junior and Senior) Competition and Training
- School
- Netball Training

Frederickton

- Summer - Junior Cricket – Competition and Training
- School

- Winter - Soccer (Junior) – Competition and Training
- School

South Kempsey

- Summer - Cricket (Junior and Senior) – Competition
- School – limited use

- Winter - School – limited use

It should be noted that:

THIS IS PAGE 4 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

1. The closure of Birralee Oval would make it necessary to develop new cricket practice facilities at the Baker Drive Oval.
2. Where schools and casual users use fields on a regular basis, the level of maintenance must be such so as to provide safe facilities for such users.
3. The cost saving achieved by reducing maintenance during periods of low usage, may be negated by the cost of bringing the facilities back to a serviceable level prior to the period of high use.
4. The Macleay Valley Cricket Association has proposed that it develop the South Kempsey Oval as a regional cricket facility. They recently received \$15,000 in grant funding to install 4 turf wickets on the oval. They would eventually like to install an irrigation system and construct a clubhouse on the site, with funding to come primarily from sources outside Council.

From the above information with the inclusion of sessions previously not booked, it can be seen that the sporting fields at Baker Drive, Crescent Head, Frederickton and Willawarrin do have reasonable rates of utilisation that justify their continued operation. As indicated in letters from the community in support for their retention, the fields at these three villages provide important facilities from a social and recreation perspective for the community, sporting clubs and schools.

The fields at Gladstone and South Kempsey are used primarily for part of the year only, winter and summer respectively. It is proposed that maintenance at these two areas be reduced in their respective off-seasons. Birralee Oval should be placed on a minimal maintenance regime with upgraded cricket nets and a contribution sought from Crescent Head Public School towards the cost of maintenance.

The utilisation of all sporting fields will be monitored on a seasonal basis and a maintenance regime developed to reflect the usage of the fields. An increased participation by Sporting User Groups will continue to be pursued in order to reduce Council's maintenance costs.

Financial Implication

The financial implication of the following recommendations would be a reduction in costs of \$7,500 per year for the maintenance of sports fields.

Director Engineering Recommendation:

1. **That Birralee Oval be placed on a minimal maintenance regime and that the Crescent Head Public School be approached to provide a contribution towards the cost of that maintenance.**
2. **That maintenance on Frederickton oval be reduced to a minimal level during summer, if no cricket is played there.**

THIS IS PAGE 5 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

3. That the existing minimal maintenance regime during winter be continued at South Kempsey Oval.
4. That Gladstone fields be placed on a minimal maintenance regime during summer.
5. That utilisation rates of all sporting facilities be reviewed on a seasonal basis and maintenance regimes developed to suit the usage.

MOVED:

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

That the Director Engineering Recommendation be adopted.

An Amendment was MOVED:

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

That this matter be referred to the Sports Council to allow the User Groups to fully consider the report.

2003. 744

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

DBE1	SALE YARDS – ALLOCATION OF SALE DATES FOR 2004
FILE: S1-2	GBS {Folio No. 260717}

SUMMARY:

Reporting on a request for exclusive use of Sale yards in 2004.



The determination of requests for use of the Kempsey Regional Sale yards are normally dealt with in the first instance, by the Sale yards Committee. In view of the potential for a conflict of interest with a number of Committee members the matter is referred directly to Council for determination.

Kempsey Stock and Land have made application for exclusive use of the Sale yards on various dates in 2004.

A copy of their request is attached - [\(Appendix A\)](#)

Council has also received correspondence on behalf of a new Agency, Macleay Valley Stock and Station, requesting the use of the sale yards complex for the purpose of conducting livestock sales as from 1st January 2004.

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MAYOR

The request is “to use the facilities every second Thursday to coincide with the current sale dates.”

A copy of their request is attached - [\(Appendix B\)](#)

Council’s Policy (20:4) relating to the Sale yards provides –

- “1. All agents operating from the yards must be licensed Auctioneers and be licensed by Council to operate from the yards. The annual licence fee to be paid prior to the first sale held in any Calendar year.
2. Regular sales are held on Tuesdays – Live-weight Selling followed by open auction.
3. a) Special Sales are held upon application of the auctioneers. Applications to be lodged not more than 6 months prior to the first of January of the year for which the bookings are made, and the allocation of dates shall be determined on a “first-in first served” basis.
b) An application for a Special Sale on a day following a Special Sale previously booked by another auctioneer, shall not be approved unless the consent of both auctioneers is obtained.
c) Where Council approves of an application for a Special Sale, notice of such approval shall be given to all other Licensed Auctioneers.”

Whilst not included within the Policy wording, Council has previously made the issue of a licence to operate conditional upon the Agent having a business office within the town of Kempsey.

Kempsey Stock and Land have operated as the sole agent selling at Kempsey Sale yards for the past 10 years, and initiated the change in moving the sale day from a Tuesday to a Thursday.

This lack of competition in agencies has been raised as a “weakness” in the current marketing of the livestock at Kempsey Saleyards. Competitive agencies could assist to retain stock from going outside the area for sale; attract additional stock from other areas to Kempsey Saleyards; and provide better services to existing clients.

For a new agent to commence operations and be financially viable it is imperative that the regular sales be run concurrently.

The current sale day used by Kempsey Stock and Land, ie. Thursday, has proven to be the most suitable to fit-in with the run of sales on the North Coast.

That is - Monday - Taree – weekly; Casino – weekly
Tuesday - Grafton – weekly

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MAYOR

- Wednesday - Macksville – alternative weeks to Kempsey; Dorrigo – day before Kempsey; Casino – weekly,
- Thursday - Kempsey/Wauchope – alternate weeks Gloucester – alternate weeks to Kempsey
- Friday - Wauchope – monthly Store Sales; Taree – monthly Store Sales

Council needs to review the Policy in regard to the day of the regular sale, and make a determination on the current requests.

Financial Implication

The licensing of more than one (1) agent to conduct sales on the same day would not involve Council in any additional expense.

The Agents Licence Fee is \$2,700 (+ GST) for 2003/04.

Director Business Enterprise Recommendation:

1. That Policy No. 20.4 “Sale yard - Live weight Selling and General Operations” be amended to alter the day of regular sales from Tuesday to Thursday.
2. That Kempsey Stock and Land, and Macleay Valley Stock and Station be advised that their applications for use of the Sale yards in 2004 on the regular sale day, that is Thursday, is approved on the basis of both agencies operating concurrently.
3. That the request from Kempsey Stock and Land for exclusive use of the sale yards in 2004 on Thursdays be denied, and that their application for exclusive use on other days, that is special sales on nominated Fridays and Saturdays, be approved.
4. That Macleay Valley Stock and Station be advised of the special sales dates in 2004 approved for exclusive use by Kempsey Stock and Land.

MOVED:

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

That Council;

1. Negotiate a lease for use of the Sale Yards exclusively on the regular Thursday sales with Kempsey Stock and Land.
2. Negotiate with the applicants to foster a separate sale day on a regular basis.

An Amendment was MOVED:

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

That the matter be referred to the General Manager to negotiate with the agents on a possible rearrangement of sale days in an attempt to achieve a system whereby the regular Council sale days allow multiple stock agencies to operate whilst retaining the concept of exclusive use by agents for special sales of certain classes of stock.

2003. 745 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

DE1	POINT PLOMER ROAD FILE: R POINT PLOME APV (NRN) {Folio No. 260631}
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SUMMARY:

Reporting on the costs to upgrade sections of Point Plomer Road.



At the meeting on 13th May 2003, Council resolved:

“That the first 1.75km south, from the end of the existing seal be sealed and the 2kms, from around the bends before Racecourse Headland, be sealed to the existing seal at Delicate Camping Ground and funded with loan funds to the total of \$555,000 in the 2003/2004 Budget”.

Subsequently at the meeting on 10th June 2003, Council resolved:

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

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

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

A reply has been received from the Hon. Bob Debus, Minister for the Environment regarding Councils request for funding [\(Appendix A\)](#). The Minister states that the National Parks and Wildlife Service already contributes to the upkeep of the road within Limeburners Creek Nature Reserve and assists in maintaining the section of Council road over Big Hill. The Minister advised that there is no provision for additional expenditure on road maintenance outside the reserve.

An engineering survey and a detailed design has been undertaken of the two sections to be upgraded. The northern section extends from the end of the

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MAYOR

existing bitumen seal for a distance of 1,850 metres. The southern section will commence just prior to the first bend at Racecourse Headland to the existing bitumen seal at Delicate Nobby Camping Ground for a distance of 1,950 metres. The two lengths contain sections of road that are narrow and windy with poor sight distance for motorists and have a number of accidents recorded.

Detailed cost estimates for the two sections have been prepared:

Northern Section 0.00 – 1.85km

Earthworks	2,700m ³	\$ 93,250
Drainage	61.4m/600mm, 4.8m/375mm, 14.4/300mm	\$ 23,500
Pavement	12,950m ³	\$100,275
Seal	11,100m ²	\$ 35,500
Miscellaneous		<u>\$ 38,200</u>
	Sub-Total	\$290,275

Southern Section 5.85 – 7.80km

Earthworks	1,860m ³	\$ 65,055
Drainage	57.2m/375mm	\$ 9,900
Pavement	13,650m ²	\$108,800
Seal	11,700m ²	\$ 37,400
Miscellaneous		<u>\$ 46,100</u>
	Sub-Total	\$267,255

Total \$557,530

Although the initial cost to upgrade and seal a section of this road averages \$146,000 per kilometre, whole of life costs over 30 years for a sealed road including maintenance and resealing is estimated at \$295,800.

On the other hand, the cost over 30 years to gravel resheet the road every 5 years and to undertake 5 maintenance gradings a year is estimated at \$522,750.

Because of the high traffic volumes using this road and the subsequent high level of maintenance grading and gravel resheeting required, reconstruction and bitumen sealing of a one kilometre section would result in savings to the community of approximately \$226,950 over a 30 year period. In fact, bitumen sealing of the road becomes more cost effective after 12 years.

This year, in accordance with the resolution of Council, the loan repayments will be financed from the Gravel Resheeting vote. In subsequent years the unsealed remainder of Point Plomer Road will require 5 maintenance grades and periodic gravel resheeting to maintain the road at current standards but, with the reduction in length required to be maintained the amount required to be allocated will be reduced. Allocation of funds will be made by Council at the time of budget deliberations.

An environmental consultant has been engaged to undertake a Statement of Environmental Effects (SEE) and to prepare an Environmental Management

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MAYOR

Plan (EMP). The design is being prepared in consultation with the environmental consultant so as to minimise environmental effects. The assessment will include the issues of planning and statutory requirements, water/soil management, flora and fauna, heritage and archaeology, traffic and construction noise, property and access, and economic evaluation. As part of the preparation of the SEE it is intended to consult with the aboriginal community.

Council has contacted the National Parks and Wildlife Service and has received advice that there are no sites along the road reserve that are of Aboriginal Significance. Council has also received verbal advice from an executive member of the Kempsey Local Aboriginal Lands Council who indicated that there were no sites of aboriginal heritage within the road reserve. At the time of writing this report, Council has not been able to obtain comment from the Elders Council other than the information contained in the minutes of the Local Aboriginal Liaison Committee's meeting held on 20th August 2003. (Copy included in Business Paper)

The southern section is adjacent to three areas of land containing littoral rainforest under State Environmental Planning Policy No. 26 – Littoral Rainforests. No work will be undertaken within the land to which SEPP 26 applies. However, clause 7 (2) of SEPP 26 requires development consent for any disturbance or change or alteration of any landform within a distance of 100 metres from the designated SEPP 26 area. A development application will need to be submitted for this section of road. The application will require Council's consent and will require the concurrence of the Director General of the Department of Infrastructure, Planning and Natural Resources.

The development application will be accompanied by the Statement of Environmental Effects prepared by Council's consultant. It should be noted that Council will need to consider any relevant matters raised during the public consultation process.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That the information be noted.

MOVED:

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

That the Director Engineering recommendation be adopted.

An Amendment was MOVED:

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

That Kempsey Shire Council not proceed with the tarring of Point Plomer Road.

The AMENDMENT was PUT to the Meeting and was LOST.

THIS IS PAGE 11 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

An Amendment was MOVED:

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

1. That Kempsey Shire Council not proceed with any earthworks or initial road construction on Point Plomer Road, aside from normal maintenance grading, until the consultants report and public consultation process has been completed.
2. That significant and Sacred Indigenous cultural and heritage issues be considered as part of the consultation process.

2003. 746 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.



At this stage 10.58 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.19 a.m. all present at the adjournment were in attendance.



ABORIGINAL LIAISON COMMITTEE

20TH August 2003

REPORT OF THE ABORIGINAL LIAISON COMMITTEE MEETING HELD IN THE COUNCIL'S COMMITTEE ROOM / COUNCIL CHAMBERS, CIVIC CENTRE, WEST KEMPSEY, ON WEDNESDAY 20TH AUGUST 2003, COMMENCING AT 2:15 PM.

At this stage the Mayor advised the Meeting that each of the Aboriginal Liaison Committee recommendations would be dealt with separately.

ITEM 3 - BRONWYN LEON - ABORIGINAL CHILD, YOUTH AND FAMILY STRATEGY- INFORMATION SESSION

Aboriginal Liaison Committee Recommendation:

That Bronwyn Leon be accepted onto the ALC as a member of this committee.

2003. 747

RESOLVED:

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

That the Aboriginal Liaison Committee Recommendation be adopted.

ITEM 4 – CULTURE AND HERITAGE MATTERS

Aboriginal Liaison Committee Recommendation 4.1:

THIS IS PAGE 12 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

That the Aboriginal Liaison Committee advise Council of its objection to the Tarring of any section of the Point Plomer Road/Goolawah for the following reasons;

- a) The sensitivity, heritage, Sacred and cultural Places that are well known Oral History to the Aboriginal Community - Knowledge to the Dunghutti Nation.
- b) Too close to the First Successful Native Title Claim on Mainland Australia- Crescent Head.
- c) Minimum sealing will lead to the desecration and destruction of sacred sites known only to the Aboriginal Community.
- d) Minimum sealing will lead to further development of the area.
- e) Still no strategies in place for the EIP Statement
- f) LEP is still to be tightly controlled.
- g) Minimum sealing will increase and enhance visitation to this particular area and further desecration of known/Unknown sacred sites of the Aboriginal Community.
- h) Native Title issues are being pursued.
- i) Maintain upgrading of road- (Rustic Road)

2003. 748

RESOLVED:

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

That the information be noted.

Aboriginal Liaison Committee Recommendation 4.2:

That a request be made to the National Parks and Wildlife Service that their database of recorded sites be made available to Council, however, there will be a large number of unrecorded sites, which will not be recorded.

2003. 749

RESOLVED:

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

That the Aboriginal Liaison Committee Recommendation 4.2 be adopted.

Aboriginal Liaison Committee Recommendation 4.3:

That if previously unrecognized sites are acknowledged as being "significant" then the ALC arrange for NP&WLS to carry out an investigation with the KLALC and the Elders Council.

2003. 750

RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 4.3 be adopted.

Aboriginal Liaison Committee Recommendation 4.4:

That Council Consider the Terms of Reference of the Section 94 Contribution Plan to include the engaging of representatives of the

Aboriginal Community to provide advice to KSC on Aboriginal Culture and Heritage Matters.

2003. 751

RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 4.4 be deleted.

Aboriginal Liaison Committee Recommendation 4.5:

That the Director of Environmental Services be invited to discuss the Environmental Flowchart provided by the RTA – ALO and how it may be adapted for Council's use to ensure that the interest of Aboriginal Heritage and Culture are protected (especially on Greenfield subdivision sites where local knowledge will be necessary)

2003. 752

RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 4.5 be adopted.

Aboriginal Liaison Committee Recommendation 4.6:

That the Aboriginal Environmental Flow Chart be tabled at the next ALC meeting to develop protocols and procedures.

2003. 753

RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 4.6 be adopted.

Aboriginal Liaison Committee Recommendation 4.7:

That the ALC have sub-committees or reference groups based on issues rather than geographic considerations. The issues being Culture and Heritage, Education, Law and Order, Health, Aged Care and Disabilities, Housing.

2003. 754

RESOLVED:

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

That the ALC have sub-committees or reference groups based on issues as well as geographical considerations and should also include Culture and Heritage, Education, Law and Order, Health, Aged Care and Disabilities, Housing issues.

Aboriginal Liaison Committee Recommendation 4.8:

That Council considers undertaking negotiations to commence Regional Treaties as outlined in the Statement of Commitment Action Plan.

MOVED:

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

THIS IS PAGE 14 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

That Aboriginal Liaison Committee Recommendation 4.8 be deleted.

An Amendment was MOVED:

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

That Aboriginal Liaison Committee Recommendation 4.8 be deferred until the wording in the Statement of Commitment has been clarified.

2003. 755 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

Aboriginal Liaison Committee Recommendation 4.9:

That this issue be referred to the Statement of Commitment Planning Committee and the RTA ALO be presented with the 14th August 2003 report.

2003. 756 RESOLVED:

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

That the matter of 4.9 be deferred until more information is obtained from the Aboriginal Liaison Committee including details of the 14th August report.

Aboriginal Liaison Committee Recommendation 4.10:

That an on site meeting be held with the Bradshaw Family, KLALC reps, Elders, the Developers and KSC to identify the Burial sites on the land opposite the old Pipers Creek Rd intersection along Gowings Hill Road.

2003. 757 RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 4.10 be adopted.

ITEM 6 – STATEMENT OF COMMITMENT STRATEGIC PLAN MATTERS

Aboriginal Liaison Committee Recommendation 6.1:

That the Statement of Commitment Planning Committee Report of the 14th August 2003 be tabled and accepted as it reads.

2003. 758 RESOLVED:

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

That this item be deferred until further information is provided on the report.

Aboriginal Liaison Committee Recommendation:

That in endeavour to retain the Stolen Generations plaque in the Kempsey Mall the landscaping be of a similar nature once the Baby Care room has been constructed.

2003. 759 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Sproule

That the Aboriginal Liaison Committee Recommendation be adopted.

ITEM 7 – BUSINESS ARISING FROM MINUTES OF 18TH JUNE 2003

Aboriginal Liaison Committee Recommendation 7.1:

That the Human Resources Manager be invited to next meeting to give an update of the Aboriginal Employment Strategy.

2003. 760 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Hunt

That Aboriginal Liaison Committee Recommendation 7.1 be adopted.

Aboriginal Liaison Committee Recommendation 7.2:

That the Department Of Housing Team Leader, John Hart be requested to attend ALC together with the Coordinators of South and West Kempsey Projects whenever possible.

2003. 761 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Sproule

That Aboriginal Liaison Committee Recommendation 7.2 be adopted.

Aboriginal Liaison Committee Recommendation 7.6:

That the ALC be requested to establish a sub-committee for local Aboriginal Events Coordination (with the power to co-opt externally to the ALC) with main objective being to run events for NAIDOC Week, Sorry Day, Australia Day, Back to Burnt Bridge and other festivals relevant to local Aboriginal activities.

2003. 762 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Hunt

That the Aboriginal Liaison Committee Recommendation 7.6 be adopted subject to the deletion of Australia Day from the recommendation and that a representative from the Aboriginal Liaison Committee be invited to be a member of the Australia Day Committee.

Aboriginal Liaison Committee Recommendation 7.7:

That feedback be forwarded to David Tyrrell, CPO

2003. 763 **RESOLVED:** *Moved: Cl. Bowell*
Seconded: Cl. Sproule

That the Aboriginal Liaison Committee Recommendation 7.7 be adopted.

Aboriginal Liaison Committee Recommendation 7.8 - Community Solutions Project:

For information only.

2003. 764

RESOLVED:

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

That the information be noted.

ITEM 8 – CORRESPONDENCE TO BE TABLED

Aboriginal Liaison Committee Recommendation 8:

That all correspondence tabled be accepted as it reads.

2003. 765

RESOLVED:

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

That Council be represented at the 16th annual NSW Local Government Aboriginal Network Conference at Wollongong by Councillor Howell and Mr Gerald Hoskins.

ITEM 10 – GENERAL BUSINESS

Aboriginal Liaison Committee Recommendation 10.2:

That consideration be given to inviting Ron Palmer (Human Resources Manager) and Terry Bates to be the representatives on this Committee.

2003. 766

RESOLVED:

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

That Aboriginal Liaison Committee Recommendation 10.2 be deleted.



DCCS6	ABORIGINAL LIAISON COMMITTEE MEETING 20TH AUGUST 2003
FILE: A1-2	TIH (NRN) {Folio No. 260655}

SUMMARY:

Reporting on the Aboriginal Liaison Committee meeting held on 20th August 2003.



THIS IS PAGE 17 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Council will consider the Report of the Aboriginal Liaison Committee later in the meeting and I seek to draw Councillor's attention to some of the recommendations and the background to the decisions made by the Committee.

ABORIGINAL AND CULTURAL HERITAGE STUDY OF THE SHIRE – Commencing with the Goolawah Reserve – Point Plomer Road sealing.

In order to commence the study and to try to get some assistance with the present issues about the sealing of the Point Plomer Road and the effect that might have on Aboriginal Cultural and Heritage beliefs the suggestion was put to the ALC that the Dunghutti people nominate a group that Council could consult on issues relating to specific areas of the Shire e.g. Stuarts Point Area, South West Rocks Area, Hat Head, Kempsey, Crescent Head, Bellbrook etc. This idea was not accepted.

Instead the ALC has recommended (4.7) that Council consider establishing sub committees or reference groups of the ALC based on issues rather than geographic considerations. The issues being, Culture and Heritage, Education, Law and Order, Aged Care and Disabilities, Housing and Health.

The constituent members of these groups being drawn from the Kempsey Local Aboriginal Lands Council and the Dunghutti Elders Council (*and indigenous service providers in the respective areas*).

The ALC also recommends (4.1) that the sealing of part of the Point Plomer Road not be undertaken

UNDERSTANDING ABORIGINAL CULTURE.

In order for Council to understand the strong feelings against the sealing of sections of the Point Plomer Road it is felt that perhaps Council and staff need to have a better understanding and respect for the beliefs of Aboriginal people.

In order for Council to carry out the proposed heritage studies there also needs to be established some form of communication and agreements whereby decisions can be taken to find the necessary balances between cultural beliefs, community safety, sustainable development and native title issues. To this end the ALC has also recommended (4.8) that Council consider undertaking to commence negotiating "regional treaties".

(A copy of the protocols and procedures adopted by the RTA will be made available to Council to assist with formulating the protocols appropriate for Council).

UNRECORDED SITES OF SIGNIFICANCE.

Another issue that was raised was how to handle unrecorded sites and in particular a newly identified site. (Recommendations 4.3 & 4.10)

THIS IS PAGE 18 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

A specific site in question (recommendation 4.10) being a burial site on the new subdivision opposite the old Pipers Creek Road intersection on Gowings Hill Road. The suggested solution being that once a previously unrecognized site is acknowledged as being "significant" then the ALC arrange for NP&WS to carry out an investigation with the Elders Council and the KLALC.

A recommendation (4.4) was put forward that Council consider inclusion in its section 94 Contribution plan for funds to be set aside to pay for the services provided by Aboriginal experts when they are called upon to advise on Aboriginal Cultural and Heritage matters.

In order to progress Council's Statement of Commitment careful consideration needs to be taken to cultural differences and the best ways to reach pragmatic, sensible and realistic solutions to problems where there is a clash of cultures. Rick Farley, a person who has had some success in negotiating with Aboriginal people, makes the following points:

- The legal reality of the native title and the growing strength of the reconciliation movement. Whatever else we think, we all should recognize that those issues just aren't going to go away.
- The community must come to understand the inevitability of compromise. In the real world, no one gets exactly what they want. In the last analysis the equation is whether everyone can live with the outcomes.
- There is a natural strategic alliance between the farm sector, the environment and Traditional Owners. They come at the issues from different directions, but all want to care better for country. That common objective can be a building block for better dialogue and understanding.
- There is a cycle of poverty in many Aboriginal communities. If you don't have a good house, you won't have good health. If you don't have good health, you won't get a good education. If you don't have a good education, you won't get a good job. If you don't have a good job, you won't have a good house.....and so the cycle is perpetuated.
- Perhaps the most important thing I have come to understand is that when we deal with indigenous people, we are dealing with a different culture. The land and waters are the basis of Indigenous spirituality and identity and Indigenous people have responsibilities under their traditional law to care for country. They are not defined by schools, employment or achievements.
- Indigenous history is oral – carried in songs stories and dance. That makes it difficult for our courts and legal system, which rely on written records.
- In Indigenous society, information is not necessarily available freely. Some information, particularly about significant places, is only released after various levels of initiation. It is hard for non-indigenous people to respect and accept something they will never understand.
- It should be made clear to the community that action being taken by government (or developers) wishes to work with them to identify options and test them. If the community does not wish to

be involved, decisions will be taken in any case and the opportunity to influence the outcomes will be diminished.

- To have faith in the process a formal Memorandum of Understanding (MOU) or Heads of Agreement can help to overcome concerns.
- In Aboriginal communities, there often are tensions between different family groups, Traditional Owners and the Lands Council. It may be necessary to deal with a variety of different organizations to ensure effective coverage and input – the lands Council, Council of Elders, native title claimant groups, the ATSIC Regional Council, the Legal Service and Health Service.
- It is best to contact all potentially relevant community groups and ask them how they wish to be involved in the process. This may lead to a protocol that can be included in a MOU or Heads of Agreement.
- If Aboriginal issues need to be addressed, cross-cultural training also should be available to all those involved.

In view of the above comments and the need to facilitate the Heritage studies to meet Council's resolution regarding the Point Plomer Road issues Council's guidance is sought on which recommendations to follow. I have nominated some of the recommendations from the ALC meeting.

Financial implications of this report:

The cost of doing the heritage studies will be mostly met from current allocations of the Aboriginal Liaison Officer's salary and the trainee's salary as well as normal administrative costs, however, some funding may be necessary to pay for the attendance and advice of the Elders Council and KLALC.

The Social Implications of this report:

By establishing closer working relationships and better understanding of the Aboriginal Community and the beliefs of Aboriginal people the Social Capital of the Shire will be greatly enhanced. If Council and the Aboriginal community can find the ways and means of achieving negotiated outcomes and acceptable solutions to situations where there may be a clash of cultures then the social benefits will be remarkable.

Environmental Implications of this report:

The eventual goal of establishing several Reference groups to endeavour to handle the various challenges presented by our diverse cultures can only be of benefit to the natural as well as the cultural environment all will benefit country.

Director Corporate and Community Services Recommendation:

1. **That Council adopt (at least) the following recommendations from the Aboriginal Liaison Committee Report of 20/8/03 concerning Heritage and Cultural matters:**

- **4.2**
That a request be made to the National Parks and Wildlife Service that their database of recorded sites be made available to Council, however, there will be a large number of unrecorded sites, which will not be recorded.
- **4.3**
That if previously unrecognized sites are acknowledged as being “significant” then the ALC arrange for NP&WLS to carry out an investigation with the KLALC and the Elders Council.
- **4.4**
That Council consider the terms of Reference of the Section 94 Contribution Plan to include the engaging of representatives of the Aboriginal Community to provide advise to KSC on Aboriginal Culture and Heritage matters.
- **4.5**
That the Director of Environmental Services be invited to discuss the Environmental Flowchart provided by the RTA-ALO and how it maybe adapted for Council’s use to ensure that the interest of Aboriginal Heritage and Culture are protected (especially on Greenfield subdivision sites where knowledge will be necessary)
- **4.6**
That the Aboriginal Environmental Flow Chart be tabled at the next ALC meeting to develop protocols and procedures.
- **4.7**
That the ALC have sub-committees or reference groups based on issues rather than geographic considerations. The issues being Culture and Heritage, Education, Law and Order, Health, Aged Care and Disabilities, Housing. *and that appropriate “Heads of Consideration and Memorandums of Understanding be negotiated for each of these reference groups.*
- **4.8**
That Council considers undertaking negotiations to commence Regional Treaties as outlined in the Statement of Commitment Action Plan.
- **4.10**
That an on site meeting be held with the Bradshaw Family, KLALC reps, Elders, the Developers and KSC to identify the Burial sites on the land opposite the old Pipers Creek Rd intersection along Gowings Hill Road.

2 That Council undertakes more cultural awareness training of the beliefs of the Dughutti people and the significance of their spiritual beliefs and that relationship with the land.

3 That recommendations in respect of items 2, 3, 5, 6, 7, 8 and 10 of the Aboriginal Liaison Committee of the 20th August 2003 be adopted.

2003. 767

RESOLVED:

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

That Council undertakes more cultural awareness training of the beliefs of the Aboriginal people and the significance of their spiritual beliefs and that relationship with the land.

2003. 768

RESOLVED:

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

That the ALC Sub Committee Culture and Heritage, in conjunction with National Parks and Wildlife Service, undertake a Heritage study of the Goolawah area immediately to put in place the necessary protocols to protect sites of significance to the Aboriginal Community.

2003. 769

RESOLVED:

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

That a report be provided on the effect on Councils finances and structure as a result of the impacts of the recommendations from the Aboriginal Liaison Committee report of 20th August 2003.

GM4	SURPLUS LAND	
	FILE: P10-18 AVB (NRN)	{Folio No. 260705}

SUMMARY:

To outline to Council the next steps to be taken to dispose of identified surplus Council land.



Land surplus to our needs has been identified in a number of towns and villages throughout the Shire and has been inspected by Council. Council has asked that I provide details of the next steps to be taken with regard to the disposal of the land and provide a suggested program of works to be undertaken with the proceeds of the sales.

The land identified falls into either one of three categories: Operational, Community or public road. Where the land is classified Operational Land Council is permitted to sell that land. Where the land is classified Community Land that land needs to be reclassified by way of a local environmental plan. Council must arrange a public hearing under Section 68 of the Environmental

.....
MAYOR

Planning and Assessment Act 1999 in respect of a proposal in a draft local environmental plan to reclassify community land as operational land as if it had received and decided to deal with a submission as referred to in that section that the land be so classified.

Council may resolve that land dedicated in accordance with a condition imposed under Section 94 of the Environmental Planning and Assessment Act 1979 is to be reclassified as Operational Land.

Council may make such a resolution only if is satisfied that the land has been found to be unsuitable for the provision, extension or augmentation of public amenities and public services because any one or more of the following:

- The size of the land
- The shape of the land
- The topography of the land
- The location of the land
- The difficulty of providing public access to the land

Council must specify in the resolution the grounds on which it is satisfied the land is unsuitable.

Before making the resolution, the Council must give public notice of the resolution. The public notice must specify a period of not less than 28 days during which submissions may be made to the Council.

The net proceeds of sale by any land dedicated in accordance with a condition imposed under Section 94 of the Environmental Planning and Assessment Act 1979 must be dealt with under that section as if those net proceeds were a monetary contribution paid instead of the dedication.

To close a public road Council needs to undertake an investigation from an Engineering and Town Planning perspective. A survey may also need to be undertaken. If Council resolves to proceed, the road in the first instance would be offered to the adjoining owners to purchase at valuation. If they did not wish to purchase, the land could be offered on the open market. Council would need to apply to DLWC to close the road. The cost of this application is \$800.

An estimate of projected funds that could be raised and a program of works for each area follows. When advertising in accordance with the above requirements it needs to be clearly conveyed to the community that the money raised will be expended on capital works in that area and the program made available to the communities for discussion and input. The programs identified have tried to reflect whole of community projects rather than specific projects.

A. South West Rocks

The proceeds of the sale of land could realise \$3million.

Bridge Saltwater Creek near Surf Club	100,000
Horseshoe Bay Beach Bank Retaining Wall	120,000
Picnic Facilities Horseshoe Bay Reserve	50,000
Gregory St - k&g and footpath from Spencerville to Bilo	150,000
Path BiLo to Belle O'Connor Gregory St West	30,000
Develop drainage reserve into park Gregory Street near BiLo	20,000
Playgrounds at Dolphin Crescent, Simpson Street east, Rafferty Crescent Oceanside Subdivision (4 x \$40,000)	160,000
Toilet block at Brighton Park	90,000
Toilet block Back Creek	90,000
Toilet block Jew Bite	90,000
Development of river bank into picnic area New Entrance Road	100,000
Footpath/ Cycleway along Riverbank	170,000
Library and Branch office	600,000
Widen Gordon Young Drive Gilbert Cory to Roy Sanders	100,000
Cycle track Philip Drive bordering golf course to Belle O'Connor	170,000
Cycle track - footbridge over Spencers Creek to Boyters Lane oval	250,000
Boyters Lane field development	230,000
Develop/ Rehabilitate Wetland Boyters Lane	100,000
Replace Back Creek footbridge	100,000
Replace Mitchell Street footbridge	70,000
Replace Philip Drive footbridge	80,000
Stormwater south of Landsborough Street	120,000
Seal Boyters Lane to sporting fields	90,000
Cycleway Horseshoe Bay to Back Creek including Headland.	250,000
Jerseyville Boat Ramp	85,000
New Community/Indoor Sporting Facility	1,000,000
Roundabout - intersection McIntyre/ Sturt/ Elizabeth/ Memorial Sts	150,000
Roundabout - intersection Gregory/ Arthur Sts	100,000
Roundabout - intersection Gregory/ Simpson Sts	100,000
Cycleway to Trial Bay Gaol (50% NPWS)	80,000
Cycleway Hill St - Gregory St to Sporting Fields	90,000
Retaining Wall and Footpath north side of Livingstone St	70,000
New Kiosk Horseshoe Bay	150,000
Carpark Mattys Flat Boat Ramp and Picnic Facilities	80,000
SWR Oval (Phillip Drive) New Ammenities Fields, Pool, Golf	120,000
Upgrade Cycleway Phillip Drive - Sportsmans Way to Old Oil Terminal	70,000
Develop Carpark at Beach access - Phillip Drive	50,000
Develop Carparking in Mitchell St - west side	50,000
Bushland weed control and regeneration along Saltwater Creek - Mitchell to Short St	50,000
Civic Centre Improvements	150,000
	5,725,000

The reason for disposal of any community land in South West Rocks is topography, location and size.

B. Gladstone

The proceeds of the sale of land could raise \$250,000.

Upgrade Tennis Courts	40,000
Barnard Street drainage	150,000
Upgrade Park along river - landscaping, wharf	100,000
New Ammenities for Sportsfields	120,000
Civic Centre Improvements	12,500
	422,500

Smithtown

The proceeds of the sale of land could raise \$400,000.

Belmore Street kerb & gutter and footpath	200,000
Cannane St Footpath	10,000
Riverside Park - new skatepark	50,000
Football Oval - Replace Old timber grandstand and Ammenties Block	140,000
Remove tennis courts (little use) and develop as park with shelter shed, bbq and toilets	70,000
Replace boat ramp	70,000
Riverside Park - Upgrade Playground and new bbq and shelter	50,000
Civic Centre Improvements	20,000
	610,000

Frederickton

The proceeds of the sale of land could raise \$600,000.

Macleay St - upgrade with RTA works - k&g and cycleway/footpath	600,000
Lights at Oval	40,000
Upgrade irrigation and drainage at Oval	30,000
Seal access road and carpark to oval	80,000
Develop Playground Cyrus Saul Circuit	40,000
Boat Ramp - Develop Boat Ramp, park and acuire additional land	150,000
Civic Centre Improvements	30,000
	970,000

The reason for disposal of any community land in Frederickton is location and size.

Stuarts Point/Grassy Head

The proceeds of the sale of land could raise \$900,000.

Replace footbridge	250,000
Ocean Avenue k&g and road pavement construction	250,000
Cycleway Marine Parade	90,000
Cycleway Grassy Head Rd	300,000
Replace Playground	40,000
Seal Oval Carpark - Banksia Ave	20,000
Seal Oval Carpark - Preschool	15,000
Extend ammenties for storage area	25,000
Oval - seating, bbq etc	15,000
Day visitor area adjacent to river - additional bbq	10,000
Civic Centre Improvements	45,000
	1,060,000

Kinchela

The proceeds of the sale of land could raise \$200,000.

Road Realignment Hat Head Road adjacent Kinchela School	200,000
Civic Centre Improvements	10,000
	210,000

Some land in Kempsey has also been identified and inspected. I am suggesting that we not proceed with the Kempsey land until a full identification process has been finalised.

The sale of the land will give Council and the community the opportunity to enjoy facilities well in advance of what they would have been able to if they relied on the financing of priorities through conventional means. The sales will also provide added advantages in that moneys raised from the sale of unmade roads can be used to allow the expenditure of Section 94 funds currently unavailable due to the fact that Council has no matching funds from other sources. The programs of works will also be provided without the necessity of borrowing funds which will put our strategy of reducing the Debt Service Ration on track

Financial Implications

The proceeds from any sale will allow Council to commit to a program of works that it could not undertake otherwise in the short term.

General Manager's Recommendation:

That Council advertise its proposals to sell surplus land together with a program of works that could be finalised from the proceeds and invite submissions from the public.

MOVED:

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

That the General Manager's recommendation be adopted.

THIS IS PAGE 26 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

An Amendment was **MOVED:**

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

That projects identified for expenditure from monies raised from the Environmental Levy be funded from proceeds of the sales of surplus land and the Environmental Levy not be proceeded with.

The Amendment lapsed for want of a seconder.

2003.770

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

Councillor Parkinson recorded his vote against the foregoing Resolution.



MAYORAL MINUTE

M1

**COUNTRY MAYORS
FILE: C11-14 JACH**

{Folio No. 260582}

SUMMARY:

To advise Council of the matters discussed at the Country Mayors Association meeting held on the 22nd August.



On Friday 22nd August the General Manager and I attended the Country Mayors meeting in Sydney.

The guest speaker was Mr Geoff Fishburn Executive Director of the Department of Infrastructure Planning and Natural Resources. Mr Fishburn, prior to the amalgamation of the departments was a Regional Director of DLWC in the southern area of the state.

Mr Fishburn outlined the functions of the new department that is Planning, Land and Water, Infrastructure Coordination and the planning arm of the previous Department of Transport. Priorities of the Department are to devolve natural resource management decision making to Local Communities, to develop a framework for natural resource management, to plan transport infrastructure and to review Plan First with the objective of streamlining the system and removing bureaucratic levels.

From the questions and answers most delegates have been left with concern. It would seem that although it is a departmental priority to devolve decision making to local communities the opposite is likely to happen. No final decisions have been made but in Mr Fishburns opinion that there are likely to be only approximately thirteen catchment management areas with minority

THIS IS PAGE 27 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Local Government representation and giving the Boards a means of raising revenue is being considered.

I bought up the problems being encountered through Bush Fire and Threatened Species Legislative differences. Mr Fishburn indicated that the Department would welcome input from Local Government. The Country Mayors Association has asked that Council submit details to them for consideration and support.

The meeting was also addressed by Mr Peter Bailey, a consultant, who outlined a proposal to hold a Country Week in 2004. Country Week is designed to build awareness, within Sydney, of the opportunities awaiting Sydney residents by relocating to Country NSW and is a cooperative effort by Country NSW to build growth and employment prospects in various country regions. It is proposed to hold the Country Week exhibition at Homebush and the cost of a Council holding an exhibition space is \$3,500 plus marketing expenses.

Other matters considered by the meeting were:

- To support an amendment to the Gaming Machines Act 2001 to reflect that Class 2 Social Impact Assessments be required of any application by a club or hotel for any additional gaming machines.
- Seeking assurances from the Premier that Departments are sticking to the edict that airline bookings are being made through Qantas with the airline that provides the cheapest method of travel.
- Continue to lobby the Federal Government for the renewal of the Roads to Recovery Program after its completion in 2005.
- Continue to support Wagga Wagga City Council in its endeavours to prepare a case to put before the Productivity Commission in relation to the inequitable access to Medicare received by residents of rural and regional Australia.

Financial Implications

There are no financial implications arising from this minute.

2003. 771

RESOLVED:

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

1. That Council prepare a paper for the Country Mayors Association outlining the conflicting anomalies of Bushfire and Threatened Species Legislation.
2. That the Country Week Proposal for 2004 and subsequent years be referred to Macleay Development and Promotion for consideration.

M2	NOVEMBER ORDINARY MEETING OF COUNCIL
FILE: C18-22 JACH (NRN)	{Folio No. 260584}

THIS IS PAGE 28 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

SUMMARY:

Reporting on the need to change the date for the ordinary meeting of Council scheduled for the 11th November.



The ordinary meeting of Council scheduled for the 11th November coincides with the Annual Local Government Conference in Albury. As Councillors Sproule and Joukhadar, the General Manager and myself will be attending the conference it is proposed to change the date of the meeting to the Thursday 6th November.

Financial Implications

There are no financial implications arising from this report.

2003. 772

RESOLVED:

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

That the date of the ordinary meeting of Council for November be changed from Tuesday 11th to Thursday 6th November.

M3	MAYORAL ENGAGEMENTS AUGUST/SEPTEMBER
FILE: C18 -25 JACH (NRN)	{Folio No. 260597}

SUMMARY:

Reporting on the Mayoral engagements since the last Council meeting held on the 12TH August 2003.



Tuesday 12th August

- Ordinary meeting of Council

Monday 18th August

- Extra Ordinary meeting of Council

Tuesday 19th August

- Resource NSW Board meeting

Thursday 21st August

- Local Traffic Committee meeting
- Officially opened the new KATE facility in Marsh Street
- Community Services Committee meeting

Friday 22nd August

- Country Mayors Association meeting in Sydney

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MAYOR

Monday 25th August

- Meeting with Minister for Local Government's advisors re: Structural Reform in Sydney
- Extra ordinary meeting of Mid North Coast Group of Councils in Sydney

Tuesday 26th August

- Planning Committee Council meeting

Wednesday 27th August

- Business Women's Network Breakfast meeting
- Alcohol Summit in Sydney

Thursday 28th August

- Alcohol Summit in Sydney

Friday 29th August

- Alcohol Summit in Sydney

Tuesday 2nd September

- Meeting with South West Rocks Progress Association
- Naturalisation Ceremony
- Meeting with ratepayer
- Community Safety Council meeting
- Meeting with representative from the Lower Macleay High School action group

Thursday 4th September

- Opening of the Willawarrin Users Group Floodlights at Willawarrin
- Inside Out – Prison Post Release Conference

Friday 5th September

- Opening Aboriginal Community Centre Greenhill

Saturday 6th September

- Queen Scout Presentation for Mark and Mikaela Vermeulen

As well as day to day functions of the position including ongoing and frequent discussions with Directors and Managers.

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

Mayoral Recommendation:

That the information be noted.

2003. 773

RESOLVED:

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

That the information be noted.

THIS IS PAGE 30 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

MOVED:

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

That Council invite the Department of Corrective Services to meet with Council to discuss the future provision of Post Release Services.



At this stage 1.04 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.02 p.m. all present at the adjournment were in attendance.

2003. 774 The MOTION was PUT to the MEETING and was CARRIED.

2003. 775 **RESOLVED:**

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

That the Minister for Local Government be advised that in support of structural reform Council accepts there are many issues about the expectations of local Government for communities particularly in respect to:

- a) the adequacy of current funding arrangements for local government
- b) the effect of unfunded mandates on councils
- c) the local community's expectations of service provision by local government
- d) the optimum organisational structure to efficiently deliver better local government

and request State Government to consider support to Council.



NOTICE OF MOTION

NOM1	BEACH ACCESS	
	FILE: B1-2	KJF (NRN)
		{Folio No. 260598}

2003. 776 **RESOLVED:**

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

That a report be submitted to Council detailing works required to ensure that 'Beach Access Points' under Council's Policy 'Beaches – Motor Vehicles on Beaches' are improved to the standards of the State Government

NOTES:

Councils Policy states:

'Access to beaches shall be restricted to properly constructed motor vehicle access points, protected where necessary by board and chain structures sited and constructed according to recommendations of the Department Land and Water Conservation.'

The 2003/4 Estimates provide:

Operating Revenue -	Vehicles on Beaches	\$35,000
Operating Expenses -	Rangers Services	\$6,000
	Board and Chain Access	\$10,000
	Sign posting on Beaches	\$4,000

There are access points such as the one located at the western end of Hat Head that are used as a pedestrian access as well as vehicle access and appropriate signage is essential.

Following representations concerning the above access attention was drawn to the need for:

- sand to be removed from the gravel section
- beach side of gravel section to be repaired
- planks on crest to be repaired

The response from the Director Engineering Services – 'This was not the intention of access points' is considered inappropriate.

.....
Clr. John Bowell

NOM2	BALANCE OF FUNDS INVESTED	
	FILE: A2-16 APC (NRN)	{Folio No. 260606}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for 9th September 2003.

"That a report be prepared on the balance of funds invested as at 30th June 2003 providing the following specific information;

- 1. A detailed list of programs / projects that the general fund loans amount of \$2,441,134 represents, and***
- 2. A detailed list of programs / projects that the general fund amount of \$4,966,156 represents."***

2003. 777

RESOLVED:

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

THIS IS PAGE 32 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

That a report be prepared on the balance of funds invested as at 30th June 2003 providing the following specific information;

A detailed list of programs / projects that the general fund amount of \$5,216,156 represents.

NOM3	INDUSTRIAL LAND STRATEGY	
	FILE: T4-89 MEI (NRN)	{Folio No. 260608}

Note:

This year council is reviewing its Industrial Land Strategy for Kempsey. I feel it would be appropriate to extend the review to include Stuarts Point.

With the establishment of the Charter Freight Premises at Stuarts Point Council needs to consider the long-term development of Stuarts Point, particularly Industrial Zoning for the future economic growth of the area.

2003. 778

RESOLVED:

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

That Kempsey Shire Council;

Include Stuarts Point in the Industrial Land Strategy which is being reviewed in the 2003/2004 year.

NOM4	REVIEW NOTICE OF MOTION PROCEDURES	
	FILE: C18-3 AVB (NRN)	{Folio No. 260609}

Note:

This notice of motion is presented for consideration and discussion. Over the past four years Kempsey Council has occasionally resolved actions which are later rescinded due to one of the four matters specified above coming to light after the event.

I believe our decision-making will improve if the above matters are considered and presented in writing. Further, I believe the additional work before the meeting will also provide, in writing, a framework that will be more productive and efficient.

Further, I don't believe any councillor or staff member can recall, on the spot, every policy or statutory implication of potential decisions by Council. This would be a way to ensure such implications are considered.

2003. 779

RESOLVED:

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

That Kempsey Shire Council:

THIS IS PAGE 33 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Amend/Review the way Notices of Motion and Director reports that have specific recommendations be presented at Council Meetings to include the following;

- 1. Comment by General Manager (or responsible Director)**
- 2. Financial Implications**
- 3. Policy Implications**
- 4. Statutory Implications**

NOM5	REINSTATE MORATORIUM OF NEW SEALING OF EXISTING GRAVEL ROADS	
	FILE: R8-2 KJF (NRN)	{Folio No. 260612}

NOTE:

Council resolved last year to instate a 5 year Moratorium on any new sealing of existing gravel roads in recognition of Council's increasing inability to maintain the 585 kilometres of unsealed road network and the level of service needed to satisfy community expectations. As a result, gravel re-sheeting funds were increased and there was no increase in the funding of tar seal on gravel roads.

Additional to the above criteria for further consideration in the Policy, the following questions should be asked:

Who will benefit?

Who will pay (now and in the future)?

What are the lifecycle costs and how will they be met?

How does this compare with other Councils?

MOVED:

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

- 1. That Council reinstates a 5 year Moratorium on the New Sealing of Existing Gravel Roads, as a matter of priority.**
- 2. That Council adopts a Policy which states that prior to inclusion in the Capital Works Program any additional projects are justified beyond economic benefit.**

Such criteria would include, but not be limited to the following:

- Average Daily Traffic Count (ADT)**
- School Bus Route / Tourist Route**
- Significant Maintenance Costs**
- Significant Safety Issues**

THIS IS PAGE 34 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

- Significant and Sacred Indigenous Cultural and Heritage Issues
- Sensitive Environmental Issues

An Amendment was **MOVED**:

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

That Council confirms its Policy which states that prior to inclusion in the Capital Works Program any additional projects are justified beyond economic benefit.

Such criteria would include, but not be limited to the following:

- Average Daily Traffic Count (ADT)
- School Bus Route / Tourist Route
- Significant Maintenance Costs
- Significant Safety Issues

and that the following assessment criteria be added under Councils policy

- Significant and Sacred Indigenous Cultural and Heritage Issues
- Sensitive Environmental Issues

2003. 780

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



DELEGATE'S REPORT

D1	WORKING TOGETHER FOR MENTAL HEALTH	{Folio No. 260613}
	FILE: H2-13 TIH	

SUMMARY:

Reporting on attendance at a conference designed to service integration and the challenges being faced in making a whole of Government and Community sector response a reality.



Council has previously resolved to facilitate a meeting of Government and Non-Government organisations to establish a Whole of Community approach to this important health issue. The Mid North Coast Area Health Service is now likely to accept the responsibility, proposing a strategy adopted in Western Sydney.

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MAYOR

Undoubtedly more resources must be devoted to mental health and changes are required to develop better partnerships and collaboration between the Government, Community Sector and Consumers.

The NSW Health budget 2003/04 provides for an increase of \$90M or 14% - to \$715M on the provision of Mental Health Services.

There is ongoing efforts being made to determine the allocation of funding for Mental Health Services within the Mid North Coast Area Health Service particularly that allocated specifically for services to consumers.

The Minister for Health unfortunately could not find time to attend and the Government's view was presented by Dr Grant Sara – Mental Health Coordinating Unit NSW Health.

Dr Sara stated that whilst need and demand is increasing 62% of people do not seek help.

This could be due to the fact that the majority of GP's do not bulk bill.

The question being addressed is 'What will the New Mental Health Plan 2003/08 Mean'?

The Western Sydney Strategy – Partnerships in Prevention – contains seven core objectives that focus on strengthening and sustaining partnerships that aim to prevent suicide and depression. Whilst improvement in services is referred to there is a great need for consideration to be given to ensure that access to such services is more affordable.

I attended an interesting workshop – Justice, Police, Courts and Prison with the principal presenter Dr David Greenberg Corrections Health.

Dr Greenberg referred to the court based diversion program for people with mental illness or disorder.

Nurses and Psychiatrists operate in seven (7) metropolitan and seven (7) rural courts and diversion is available to those charged with summary offences at the Local Magistrate's court rather than indictable District court matters.

During the first fourteen (14) months of operation, more than 2000 people were referred, 67% were found to be mentally ill and 781 people were diverted to community based mental health services rather than custodial prison settings.

Such a program will add to the workload at Kempsey District Hospital.

A recent statement attributed to corrections health service representative Mr Richard Matthews indicated the mental health needs of the Jail population were clearly considerable.

Almost 75% of the NSW Jail population has suffered a psychiatric disorder with 90% of women inmates mentally ill in the year before incarceration.

In a summary statement from the conference it was resolved that the State Government be requested to review the recommendations of the Legislative Council inquiry into mental health services in NSW eg:-

- That the Minister for Health utilise sections 127, 129 and 130 of the Health Services Act 1997 to ensure that all NSW Health Mental Health policies, programs and service delivery guidelines are implemented by Area Health Services.
- That the Minister for Health utilise the Authority of the Health Services Act 1997 to ensure that mental health funds are being allocated and expended by Area Health Services in accordance with NSW Health policies.
- That each Area Health Service publish in its Annual report, detailed and transparent information regarding Mental Health funding allocations and direct mental health expenditure.
- That NSW Health allocate additional resources to the receptions screening program, including adequate funding and staffing to ensure that remand inmates with a mental health problem are identified.
- That NSW Health continues to extend the Court Liaison Service to all regions, including enhanced funding and resources for existing services.

Whilst the Area Asset Strategic Plan adopted by the Mid North Coast Area Health Service indicated that the impacts of the Mid North Coast Correctional Centre on Health services at Kempsey District Hospital were still being assessed it appears obvious that such impacts may well be significant.

Financial Implication

The financial implication of the following recommendation would be nil

Delegates Recommendation:

1. That Council request to the Minister for Health Maurice Iemma MP to seriously review the recommendations of the Legislative Council inquiry into Mental Health Services in NSW.
2. That Mr Andrew Stoner MP Member for Oxley be advised accordingly.

2003. 781

RESOLVED:

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

1. That Council request to the Minister for Health the Honourable Maurice Iemma MP to urgently review the recommendations of

the Legislative Council inquiry into Mental Health Services in NSW.

2. That the Honourable Mr Mark Vaile MP, Mr Luke Hartsuyker, Doctor Chesterfield Evans and Mr Andrew Stoner MP Member for Oxley be advised accordingly.

D2	FLOODPLAIN MANAGEMENT AUTHORITY MEETING
	FILE: FM500KJF
	{Folio No. 260625}

SUMMARY:

Attendance at Floodplain Management Authority meeting Thursday 28th August 2003.



I attended this meeting on behalf of Council due to the Mayor and Mr. Keith Finnie being unavailable. The meeting was chaired by Harold Sternbeck as a result of Councillor Allan Ezzy's illness.

Chairman's Report

Timing of funding is still an issue because it is dealt with on a year by year basis. The FMA (and Councils) need to look at a possible 3 year rolling basis for planned flood mitigation works which are subject to Grant funding. Kempsey Shire Council already prepares its budgets on a three year basis. What is required is getting the State government, across all agencies, providing a grants program on a three year basis. This would take considerable lobbying to achieve.

Executive Officer's Report

Members of the FMA have been asked to individually write letters to Minister Craig Knowles and local members supporting the retention of the Specialist Flood Unit in the departmental restructure that has occurred.

IAG Flood Insurance Summit

It looks like the Insurance Australia Group (old NRMA) is considering providing Flood Insurance. If this occurs it is expected that other Insurance Companies will follow suit. What has become clear from this summit is that Flood Education should be treated as a mitigation strategy and, as such, requires further attention by members of the FMA and funded by the State Government.

Duty of Care

The issue of liability with respect to construction in flood-ways and in flood-prone areas is becoming a hot issue with FMA members. Maitland Council is considering a resolution and seeking legal opinion to see if they can address their duty of care by providing information on their web site and amending the 149 certificate to refer to the web site.

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MAYOR

Different opinions were expressed at the meeting and it was generally agreed that the only way to indemnify Council is to Work Consistently and faithfully to the existing Flood Policies, in particular, with building approvals. If Councils are not consistent they risk lawsuits that would be based on the line that "they told me but still allowed me."

Delegate's Recommendation:

That Council resolves to:

1. Prepare the relevant letters supporting the retention of the Specialist Flood Unit.
2. Request the LGA to lobby for the establishment of grant programs from the State Government on a three-year rolling basis.
3. Review how it meets its Duty of Care Obligations with respect to construction in designated flood-ways.

MOVED:

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

That the Delegate's recommendation be adopted.

An Amendment was MOVED:

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

The Delegates Recommendation be adopted with the addition of;

4. That council investigate the purchase of flood-prone land with a view of lease back option to the owners.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 782

The MOTION was PUT to the MEETING and was CARRIED.

D3	THE SCHOOL OF RURAL HEALTH – FACULTY OF MEDICINE
FILE: H2-10	TIH
	{Folio No. 260626}

SUMMARY:

Reporting on progress as advised in the July 2003 Newsletter produced by the Director Professor Sandy Reid.



The School is now well established with Campuses at Albury Wodonga, Coffs Harbour, Griffith, Kempsey, Port Macquarie and Wagga Wagga.

THIS IS PAGE 39 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Kempsey is at an early stage of development and takes Year VI students from South West Sydney Clinical School on short-term placements.

Recruitment of established academics has proved impossible, but what the school needs, and has been able to attract, is high quality practitioners who are prepared to teach. The level of support from local clinicians in all sites has been excellent.

The new six-year undergraduate course is radically different from the existing one and should be easier for the School to deliver and to make more appropriate use of the smaller centres such as Kempsey.

An article within the Newsletter on future models of aged care in regional Australia warns of the increasing trend for ageing Australians to migrate to the country where there is already a shortage of aged care facilities.

The recipient communities have to start planning and acting now to prevent disaster.

Delegates Recommendation:

That the Hon. Mark Vaile MP Member for Lyne and the Hon. Luke Hartsuyker MP Member for Cowper be again reminded of the urgent need for the provision of aged care facilities within regional Australia, particularly at South West Rocks.

2003. 783

RESOLVED:

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

That the Delegates Recommendation be adopted with the addition of:

2. That the Kempsey Medical Council be congratulated for their commitment to the School of Rural Health.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES1	DRAFT ASSESSMENT OF CROWN LAND AT GORDON YOUNG DRIVE, SOUTH WEST ROCKS FILE: T4-75 MEI (NRN)	{Folio No. 260628}
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SUMMARY:

Reporting on a draft assessment of crown land in Gordon Young Drive, South West Rocks, prepared by the Department of Lands, currently on public exhibition.



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MAYOR

Subject Land: Crown Reserve Lot 7009 DP 754396 Gordon Young Drive, South West Rocks, approx 80ha.
Owner: Department of Lands
Present Zoning: 2(b1) Residential and 1(d) Rural (Investigation)

In response to requests by various parties (including Council) over the years to acquiring an interest in the subject land for development purposes the Department of Lands has prepared a draft Land Assessment under Part 3 of the Crown Lands Act 1989. The purpose of the assessment is to determine the lands capabilities and subsequently identify the suitable uses for the land. It is currently on public exhibition for comment.

The objectives of the assessment include:

- compilation of a natural resource inventory for the land subject to assessment.
- provision of capability rating for the subject lands.
- assessment of the suitability for different uses with respect to the lands capabilities.
- provision of recommendations for the best use and management of the Crown lands involved.

The assessment does not consider the suitability of the land for specific purposes eg. aged care facility, high school, playing fields, medical centre..., instead considering more general categories such as outdoor recreation etc...

The assessment notes that for most part the land is densely vegetated with a wetland covering approximately 30% of the area. The following points are made:-

- the vegetation across the majority of the area is in excellent condition according to a number of ecological parameters.
- the area has a diverse flora with regionally significant species and a high likelihood of the presence of plant species listed under the Threatened Species Conservation Act 1995.
- abundant fauna habitat is available throughout most of the area, and it contains major food sources for such fauna.
- much of the area is Potential Koala Habitat under SEPP 44 - Koala Habitat Protection.

The subject land was divided into 8 mapping areas (*Appendix A*) for the purpose of the assessment. Only mapping area 8, adjoining Frank Cooper Street on the eastern side of the area, had vegetation and habitat qualities considered to be in poor condition.

The Assessment includes a land capability and significance assessment for each of the 8 mapping areas. In summary, all mapping areas except MA8 are

THIS IS PAGE 41 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

ranked high to very high in terms of their environmental protection capability. Apart from MA2, the SEPP 14 Wetland, urban development capability across the area is considered to be moderate except MA8 where the capability is considered high.

The Assessment draws a distinction between land capability and suitability, noting that a gently undulating site with no natural hazards, 30km from the nearest town may have a high capability for urban development but a low suitability. Capability is one of many factors used to determine suitability. The assessment determined environmental protection and outdoor recreation for mapping areas 1 through 7 and urban development for mapping area 8 as the primary suitable uses for the land. It proposed secondary suitable uses of outdoor recreation for mapping areas 4 and 6 and urban development for mapping areas 1, 4 and 6.

Subject to submissions received the Department of Lands will proposed development management options for the land. The draft assessment proposes the following for consideration:-

- Those parts of Crown public roads already formed, be transferred to Kempsey Shire Council.
- Mapping areas 2, 3, 5 and 7 be reserved for *Environmental Protection (catchment & natural resource protection, nature conservation)* and *Recreation (natural)*. Care and control to either Kempsey Shire Council as trust manager with an option to form a management committee under Sec. 377 of the Local Government Act 1993, or a private trust. Alternatively, to be transferred to NPWS.
- Current status of mapping areas 1, 4, 6 and 8 to be retained to accommodate expressed community expectations. Further investigation and negotiation will be necessary to determine physical limits of the secondary uses, particularly within mapping areas 1, 4 and 6.

Implications of the draft Assessment

Whilst the assessment is not in its final form it still raises the following issues for Council and the community.

1. Potential High School site. The Department of Education and Training has advised the Department of Lands that there is insufficient demographic justification for a new secondary school at South West Rocks and that it withdrew any interest in identifying a site for such a purpose.
2. Council should not take on any land as trust manager. The land should remain with Department of Lands to dispose or retain as they see fit. It is noted that the NPWS have indicated a willingness to manage the areas as part of the National Park Estate.
3. Council's Land Release Strategy (LRS) has identified the subject land (as SWR 9 in the LRS) for future residential development with a

THIS IS PAGE 42 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

possible development potential of 110 lots. The assessment makes the point that mapping areas 1, 4, 6 and 8 should be retained in their current status subject to further investigation and negotiation to determine the physical limits to the suggested secondary uses of urban development and outdoor recreation. MA8 is included in the LRS as SWR7 with a predicted lot yield potential of 16 lots. It is presently zoned 2(a) Residential. Therefore, whilst the recommendations of the assessment do not contradict Council's LRS they do introduce a note of caution regarding possible environmental constraints to any development on the basis of the environmental qualities of the subject land.

4. The identified environmental qualities of the subject land pose potential constraints for any proposed development. Any such proposal would need to allocate significant funds for environmental investigations prior to any design concept being finalised.

Council may wish to make a submission to the Department of Lands during the exhibition period, which closes 15th October 2003, to further clarify the interest that Council and the community have in the subject land.

Director Environmental Services Recommendation:

For the determination of Council.

MOVED:

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

1. That Council reaffirm its previous position indicating its support for the retention of land for the development of a community centre, an aged care facility, a K- 12 school and a hospital or large community medical centre.
2. That Council advise it is not prepared to accept trusteeship or other management issues for Crown Reserves or similar reserve activities in relation to land covered by this report.

An Amendment was MOVED:

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

1. That Council reaffirm its previous position indicating its support for the retention of land for the development of a community centre, an aged care facility, a K- 12 school and a hospital or large community medical centre.
2. That Council facilitate a meeting with the interested stakeholders from the South West Rocks community.
3. That Council advise it is not prepared to accept trusteeship or other management issues for Crown Reserves or similar reserve activities in relation to land covered by this report.

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

DES2 NOTIFICATION ON SECTION 149(2) CERTIFICATES
FILE: T4-5 BWC (NRN) {Folio No. 260630}

SUMMARY:

Reporting on the response to Councils resolution at the 2002 Local Government Association Annual Conference.



Council, at the 2002 Local Government Conference sponsored the following resolution:-

"That the Local Government Association request the Minister for Planning to amend the provisions of the Environmental Planning and Assessment Act and Regulations to include resolutions of Councils affecting a property, on Certificates issued under the provisions of Section 149(2) of the Act and this be referred to the Executive for its consideration along with proposition 141".

Council's resolution related to Council be able to use Section 149(2) of the EP&A Act to notify matters related to an on-site sewerage management system.

The Minister for Infrastructure, Planning and Natural Resources has provided the following response:-

"The Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000) requires section 149(2) certificates to record whether or not land is affected by a policy adopted by the Council that restricts development of the subject land because of the likelihood of any hazard risk. (See Item 7 of Schedule 4 of the EP&A Regulation 200.) It is most likely that a council would adopt a hazard risk policy by resolution. Councils area also required to record in s.149(2) certificates whether or not the land is affected by any road widening or road realignment under any resolution of the council (item 6 of the EP&A Regulation 2000 refers).

However, if councils were required to identify in s.149(2) certificates whether the subject land is affected by any resolution of the council this might significantly increase the work of councils in processing planning certificate applications (eg. Some resolutions passed long ago may still apply, or there may be considerable work in ascertaining the exact boundaries of the area to which a resolution applies). This could in turn increase councils' costs in preparing the certificates. There may also be increased risk of making errors. It is noted that the liability protection given to councils by s.149(5) for information provided in good faith under s.149(5) does not extend to information the council provides under s.149(2).

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MAYOR

Section 149(2) certificates have traditionally had the role of identifying (any) land use zoning and a range of other planning matters (typically in the nature of restrictions or potential restrictions) for the subject land. However, those certificates can not give a comprehensive 'picture' of the land, and it will often be the case that person relying on the certificate will make additional enquiries to the council to seek further information about the land."

In essence the Minister is advising:-

- (i) Section 149(2) Certificates are related to land-use planning matters.
- (ii) Protection is provided by Section 149(5) in respect to information provided in good faith - this is not the case with Section 149(2) issues.

2003. 785

RESOLVED:

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

That the information be noted.



DIRECTOR ENGINEERING REPORT

DE1	POINT PLOMER ROAD
	FILE: R POINT PLOME APV (NRN) {Folio No. 260631}

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

DE2	COUNCIL ROAD SAFETY OFFICER PROGRAM
	FILE: R8-19 NJT {Folio No. 260633}

SUMMARY:

Reporting on a request from the Roads & Traffic Authority for Council to reconsider employing a Road safety Officer.



The Roads and Traffic Authority has requested that Council reconsider employing a Road Safety Officer as part of the Council Road Safety Officer Program.

Kempsey Shire Council and Nambucca Shire Council previously employed a Road Safety Officer on a shared basis. As a result the Road Safety Officer for Kempsey initiated the "Drinks without Dramas" (DWD) Program, which proved very successful. Under DWD, licensees provide free soft drinks to designated drivers. This program attracted very high participation rates from licensed venues.

THIS IS PAGE 45 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

A key outcome of the Council Road Safety Program is the development of a Road Safety Strategic Plan that can be integrated into Council's Management Plan. Each year, Council will also develop an Annual Road Safety Action Plan in conjunction with the RTA and other stakeholders such as Police. The RTA is very keen to see Council rejoin the Council Road Safety Officer Program, as it is seen to be a very effective way of addressing road safety issues within the Shire.

Role of a Road Safety Officer

- Analysis of local information such as crash data, community feedback, input from key Council personnel and other stakeholders.
- Identify local road safety needs and issues.
- Develop an integrated framework for local road safety planning and actions.
- Foster partnerships with stakeholders and encouraging community ownership.
- Develop, coordinate and implement local road safety behavioural projects.
- Raise the profile of road safety in Council through management plans and strategic planning.

Road Safety Officer Activities and Projects

- Drinks Without Dramas/ 'Buckle Up Every Time' Campaigns
- Pedestrian Access Mobility Plans/Cycleway Plans
- Members of Road Safety Audit Teams
- Address Safety Around School Issues
- Bus Route issues
- Speed reduction in local streets ie speed checks
- Road safety presentations to local groups
- Address local road safety enquires/concerns
- Develop Road Safety Strategic Plan.
- Alternative transport projects.
- Community networking including: police, education (private & public), police, health service, Workcover, AHA, liquor consultative committees, transport committees, publicans, service station owners, car retailers, bus companies and media stations/newspapers.
- Address local road safety enquires/concerns

Benefits to Council

- More cost-effective solutions to road safety problems
- Positive publicity
- Enhanced community involvement
- Behavioural approach to road safety
- Better coordination of road safety activities
- Attract additional funding

As part of the Road Safety Officer (RSO) Program the RTA will pay for:

THIS IS PAGE 46 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

- For the first 12 months of the first RSO position for Council the RTA will pay - 100% of Salary and on cost, Direct Program costs.
- In subsequent years : 50% of the Road Safety Officers Salary and Oncost' and Direct Program costs of 100% of Ancillary Costs

It is anticipated that the cost to Council for the Program would be as follows:

- First year : Nil
- Subsequent years : 50% of \$70,000 ie. \$35,000

For a Council of Kempsey's size, an RSO position would be ideally shared between two neighbouring Councils. However, at the meeting held between Kempsey Council and Nambucca Council on 6th August 2003, Nambucca Council indicated informally that they would not be interested in sharing the position of a Road Safety Officer with Kempsey. Council should further pursue through the Mid North Coast Group of Councils the employment of a RSO on a shared basis with a neighbouring Council.

Financial Implication

The financial implications from the following recommendation, is that Council would need to set aside \$35,000 in the 2004/2005 and 2005/2006 Budgets unless the position is shared with a neighbouring Council.

Director Engineering Recommendation:

That Council through the Mid North Coast Group of Councils pursue the sharing of a Road Safety Officer with a neighbouring council.

MOVED:

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

That the Director Engineering Recommendation be adopted.

An Amendment was MOVED:

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

That Council notify the RTA it can only participate in the program if the position is 100% funded.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 786

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Joukhadar recorded his vote against the foregoing Resolution.

DE3	B-DOUBLE APPLICATION – STUARTS POINT
FILE: T7 NJT	{Folio No. 260636}

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MAYOR

SUMMARY:

Reporting on a request for an application for an Interim B-Double Permit for selected B-Doubles to operate from the Pacific Highway to Fishermans Reach.



Council has again received an application from Jarrott Transport to operate B-Doubles from the Pacific Highway along Stuarts Point Road, along Marine Parade and along Fishermans Reach Road to pickup and transport potatoes from Tolson and Nelson Potato Farms. The intention is only to operate the B-Doubles during the short harvest season, which ends at the end of November.

At present a number of semi-trailers and 19m B-Doubles operate along this route. The introduction of B-Doubles would reduce this movement of trucks. During the potato harvest it is anticipated that up to 100 trucks will be needed. This can be reduced by 25% to approximately 75 truck movements. It is anticipated that on average only 2 B-Doubles will be using the route per day. This would provide minimal impact to the community.

An Interim Transport Permit was issued last year to operate B-Doubles for 6 weeks from 31st October 2002, to 12th December 2002, from 7.00am to 7.00pm. This Interim Permit related only to specific vehicles nominated by Jarrotts Transport. No problems were encountered during the operation of last year's permit.

Jarrotts Transport are seeking to carry out a similar operation this year.

The Local Traffic Committee considered the matter at its meeting on the 21st August 2003 and recommended:

1. That a limited Interim Transport Permit be granted to Jarratt Transport to operate selected B-Doubles along Stuarts Point Road, Marine Parade and Fishermans Reach Road from 1st September 2003 to 30th November 2003.
2. That a road safety program be undertaken in conjunction with the Stuarts Point School.

The Police have indicated that they will undertake a program to educate children to the relevant safety issues relating to roads and heavy vehicles. Jarrott Transport have agreed to operate the B-Doubles only during the daytime hours and outside the school-zone hours.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

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MAYOR

That the application to erect a Public Gate and Grid on Toose Road, at the boundary of Lot 34 and Lot 71, DP752421, Parish of Macleay, Bellbrook, be approved.

DE5	PROPOSED AMENDMENT TO THE ROADS ACT 1993 FILE: R8-2 NJT	{Folio No. 260639}
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SUMMARY:

Reporting on a request for support on the introduction of a Bill to Amend the Roads Act 1993



Council has received a request from Mr Don Page, MP, Member for Ballina, Shadow Minister for Roads, and Shadow Minister for Housing for support on the introduction of a Bill to Amend the Roads Act 1993 in regard to the transfer of Crown Roads to Council. A copy of the letter and the proposed amendments are attached [\(Appendix B\)](#).

As has been reported to Council on a number of occasions, the community is placing increasing pressure on Council to transfer Crown Roads to its care and control, so that these roads can be maintained.

ROADS ACT 1993 - SECT 150 states:

Transfer of public road to other roads authority

150 Transfer of public road to other roads authority

- (1) *The Minister may, by order published in the Gazette, transfer a public road (other than a Crown road) from one roads authority to another.*
- (2) *An order under this section may not be made except with the consent of the roads authority from which, and the roads authority to which, the road is to be transferred.*

Transfer of Crown road to council

151 Transfer of Crown road to council

- (1) *The Minister may, by order published in the Gazette, transfer a specified Crown road to another roads authority.*
- (2) *On the publication of the order, the road ceases to be a Crown road.*

- (3) *An order transferring a Crown road to the RTA may not be made except with the consent of the RTA.*
- (4) *If the road has been provided in a subdivision of Crown land for alienation, or has been reserved in the measurement of Crown land, the official plans of survey showing the road adjacent to the land subdivided or measured are evidence of the width, extent and position of the road.*

This legislation allows for the forced transfer of crown roads to Councils without their concurrence.

As can be noted from Sec 151 Part 3, an exception is granted to the RTA. This amendment seeks to address this anomaly by replacing the words RTA, with roads authority in general. This would reflect the same concurrence powers for Local Government as is afforded to the State Government (RTA).

An example of the consequences of the current legislation would be the issue of Silverwood Road previously reported to Council at its meeting on the 11th February 2003. The NSW State Government could transfer Silverwood Road to Council without Council's consent and with no recourse for compensation.

It is recommended that Council support the introduction of the Bill to amend the Roads Act 1993, so as to provide Council with concurrence powers in any proposal to transfer crown roads into Council's care and control.

Financial Implication

There are no financial implications from the following recommendation.

2003. 789

RESOLVED:

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

1. **That Council support the introduction of the Roads Amendment (Transfer of Crown Roads) Bill 2003, so as to provide Council with concurrence powers in any proposal to transfer crown roads into Council's care and control.**
2. **That Council write to Minister for Roads, Carl Scully, Member for Oxley, Andrew Stoner and Member for Ballina, Don Page, seeking their support to amend the Roads Act 1993 in regard to the transfer of crown roads to Councils.**

DE6	PACIFIC HIGHWAY – SOUTH KEMPSEY
FILE: T7 NJT	{Folio No. 260640}

SUMMARY:

Reporting on the RTA South Kempsey Traffic Management Scheme proposed for the Pacific Highway.

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MAYOR



Council has received advice from the Roads and Traffic Authority that it intends to place a plan on Public Exhibition detailing a proposed Traffic Management Scheme on the Pacific Highway (Lachlan Street) at South Kempsey. The period of public exhibition will be between 8th September 2003 and 19th September 2003. A copy of the plan is attached [\(Appendix C\)](#)

Council has been pursuing the RTA to improve the traffic arrangements in this section of the Highway, as recommended previously in the South Kempsey Traffic Study. It is considered that this work is a priority due to the congestion of traffic using the Highway and the safety of pedestrians.

The proposal is for works to be undertaken between Middleton Street and Bloomfield Street, including new kerb and gutter on the western side between Yarravel and Middleton Streets, sheltered right turn bays, improved linemarking, and the introduction of two new pedestrian refuges.

It is considered that the introduction of these new measures will improve traffic flow, improve safety for turning traffic, alleviate truck parking issues, improve pedestrian safety, and reduce congestion in South Kempsey.

Council staff have previously raised concerns with the RTA regarding the layout of the intersections at Middleton Street and Bloomfield Street. It is proposed to again raise these concerns with the RTA as upgrading of these intersections should be given a high priority.

The RTA have indicated that the proposed works should be carried out by the end of 2003.

Financial Implication

There are no financial implications arising from the following recommendation.

Director Engineering Recommendation:

That Council requests the RTA to upgrade the intersections of Lachlan Street and Middleton Street and Lachlan Street and Bloomfield Street as a high priority.

2003. 790

RESOLVED:

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

That Council advises the RTA that it considers the upgrading of the intersection of Lachlan Street and Bloomfield Street to be a very high priority and that this work be undertaken first.

DE7	UTILISATION OF SPORTING FIELDS	
	FILE: R3-11 GJW (NRN)	{Folio No. 260641}

.....
MAYOR

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

DE8

**BEACH INSPECTORS
FILE: B1-4 JC (NRN)**

{Folio No. 260642}

Reporting on activities of Council's beach Inspectors during Summer and Spring School holiday periods.



Surf Life Saving Services Pty Ltd were contracted by Council to oversee all Life Saving activities for the two holiday periods.

Beaches at Grassy Head, South West Rocks (2), Hat Head and Crescent Head were patrolled. A comprehensive report was sent to Council after each holiday period, providing statistics pertaining to such things as rescues, beach usage, first aid, ordinance controls, wave conditions, weather conditions. A brief summary of the report is set out below. A full report is available from the Engineering Department.

Comments received from the general public and the life savers themselves regarding Surf Life Saving Services Pty Ltd's operations were very positive.

The summary report confirms the need to providing this vital service during holiday periods.

		Grassy Heads	Horses hoe Bay	Main Beach SWR	Hat Head	Crescent Head
Christmas 2002/2003	Beach Attendance	5,199	13,520	6,985	12,531	9,909
	Rescues	14	10	6	66	189
	First Aid	3	69	79	41	123
	Preventative Actions	33	295	353	1,372	704
Easter 2003	Beach Attendance	10,700	10,825	3,780	1,115	4,620
	Rescues	23	9	1	0	12
	First Aid	1	4	3	0	5
	Preventative Actions	476	103	44	0	325

Financial Implication

THIS IS PAGE 53 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

There are no financial implications from the following recommendation.

2003. 791

RESOLVED:

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

That the information be noted.

DE9

PROVISION OF BEACH INSPECTORS

FILE: B1-4 JC

{Folio No. 260643}

SUMMARY:

Reporting on the provision of surf lifesaving services during 2003/2004.



Surf Life Saving Services Pty Ltd, a commercial arm of Surf Life Saving NSW, has put forward a proposal to provide professional services for lifeguard operations for Grassy Head Beach, Horseshoe Bay Beach and Main Beach, South West Rocks, Hat Head Beach and Crescent Head Beach.

The proposal encompasses the entire scope of Lifeguard Operation and addresses the key issues of supervision, risk management, engagement, training and equipment. It includes the employment of a lifeguard supervisor as well as lifeguards at each of the beaches.

Surf Life Saving Services were engaged by Council in 2002/2003 for the Christmas and Easter Holiday periods. The service provided was of a high standard and received favourable comments.

Surf Life Saving Services quotation to provide life saving services to Council for the October 2003, Christmas 2003/2004 and Easter 2004 holiday periods is \$88,500. Costs are similar to those for 2002/2003.

The budget for beach bathing for 2003/2004 is \$86,900. The savings in Council's staff time in not having to administer and employ the lifesavers is estimated at \$3,500. In addition, by engaging Surf Life Saving Services Pty Ltd, Council is assured of a totally professional service that would minimise Council's public liability risk.

Financial Implication

The financial implication of the following recommendation is that an additional amount of \$1,600 would need to be provided for beach patrols.

2003. 792

RESOLVED:

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

1. That Surf Life Saving Services Pty Ltd be engaged to provide lifeguard services during 2003/2004 in the amount of \$88,500.

THIS IS PAGE 54 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

2. That Council's seal be affixed to the agreement.

DE10	QUESTIONS WITHOUT NOTICE	{Folio No. 260646}
	FILE: C18-28 JC	

SUMMARY:

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



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 20th March 2001

Councillor Sowter

File D5-2 **{FOLIO NO. 211596}**

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

Roads and Traffic Authority have completed design for installation of stormwater pipe and pits. Council to provide quote to undertake works.



Meeting of 14th May 2002

Councillor Sowter

File: R8-2 **{Folio No. 234526}**

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

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



Meeting of 8th October 2002

Councillor Parkinson

THIS IS PAGE 55 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

File: LA9508

{Folio No. 243510}

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

Options being reviewed.



Meeting of 8th April 2003

Councillor Bowell

File: LA6911

{Folio No. 252596}

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

Matter proceeding.



Meeting of 13th May 2003

Councillor Bowen

File: LA945

{Folio No.254248}

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

Central support removed 18th August 2003.



Meeting of 8th July 2003

Councillor Bowen

File: E2-1

{Folio No. 257437}

That the Director Engineering would endeavor to approach the relevant schools regarding children walking across South West Rocks Road toward the bus stop in the vicinity of Lindsay Noonan Drive. It is considered that it would be safer for the children to cross South West Rocks Road at the one point opposite the bus stop.

Council will investigate the construction of a pedestrian refuge south of Lindsay Noonan Drive. This will be considered in conjunction with the construction of the intersection of Gregory Street / Lindsay Noonan Drive and associated works in Gregory Street as part of a future subdivision on the east side of Gregory Street.

THIS IS PAGE 56 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

A dedicated bus layby could be incorporated in the design, which together with the pedestrian refuge would improve safety for children.

Councillor Sowter

File: R7-1

{Folio No. 257473}

That the Director Engineering would follow up a previous request regarding the need for maintenance to the riverbank at Gladstone and contact would be made with Mr Ivan Morley in relation to this request.

Council's Horticultural Officer has contacted Mr Morley. Council staff have commenced clearing of weeds and undergrowth along the riverbank adjacent to the park.

Councillor Sproule

File: T11-2

{Folio No. 257483}

That the Director Engineering was to present the viability report on Council's nursery to a meeting of MANEX and this has not been done as yet and the matter of a tree give-away would be listed for discussion at the next Wigay Park Committee meeting.

Report on Nursery to be presented to next meeting of MANEX.

Listed for discussion at next Wigay Park meeting.

Councillor Sproule

File: LA10351

{Folio No. 257487}

That the Director Engineering would make contact with Mr Passell regarding the lease / purchase of a road reserve at Dondingalong and would give him an update of the status of the matter.

A letter has been dispatched to Mr Passell



Meeting of 12th August 2003

Councillor Sproule

File: R8-9

{Folio No. 259583}

That the naming of the road between Gowings Hill Road and Pipers Creek Road had been referred by the Director Engineering to the Aboriginal Land Council but as yet a response had not been received and this would be followed up.

Several attempts have been made to contact the Kempsey Local Aboriginal Lands Council for their comments to date Council has not received a response. Another letter has been dispatched on the 27th August 2003.

Councillor Bowen

File: P1-7

{Folio No. 259594}

That the Director Engineering would investigate the need for a no parking zone to be line marked at the saleyards to provide emergency access.

“No Parking” or hatching will be marked on an area in front of the selling ring by the next sale.

Councillor Bowell

File: B3-1

{Folio No.259604 }

That the Director Engineering would investigate funding available from Waterways for an additional boatramp into the Macleay River.

Funding for infrastructure for boating activities is provided under two programs:

- ***Waterways Asset Development & Management Program from NSW Waterways***
- ***NSW Waterways infrastructure Development Program from Dept of Infrastructure, Planning and Natural Resources.***

Both programs offer financial assistance up to 50% of the total cost of projects.

As Council has not provided any funds in the 2003 / 04 budget for this year the construction of boat ramps, no applications have been submitted. An amount of \$65,000 has been listed for planning purposes for the construction of a boat ramp at Jerseyville in 2005 / 06.

Councillor Bowell

File: F3-21

{Folio No. 259606 }

That the Director Engineering would investigate if any funding support could be given in relation to letters from the Gladstone / Smithtown Rural Fire Brigade sent to all Councillors regarding the construction of an access to their bush fire shed.

Gladstone / Smithtown Rural Fire Brigade have been advised to proceed with construction of a driveway to new fire shed. Funding to be provided from within existing maintenance budget.

Councillor Bowell

File: B1-2

{Folio No. 259607}

That the Director Engineering would investigate the need for maintenance to the access roads at Back Beach and Richardson's Crossing at Crescent Head.

At Back Beach, Crescent Head, the access track is in reasonable condition with scouring on the southern side. The track will be graded when maintenance crew is next in the area.

At Richardsons Crossing the access road is in poor condition. The access track is the responsibility of the National Parks and Wildlife Service and they have been advised regarding the condition of the track.

Councillor Bowell

File: B1-2

{Folio No.259608}

That the Director Engineering would investigate the need for maintenance for access roads at Hungry Head and Smokey Cape due to a build up of sand.

Beach access tracks have been inspected. The track at Smokey Cape has recently been graded and is in good condition. The access track at Hungry Head requires some gravel in washouts. The work is programmed for week commencing 1st September 2003.



Extraordinary Meeting of 18th August 2003

Councillor Bowell

File: LA18897

{Folio No.260209 }

That the Director of Engineering would arrange for a meeting of all relevant stakeholders regarding South Kempsey Park.

A meeting was held with the stakeholders on site on 29th August 2003 regarding the re-establishment of a memorial garden adjacent to the South Kempsey tennis courts.

2003. 793

RESOLVED:

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

That the information be noted.

DE11	WORKS IN PROGRESS	
	FILE: R8-2 KJF (NRN)	{Folio No. 260648}

SUMMARY:

THIS IS PAGE 59 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Reporting on Works in progress.



ROADS

REGIONAL ROADS

Sealed

Patching and general maintenance is continuing on all the regional roads. All pavement strengthening and rehabilitation works is scheduled for the second half of the financial year.

LOCAL ROADS

Sealed Rural

Pavement maintenance work on the sealed road network is continuing.

The raising of sections of the levee bank along Summer Island Road as part of the Lower Macleay Levee raising project is underway.

Remedial work on Goulds Lane is underway and an additional section will be sealed as part of dust mitigation for the nearby residences.

UNSEALED RURAL

The re-construction and sealing of John Lane Road has been completed.

Gravel Resheeting

The resheeting of Mines Road has been completed. The resheeting of Collombatti Road is due to commence shortly.

The next road on the resheeting program is Old Station Road, due to start in December.

Maintenance Grading

The “Shire East” roads maintenance crew is currently in the Aldavilla Area (Area East 5).

Roads that were graded during this month:

Collombatti Link Road	Spooners Avenue
Tamban Road	Hughes Access

The “Shire East” crew will thereafter continue with maintenance grading in the South Kempsey/Yessabah Area (Area East 6).

The "Shire West" roads maintenance crew is currently busy with maintenance grading in the Mungay Area (Area West 6).

Roads that were graded during this month:

Willi Willi Road
Clarkes Road

Dungay Creek Road

The "Shire West" crew will thereafter continue with maintenance grading in the Milbank Area (Area West 7).

TOWN AND VILLAGE STREETS

Kempsey Town Improvements

Pavement Strengthening has commenced in Sea Street (Broughton to Polwood and Leith to Elrington). The works are progressing well and should be completed by late September. This work is performed under the Roads to Recovery program.

Hat Head Town Improvement

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

South West Rocks Town Improvement

The CBD drainage improvement project in Memorial Avenue near Livingstone Street is in progress. The section of pipeline through the public park has been completed from the creek up to the corner of Memorial/Livingstone Streets. The pipeline south of this intersection is currently under construction.

The kerb and gutter and associated works at the Paragon/Memorial intersection will commence once the drainage has been completed.

FOOTPATHS AND CYCLEWAYS

The cycleway in Philip Drive has been completed in front of the properties in Philip Drive. The continuation of the cycleway will re-commence in November. The works will link up with the footpath running through Brighton Park and continue towards Arakoon, beside Phillip Drive roadway, to the limit of available funds.

FLOOD MITIGATION

General maintenance and repair of the floodgates on Kinchela Creek and Belmore River flood structures is continuing. The concrete maintenance repair work on the Belmore Headworks structure is scheduled for September after dewatering of the site.

The Macleay River levee is being raised along Summer Island Road and this work is currently in progress.

BRIDGES / STRUCTURES

Smithtown Wharf

The extension of the Smithtown wharf is scheduled to commence in October, once the pile-driving contractor is available.

Specific Maintenance

Emergency repair work is currently being performed on Kyles Bridge (Toms Gully Rd). Fullers Bridge on Nulla Nulla Creek Road is scheduled for specific maintenance in September.

HORTICULTURE

Coastal Weeds Rehabilitation Project

Dune Care groups are carrying out eradication work at Grassy Head, South West Rocks and Goolawah.

Littoral Rainforest Rehabilitation Project

Complete.

Riverside Park

Planting works under way. Work being carried out by Council staff and Kempsey Rotary

Smith/Belgrave Street Landscaping

Belgrave medians awaiting delivery of plantstock.

Plans of Management

Horseshoe Bay Plan is in a final draft stage. Council comments have been passed on to the consultant.

Gregory Street Streetscape Improvements

Plants for Gregory Street delivered to Council nursery. Work to commence following the completion of Riverside Park planting.

Process Improvement

The report was presented to the August meeting of Team 21. The vision from the team will be presented to Council at a future meeting.

Horticultural Strategy and Nursery Report

5 year Horticultural Plan and a report on the future of the Council nursery has been completed and will be presented to the next meeting of MANEX.

THIS IS PAGE 62 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Community Groups

Greg Williams working with community representatives at Stuart's Point and South West Rocks to set up Beautification Committees to assist Council staff with tree planting programmes and the development of recreational facilities.

NOXIOUS WEEDS

Private Property Inspections

Carried out at:

Stuarts Point, Willawarrin, Belmore River, Summer Island and Gladstone.

Grant Funding Reports

Reports for 2002-2003 completed.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance to amenities and realignment of pavers in public areas.
- Aged Care Units – miscellaneous repairs.
- Thompson Street Depot – EPA Waste Management requirements:
– install pressure washer – complete.
- Harold Walker Avenue – install bus seat – complete.
- Bollards – installation at corner of Forth and Smith Streets.
- Airport – secure storage for aircraft power unit.
- Crescent Head – reconstruct Comara Terrace steps.
- Bollards – installation at Ampol, Belgrave Street.

Work proposed next 4 weeks

- Civic Centre – continue work associated with disabled toilet to first floor, complete work to lift and commission.
- Bellbrook Works Depot – improve lighting/install fax machine.
- South West Rocks Museum – erect cover for Pilot Boat.
- Hat Head Surf Club – commence work associated with disabled access ramp.

THIS IS PAGE 63 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

- Thompson Street Depot – EPA Waste Management requirements:
– construct concrete slab for waste oil collection tank for workshop
- Swimming Pools – prepare for new season and paint.
- Sea Street, Kempsey – install bus shelter.

Financial Implication

There are no financial implications from the following recommendation.

2003. 794

RESOLVED:

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

That the information be noted.



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS1	STATEMENT OF BANK BALANCES AS AT 31ST AUGUST 2003 APC
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SUMMARY:

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



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2003. 795

RESOLVED:

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

That the information be noted.

DCCS2	STATEMENT OF INVESTMENTS AS AT 31ST AUGUST 2003 APC
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SUMMARY:

THIS IS PAGE 64 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

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



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

[\(Appendix B\)](#)

Financial Implication

There are no financial implications arising from this report.

2003. 796

RESOLVED:

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

That the information be noted.

DCCS3	COMMUNITY DEVELOPMENT SUPPORT EXPENDITURE COMMITTEE	{Folio No. 260649}
	FILE: C10-12 TIH (NRN)	

SUMMARY:

Reporting on the meeting of the Community Development Support Expenditure Committee held on 21st August 2003.



The Report is as follows:-

PRESENT:

Kempsey Macleay RSL Club: Reg Brain, Ken Younger and Vince Craig
Kempsey Heights Bowling Club: Judy Grace, Bill Hazelwood
South West Rocks Country Club: Dick Shirt and Barrie Pettit
Kempsey Shire Council: Councillor Jenny Sproule and Trevor Hannam
Crescent Head Country Club: G Viewey and John Patterson.

APOLOGIES:

Councillor Janet Hayes and Councillor Sproule for her late attendance.

ADOPTION OF THE MINUTES OF THE MEETING 7TH NOVEMBER 2002

RESOLVED:

*Moved: Reg Brain
Seconded: Dick Shirt*

That the Minutes be adopted.

BUSINESS ARISING:

THIS IS PAGE 65 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

An explanation was given for the delay in the construction of the Baby Care Room, this job to be completed before 30th June 2004.

DETERMINATION OF THE FUNDS AVAILABLE FOR DISTRIBUTION AT TODAY'S MEETING

The Club's made the following pledges:-

Kempsey Macleay RSL Club -	\$10,000
Kempsey Heights Bowling Club -	\$ 2,000
SWR Country Club -	\$ 2,000
Crescent Head Country Club	\$ 1,500

TOTAL: \$15,500

RESOLVED:

*Moved: Barry Pettit
Seconded: Vince Craig*

That a general press release be distributed by Council acknowledging the total Category 1 and Category 2 Expenditures by all of the Clubs.

DISTRIBUTION OF ALLOCATION OF AVAILABLE FUNDS

RESOLVED:

*Moved: Vince Craig
Seconded: Barry Pettit*

That the following charitable organisations receive the following amounts:-

Alzheimer's Australia NSW	\$ 500
Kempsey Showground Trust	\$5000
Hunter Region Westpac Helicopter Service	\$1000
Kempsey Camp Quality	\$1000
SWR Scout Group	\$2000
Lifeline Mid North Coast	\$2000
SWR Neighbourhood Centre	\$2000
HomeStart Kempsey	\$2000

It was **RESOLVED** by consensus that the previous donation practises as agreed last year be continued for the ensuing twelve months.

NEXT MEETING:

To be held on Thursday, 19th August 2004.

CONCLUSION:

There being no further business the meeting concluded at 10.50 am.

Financial Implication

The financial implication of the following recommendation would be Nil.

2003. 797

RESOLVED:

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

That the information be noted.

**DCCS4 PUBLIC ROAD CLOSURE APPLICATION
FILE: R EAST ST COPY: C4-7 MLB {Folio No. 260651}**

SUMMARY:

Reporting on a request for consideration of closing part of East Street, South Kempsey to facilitate expansion of the East Kempsey Cemetery.



As you are aware the capacity of East Kempsey Cemetery is reaching its limits for which investigations are proceeding into the development of a new Cemetery at Crottys Lane, Yarravel. These investigations are still continuing however in the meantime the space available at East Kempsey is diminishing with approximately only a year's space left for interments thus making the provision of a new cemetery or looking at the existing make up of the current cemetery critical.

East Kempsey Cemetery is bounded by a Council dedicated unmade road reserve. This road reserve is identified at [\(Appendix C\)](#) as East Street.

This section of road reserve currently only provides an internal access between sections within the cemetery, an entry point to an adjoining rural property and houses a pump station on it.

If Council was of the mind to close this section of road it would allow for the levelling of the existing spoil mounds with the view to expand the cemetery for interments adjacent to the Anglican / Catholic Sections of the Cemetery.

This closure would result in approximately an additional 100 – 150 burial plots and extend the life of the cemetery by approximately a further two (2) – three (3) years thus helping to alleviate the pressure to get the new cemetery operational in a short amount of time.

It is therefore requested that Council advertise the proposed road closure for a period of twenty eight (28) days to seek public submissions.

Financial Implication

The financial implication of the following recommendation would be a redistribution of funds from the new cemetery to allow for the levelling, and landscaping of the road reserve.

2003. 798

RESOLVED:

Moved: Cl. Sowter

.....
MAYOR

1. That the proposed road closure be advertised for a period of twenty eight (28) days for public comment.
2. That adjoining landowners be advised of the proposal.
3. That a further report be forwarded to Council after the advertising period.

DCCS5

COUNCIL MEETING DATES

FILE: C18-22 PJH (NRN)

{Folio No. 260654}

SUMMARY:

Reporting on proposed schedule of meeting dates for the period to March 2004.



Following the decision to defer the Local Government elections until March 2004 Council needs to formally confirm its meeting dates for the period up to the elections.

It is Council's current procedure to hold Ordinary Council meetings on the second Tuesday of each month and Planning meetings on the fourth Tuesday of the month, both commencing at 9.00 am.

A schedule of meeting dates has been prepared up until the March 2004 election:-

Tuesday	23 rd September 2003	Planning Meeting
Tuesday	14 th October 2003	Ordinary Meeting
Tuesday	28 th October 2003	Planning Meeting
Tuesday	11 th November 2003	Ordinary Meeting
Tuesday	25 th November 2003	Planning Meeting
Tuesday	9 th December 2003	Ordinary Meeting
Tuesday	23 rd December 2003	Planning Meeting
Tuesday	13 th January 2004	Ordinary Meeting
Tuesday	27 th January 2004	Planning Meeting
Tuesday	10 th February 2004	Ordinary Meeting
Tuesday	24 th February 2004	Planning Meeting
Tuesday	9 th March 2004	Ordinary Meeting
Tuesday	23 rd March 2004	Planning Meeting
Saturday	27 th March 2004	Local Government Elections

Financial Implication

There are no financial implications arising from the following recommendation.

THIS IS PAGE 68 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

Director Corporate and Community Services Recommendation:

That the schedule of meetings as detailed in the report be noted.

MOVED:

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

That the schedule of meetings as detailed in the report be noted subject to;

1. The November Council meeting to be held Thursday 6th November 2003
2. That Council endeavour to hold an ordinary meeting at South West Rocks at a date to be determined before March 2004.

An Amendment was MOVED:

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

That the schedule of meetings as detailed in the report be noted subject to the November Council meeting to be held Thursday 6th November 2003.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 799

The MOTION was PUT to the MEETING and was CARRIED.

DCCS6	ABORIGINAL LIAISON COMMITTEE MEETING 20TH AUGUST 2003
FILE: A1-2	TIH (NRN) {Folio No. 260655}

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

DCCS7	PUBLIC LIABILITY CASES – FAVOURABLE RESULTS FOR COUNCIL
FILE: I3-2	PJH (NRN) {Folio No. 260658}

SUMMARY:

Reporting on three (3) public liability cases that have been resolved in terms favourable to Council.



Statewide Mutual, Council's Public Liability Insurer, has in recent weeks been able to settle three (3) public liability claims against Council, with such settlements being in Council's favour.

THIS IS PAGE 69 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

While these cases were not decided by the Court the agreed settlement results are seen as significant in showing that Council's risk management policies in conjunction with the Civic Liability Act and recent Court of Appeal results are seeing Council being able to prepare a strong defence against such liability claims.

While full details cannot be revealed in open Council because the settlements are subject to confidentiality clauses, the general outcomes are worthy of reporting to the general public.

Case Details

In general terms Council had five (5) claims against it in litigation involving trip and falls.

Three (3) claims have now been settled prior to a court hearing with a verdict recorded in favour of Council. In two (2) of the cases the suing party agreed to pay more than \$5,000 toward Council's legal costs.

Council's insurers (Statewide Mutual) have advised that the relatively favourable settlements were the result of a number of factors but mainly:-

- a) Recent court of appeal decisions related to obviousness of trip hazards;
- b) *Council having in place a risk management program involving footpath inspections, follow up and maintenance within budget levels; and*
- c) The Civil Liability Act implementation

Council's insurers (Statewide Mutual) in each of these cases took the view that no monetary settlement offer would be made and the cases would be defended in the courts unless a reasonable settlement for Council was negotiated.

Important that Risk Management Program continue

While the results are significant, it does not mean that Council can relax in its risk management of footpaths and public areas. In instances of a trip hazard that may be obvious this may not be the case at night or when light is poor so Council must continue to provide sufficient maintenance funds for such hazards to be addressed in a reasonable time.

Financial Implication

These claims will still result in legal costs for Council/Statewide in preparing the defence, investigations etc. The suing parties also would have significant legal costs to pay. As mentioned in two (2) of the cases payment of an agreed contribution toward Council's legal costs will be made.

RESOLVED:

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

That the information be noted.

**DCCS8 FINANCIAL STATEMENT FOR THE PERIOD TO 30
JUNE 2003
FILE: A2-22 APC (NRN) {Folio No. 260664}**

SUMMARY:

Reporting that the Budget Review for the period ending 30 June 2003 has been prepared for all funds.



The Budget Review Summary is attached at [\(Appendix D\)](#)

Management Service charges for the year have been revised having regard to the philosophy adopted when formulating the 2002/03 budgets and the actual cost of administration in the 2002/03 year.

The notes incorporated within the budget review summary ignore the impact of the revised management service charges and provide comment on the direct cost or income variations associated with each of the Council functions.

Council has previously approved the revoting of projects to the 2003/04 year, a summary of the projects is attached at [\(Appendix E\)](#)

A comparison of the estimated financial result of each fund for the March quarter is as follows:

Fund	Adopted Budget	March 2003 Budget Review	June 2003 Budget Review
General	80,776 (S)	16,306 (S)	19,631 (S)
Water	1,502 (S)	101,618 (D)	139,775 (D)
Sewer	4,862(S)	219,727 (D)	329,449 (D)

General Fund

The Budget review shows that the General Fund surplus has increased by \$3,325.

The significant variations in revenue funded items that contributed to the result in the quarter are set out below:

Increased Expenditure:

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MAYOR

Parks & Sports Field Maintenance	\$29,463
Waste Services Operations	\$32,482
Insurances	\$23,438
Employment Overheads	\$97,319 (Offset by increase in on costs \$98,171)
Depot Operation & Security System	\$54,977 (Offset by charges to other Council functions)
Legal Expenses Debt Recovery	\$33,002

Decreased Expenditure

Legal Expenses	\$43,324
Salaries & Travel Costs	\$45,984
Private Works	\$33,565

Increase Income:

Development & Building Fees	\$67,385
149 & 603 Certificates	\$12,425
Investment Interest	\$25,531
Extra Charges	\$45,899

Decreased Income:

Private Works Income	\$111,244
Tip Fees	\$ 21,144
Trade Waste	\$26,957
Rates	\$15,397

Working Funds

The estimated working fund balance as at 30 June 2003 is set out below:

Unrestricted Working Funds	\$313,571
Provision: Civicview	\$125,000
Provision: Statewide Mutual Liability	\$167,667
Total	\$606,238

Provisions

As reported to Council at the August 2003 meeting, Statewide Mutual has advised that Council that its proportion of the operational deficit as at 30 June 2003 is estimated to be \$167,667 (\$245,619 as at 30/6/2002). Statewide anticipate a further surplus of \$5 million in the 2003/04 year thus supporting previous actuarial projections that the deficit would be fully funded by June 2004 from surpluses generated by the scheme.

In the case of the Civicview debtor (\$262,755 as at 30 June 2002), no change in the balance occurred during the past year. As previously advised, settlement of the debtor is dependent upon the generation of sale income from the entity; Hurstville Council have contracted to purchase whilst a number of other sales opportunities are being pursued.

Given the above I remain confident that the provisions created will not be required and that the level of working funds will not be adversely impacted in the medium term.

Water Fund

The review reveals a budget deficit of \$38,157 for the quarter.

The significant variations in revenue funded items that contributed to the deficit result in the quarter are set out below:

Increased Expenditure

Management Expenses	\$29,775
Electricity Charges – Pump Stations	\$49,356

Decreased Expenditure

Water Operational Costs	\$54,327
Transfer to Tariff Equalisation Reserve	\$97,693

Decreased Income

Water Sales	\$110,224
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The estimated Working Fund balance as at 30 June 2003 is \$533,929

Sewerage Fund

The review reveals a deficit of \$109,722.

The significant variations in revenue funded items that contributed to the deficit result in the quarter are set out below:

Increased Expenditure

Management Expenses	\$29,775
Treatment Plant Operation & Maintenance	\$62,649

Decreased Income

Sewer Charges	\$17,935
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The estimated Working Fund balance as at 30 June 2003 is \$797,481

Financial Implications

The financial implications of the following recommendation would be an increase in the General Fund surplus \$3,325 and a deficit in the Water Fund \$38,157 and the Sewerage Funds \$109,722

2003. 801

RESOLVED:

Moved: Cl. Howell

THIS IS PAGE 73 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Seconded: Cl. Sproule

That the Budget Review for the period ended 30 June 2003 is adopted and the variations contained therein be approved and financed from the sources as indicated.



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE1	TOURISM MARKETING PLAN 2001 FILE: T3-5 SJR (NRN)	{Folio No. 260675}
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SUMMARY:

Reporting on presentation of the Macleay Valley Coast Tourism Marketing Plan for 2003/2004.



The Macleay Valley Coast Tourism Marketing Plan for 2003/2004 has been prepared and the document has been distributed to Councillors.

A proactive plan has been prepared to address and minimise identified weaknesses and implement opportunities particularly in the Hunter Valley and Northern Tablelands regions.

The plan seeks to identify marketing initiatives that will appeal to industry operators and gain their monetary support for selected marketing activities.

The Marketing Plan will be a living document and should reflect strategies of the Regional Tourism Marketing Plan and the Regional Tourism Strategic Plan that are both expected to be finalised within the next month. The development of the Macleay Valley Coast Tourism Strategic Plan due early in the new year will no doubt contain recommendations that must be melded into this Marketing Plan.

The Marketing Plan was presented to the Macleay Development and Promotion Committee at their August meeting, where it was resolved "*that the information be noted*".

Financial Implication

The Tourism Marketing Plan is fully funded in line with budget allocations.

2003. 802

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Joukhadar

That the Tourism Marketing Plan for 2003/2004 be adopted.

THIS IS PAGE 74 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Councillor Parkinson recorded his vote against the foregoing Resolution.

DBE2	REDUCTION IN EPA LICENCE FEES AT SOUTH WEST ROCKS SEWERAGE TREATMENT PLANT
	FILE: S8-29 DWS (NRN) {Folio No. 260677}

SUMMARY:

Reporting on the current status of a Pollution Reduction Agreement between Kempsey Shire Council and the EPA.



In August 2002 Council applied for a Pollution Reduction Agreement with the EPA for a reduction in the Phosphorus loads from South West Rocks Sewerage Treatment Plant. The EPA approved the agreement in November 2002.

The forward planning for construction of a new chemical dosing plant to significantly remove Phosphorus from the final effluent made the agreement possible. A Pollution Reduction Agreement allows the holder of an EPA licence to estimate the total assessable pollutant that will be released to the environment after improvements have been completed at the treatment plant and use that figure for fee calculations for the next four-year period.

The agreement reached between Council and the EPA was a reduction in Phosphorus discharge levels to 1mg/L or an annual load of 400kg. The actual figure discharged was 2,899kg for the EPA reporting year ending 1st August 2003. The philosophy of such agreements is that the polluter invests the funds otherwise payable to the EPA in fees into pollution reduction initiatives.

Financial Implication

A cost saving of \$11,676 in EPA licence fees was achieved and will be redirected into improvements at SWR STP.

2003. 803

RESOLVED:

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

That the information be noted.

DBE3	VOUCHER SYSTEM FOR DOMESTIC WASTE SERVICE PORTFOLIO
	FILE: G1-2 WJL (NRN) {Folio No. 260678}

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MAYOR

SUMMARY

Reporting on the Voucher System for the Waste Management Service Portfolio



At Council's Ordinary Meeting of the 13th August 2002, a report was tabled regarding alternatives to the village rubbish collection service. A copy of that report is attached as [\(Appendix A\)](#).

At Council's Budget Meeting of the 13th May 2003, it was resolved that –

“The matter of Voucher System Costs be the subject to a future report to Council”.

Kempsey Shire Council provides a weekly collection of domestic waste from some 9000 premises within the Shire and fortnightly collection of domestic waste from a further 1250 premises. All other residential premises within the Shire receive no kerbside collection of domestic waste at all (approximately 1,000).

Those ratepayers who do not receive a domestic collection are required to either deliver their waste to any of the Waste Disposal sites (Bellbrook, South West Rocks, Stuarts Point & Crescent Head Rd landfill) or dispose of their waste on their own properties. The disposal of the waste at any of Council's disposal sites attracts a fee as specified in the Schedule of Fees and Charges.

In 2000/01 a limited 'kerbside' collection was conducted in some village areas and moved about 200 truckloads of material at a total cost (collection and disposal) of approximately \$50,000, which was met from Domestic Waste Management Service charges.

It has been suggested that a system of vouchers be provided, as is provided in other local government areas, to every residential premise (approximately 11,280) to enable residents to take waste materials to a disposal site at no charge. The cost of providing the system would be included either as a hidden component in all the Solid Waste Management Charges or from General Fund allocations.

As with any other waste management initiative, it is necessary to try and measure the introduction of waste disposal vouchers in terms of its effect on reducing the impact on the environment.

What is a Waste Disposal Voucher System?

All ratepayers receive two vouchers, each entitling the bearer to dispose of the equivalent of a trailer load of mixed waste at any of Council's waste recycling and disposal facilities.

Benchmarking with other local government authorities identified that the typical system was that each ratable residential property was entitled to receive two free tipping vouchers per year. Each voucher is restricted to 1

THIS IS PAGE 76 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

cubic metre of domestically sourced waste with encouragement to separate recyclables in the load.

Cost of a Voucher System

Each voucher would be valued at \$10 each, the current charge for 1.0m³ of waste to landfill. Indicative data from other Councils identified that it would be anticipated that a 60% take up rate for the first voucher and a 30% take up rate for the second could be expected. (A total of about 10,150 vouchers redeemed for the year), a face value reduction in tipping fee income of \$101,500 per year.

Tipping fees are a charge that contributes towards the real costs incurred by Council associated with waste management. The waiving of some tipping fees through the introduction of waste disposal vouchers would require the foregoing of some income and the subsequent need to raise this money through other parts of the budget.

It is emphasized that the costs to operate and manage Council's disposal sites are funded largely through the income received from the disposal charges built into the Domestic Waste services charges. To increase the Domestic Waste service charge to fund the 'voucher' system would see the inequity of serviced areas paying for the disposal costs of ratepayers living outside the serviced areas (ie rural areas).

Funding for the provision of waste disposal vouchers to cover the resulting decrease in tipping income would need to be provided by an increase in the residential rate levied as General Funds, adopted by Council on a yearly basis as part of the budgetary process.

In accordance with Resource NSW directives, a 'user pays' principle should be adopted and all property owners should pay for the voucher service.

Essentially there is no such thing as 'free' waste disposal and assuming that the value of each voucher is \$10.00, then the increase per rateable residential property would be \$20.00 per annum.

Reasons for a Voucher System

To deflect community criticism - *Some people in the community have the misconception that their rates pay fully for waste disposal and that tipping fees are some sort of profit making venture.*

To avoid illegal dumping – *that the imposition of tipping fees is causing illegal dumping of waste.*

To assist the financially disadvantaged – *some members of the community may not be able to afford the tipping fees, resulting in rubbish build up on properties and untidy gardens, etc.*

Reasons against such a system

Need for some 'user pays' principle – *Although they do not reflect the long term real cost of waste disposal, tipping fees do serve to provide some user pays disincentive to produce waste.*

Encourages waste generation – *providing ratepayers with pre-paid waste disposal vouchers will encourage people to produce two trailer loads of waste in order to realise the value of their vouchers.*

Not equitable – *the disposal of waste from individual properties varies, with some residents never using the facilities whilst others do so regularly. This system would require residents who produce less waste to further subsidise those who do. This is highlighted by the usage estimate above.*

Tipping Fee Concessions - *The fees adopted by Council provide an incentive for the community to act responsibly*

a) no charge is made for materials such as clean cardboard, paper, metal, clean fill, reusable items

b) concessions are given for green waste (30% off)

c) discounts for sorting of mixed waste, and

d) landholders outside garbage collection areas can take domestic but reusable waste to the tips for 1/2 the usual charge upon production of ID and a rate notice.

Not Targeted – *This system would provide vouchers to ratepayers through the rates notice. This does not provide the benefits of the system to residents who are not property owners.*

Does the system “reduce the impact of waste on the environment”?

Illegal Dumping

The issue of illegal dumping is the only potential environmental benefit associated with this proposal. Council is constantly monitoring the level of illegal dumping and has recently introduced a community litter cleanup program to combat illegal dumping at a cost of \$16,800. An additional \$7000 has been allocated to community education and promotion for the waste management portfolio to convey the message of waste minimisation, recycling and ultimate waste disposal.

Realistically, the incidence of illegal dumping is relatively low and more linked to laziness than to the cost of tipping. A reduction in the dumping near waste facilities has been identified since the extension in operating hours. The cost of clean up associated with the illegal dumping is currently less than \$5,000 per annum. Illegal dumping is an offence and significant penalties apply.

Education, User Pays and Disincentives

The pre-paid waste disposal voucher system runs contrary to the waste minimisation messages that Council is trying to promote in the community. User pays systems recognise those who choose to reduce the waste they produce. Variable waste disposal fees currently in place also reward those who separate their waste at the facility to allow reuse and recycling.

Conclusion

Practically, the provision of waste disposal vouchers does not provide any direct reduction of environmental impacts from waste and consequently should be placed as a low priority in the allocation of waste management and minimisation funds.

The recently adopted Waste Strategy has some 40 strategic considerations to assist in the reducing the impact of waste on the environment. It is suggested that if Council were prepared to further increase waste management charges to implement many of the proposed considerations in the strategy, greater priority to achieving these goals would be realised.

Financial Implications

The introduction of a voucher system for the disposal of domestic waste not collected by the kerbside collection service or through private transport to Council's disposal sites would reflect in a reduced tipping income for the year of \$101,500. (Based on 2 vouchers per tenanted property).

2003. 804

RESOLVED:

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

That having regard to the estimated increase in costs and associated inequities in providing a waste disposal voucher system that no further action be taken on this matter.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DBE4	GRASSY HEAD CARAVAN PARK	
	FILE: C1-4 GTS (NRN)	{Folio No. 260682}

SUMMARY:

Reporting on the progress of the proposed transfer of Crown Land at Grassy Head (excluding Caravan Park) to the National Parks and Wildlife Service (NPWS)



Council's preliminary position and concerns in relation to the proposed transfer (as Adopted at the 12 August Meeting of Council) have been conveyed to the NPWS and Lands Department, refer letter dated 25 August 2003 at [\(Appendix B\)](#)

Further progress will be reported to the next ordinary meeting of Council.

Financial Implication

There are no financial implications arising from the following recommendation.

2003. 805

RESOLVED:

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

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MAYOR

That the information be noted.

DBE5

KEMPSEY BATHS – REVIEW OF FEES AND CHARGES

FILE: R3-5 GTS (NRN)

{Folio No. 260685}

SUMMARY:

Reporting on the review of baths fees and charges.



The baths fees and charges have been reviewed prior to the commencement of the 2003/2004 swimming season and, in consequence, the following alterations to the adopted 2003/2004 Fees & Charges are proposed;

Spectator Only Fee

It is recommended that a new fee be introduced which covers the entry to the pool for spectators (non-swimmers).

The proposed one dollar spectator charge (including GST) is comparable to other nearby centres (eg \$0.70 & \$1.00: near northern neighbours). The new charge will formalise existing informal arrangements.

Attempting to charge spectators at the swimmer rate (\$2.50) discourages them from entering the complex for non-swimming purposes (including supervision).

Not charging at all (which is usually the case) fails to reflect the situation whereby there is some benefit gained by the spectator (eg use of amenities)

Pool Hire by Others

The 2003/04 Fees and Charges document provides for "Pool Hire by Others" on the basis of an hourly fee plus normal admission fees.

However, the additional fee for entry (over and above the hire charge) has not previously been applied in practice and is inconsistent with the long-term historical scheme of arrangement for hire of one of the major pools or the complex.

The Pool Superintendent exercises discretion as to the availability of pools or the complex for hourly hire.

The fee to hire the entire pool complex during normal operating hours is \$110.00 per hour (including GST) and the fee to hire either of the major pools is \$60.00 per hour (including GST).

It is recommended that the (additional) normal admission charge of \$2.50 per person be removed from the "Pool Hire By Others" in the Council's 2003/2004 Fees and Charges Document.

Impact

The impact of adopting the proposed alterations to the fees and charges would be improved levels of customer satisfaction gained through the clarity and consistency associated with operation and management of the gate entry.

The proposed alteration to fees and charges will formalise existing informal arrangements and would have negligible impact on the business.

Financial Implication

Adoption of the recommendation would have negligible financial impact.

2003. 806

RESOLVED:

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

1. That a \$1.00 (including GST) "Spectator Only Fee" be introduced for Kempsey Baths and the Village Baths.
2. That the Kempsey Baths Pool Hire charges for 2003/04 be amended to delete "plus normal admission fees" of \$2.50 from the charge for "Pool Hire by Others".

Councillor Parkinson recorded his vote against the foregoing Resolution.

At this stage, 4.39 p.m., Councillor Sowter retired from the Chamber.

DBE6	TENDER - POTHOLE PATCHING UNIT
FILE: C15-654	MSW COPY: APC {Folio No. 260687}

SUMMARY:

Reporting on Tender received for the purchase of an automotive road pavement maintenance unit.



Council Plant Committee considered the purchase of a Pothole Patching Unit at its meeting on 30th July 2003 and recommended the purchase of this item.

Tenders were called for the supply of one automotive road pavement maintenance unit for a period of 21 days. Tenders closed on 2nd September 2003 with only two companies submitting tenders.

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MAYOR

These Companies were Jetpatcher Roadtech Pty Ltd and Paveline International Pty Ltd.

The tenders are summarised below:

- **Jetpatcher Roadtech Pty Ltd**

6m3 Jetpatcher unit, Single person operated, hydraulic controlled delivery arm / nozzle, hand delivery gun, load cover device, emulsion tank heater, hydraulic road broom, emulsion cockerel spreader (300 mm gates), arrow boards, automatic cab tilt, rear view camera, high output alternator, operators manuals, workshop and parts manuals.

\$134,700 (GST excl)

- **Paveline International Pty Ltd**

6m3 Autopatch unit, Single person operated, hydraulic controlled delivery arm / nozzle, hand delivery gun, load cover device, emulsion tank heater, hydraulic road broom, emulsion cockerel spreader (300 mm gates), arrow boards, automatic cab tilt, rear view camera, high output alternator, operators manuals, workshop and parts manuals.

\$129,450.00 (GST excl)

Tenders were evaluated using the evaluation schedule in Councils policy document M10 : 5 Purchasing of goods and services.

Company	Price Determination	Attribute Score
Jetpatcher Roadtech Pty Ltd	9.98	3
Paveline International Pty Ltd	10.03	3.25

In consultation with the Fleet Performance and Logistics Advisor, Councils works staff have extensively 'field' tested both companies automotive units over the last few months and the staff have indicated a substantial increase in their productivity of pothole patching, road edging and repair patching.

Both Units reduce OH&S concerns related to the operation of the existing trailer mounted pothole-patching unit.

The testing revealed the Paveline – Autopatch unit was the preferred unit that meet Council's standards for bitumen repair of the Shires sealed road network. This unit is the cheaper of the two units tendered.

The Pothole Patching Unit will be fitted to an ISUZU FVY 1400 Auto truck to be purchased under Government Contract from Mid Coast Trucks at a cost of \$122,564 (excl. GST).

Financial Implication

Adoption of the following recommendation would result in expenditure of \$252,014.00, which will be funded, from the 2003/2004 Fleet Replacement Program. The Fleet Replacement program provides for acquisition costs of \$255,000, and auction of the old trailer mounted Jetpatcher – estimated auction value \$6,000.

2003. 807

RESOLVED:

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

1. That Council accept the Tender submitted by Paveline International Pty Ltd for the purchase of a 'Paveline Autopatch' unit, at a cost of \$129,450 (excl. GST).

2. That an Isuzu FVY 1400 Auto truck be purchased in accordance with NSW Supply contract 653 at a cost of \$122,564 (excl GST), and the 'Paveline Autopatch' unit be fitted hereto.

DBE7	FLEET MANAGEMENT	
	FILE: P6-2 MSW	{Folio No. 260692}

SUMMARY:

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



The following plant was **Purchased.**

New Plant No.	New Vehicle	Sale Price (excl. GST) \$
V2079	Karcher Hot / Cold Pressure Cleaner (contribution of \$2,724 Waste, Fleet & Depot)	8,174
V2080	Holden Commodore	24,828
V2081	Ford Fairmont	29,792
V2084	Mitsubishi Outlander	24,829

The following plant was **Sold.**

Plant No.	Vehicle	Sale Price Realised at Auction (GST Inc) \$
V1488	Ford Courier	2,300

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MAYOR

V1538	Nissan Navara	2,900
V1088	Toyota Hilux (4 x 4)	6,200
V1671	Mitsubishi Triton (4 x 4)	17,200
V1676	3690 Massey Ferguson Tractor	30,000

Financial Implications

All costs are covered by approved Budget allocations.

2003. 808

RESOLVED:

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

That the information be noted.

DBE8	QUESTIONS WITHOUT NOTICE	{Folio No. 260695}
	FILE: C18-28 JC (NRN)	

SUMMARY:

Reporting on Questions Without Notice from the Council meeting of the 12th August 2003.



Responses to Councillors Questions Without Notice are listed for information.

Meeting of the 12th August 2003.

Councillor Bowell

File: G1-15

{Folio No. 259605}

That the Director Business Enterprise would follow up the preferred locations for recycled containers at Crescent Head.

Currently Norton Recycling is quoting to provide receptacles at South West Rocks Transfer Station to replace ones at the Country Club.

Investigations into suitable sites have proved the "NIMBY" principle. Everyone willing to say where they shouldn't go, no constructive information into where they should go. Contact made with various target groups at Crescent Head and South West Rocks to seek suggestions on suitable sites. Once options of sites are identified a report will go to Council.

2003. 809

RESOLVED:

Moved: Cl. Sproule

THIS IS PAGE 84 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

That the information be noted.

At this stage, 4.41 p.m., Councillor Sowter returned to the Chamber.

DBE9	WORKS IN PROGRESS FILE: W1-2 DWS (NRN)	{Folio No. 260696}
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SUMMARY:

Reporting on works in progress.



WATER SUPPLY

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

Works completed during last 4 weeks

1. Potters Hill Reservoir repairs completed.
2. Replaced Maguires Crossing aerator replacement completed.
3. Further 500m of main of Belgrave Falls rising main replaced.
4. Stuarts Point Sludge trial successfully completed.

Works Proposed for next 4 weeks

1. Install Meters on all bore pumps – continuing.
2. Monitoring and testing of dam after algistat dosing.
3. 500m of Belgrave Falls Rising Main to be replaced.
4. Meter Replacement Program.
5. Commence replacement of 200mm water main in Gordon Lane and 150mm in River Street.
6. Replace roof at South West Rocks Water Treatment Plant.
7. Commence replacement of 100mm water main in Perry Street Hat Head.

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MAYOR

MONTHLY WATER CONSUMPTION

	August 2003 Kilolitres
<u>Belgrave Falls</u>	0
<i>Bellbrook</i>	857
<i>Crescent Head</i>	13,456
<i>Hat Head</i>	6,179
<i>Sherwood – Lime Plant</i>	234,032
<i>South West Rocks</i>	10,781
<i>Stuarts Point</i>	11,272
<i>Willawarrin</i>	929
Total Consumption	277,506

Kilolitres to Financial Year to Date: 603,527kl

Applications for connection in August – 8

SEWERAGE

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

Works completed during last 4 weeks

1. De sludge lagoons at South Kempsey Sewerage Treatment Works completed.
2. Commence replacement of 250m of rising main in Cochrane Street.

Works Proposed for next 4 weeks

1. Sewerage Pump Stations Fall Prevention Systems – manufacture and install – continuing.
2. Paint and erect platform and vent R28 Jerseyville – continuing (painting completed).
4. Paint Via Duct at Burnt Bridge – continuing (90% complete).
5. Continuing construction of new inlet works at South West Rocks Sewerage Treatment Plant – Precision Pipelines.
6. South West Rocks Sludge Trial.
7. Install new fence around R4 pump station near Brighton Park.

C. SALE YARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.

THIS IS PAGE 86 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

2. Upgrade PA system.
3. Renew section of laneway fencing on southern side.

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Assess risk management manuals.
3. Seek expressions of interest in sponsorship naming rights.
4. Installation of skylights in roof.
5. Invite tenders for Sale yards Kiosk operation.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Terminal upgrade (90% complete).

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Terminal upgrade (additional 10%).
3. Loop lighting investigation.
4. Kangaroo cull.
5. Grass burn-off.
6. Emergency Field Exercise.

CARAVAN PARKS

Crescent Head

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. Site survey of holiday van precinct and some cabins.
3. Cabins ordered.
4. Design consultant engaged.

5. Negotiated site office.

Works proposed for next 4 weeks

1. General arrangement design.
2. Moving cabins C89 and C90.
3. Commence procurement of work activities and materials.
4. Establish site office.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance.
2. SP Transfer Station.
3. Quotes obtained for capping design.
4. Improved site layout at SWR & SP Transfer Station.
5. Foundations for Waste Transfer Station at Kempsey Waste Receiving and Disposal Facility (KWR&DF).
6. Trade Waste Business Detailed Review completed.
7. Change to fees/charges and Transfer Station hours of Operation.
8. Performance measures formulated.

Works proposed for next 4 weeks

1. Normal operation.
2. Continued construction of Waste Transfer Station facility at KWR&DF.
3. Install landfill gas monitoring wells at KWR&DF.
4. Select contractors for capping works.
5. Trade Waste Review.

DEPOT

Works completed during last 4 weeks

1. Waste oil tank delivered.
2. Remediation of former jet patcher work – down bay complete.

3. Lunchroom furniture upgraded.

Work proposed for next 4 weeks

1. Relocation of security light for electric fence.
2. Investigate undercover parking area options.
3. Decommissioning of old waste oil tank.

PURCHASING

Work proposed for next 4 weeks

1. Invite expressions of interest for pre-qualification of suppliers for –
 - a) Plant and vehicle hire
 - b) Services by Contractors
 - c) Supply of goods.

SMALL BUSINESS

Works completed during last 4 weeks

1. Performance measures developed.

Financial implication

There are no financial implications from the following recommendation.

2003. 810

RESOLVED:

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

That the information be noted.



**DIRECTOR BUSINESS ENTERPRISES
SUPPLEMENTARY REPORT**

DBE10 (SUPP.)	TRADE WASTE SERVICE CHARGES FILE: G1-18 GBS (NRN) COPY: APC {Folio No. 260746}
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SUMMARY:

Reporting on the outcome of a review of the Trade Waste Service Budget and proposed charges for 2003/04.



THIS IS PAGE 89 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Council at its meeting of 15th May 2003 considered a report which addressed the necessary alterations to Trade Waste equipment to meet OH&S Act requirements, and to provide a competitive service in the market against private operators.

It was resolved that –

- the current rear loading vehicles be replaced with a single front lift vehicle
- the Trade Waste Service Charges be reviewed for the 2003/04 financial year.

Whilst the 2003/04 Budget, and Fees and Charges, included substantial increases in Trade Waste Service Charges – up to 94% in many instances – implementation of the proposed new charges has been delayed until such time as a complete review has been undertaken of:

- i) all Budgets related to waste services (Domestic Waste, Trade Waste, Rubbish Tip, Street Cleaning Parks, and Reserves etc), and
- ii) the level of Trade Waste charges required to cover all costs and achieve a Budget surplus of approximately \$25,000 (as per 2003/04 Budget).

Review of Budgets

The Budgets were reviewed to ensure that all activities are clearly and separately accounted for with no cross subsidisation, and that all costs are identified.

As an outcome of this review it is proposed that the Budgets be amended as follows:

<u>General Fund</u>	<u>Net Variation</u>
• Trade Waste	- No change
• Street Services	- \$112,300 Surplus
• Parks and Reserves	- \$ 82,200 Deficit
• Rubbish Tips	- <u>\$ 28,500</u> Deficit
	<u>\$ 1,600</u> Surplus

Domestic Waste Fund

- Collection and Disposal - \$37,300 Surplus (Transfer to Reserve)

D. Review of Trade Waste Charges

The previously adopted charges for 2003/04 were of concern as they provided for increases ranging from 27% (1.5 cu.m Bin) to 94% (3.0 cu.m Bin), and would undoubtedly have been difficult to justify, leading to potential loss of short-term and long-term trade making the viability of the business questionable.

The review identified that not all income streams had been accurately identified (eg. commercial 240 litre bins), and that after taking these into account the charges for Bulk Waste Bins could be lowered and set as follows:

<u>Bin Size</u>	<u>2002/03 Charge</u>	<u>Est. 2003/04</u>	<u>% Inc.</u>	<u>Revised 2003/04</u>	<u>% Inc.</u>
1.0 cu.m	\$17.05	\$17.90	4.9%	\$18.90	10.8%
1.5 cu.m	\$21.00	\$26.80	27.6%	\$24.00	14.2%
3.0 cu.m	\$30.70	\$53.65	74.7%	\$36.20	17.9%
3.5 cu.m	\$35.95	\$62.60	74.1%	\$43.40	20.7%

Note: Charges include GST

These revised charges are believed to be lower than those charged by other operators in the Waste Services business.

Financial Implication

The proposed alterations to Waste Services Budgets result in a surplus of \$1,600 for General Fund, and an additional 37,300 for the Domestic Waste Management Service Tariff Equalisation Reserve Fund.

In particular, the revised Budget for Other Waste Services (Trade Waste) provides for total income of \$652,000 and expenditure of \$626,620 to give a net surplus of \$25,380.

The proposed new charges for Trade Waste Bins have been incorporated in the revised Budget.

2003. 811

RESOLVED:

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

1. That the 2003/04 Budget provisions for Waste Services be varied as outlined in the Director Business Enterprises report.
2. That the service charges for Trade Waste Bins, effective as from 1st October 2003, be fixed as follows:

<u>Bin Size</u>	<u>Weekly Rental (incl. GST)</u>	<u>Collection Per Service (incl. GST)</u>
1.0 cu metre	\$5.90	\$13.00
1.5 cu metre	\$7.00	\$17.00
3.0 cu metre	\$8.20	\$28.00
3.5 cu metre	\$9.40	\$34.00



GENERAL MANAGER'S REPORT

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MAYOR

SUMMARY:

Council's report on outstanding reports and outstanding resolutions.



Following is listed each Director's outstanding resolutions and outstanding reports up to and including 12th August 2003 meeting of Council.

OUTSTANDING REPORTS**Director Engineering**

MEETING DATE	REPORT NUMBER	SUMMARY OF REPORT REQUIRED	DUE DATE / REASON
12.11.02	NOM 4	That the Director Engineering report back to Council on funding options of constructing Gilbert Cory Street to the same width as the section of the road between Government Road and Gordon Young Drive.	DLWC assessing area for Aged Care Housing – awaiting outcome.
10.6.03	NOM3	That the Director of Engineering report back to Council on the recommended source of funds for increased Noxious Weeds control.	Details being reviewed.

Director Business Enterprises

13.5.2003	LATE BUS.	Kempsey Shire Pools – A further report be submitted to Council of the financial effect of the Risk Audit that has been carried out.	Risk Audit yet to be completed. Report to assess financial effects of Risk Audit to be scheduled for November 2003.
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Director Corporate & Community Services

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Director Environmental Services

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General Manager

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OUTSTANDING RESOLUTIONS

THIS IS PAGE 92 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

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MAYOR

Director Engineering

13.5.2003 DE2	Bridge Naming	Policy on naming of Bridges to be developed.
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Director Corporate & Community Services

10.6.03 DCCS4	Department of Community Services Community Services Grant Program	Program being reassessed to limit of grant funding.
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Director Business Enterprise

13.5.2003 DBE10	Alterations to Trade Waste Collection Service	New single front lift vehicle to be purchased. Retrofitting of trade waste bins commenced in July.
12.8.2003 DBE2	Proposed sewerage schemes - Willawarrin Bellbrook Stuarts Point	1. Notice to ratepayers sent out. 2. Letter to liaison committee will be issued mid September for a meeting 17.11.03 to coincide with IWMP meetings.

Director Environmental Services

12.8.2003 DES2	Rainforest restoration Big Hill Paperbark Lane Lot2 DP259465 - withdraw caveat - authorise affixing of seal	Waiting on Government Department responses.
12.8.2003 M3	Sealing of Point Plomer Road	Considerable research required in respect to Aboriginal Liaison Committee input and costs.

General Manager

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Financial Implication

There are no financial implications arising from this report.

2003. 812

RESOLVED:

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

That the information be noted.

GM2	CORPORATE IMAGE AND PUBLIC RELATIONS STRATEGY	FILE: A3-8 MAM (NRN)	{Folio No. 260699}
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SUMMARY:

Reporting that the Corporate Image and Public Relations Strategy and Action Plan has been reviewed and updated for the year 2003/04
Recommendation:

THIS IS PAGE 93 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR



In line with the Performance Targets as set out in the Management Plan, the Corporate Image and Public Relations Strategy has been reviewed, updated and an Action Plan developed. A copy of the plan has been forwarded to all Councillors and Senior Staff, and is available to the public upon request.

Financial Implication

Activities to be undertaken within the Corporate Image and Public Relations Strategy and Action Plan have been budgeted for in the Estimates.

2003. 813

RESOLVED:

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

That Council endorses the Corporate Image and Public Relations Strategy and Action Plan for 2003/04.

GM3	EXPENDITURE CONTROL	
	FILE: A2-36 AVB (NRN)	{Folio No. 260702}

SUMMARY:

To advise Council that procedures have been put in place to prevent substantial over expenditure without Council approval.



I have reported to Council previously on a number of incidents where expenditure on capital works has incurred in excess of the budgeted amount without the prior approval of Council. These problems arose due to new staff or staff in new positions not being aware that votes for capital projects were job specific and due to the system being incapable of identifying errors as they occurred or preventing errors from occurring.

I established a Process Improvement Team to investigate ways of overcoming the anomalies in our systems and as a result of their investigations the following procedures have been introduced:

- When Reporting Form 2a adjustments to Council substantial transfer of votes within each section will be highlighted
- The Purchasing Policy has been rewritten outlining procedures for obtaining quotes and criteria to be used to assess quotations received
- Delegated Authority to staff is to be reviewed which will define expenditure authorisation, that expenditure incurred is to be within the budget provided and purchases are made in accordance with the policy
- No order numbers are to be issued to staff unless the staff member can provide the \$ amount of the purchase and details of the goods or

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MAYOR

services purchased. All orders are to be costed in the accounting systems as a commitment

- All job numbers are to be assigned a budget
- Any order in excess of \$100,000 will be flagged and barred until Tendering requirements are satisfied
- There will be an in built check at the time of order to ensure budgeted funds are sufficient to meet order commitments
- Protocols are to be developed to ensure budget information is updated in line with approved Council budget

The introduction of the above will prevent system failures experienced in the past.

Financial Implications

There are no financial implications arising from the above.

2003. 814

RESOLVED:

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

That the information be noted.

GM4	SURPLUS LAND	
	FILE: P10-18 AVB (NRN)	{Folio No. 260705}

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



ABORIGINAL LIAISON COMMITTEE

FILE: A1-2

DJM (NRN)

{Folio No. 260707}

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



LOCAL TRAFFIC COMMITTEE

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON THURSDAY, 21st AUGUST 2003, IN THE COUNCIL CHAMBERS COMMENCING AT 9.20 AM.

2003. 815

RESOLVED:

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

That the minutes of the Local Traffic Committee meeting held 21st August 2003 be adopted with the deletion of item 4.8 point ii).



SALE YARDS COMMITTEE

FILE: S1-2

GBS (NRN)

{Folio No. 260710}

REPORT OF THE SALE YARDS COMMITTEE MEETING HELD AT THE KEMPSEY REGIONAL SALEYARDS ON MONDAY, 18th AUGUST 2003, COMMENCING AT 2.30PM.

2003. 816

RESOLVED:

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

That the minutes of the Sale Yards Committee held 18th August 2003 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor Sproule

Councillor Sproule was advised:-

- 1 That the painting work on the bollards at the corner Smith and Forth Streets, Kempsey was only part completed and needed to be finished off.
- 2 That Director Corporate and Community Services would advise Councillor Sproule on the status of the memorandum of understanding between Council and the Mid North Coast Arts Council.

Councillor Sowter

Councillor Sowter was advised:-

- 1 That water restrictions are imposed on irrigators based on the flow rates which is different from the rate when restrictions are placed on other residents.
- 2 That the Director Environmental Services had spoken to the property agent regarding the unsightly condition of the service station site in Frederickton and a letter had been sent. The next step will be the serving of a notice.
- 3 That the stockpile of material on the road reserve at Kinchela on the South West Rocks road would be stockpiled for future use by Council on other projects.

Councillor Parkinson

THIS IS PAGE 96 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

Councillor Parkinson was advised:-

- 1 That the Mayor would consider sending a letter of support to Cambelltown Council who are seeking letters of support from other Council's to save the Changhi Prison site.
- 2 That the letter from the Ombudsman regarding Council's photocopy charges would be discussed later in the meeting.
- 3 That the letter of response to Mr Jeayes letter of 24th August is being prepared by the Director Environmental Services but he would not be answering all the points listed in Mr Jeayes letter as these are matters to be addressed by the LES processes.
- 4 That the policing responsibility of large tuna fish vessels mooring in Trial Bay lies with the Waterways Authority.
- 5 That clarification would be sought on the wording in the Statement of Commitment as to whether the Dunghutti Nation represented all Aboriginal peoples in the valley.
- 6 That the Director Engineering would discuss with the roadside mower operators the matter of plastic bags on the road reserves.

Councillor Hunt

Councillor Hunt was advised:-

- 1 That the Director Corporate and Community Services would provide details on the expected date of replacement of the Library van which is over 12 years old.
- 2 That the Director Corporate and Community Services would advise whether it is proposed to supply a vehicle for use by the Library staff who regularly are required to use the own vehicles on Library duties and they may not be covered by vehicle insurance.

At this stage 5.33pm Councillor Parkinson retired from the Chambers and apologized for non-attendance at the remainder of the meeting.

- 3 That the Director Environmental Services would investigate the unauthorized clearing of land on the Macleay riverbank at Stuarts Point in the vicinity of Kimpton Street.
- 4 That the Director Corporate and Community Services would investigate the availability of a grant of up to \$5,000 for an Australia Day event as detailed in the weekly circular of 5th September 2003.
- 5 That the Director Business Enterprise would investigate the significant amount of rubbish dumped in the bush opposite the Waste Transfer Station at Stuarts Point.

THIS IS PAGE 97 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

- 6 That the Director Corporate and Community Services would arrange for a copy of the Aboriginal Consultants report on the Crottys Lane cemetery land, costing \$3,000, to be provided to Councillors.

Councillor Howell

Councillor Howell was advised:-

- 1 That the status of the Crottys Lane cemetery was that a surveyor had been engaged to prepare the necessary survey work required for the development application.
- 2 That if Council undertook work on the sand build up in the creeks at the Crescent Head and Hat Head boat ramps this work would need to be funded by Council and the tides could undo the work in a week or so.
- 3 That the Director Environmental Services would check on the status of the environmental study of Crescent Head land being undertaken by the Department of Lands which was believed to be nearly completed.

Councillor Hayes

Councillor Hayes advised the meeting:-

- 1 That Mr Richards from Corrective Services would be meeting with the Mayor on Wednesday 10th September.

Councillor Hayes was advised:-

- 2 That the Director Environmental Services would follow up the status of the car detailer in Herbourne Avenue, Kempsey.

Councillor Sproule

Councillor Sproule was advised:-

- 1 That a report on the South West Rocks DCP would be presented to the next Planning meeting on 23rd September 2003.

Councillor Howell

Councillor Howell was advised:-

- 1 That it was not possible to impound vehicles parked and advertised for sale on the grassed area near Hill Street, Kempsey but trees or other structures could be placed there to prevent use of the area for this purpose.



MOTION FOR COMMITTEE

THIS IS PAGE 98 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

2003. 817

RESOLVED:

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

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



DIRECTOR ENVIRONMENTAL SERVICES CONFIDENTIAL REPORT

DES1	DANGEROUS DOG DECLARATION	
	FILE: A8-3 BWC (NRN)	{Folio No. 260716}

SUMMARY:

Reporting that a request has been received to revoke a Dangerous Dog Declaration.

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)).



2003. 818

RECOMMENDED:

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

That the information be noted.



DIRECTOR BUSINESS ENTERPRISES CONFIDENTIAL REPORT

DBE1	SALE YARDS – ALLOCATION OF SALE DATES FOR 2004	
	FILE: S1-2 GBS	{Folio No. 260717}

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



GENERAL MANAGER'S CONFIDENTIAL REPORT

GM1

LEGAL MATTERS

FILE: L3-1 AVB

{Folio No. 260722}

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)).



2003. 819

RECOMMENDED:

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

That the General Manager be authorised to negotiate any reasonable terms of settlement on advice from Council's solicitor in relation to the second item detailed in the General Manager's Report.

2003. 820

RECOMMENDED:

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

That the information be noted.



LATE BUSINESS – LETTER FROM OMBUDSMAN ON FEES AND CHARGES FOR PHOTOCOPYING

File: A2-12 AVB

2003. 821

RECOMMENDED:

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

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

2003. 822

RECOMMENDED:

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

That Council reaffirm its fees and charges as adopted in the 2003/2004 Management Plan in relation to photocopying and the matter be referred to the Minister for Local Government for information.



THIS IS PAGE 100 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD TUESDAY 9TH SEPTEMBER 2003.

.....
MAYOR

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

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



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2003. 823

RESOLVED:

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

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 6.04 p.m.

