



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

Tuesday 14<sup>th</sup> September 2004 commencing at 9.07am.

### **PRESENT:**

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

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



### **CONSIDERATION OF CONFIDENTIAL REPORTS**

2004. 617

#### **RESOLVED:**

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

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



### **CONSIDERATION OF LATE REPORTS**

2004. 618

#### **RESOLVED:**

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

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



## **MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 10<sup>TH</sup> AUGUST 2004**

2004. 619

#### **RESOLVED:**

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 10<sup>th</sup> August 2004, be adopted.



## PUBLIC FORUM

- 1 - Mr Anthony Patterson addressed Council speaking in favour of DES8 (Page G29) - Proposed Construction Of Factory For Manufacture & Sale Of Aluminium & Glass



## CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DES8 (Page G29)

2004. 620

**RESOLVED:**

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

**That the report relating to Public Forum be brought forward and dealt with immediately.**

<b>DES8</b>	<b>CONSTRUCTION OF FACTORY FOR MANUFACTURE AND SALE OF ALUMINIUM AND GLASS LOT 902 DP 838666 No 10 HOPETOUN STREET, KEMPSEY FILE: T6-04-389    DEC    {Folio No. 282043}</b>
-------------	--

### SUMMARY:

Reporting that Council has received an application to construct a factory for the manufacture and sale of aluminium and glass for which an objection has been received.



**Applicant:** Mr A Patterson, Patterson Glass Works  
**Subject Land:** Lot 902 DP 838666  
10 Hopetoun Street, Kempsey  
**Owner:** Mr A Patterson  
**Zone:** 4(a) (Industrial (General) Zone)

### Proposed Development

The proposed development involves the construction of a factory for the manufacture and sale of aluminium and glass ([Appendix I](#)).

## Heads of Consideration

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

### The Provisions of any Environmental Planning Instrument

The subject land is zoned 4(a) (Industrial (General) Zone) under the Kempsey Local Environment Plan 1987 (KLEP). The proposal is permissible in the zone with the consent of Council.

Under Clause 33 of the KLEP 'Council shall not consent to the erection of a building which has a floor space ratio of more than, in the case of land within Zone 4(a) – 0.5-1'. The site area is 1003m<sup>2</sup> and the building floor area is 499m<sup>2</sup> (not including mezzanine storage area). Under the *Model Provisions 1980* ancillary storage area is not included in calculating floor space ratios, therefore satisfying Clause 33 of the KLEP. However, under the *Building Code of Australia*, mezzanine storage areas are included in calculating floor areas, making the building over 500m<sup>2</sup> and subsequently requiring fire reels and hydrants. The building complies with Council's alignment policy, being setback more than 6m from the from boundary

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

### Flooding

The proposed development site is flood prone. Council records indicate that in a 1 in 100 year flood event, a maximum flood height of 8.65m AHD is attained on site. The floor area of the building is 6.8m. Under Council's Flood Risk Management Policy the proposal is classed as 'other development' in flood-prone land. The Policy states 'each application will be treated on merit, and Council will consider the development provided such development incorporates mainly open space and adequate flood-proofing measures'. It should be noted that the proposed business primarily comprises of materials that are unaffected by floodwaters, being aluminium and glass. Any consent should restrict the use of the building to such purposes. All power points should be located at or above 8.65m AHD.

Due to the depth and velocity (approximately 1.4m/s) of predicted floodwaters, it is considered reasonable to require the applicant to provide a structural engineers certificate with the required Construction Certificate, demonstrating that the building can withstand floodwater and debris loading

In response to the issue of flooding, the applicant has submitted the following justification:

*'a mezzanine storage area of 35m<sup>2</sup> has been provided for the storage of office related items in case of flood. This represents 7% of total floor area and although less than the 20% requested by Council in other areas, it is in the applicants opinion, sufficient for his needs. The nature of the business to be conducted on the site is glass and*

*aluminium manufacturing and as such the materials to be stored on the site are aluminium and glass which are unaffected by flood damage in the case that a flood occurs. In addition to this the applicant has storage elsewhere out of flood risk if required. With this in mind the applicant requests that Council deems the 35m<sup>2</sup> provided adequate in this instance.'*

### **Access, Parking and Traffic**

In accordance with Council's Parking Policy, 3 car spaces need to be provided for the commercial floor area and 4 car spaces for the factory floor space. The applicant has provided 6 car parks and has requested Council to consider the provision of two internal car parks for work vehicles ([Appendix J](#)). It is considered reasonable to permit internal parks for work vehicles. Any condition of approval should require clear delineation of internal parks.

In accordance with the BCA and Council's DCP 24 – Access and Mobility, one disabled car space is required to be provided. Any conditional approval should include a requirement for provision of a disabled car space (disabled amenities have been provided).

### **Overshadowing**

The property to the south of the proposed factory is zoned 4(a) and enjoys 'existing use rights' for the purposes of a dwelling-house. Although the proposed factory is setback from the southern boundary by 2m (easement) the 7m high section of the southern wall of the building has the potential to impact on the neighbouring dwelling by reason of overshadowing. As such, the applicant was requested to provide a shadow angle diagram ([Appendix K](#)) and asked to address the concerns of overshadowing. ([Appendix J](#))

The shadow angle diagram illustrates a northern section and the north-western corner of the neighbouring dwelling would be overshadowed all day. A summary of the applicant's main points from their submission ([Appendix J](#)) is as follows:

- The length of the building has been reduced by 4.4m and the front setback increased to 7m.
- The front showroom has been increased to 9.5m in length (3.5m high), pushing the high portion of the building back a further 4.5m.
- A height of 7m is the minimum required to store glass and aluminium.
- The neighbouring property is in an industrial zoning and could be developed into an industrial site.
- The proponent has held discussions with the neighbours indicating the neighbours would rather the high wall than the car park on the southern side.

A portion of the neighbouring property will be affected by overshadowing (namely bedrooms, bathroom, rear outdoor entertainment area). As the property is zoned for industrial purposes and efforts have been made by the applicant to minimise overshadowing, there is considered insufficient grounds to refuse the development based on overshadowing impact. It should be noted in the objector's correspondence ([Appendix L](#)) and the applicant's

submission ([Appendix J](#)) it is indicated that the neighbouring owner's did not want the car park on the southern side. Having the car park on the southern would reduce overshadowing substantially but would increase potential noise impacts.

### Noise

The proposal has the potential to generate noise. The building's openings and associated car park has been designed to face the north, away from the neighbouring residential property. The proposed activity is subject to the provisions of the Protection of Environment (Operations) Act 1997 and Regulations.

### Public Exhibition

The development application was advertised in accordance with Council's Advertising Policy, with one objection being received ([Appendix L](#)). The objection can be summarised as follows:

Objection	Planning Comment
The proposed building will have a negative impact by reasons of overshadowing on the house and the backyard.	Refer to 'overshadowing' comment.
The proposal will decrease the value of the property.	The land is zoned for industrial purposes. Any impact the proposal will have on property prices is speculative.
Concern raised over construction materials used.	The building has been designed so as openings are facing away from residential properties to minimise any potential noise and privacy impacts. The southern wall will be painted concrete blockwork. There is a 2m easement on the southern side of the building, which should still be landscaped.
The historical feel and look of our 1916 property will be lost.	The neighbouring dwelling exhibits heritage features. However, as the site is zoned for industrial purposes, industrial buildings in the area are inevitable.

2004. 621

**RESOLVED:**

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

**Consent be granted subject to the following conditions:-**

- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2** The building or portion of the building is not to be used or adopted for use as a residential flat building.
- 3** This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 4** This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 5** A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 6** Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 7** The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 8** Before the commencement of site works, demolition or building, the following activities must be completed:
  - a** Installation of soil erosion and sedimentation control devices.
  - b** Installation of safety fencing/hoardings between the property and the street
  - c** Installation of builder's toilets
  - d** Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 9** A schedule of the fire safety measures which are to be installed in the building is to be submitted with the required Construction Certificate for approval together with the minimum Standard of Performance as identified in Clause 80B and C of the Environmental Planning Assessment Regulation 1994.

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

- 10 Two car parks are to be provided within the building and are to be clearly delineated. These areas are to be only used for the purposes of parking and are to be kept clear of stock and goods.
- 11 Power points are to be located at or above 8.65m AHD.
- 12 The plans for the required Construction Certificate are to include provision of a disable car park in accordance with the Building Code of Australia and Councils DCP 24 – Access and Mobility. Provision is also to be made for adequate turning area for car park number 1 in order to leave the car park in a forward motion and comply with AS2890.1 Off Street Car Parking.
- 13 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
  - a Installing a temporary structure on land.
  - b Carrying out water supply work.
  - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
  - d Carrying out sewerage work.
  - e Carrying out stormwater drainage work.
  - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 14 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 15 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 16 A sign is to be provided in a prominent and visible position (on the building or fence) stating “Unauthorised entry to the site is not permitted”, together with the name of the person responsible for the site and a contact number outside working hours.
- 17 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to

the sewer is required on site throughout the entire building operation.

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

**18 Compliance with the Building Code of Australia.**

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

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

**19 If the soil conditions require it:-**

(a) retaining walls or other approved methods of preventing movement of the soil must be provided; and

(b) adequate provision must be made for drainage.

**20 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.**

**21 All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.**

**22 Building materials are not to be stored within the road reserve or any other public place.**

**23 Excavated material from the site is not to be placed within the road reserve or any other public place.**

**24 Submission of a certificate from a Structural Engineer advising that the building has been designed to withstand the forces created by floodwaters and debris loading anticipated for that area prior to release of the Construction Certificate.**

**25 Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Urban Standard at full cost to the applicant. Detailed plans to be submitted for approval prior to release of the Construction Certificate.**

**26 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas piped then discharged through the kerb via a standard converter, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.**

- 27 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate. Such plan is to provide for intensive landscaping of the area between the southern wall and boundary of the property.
- 28 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
  - b maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 29 Vehicular access from the street to the property boundary is a heavy duty layback and full width 150mm thick reinforced concrete paving, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 30 All access ways, driveways, parking areas and ramps are to be constructed in accordance with AS 2890.1 Off Street Car Parking. All such areas are to be concrete paved.
- 31 All roof waters are to be directed to the gutter, details are required prior to the release of the Construction Certificate.
- 32 Separate Council consent is required should 'powder coating' activities be proposed to be undertaken at the premises.
- 33 This consent permits the use of the building for the sale, storage and manufacture of aluminium products. Separate consent will be required to use the building for any other purposes.



## ADOPTION OF AGENDA ORDER OF BUSINESS

2004. 622

**RESOLVED:**

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

That the General Manager's report GM6 be deferred until after lunch to be discussed in workshop.

2004. 623

**RESOLVED:**

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

That the Agenda Order of Business be adopted.



## MAYORAL MINUTE

**M1**

**COUNTRY MAYORS ASSOCIATION**

**FILE: C11-14 CLR JACH (NRN)**

**{Folio No. 282015}**

### SUMMARY:

To inform Council of the decisions made at the Country Mayors Association meeting held on the 27<sup>th</sup> August 2004.



The Country Mayors Association meeting was held in Sydney on Friday, 27<sup>th</sup> August and was attended by the General Manger and myself.

A very interesting address was given by Mr Peter Ferris, Country Vice-President of the Bus and Coach Association of NSW. Contrary to popular belief school bus services are not perpetual contracts but are 5 year contracts. The bus fares for school bus routes are 79% of 60% of the adult fare.

Currently a review of bus services is being undertaken by Barry Unsworth and it is proposed in the future to award one lead contract in regional centres with the lead contractor able to engage sub-contractors. Sub-contractors will not in future have security of tenure which will detrimentally affect their businesses. There are duplication of services in country areas such as HACC. Buses are provided under HACC even though the school buses are sitting idle for a greater part of the day. The government is hopeful of identifying savings in the country and transferring those savings to increased services in the metropolitan areas.

Barry Johnston from Inverell Shire and the "B" Division representative on the Shires Association spoke about the potential merger of the Local Government Association, Shires Association and The Country Mayors Association. Little has been done by the shires Association to implement the 2004 conference resolution to institute the necessary steps to finalise an amalgamation of the

Local Government and The Shires Associations into one organization by September 2004. The Country Mayors Association resolved to support the principle of one Association and to ask the Local Government Association and The Shires Association to commence talks.

The Association will support Kempsey Shire in its representations to the ALGA for the establishment of the national authority to deliver Public Health, Aged Care and Home and community Services. Member Councils are also being requested to supply information on the increased costs incurred as a result of the subsidy reductions for the small towns sewerage program so a submission can be made even though announcements at the recent Water Conference would indicate it is a faitaccompli.

### **Report Implications**

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

2004. 624

**RESOLVED:**

*Moved: Cl. Hayes*

**That the information be noted.**

<b>M2</b>	<b>PLANNING SEMINAR</b>		
	<b>FILE: T4-2</b>	<b>MAYOR (NRN)</b>	<b>{Folio No. 282016}</b>

### **SUMMARY:**

The General Manager, the Acting Director of Environmental Services and I attended a Planning Seminar jointly organised by the LGSA and DIPNR on Monday 30 and Tuesday 31 August at the Masonic Centre in Sydney.



The main topic was reforms to the plan making process and the accreditation scheme for private and council building surveyors. Delegates were updated on BASIX (the water and energy efficiency rating system), Section 94 review, mandatory exempt and complying conditions.

The main thrust was the integration of the natural resource management role and the strategic land use planning the simplification of the referral and concurrence conditions under the Act, and standardisation of LEP formats and definitions.

It is proposed to rationalise state environmental planning policies from currently in excess of 60 operational policies to between 20 and 30 policies.

The Minister Mr Knowles recognises the need to remove unnecessary duplication and concurrence requirements under the Act which are to be reduced by up to 70%.

Some concern was raised by delegates in relation to standardisation of LEPs, however, assurances were given that, whilst the format is intended to be standardised across regions, individual councils will retain the ability to include their own provisions to account for varying local circumstances. Councils are to be given 3 years to develop the new LEPs. As the Mid North Coast is seen as a priority area due to expected population increases, indications were given that Council in the Region would be provided with assistance to carry out the required strategic planning investigations.

The main area of concern to local Government is the proposed accreditation scheme for private and Council certifiers. Under the proposed scheme, Councils would incur the direct costs of annual fees as well as the costs of ensuring staff meet the continuous development components of the scheme.

The most interesting and important presentation was on the review of Section 94 contributions. You may remember that council prepared a submission to the review stating our concerns e.g. the ability to enter into agreements with developers to provide infrastructure. As the review has not yet been signed off by Cabinet, details were sketchy but we were assured that local government would not be disappointed with the result.

#### **Report Implications**

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

2004. 625

**RESOLVED:**

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

**That the information be noted.**

**M3**

**MEETING WITH MINISTER**

**FILE: G11**

**AVB**

**(NRN)**

**{Folio No. 282018}**

#### **SUMMARY:**

To advise Council of the discussion held with the Minister for Lands on Monday 30th August 2004.



The General Manager and I met with the Minister for Lands, the Hon. Tony Kelly on Monday 30 August attached [\(Appendix A\)](#) is a list of the issues that were discussed.

In respect of the majority of issues the Minister has directed his senior policy advisor Stephen Fenn to look into the matters and report back to council. The Minister did indicate however that the department of Lands under its new structure is to return the government a dividend of \$34M so the prospect of gaining financial assistance may be slim for the Heritage Cottages at South West Rocks.

On the issue of the Showground the minister did indicate that they would re-examine Council's submission to former Minister Amery in 2002. The Slim Dusty Foundation would not likely be able to purchase any of the land but leasing part of the site was a feasible option. Arrangements have been made to meet again with the senior policy advisor and representatives of the Foundation to discuss the proposal further.

In respect of the crown subdivision on Baker Drive in Crescent Head a response to council's former enquiries is imminent.

The Minister reiterated his stance that the Department is not a road authority and residents residing off crown roads can make application for a licence to the Department to undertake minor private road works at the applicants' cost.

The Minister has assured us that a response will be forwarded to us from the Department of Lands regarding their intentions with Grassy Head and Goolawah Reserve but was non-committal about the access road at New Entrance.

***Report Implications***

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

2004. 626

**RESOLVED:**

*Moved: Cl. Hayes*

**That the information be noted.**



## **MAYORAL SUPPLEMENTARY MINUTE**

<b>M4</b>	<b>VOLUNTEER COASTAL PATROL</b>
<b>(SUPP.)</b>	<b>FILE: E8-7 COPY: APC AVB (NRN) {Folio No. 282137}</b>

**SUMMARY:**

To notify Council of a request for funding for the South West Rocks Volunteer Coastal Patrol.



The Volunteer Coastal Patrol have submitted a Development Application for the construction of a building at Horseshoe Bay.

The Coastal Patrol is manned by volunteers who not only provide a valuable rescue and monitoring service but spend numerous hours of their own personal time raising funds to assist in financing the operations of the service.

The new facilities have attracted some grant funding but the majority of the construction costs have been raised by the members themselves.

The Coastal Patrol have approached me to see whether Council would be prepared to contribute \$25,000 towards the construction cost of the building.

This facility is eligible for funding from Section 94 Funds.

**Report Implications**

***There are no statutory or policy implications. Council's contribution of \$25,000 can be provided from Section 94 Funds.***

2004. 627

**RESOLVED:**

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

**That Council contribute \$25,000 from Section 94 Funds towards the construction of the South West Rocks Volunteer Coastal Patrol Building and offer the Volunteer Coastal Patrol an interest free loan of \$10,000 if required.**

**The Mayor noted that the foregoing resolution was passed unanimously.**

<b>M5</b>	<b>MID NORTH COAST WEEDS ADVISORY COMMITTEE</b>
<b>(SUPP.)</b>	<b>FILE: N3-2      MAYOR (NRN)      {Folio No. 282138}</b>

**SUMMARY:**

To outline the need to have an elected representative on the Mid North Coast Weeds Advisory Committee.



For some time now I have been concerned that there is no elected representative on the Mid North Coast Weeds Advisory Committee. Kempsey Shire Council is the only shire in the group without an elected representative and while the staff who have diligently attended for some time are more than capable, I think it is imperative that we also nominate a Councillor to support the staff and present an additional voice. Noxious weeds present an ever increasing threat in rural and urban areas and it would be most remiss of us not to be well represented on this committee and have the opportunity to voice our concerns and support our colleagues on the Mid North Coast.

**NOTE:**

Councillor Saul has indicated an interest in nominating for this committee, should Council support the recommendation.

**Report Implications**

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

2004. 628

**RESOLVED:**

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

**That Council nominate a delegate to the Mid North Coast Weeds Advisory Committee and that Councillor Saul is to be the nominee.**

<b>M6 (SUPP.)</b>	<b>ROADS INSPECTION FILE: R8-2</b>	<b>MAYOR (NRN)</b>	<b>{Folio No. 282139}</b>
-----------------------	--	--------------------	---------------------------

**SUMMARY:**

Reporting on the Roads Inspection.



A Roads Inspection was conducted on 9<sup>th</sup> September 2004 to allow Councillors the opportunity to inspect a range of roads and review past and proposed improvements. The General Manager, Director Engineering, Manager Engineering Strategy and Maintenance Engineer provided advice and explanation on roads and bridge issues. Areas inspected were:

1. **West Kempsey Urban Area** - see map at [\(Appendix B\)](#)

**Marsh Street/Tozer Street intersection**

*- traffic facilities, funded from RTA grants under the PAMP. Previous year, under the Safety Around Schools Program, the median and bus parking arrangements in Marsh Street were improved.*

**B. Sea Street – Short Street to Dangar Street**

*- road failure proposed for rehabilitation 04/05.*

**C. Sea Street – Broughton to Polwood Street**

*- Rehabilitation completed under the R2R Program 03/04.*

**D. Sea Street – Leith Street to Elrington Avenue**

*- Rehabilitation completed under the R2R Program 03/04.*

*Pedestrian blisters completed under Traffic Facilities 02/03.*

**E. Geoffrey O’Hea Street \***

*- pavement failure requiring rehabilitation.*

**F. Polwood Street – Tozer Street to River Street**

- Kerb and gutter and road improvements completed 02/03 from Town Improvement Funds.

**G. Park Avenue \***

- pavement requiring rehabilitation.

\* These urban streets are not listed for attention at this stage as the focus is on roads with higher traffic volumes, usually through roads.

**H. River Street – Polwood Street to North Street**

- pavement rehabilitated and stabilised some 10 years ago now block cracking. Investigations commenced to determine appropriate reconstruction technique.

**Sherwood Road**

*Proposed reseal/rehabilitation program.*

**3. Old Aerodrome Road**

*Proposed rehabilitation – future proposed road widening.*

**4. Aldavilla Road**

*Requests for bitumen sealing.*

**5. Sherwood Road – Link Road to Sherwood Bridge**

*Proposed Upgrading under the R2R Program 04/05.*

**6. Dungay Creek Road**

*Pavement requiring rehabilitation.*

**7. Willi Willi Road**

*Gravel Resheeting Program – ongoing program - \$40,000 04/05.*

**8. Toorumbee Bridge**

*Raising/Upgrading completed 01/2002.*

**9. McCoys Creek Bridge**

*Construction completed 2004. Removal of causeway proposed.*

**10. Willi Willi Road/Warbro Brook Road**

*Gravel Resheeting Program - \$60,000 04/05.*

**11. Toorooka Bridge**

*The new higher concrete bridge at Toorooka was completed in early 2003 providing improved access to residents west of the Macleay River.*

**12. Nook Creek Bridge**

*Proposed replacement of bridge – estimated cost \$1.2M.*

**13. Hickeys Creek Road – Sundowner Road**

*Proposed link from Armidale Road (Slim Dusty Way) to Taylors Arm (Pub with No Beer).*

**14. Mungay Creek Bridge**

*Proposed replacement of bridge – estimated cost \$820,000.*

**15. Mungay Creek Road/Mines Road**

*Gravel Resheeting Program - Mungay Creek \$50,000 04/05.  
- Mines Road \$70,000 04/05.*

**16. Armidale Road/Skillion Flat**

*2004/2005 Blackspot Program – west of Turners Flat Road - \$250,000 Grant  
Proposed Blackspot Project – eastern end – application for Grant Funds forwarded.*

**17. John Lane Road**

*Upgrade and seal completed with R2R Funds and Subdividers contributions 03/04.*

**18. Maria River Road**

*Future upgrading options.*

**19. South Kempsey Park**

*Designated RTA Rest Area maintained by Council and improvements funded from Grants in 02/03 and 03/04.*

The efforts of the staff, particularly bus driver, Gary Turnbull, were appreciated.

**Mayoral Recommendation:**

**That Council recognise the need for increased funding for Road Maintenance.**

2004. 629

**RESOLVED:**

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

1. That a report be submitted to the October meeting of Council with advice relating to;
  - a. the proposal to improve access to St Paul's College
  - b. the estimated costs to reconstruct Aldavilla Road providing for a staged sealing program
  - c. the upgrade of Hickeys Creek Road
  - d. the ongoing sealing of Maria River Road
  - e. the upgrading of approximately 400 metres of Upper Belmore River Road
2. That a report be submitted to Council by no later than the February meeting of Council detailing the current condition of all roads maintained by Council with estimates indicating funding required for minimum acceptable upgrading requirements.
3. That a further roads inspection be scheduled for January / February 2005.

<b>M7</b>	<b>MICK TUCK MEMORIAL GOLF DAY</b>
<b>(SUPP.)</b>	<b>FILE: C18-25 JACH (NRN) {Folio No. 282639}</b>

**SUMMARY:**

Attached at [\(Appendix C\)](#) is a letter I received from the General Manager of Greater Taree City Council.



As you all know, Mick Tuck was one of life's gentlemen and an exemplar Mayor. The effects of his loss will be felt for many years to come.

Cr Howell, a golfer of note, has suggested that Council field at least one team in this event to support Mick's partner and to show our respect for a great man.

***Report Implications***

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

2004. 630

**RESOLVED:**

*Moved: Cl. Hayes*

That Council actively supports the “Mayor Mick’s Memorial Golf Day” by fielding at least one team and that the staff at large be made aware of this event and invited to form additional teams and that Council sponsor the event with a \$300 donation.

.....  
J A C Hayes  
MAYOR



## NOTICE OF MOTION

<b>NOM1</b>	<b>SEALING OF GRAVEL ROADS</b>	
	<b>FILE: R8-2 KJF (NRN)</b>	<b>{Folio No. 282022}</b>

2004. 631

**RESOLVED:**

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

That Council recognises the economic benefit of sealing an unsealed section of a road in future road programs in accordance with the provisions of the transportation Infrastructure Strategic Plan considering:

- Average daily traffic count (ADT)
- School bus route/ tourist route
- Significant Maintenance costs
- Significant Safety issues
- Dust Suppression

<b>NOM2</b>	<b>ACTIVITIES OF PARKING OFFICER</b>	
	<b>FILE: H2-17A RBP (NRN)</b>	<b>{Folio No. 282024}</b>

### SUMMARY:

Notice is hereby given that I intend to move the following motion at the Ordinary meeting of Council scheduled for Tuesday, 14<sup>th</sup> September 2004.

Note: Since the Council’s Rangers at Cessnock took over the shires motor vehicle parking police duties 18 months ago, it is reported that 333 penalty notices have been issued with a monetary value of \$32,759 (\$20,150 being netted by Council)

Of the infringements, 124 were for parking longer than permitted in designated areas.

52 were disobeying "No Stopping" signs, and 51 were for parking in bus zones.

***"That a report be submitted to the October Council meeting with details of the results to date of the activities of the Parking Officer"***

2004. 632

**RESOLVED:**

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

**That a report be submitted to the October Council meeting with details of the results to date of the activities of the Parking Officer.**



## **DELEGATE'S REPORT**

<b>D1</b>	<b>UNITED HOSPITAL AUXILIARY - KEMPSEY</b>
<b>FILE: H2-10</b>	<b>TIH (NRN) {Folio No. 282028}</b>

### **SUMMARY:**

Reporting on attendance at the Annual Meeting held on Friday, 13<sup>th</sup> August 2004 on behalf of Mayor, Councillor Janet Hayes.



President Mrs Carrie Lewthwaite was re-elected to serve her 13<sup>th</sup> Term.

All executive members were also re-elected.

During 2003-2004 \$7,232.80 was expended on the purchase of equipment for Kempsey District Hospital.

Other funds have been held in trust to purchase:-

- An electric bed
- Four special chairs for Maternity Ward
- A Vital Monitor

*It was my pleasure to present a cheque to the value of \$4,493.00 on behalf of the Kempsey District Hospital Action Group to the Auxiliary towards the purchase of equipment.*

During the past year members of the Auxiliary performed 20,350 hours of voluntary work.

On behalf of Mayor, Councillor Janet Hayes I congratulated President, Carrie Lewthwaite and members of the Hospital Auxiliary for their commitment to the community.

2004. 633

**RESOLVED:**

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

That the information be noted.

<b>D2</b>	<b>ROYAL BLIND SOCIETY</b>			
	<b>FILE: B9-2A</b>	<b>TIH</b>	<b>(NRN)</b>	<b>{Folio No. 282030}</b>

**SUMMARY:**

Reporting on attendance at the tenth Birthday celebrations of the "Talking Macleay Argus".



It was my pleasure to represent Mayor, Councillor Janet Hayes at a function attended by mainly a group of volunteers that offer their services to assist with the preparation of the tapes and the distribution of these tapes to members of the community unable to appreciate the blessing of sight.

A "Scrap Book" of the activities of the volunteers was produced at the celebrations and reflects the objective of the society - 'A Vision to Share'.

New volunteers are always welcome. There are around 460,000 Australians, one person in 50, who are blind or vision impaired.

2004. 634

**RESOLVED:**

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

That the information be noted.

<b>D3</b>	<b>CLINICAL AND COMMUNITY ADVISORY GROUP</b>			
	<b>FILE: H2-14</b>	<b>TIH</b>	<b>(NRN)</b>	<b>{Folio No. 282033}</b>

**SUMMARY:**

Reporting on attendance by Councillors Dean Saul and John Bowell at Port Macquarie of Friday 3rd September 2004.



The meeting, which was chaired by the Rt Hon Ian Sinclair A C was arranged to consult with clinicians and members of the community on the functions, terms of reference composition and operation of the proposed Area Health Advisory Councils.

The reforms of Health Administration are proposed to give doctors, nurses, allied health workers and local communities a greater say in health decision-making.

The reforms will review;

- Changes in NSW population
- Changes in clinical practice and health care delivery
- Changes in clinical workforce (medical, nursing and allied health)
- Stronger emphasis on governance and accountability (corporate, clinical and community governance)
- Need to improve value for money

The structure for the new Area Health Service governance will provide the Area Chief Executive Officer with complete executive authority, reporting to the Director General, Department of Health who is responsible to the Minister for Health.

At the area level an advisory council will be established to cover the southern boundary of Hastings Shire to the Queensland Border with headquarters in Lismore.

The advisory council will be external to the governance structure and will allow clinicians and the community to be involved in the planning and delivery of local health services.

An important inclusion in the structure will be recognition of local health participation councils which should include the Kempsey District Hospital Action Group and reinforce Council's resolution to develop a partnership with health related organisations to protect and improve the level of health services within Kempsey Shire.

Mr Chris Crawford, current Administrator NCAHS assured me that this local involvement would be recognised.

It is also proposed to establish the Health Care Advisory Council, which will replace the current Clinical Council, as well as thirteen Health Priority Task Forces.

The Area Health Advisory Council will refer statewide health issues through these bodies to the Minister for Health.

Only time will tell just how much impact the Area Health Advisory Council will have on the essential improvement required to the delivery of health services within the North Coast.

A significant increase in funding to match the increase in population is essential.

2004. 635

**RESOLVED:**

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

**That the information be noted.**



## **DIRECTOR ENVIRONMENTAL SERVICES REPORT**

---

**SUMMARY:**

Reporting on a proposal to amend the Kempsey Local Environmental Plan 1987 to allow an eleven (11), five (5) hectare lot Community Title subdivision with an additional 395ha community lot on Lot 1, DP 196559 on Beranghi Road, Crescent Head for rural residential use. (See *Plan A* giving location of the property at *(Appendix A)* and *(Appendix B)* giving the proposed community title subdivision.)

**Background**

Lot 1 is currently zoned 1 (a1) and is approximately 450 hectares in size. In 2002 an application was received for an eleven (11) lot subdivision with each lot approximately 40 hectares in size.

The application was not proceeded with despite the fact that it complied with the LEP's subdivision standards for rural land because it was found that the traditional approach to subdivision was not going to adequately address the environmental and historic constraints of the site.

In preparing the current application, the applicant has prepared a number of specialist reports including

- An eight part test under the Commonwealth EPBC Act
- A SEPP 44 Koala Habitat Assessment
- An archaeological investigation and assessment of the potential heritage significance of ruins associated with Commander James Gordon R.N. (c1840)
- Bushfire Risk Assessment
- Management Plan for Voluntary Conservation Agreement

***Site characteristics and management requirements***

The site has frontage to the Maria River (to the rear). The eastern half of the property has little to no slope with the western section dropping down considerably to the Maria River.

The site has been used in the past for timber collection and cattle grazing, however it is now well vegetated with a number of forest associations and supports a significant number of identified threatened species with others considered likely to occur.

The eight point Commonwealth EPBC Act test identified the proposal to subdivide and develop the land as a Key Threatening Process. Accordingly, if the proposal is to go ahead, a number of management issues will need to be introduced to minimise impacts on habitat and threatened species. These will include clearing controls, management of location of development, dog and feral predator control, bushfire management and traffic management among other things.

Given the generally heavily vegetated nature of the site and the steep slopes over part of the site bushfire management is crucial. There is potential conflict between bushfire management and management for threatened species.

There is also a European, colonial archaeological site located adjacent to the Maria River known as 'Gordon's Gaol and Graves' which is listed as an item of State and Regional significance under the North Coast Regional Environment Plan 1988. Management to protect this and to allow public access is required.

Flood protection and water quality management and provision for on-site sewerage disposal will need to be addressed.

Erosion and sedimentation management, especially for areas that have to be cleared for fire trails, roads and housing will need to be addressed.

### ***Management proposals***

The applicant proposes that the issues for the site be managed through the combination of:

- The Community Title Subdivision plan, which purports to locate the lots for development in areas that are least affected by the management issues identified above. The exact location of these lots and any asset protection zones within them will need to be checked through the next stages of the zoning process and the Development Application process.
- A Community Title Agreement, which will need to be developed through the next stages of the zoning process. This Agreement can determine that Council is the only authority that has the power to vary its provisions.
- The Voluntary Conservation Agreement with the National Parks and Wildlife Service which, once in place, can only be varied or terminated by the Minister for the Environment or his equivalent. National Parks will provide advice to the community on management in the future.
- The normal suite of legislation and policy that exists to manage land of this nature.

### **Acting Director of Environmental Services Comment**

Under the current LEP, subdivision to create 11 x 40ha lots is permissible. Such a proposal would inevitably result in degradation of land impacting on the significant environmental and heritage value. The current proposal put

forward by the applicant has considerable merit in that it places the most sensitive parts of the land into a community property and introduces management provisions to look after the whole area. There are a number of details to be addressed but these can be dealt with through the rezoning and Development Application processes. The initiation of this LEP amendment is supported.

Whilst the proposal is effectively rural residential in nature, the overall lot yield would not increase.

On this basis and the land management advantages of the proposal, it is considered that the proposal should be considered outside of Councils Rural Residential Land Release Strategy which is currently under review.

2004. 636

**RESOLVED:**

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

**That Council prepare a Draft Local Environmental Plan:-**

- **for the land shown on Plan A attached (*Appendix A*), and**
- **using a clause in the LEP with specific provisions that overrides the existing zoning to enable subdivision and provides protection for the environmental and heritage values of the site.**

<b>DES2</b>	<b>STATE OF THE ENVIRONMENT REPORT 2004</b>
<b>FILE: T4-2 WEW (NRN)</b>	<b>{Folio No. 282036}</b>

### **SUMMARY:**

This report outlines the current status of the preparation of State of the Environment 2004.



The State of the Environment (SoE) 2004 is currently being prepared by the Environmental Services Department. The 2004 reporting requirement is for a comprehensive assessment of the current environmental conditions, pressures, responses and issues identified for future responses for Kempsey Shire.

The purpose the 2004 SoE report is to provide a clear direction for environmental management for the next four years moving towards sustainability. It will provide clear information to the community on the Shire's environment and Council activities with regard to Environmental Management. The report will compare the current state with that recorded in previous SoE reports and consider issue for the future with a view to establishing Environmental Indicators for monitoring the performance of specific activities, and identifying significant environmental impacts.

The 2004 SoE will be drafted in accordance with the recently advertised Ecologically Sustainable Development Policy (Draft) and will give full

consideration to the principle and philosophies contained therein. The report will be constructed in such a way that it is easily navigated and understood, with an emphasis on clear concise statements of fact combined with creative and innovative presentation. Community consultation during the reporting process will represent an opportunity to test the new report format and to gauge the understanding of the content. Local and State public surveys have indicated that the health of natural environment is of significant concern and, hence, the report will aim to address these concerns in an effective and informative manner.

In recent weeks Council's Environmental Projects Coordinator (Will Weir) has been compiling information from within the organisation and as supplied by the relevant external regulatory authorities. A review of State and National SoE reports has been conducted and examples from other Local Government have also been reviewed. A reporting template has been established that includes the following reporting fields the identified significant environmental issues:

- 1. What are the issues for sustainability? And how are they changing? (state)**
- 2. Why is it happening? (driving forces, pressure)**
- 3. What are the responses and how effective are they? (response)**
- 4. What more could be done? (future directions)**

As a new addition to the SoE report, a section of the report will specifically deal with Kempsey Shire Councils performance as an organization with regards to moving toward sustainability. Therefore, it is envisaged that the 2004 SoE report will also represent an organisational Environmental Management Plan (EMP) with a view to it being part of an Integrated Management System (IMS) into the future.

The final report is due to be completed by the end of November 2004. The following is schedule of critical dates to achieve completion of the report:

**14 September 2004** – Council to receive 1<sup>st</sup> Draft of SoE Report

**21 September 2004** – Draft SoE Report to be advertised (for four (4) weeks)

**6 October 2004** – Public Meeting including ESD Policy discussion/feedback

**22 October 2004** – Closing date for public and internal submissions

**14 November 2004** – Final Draft SoE Report submitted to Council

**24 November 2004** – Submission of SoE Report

Following submission to the Department of Local Government the SoE Report will be made publicly available, which will likely include providing the report to relevant stakeholder groups, schools and available (at cost) over the counter at the Environmental Services Department.

## **ESD IMPLICATIONS**

### ***Environmental***

The 2004 SoE Report will have a positive impact on the Environment, as it will identify issues of environmental concern and enable better prioritisation for decision making for sustainability. It is proposed that the final report be produced on 100% recycled paper to promote sustainable environmental outcomes.

### ***Social***

The SoE report will have a positive social impact as it will ultimately lead to sustainable decision making for the benefit of the wider community.

### ***Economic***

The SoE report will enable funding to be directed at areas of most need. The relatively small internal costs to prepare and promote a high quality SoE Report will be greatly outweighed by the benefits to be gained from moving toward sustainability.

## **STATUTORY IMPLICATIONS**

The SoE Report is prepared in accordance with the Department of Local Government's *Environmental Guidelines: State of the Environment Reporting by Local Government and Promoting Ecologically Sustainable Development* (1999) and The Local Government Act 1993 (NSW).

2004. 637

**RESOLVED:**

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

**That the information be noted.**

<b>DES3</b>	<b>EXISTING USE RIGHTS</b>	
	<b>FILE: T4-2 RBP (NRN)</b>	<b>{Folio No. 282037}</b>

### **SUMMARY:**

Reporting on the provisions of the Environmental Planning & Assessment Act relating to existing use rights.



*The provisions of the Environmental Planning and Assessment Act, 1979 (EP and A Act) relating to existing use rights are set down in Sections 106 – 109 of the Act and Clauses 39 – 46 of the Regulation. Existing uses may relate to non-conforming or conforming uses.*

### **Non-Conforming Existing Uses**

Under these provisions, land may enjoy non-conforming existing use rights where:-

- the use was *lawfully* commenced before a planning instrument came into force which has the effect of prohibiting that use, and
- the use is either being carried out under the terms of a development consent and the consent remains valid, or
- the use commenced before there was any need to obtain a consent under a planning instrument.

Unlawfully commenced uses cannot claim existing use rights as the Court has held that retrospective consents cannot be issued.

There are no prescribed procedures under the EP and A Act for establishing existing use rights. Questions requiring recognition of existing use rights regularly arise when premises are sold or when DAs are submitted for extensions to buildings.

Under the transitional arrangements of the Act, any approval issued prior to 1979 under the old *Local Government Act* for a use is deemed to be a development consent under the EP and A Act.

#### Example 1

*Roadside stalls are currently prohibited under Kempsey Local Environmental Plan 1987 (KLEP 1987) on land that has frontage to arterial roads (i.e. Pacific Highway, Armidale Road, Crescent Head Road, South West Rocks Road, Plummers Lane and Stuarts Point Road). This prohibition was carried over from Interim Development Order No 1 – Shire of Macleay (IDO No 1) which came into force on 8<sup>th</sup> August 1969.*

Prior to IDO No 1, there was no requirement to obtain an approval to operate a roadside stall.

*Therefore, in order to continue to operate roadside stalls on arterial roads, it was necessary for owners to prove existing use rights by providing evidence that their stalls were in existence prior to 8<sup>th</sup> August 1969.*

**Note:** The Land and Environment Court has held that the onus of proof falls on the owner and not with the Council to disprove. The NSW Ombudsman, in reporting on an investigation into river gravel quarries in Nambucca Shire, recommended that Council's not rely solely on Statutory Declarations to establish when uses commenced and that some form of corroborative evidence is needed.

#### ***Limitations on Non-Conforming Existing Uses***

Having established non-conforming existing use rights, it is permissible, subject to obtaining prior development consent, to alter, extend or rebuild the development.

The Regulation also allows, subject to consent, an existing use to be changed to another use, even if that use is also prohibited, with the new use continuing to enjoy non-conforming existing use rights.

The extent of existing use rights is taken to be the area actually physically used immediately before the date the planning instrument prohibiting the use came into effect. This qualification was introduced following a challenge to the continued operation of Yessabah Lime Quarry to protect a colony of Little Bent - Winged Bats. Prior to that challenge, it was presumed that an entire land parcel enjoyed the existing use rights.

### **Abandonment**

The Act provides that an existing use is presumed to be abandoned if it ceases to be actually used for a continuous period of twelve (12) months.

However, the Land and Environment has held that in determining whether a use has been abandoned, it is necessary to consider the intentions of the owners to continue the use, even if the use ceases for a period greater than twelve (12) months.

#### Example 2

*A shop which Council previously recognised as enjoying existing use rights in a residential zone ceases to operate for a period of twelve months due to the personal circumstances of the owner.*

*Although not operated as a shop, the premises has been maintained, equipment repaired and the premises listed for sale with agents who have been unable to find a buyer, for which documented evidence is provided.*

*The clear intention to continue the use has been established and it would be unreasonable to deny the recognition of existing use rights in such circumstances.*

### **Conforming Existing Use Rights**

Other existing uses include uses that were lawfully commenced without consent, which are permissible under the current planning instrument.

The Act provides that these uses may also continue without the need to obtain any consent, provided they are not abandoned. However, any consents to extend, alter, rebuild or change of use must be either related to the existing use or for another use, provided the use is permissible in the zones.

Upon issuing of a development consent, existing use rights cease with the development required to be carried out under the terms of consent.

#### Example 3

***A solicitor requests written confirmation from Council that an existing dwelling in the western part of the Shire has been approved by Council.***

***Assuming the land has a dwelling entitlement, dwellings are permissible with development consent.***

***A check of Council's consent register fails to locate an approval for the dwelling. In this part of the Shire development consent has been required for dwellings since 3<sup>rd</sup> April 1981 with gazettal of Kempsey LEP No 1. It is therefore necessary for the owner to establish that the dwelling was in existence at that time.***

***Whilst Statutory Declarations from third parties are accepted, other evidence such as invoices from builders, electricity accounts, topographic maps, aerial photographs, etc are required.***

***If such evidence can be produced, existing use rights could be established.***

#### ***Effect of Existing Consents***

Once development consent has been issued and the development physically commenced in accordance with the consent, Council cannot require that any further consent be obtained to continue that use.

Further, development consents which have commenced remain in force indefinitely unless Council has imposed a condition limiting the period of consent.

#### ***Protection of the Environment Operation Act (POEO Act)***

Whilst existing use rights may allow a use to continue without consent under the EP and A Act, where such a use is resulting in unacceptable impacts on the environment or neighbours, those existing use rights do not extend to an operators obligations under the POEO Act.

The POEO Act enables Council or DEC to direct operators to take measures so as to contain impacts to within acceptable limits, which in some cases may require cessation of the use.

2004. 638

**RESOLVED:**

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

That the information be noted.

**DES4**

**CHILDCARE CENTRE, SUBDIVISION AND 4  
RESIDENTIAL DWELLINGS KEMP STREET –  
KEMPSEY**

**FILE: T6-04-427 DEC**

**{Folio No. 282038}**

## **SUMMARY:**

Reporting that Council has received a staged development application to construct a childcare centre, four (4) residential units and subdivision for which an objection has been received.



**Applicant:** Mr D McClaer, CSA Pty Ltd  
**Subject Land:** Lots 1, 2, 3, and 4 DP 263288, Lots 1 and 2 DP986576 and Lot 1 DP 797530, 10 and 12 Kemp Street, Kempsey  
**Owner:** Mr M Corbett  
**Zone:** 2(a) (Residential 'A' Zone)

### **Proposed Development**

The proposed development involves the demolition of an existing dwelling, the construction of a 76-place long-day childcare centre, four (4) residential dwellings and subdivision (*Appendix C*). The 4 units are to be constructed under Stage 2.

### **Heads of Consideration**

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

### **The Provisions of any Environmental Planning Instrument**

The subject land is zoned 2(a) (Residential 'A' Zone) under the Kempsey Local Environment Plan 1987. The proposal is permissible in the zone with the consent of Council.

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

### **Noise**

The proposed residential units are not within 60m of the railway line and the childcare centre has been designed to provide for a rear playground, away from the road and railway.

To minimise noise from the childcare centre the applicant has proposed to place a 1.8m colourbond fence around the centre and on property boundaries. A residential dwelling is located on the southern side of the proposal and the Slim Dusty foundation to the north.

### **Flooding**

Council records indicate that in a 1 in 100 year flood event, a maximum flood height of 9.45m AHD in the vicinity of the development is attained. A small

area on the front section of the site is approximately 9.31m AHD with the vast majority of the block above 9.7 AHD.

In accordance with Council's Flood Risk Management Policy, the habitable floor level of the dwellings should be 500mm higher than the 1 in 100 flood level. It is considered that this can be reasonably achieved and that this should be imposed in any conditions of approval.

### **Access Traffic and Car Parking**

The proposed access carriageway to the four residential units is 4.8m and does not comply with AS2890.1. It should be a condition of any approval that the access driveway be 5.5m in width with a 300mm landscaped area and/or barrier to protect the fences (total width of 6.1m required) on either side. The childcare centre can be moved 1.3m north to achieve this. The plans for the required construction certificate should include provision for an increased sight distance at the corner of the access way.

Nineteen (19) car parking spaces are required to be provided for the childcare centre in accordance with the RTA's Guide for Traffic Generating Developments. The applicant has provided 19 spaces. However, concern is raised in relation to the setback from the front boundary and the difficulty for persons to reverse out (>20m) of the southern 4 car parks provided. To address these concerns it should be a condition of any approval that the plans for the required construction certificate:

- Provide a 1.5m landscaped bed between the car park and the front boundary (there is considered adequate room to further setback the childcare centre and perhaps reconfigure the visitor parking for the residential units to achieve this).
- Clearly indicate the southern 4 parks in the childcare centre car park as being 'staff only' parks and improvements made to the car park design to facilitate easy reversing out of parks (i.e. decrease distance) and hence compliance with AS 2890.1
- Provision of a traffic calming device (speed hump) along the residential unit access way to assist in preventing excessive speed and noise.

### **Security**

To minimise any potential security risks as a result of the long access way, the applicant has proposed to fence either side. It is also noted that the residential units face each other, allowing for natural surveillance.

### **Infrastructure**

According to the Department of Public Works, day schools generate one equivalent tenement for every 25 students. It is considered that a childcare centre would generate a similar amount. As the proposal is for a 76 place childcare centre (3 tenements) and four residential three bedroom units (4 tenements) a total of 7 tenements is generated by the proposal. As the site

comprises of 7 allotments, contributions for water and open space are not payable in this instance.

Stormwater drainage leading directly from Council's car park runs directly under the proposed location of the childcare centre. It should be a condition of any approval that the plans for the required construction certificate include detailed engineering plans for the relocation of stormwater drainage and that a suitable easement be placed over the new stormwater drainage line allowing for all drainage running through the existing system to be disposed of through this new system.

### DCP No. 22 – Local Housing Strategy

Standard	Required	Proposed	Complies Y/N
<b>Density</b>	1320m <sup>2</sup>	4369m <sup>2</sup>	Yes
<b>Setbacks</b>			
Side	Min. 900mm with average of 1.8m	>900mm and >1.8m average	Yes
Front	5m	>5m	Yes
Rear	1.5m	3m	Yes
<b>Car Parking</b>			
• Resident	1 covered per dwelling	2 covered per dwelling	Yes
• Visitor	1 for development	2 visitor spaces	Yes
• AS 2890.1		Improvements required for access way	To be conditioned
<b>Private Open Space</b>	25m <sup>2</sup> with 4m x 4m square.	>25m <sup>2</sup> with 4m x 4m square.	Yes
<b>Landscaping</b>	460m <sup>2</sup>	>460m <sup>2</sup>	Yes
<b>Height</b>	6.2m	<6.2m	Yes
<b>Solar Access</b>	15 points	Dwellings 1-2 = 17 Dwellings 3-4 = 15	Yes
<b>Privacy</b>	Adequate	Adequate	Yes
<b>Cut and Fill</b>	<1.5m	<1.5m	Yes
<b>Long Walls</b>	<20m	<20m	Yes
<b>Erosion and sediment control</b>	Section 4.10 DCP 22	To be conditioned	Yes
<b>Infrastructure</b>		To be conditioned	Yes

### Public Exhibition

The development application was advertised in accordance with Council's Advertising Policy, with one objection being received ([Appendix D](#)). The objection can be summarised as follows:

Objection	Planning Comment
Noise from vehicles accessing residential units	Refer to 'noise' and 'access, traffic and car parking' comment.
Nuisance of night time car	The applicant has proposed to erect

light beams	a 1.8m colourbond fence along the boundary, reducing impacts from headlights.
Reduction in security alongside house due to access off Kemp Street.	Refer to 'security' comment.
Noise from childcare centre.	The proposed use is permissible in the zoning. The childcare centre and the boundary are proposed to be fenced. Considering the locality (railway line and surrounding commercial zoning) it is considered that the childcare centre will not unacceptably impact upon the locality by reason of noise.

2004. 639

**RESOLVED:**

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

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

**STAGE 1**

**DEMOLITION OF EXISTING BUILDING, SUBDIVISION,  
CONSTRUCTION OF 76 PLACE CHILDCARE CENTRE**

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2 The childcare centre is not to be used or adopted for use as a residential building.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The childcare centre is not to be occupied until an Interim Occupation Certificate has been obtained and all conditions relevant to the childcare centre have been implemented.

- 7 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing/hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 8 The plans for the required Construction Certificate are to provide for a 1.5m landscaped bed between the carpark and the front boundary (not reducing size of car park) with any fencing to be behind the landscaping bed.
- 9 The plans for the required Construction Certificate are to provide an access way for the four residential units at a width of 5.5m with a 300mm landscaped area and or barrier on either side of the carriageway to protect the fence. The plans are also to provide for increased sight distance on the corner leading to the residential units.
- 10 The plans for the required Construction Certificate are to clearly indicate the southern 4 parks in the childcare centre car park as "staff only parks". The parks are to be clearly marked in this regard. The plans are to include provision for decreased reversing area from these parks so as cars can leave the car park in a forward motion and compliance can be achieved with AS2890.1 Off Street Parking.
- 11 The plans for the required Construction Certificate are to include provision of a traffic calming device(s) along the accessway leading to the residential units.
- 12 A 1.8m Colourbond fence is to be provided around the property and rear and sides of childcare centre. An adequate barrier is to be provided at the front of the childcare centre.
- 13 The floor level of the childcare centre is to be constructed at or above 9.95m AHD.
- 14 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-

- a Installing a temporary structure on land.
  - b Carrying out water supply work.
  - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
  - d Carrying out sewerage work.
  - e Carrying out stormwater drainage work.
  - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 15 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 16 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 17 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 18 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 19 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.
- Note: Clause 78 I requires that the toilet must be provided before any work is commenced.
- 20 Compliance with the Building Code of Australia.
- All building work must be carried out in accordance with the requirements of the (BCA).
- A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.
- 21 If the soil conditions require it:-
- (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
  - (b) adequate provision must be made for drainage.

- 22 Building materials are not to be stored within the road reserve or any other public place.
- 23 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 24 Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 125mm thick unreinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.
- 25 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 26 Provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter to Council's Urban Standard at full cost to the applicant. Detailed plans to be submitted for approval prior to release of the Construction Certificate. The plans are to include provision of concrete kerb and gutter around the accessway(s) to the residential units/car parks and the childcare centre car park.
- 27 The plans for the required Construction Certificate are to include detailed engineering plans for the relocation of stormwater drainage running through the property. A suitable easement is to be placed over the new stormwater drainage on the plan of subdivision allowing all stormwater entering the existing system to enter the new one.
- 28 Roofwaters are to be directed by means of sealed pipes to the street gutter. Details are to be provided with the plans for the required Construction Certificate.
- 29 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.
- 30 Submission of a detailed landscaping plan providing for the establishment of suitable species endemic to the area, including the number and species of plants to be planted and the means of establishing the landscaping beds prior to release of the Construction Certificate.
- 31 All internal accessways parking areas, turning areas, driveways and ramps are to be constructed in accordance with AS2890.1 Off Street car Parking. All such areas are to be concrete paved and/or bitumen sealed.

- 32 Submission of an application for subdivision Certificate pursuant to Section 4A of the Environmental Planning & Assessment Act 1979, which authorised the registration of the plan of subdivision.
- 33 Applicant is to submit with the final plan of subdivision copies of any instruments under Section 88B or E of the Conveyancing Act 1919 relevant to any restrictive covenants easements or rights of ways created by or affected by this subdivision.
- 34 A restriction as to user is to be placed on the plan of subdivision requiring stage 2 to be carried out in accordance with Development Consent T6-04-427. The residential units (4) are to be built as per floor plans submitted with Development Consent T6-03-777. Kempsey Shire Council is to be named on the restriction as the sole party to vary, modify or extinguish the restriction.
- 35 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council. The trees on Kemp Street are to be retained.
- 36 Access to the childcare centre is to be in accordance with Councils DCP 24 – Access and Mobility. Detailed plans demonstrating this are required to be submitted with the Construction Certificate.

## **STAGE 2**

### **CONSTRUCTION OF 4 RESIDENTIAL UNITS**

- 37 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 38 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 39 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 40 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.

- 41 The buildings are not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 42 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing/hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 43 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- a Installing a temporary structure on land.
  - b Carrying out water supply work.
  - c Installing, altering, disconnecting or removing a meter connected to a service pipe.
  - d Carrying out sewerage work.
  - e Carrying out stormwater drainage work.
  - f Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 44 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 45 Before work commences, the Council must be informed in writing of the name and contractor licence number of the

licensee who has been contracted to do or intends to do the work.

- 46 All excavation and backfilling are to be executed safely and in accordance with appropriate professional standards, and are to be properly guarded and protected to prevent them from being dangerous to life or property.
- 47 Details of proposed hoarding to be submitted, in writing, prior to the commencement of building operations.
- 48 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 49 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

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

- 50 Compliance with the Building Code of Australia.

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

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

- 51 If the soil conditions require it:-

(a) retaining walls or other approved methods of preventing movement of the soil must be provided; and

(b) adequate provision must be made for drainage.

- 52 The habitable floor levels of the dwellings are to be constructed at or above 9.95m AHD.

- 53 The dwelling shall be constructed to include all of the energy efficiency requirements contained within the single residence scorecard provided.

- 54 Building materials are not to be stored within the road reserve or any other public place.

- 55 Excavated material from the site is not to be placed within the road reserve or any other public place.

- 56 Vehicular access from the street to the property boundary is to be via a heavy duty layback and full width 125mm thick unreinforced concrete paving. A detailed plan is to be submitted prior to the release of the Construction Certificate.
- 57 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 58 All accessways, parking areas, driveways, turning areas and ramps are to be constructed in accordance with AS 2890.1 Off Street Car Parking. All such areas are to be concrete paved or bitumen sealed.
- 59 Roofwaters are to be directed by means of sealed pipes to the drainage easement. Details are to be provided with the plans for the required Construction Certificate.
- 60 Any necessary alterations to or relocations of public utility services to be carried out at no cost to Council.

B. That the objector be advised of Councils decision.

<b>DES5</b>	<b>PROPOSED REAR ADDITION TO AN EXISTING DWELLING LOT 30 DP754423, 335 RIGHT BANK ROAD, BELMORE RIVER</b>
	<b>FILE: T6-04-175, LA7967 SAR {Folio No. 282040}</b>

This report should be read in conjunction with Confidential Report DES1

**SUMMARY:**

A Development Application has been received for approval for the addition of a glass enclosure to the rear of an existing single storey dwelling at the above-mentioned address.



**Applicant:** R & E Anderson  
**Owner:** R & E Anderson  
**Subject land:** Lot 30 DP754423, 335 Right Bank Road, Belmore River  
**Proposal:** Rear addition-glass enclosure

**Background:**

A Development Application was received for the addition of a glass enclosure to the rear of a dwelling at 335 Right Bank Road, Belmore River. The

proposed addition was found not to be consistent with the requirements of Councils Flood Risk Management Policy, as specified in section 6.3.4 (b). Renovations to existing dwellings, requires a structural engineers certificate to indicate that the structure can withstand the forces of flowing floodwaters including debris and buoyancy forces if the proposed addition exceeds 20 square metres in floor area. The floor area of the proposed additions is approximately 30m<sup>2</sup>. The applicant was invited to submit a flood impact statement as required or provide a survey demonstrating that the addition would be 500mm above the 1 in 100 year flood level. The applicant was unable to provide the requested information.

Further investigation by Council revealed a flood mitigation benchmark at the front of the dwelling adjacent to Right Bank Road, which was used by Council to determine an approximate floor level for the proposed addition. The determined approximate floor level was found to be approximately 4.5 metres AHD with the required floor level being 4.93 metres AHD. This height is less than the required 500mm above flood level as specified in Councils Flood Risk Management Policy and therefore constitutes a non-compliance. The approximate floor level of 4.5 metres AHD was queried by the applicant and he was invited to provide his own survey information. This was not provided.

A justification for this non-compliance has been submitted to Council by the applicant and is appended to this report as [\(Appendix E\)](#).

### **Conclusion**

Having regard to the non-compliance with Councils Flood Risk Management Policy Council could refuse the application on the grounds that the floor area of the addition is greater than 20 square metres and that the height floor level of the addition is below that required for the 1 in 100 year flood height.

Alternatively, the applicant could be requested to reduce the enclosure to not greater than 20m<sup>2</sup> in order to comply with the Policy.

### **Director Environmental Services Recommendation:**

- A. That the applicant be invited to amend the application to reduce the total floor area of the addition to less than 20 square metres.**
- B. That the applicant be advised that unless the requested plans or written advice to submit such plans is received within fourteen (14) days of the date of notice being given, that the application be refused, for the following reason:**

**The proposal is contrary to Councils Flood Risk Management Policy, 6.3.1. Urban Development (Residential), as the total floor area of the addition is greater than 20 square metres and the floor level of the addition is below that required for the 1 in 100 year flood height.**

**MOVED:**

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

**That the application be approved.**

An Amendment was MOVED:

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

That the applicant be invited to submit the private survey information and if that information satisfies the Council's requirements then the application be approved. Failing the provision of the information, or if the information does not satisfy Council's requirements, then the Director's recommendation be adopted.

2004. 640

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

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



### PRESENTATION

At this stage 10.31 a.m. the Mayor presented Councillor Sowter with a local Government and Shires Association appreciation award for his seventeenth anniversary of service as a Councillor 1987 to 2004 in Local Government.



At this stage 10.37 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.13 a.m. all present at the adjournment were in attendance.



DES6	CLUSTER HOUSING No 2 HOME STREET, HAT HEAD FILE: T6-03-850 DEC	{Folio No. 282041}
------	--	--------------------

### SUMMARY:

Reporting that Council has received an application to construct two dwellings on an existing residential property in Hat Head which is contrary to DCP 37 – Hat Head and DCP 22 – Local Housing Strategy.



**Applicant:** Mr M and Mrs J Williams  
**Subject Land:** Lot 1 DP 758505 No 2 Home Street, Hat Head  
**Owner:** As above  
**Zone:** 2(v) (Village or Township Zone)

### Proposed Development

The proposed development involves the construction of two, two (2) bedroom dwellings on a property with an existing four (4) bedroom dwelling on-site. ([Appendix F](#))

### **Heads of Consideration**

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters to be of particular relevance to the proposal.

### **The Provisions of any Environmental Planning Instrument**

The subject land is zoned 2(v) (Village or Township Zone) under the Kempsey Local Environment Plan 1987. The proposal is permissible in the zone with the consent of Council.

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

### **Development Control Plan (DCP) 37 – Hat Head**

Under DCP 37 the property falls under Phase 3 of the ‘servicing strategy’ as the property is south of Korogora Creek. Under Phase 3:

*‘Council shall not consent to any development (other than those described in Section 3.1) likely to increase effluent loadings, demand for water, stormwater runoff or traffic south of Korogora Creek until such time as it has determined that sewerage and water infrastructure is adequate and a detailed DCP addressing access, servicing, visual impacts, stormwater and other development constraints has been prepared’*

Although the capacity of the Hat Head sewerage system is yet to be determined, the applicant has requested Council consider the proposal on the basis that:

- There will be no additional loadings or demand for sewerage and water services.
- Stormwater will not increase predevelopment flow rates.
- There will be little affect on traffic.
- The visual impact of the proposal meets the objectives of DCP 37.
- The development complies with relevant bushfire requirements (refer to ([Appendix G](#)))

### **Visual Impacts**

The applicant has submitted a visual assessment ([Appendix G](#)) and argues that ‘the visual impact controls of DCP have been met’.

One of the purposes of DCP 37 is to protect the character of the village by protecting key landscape elements.

DCP 37 largely refers to the 'upper slopes of O'Connors Hill' in respect to development south of Korogora Creek and that all buildings should be sited so as to minimise any visual impacts. Any development should be designed to minimise any potential visual impacts.

A key element comprising the character of Hat Head is the natural backdrop to the creek and beach. It is considered that the proposal would detract from this element. (*Appendix H*)

It is noted that both dwellings will be visible from Korogora Creek and the southern most part of Hat Head Beach. Considering that the subject property is relatively large (2000m<sup>2</sup>) and that the buildings have been positioned on the highest practical location, it is considered reasonable to suggest that the buildings could be amended so as they were not (or substantially less) visible from both Korogora Creek and Hat Head Beach.

### **Onsite Sewage Management**

The applicant has submitted an on-site sewage management report illustrating that both dwellings can be effectively serviced by an aerated wastewater treatment system (AWTS) and subsurface irrigation area, therefore not placing extra demand on Hat Head's sewerage infrastructure and hence complying with DCP 37.

Water balance calculations have been based on 145L per person per day based on standard water reduction fixtures (It should be noted that standard water reduction fixtures are difficult to enforce over the life of the development). In order to comply with AS 1547: 2000 a reserve land application area is required to be provided on-site. As there is not enough site area to provide for a second sub-surface irrigation area, the applicant has provided details demonstrating that Wisconsin Mound System could be constructed on the site.

Whilst it is considered that the applicant has provided sufficient details indicating that an on-site sewage management system could service the proposed development, it is considered that permitting such a system when reticulated sewerage is available to the lot is not sustainable in the long-term and would create an undesirable precedent for other large allotments south of Korogora Creek.

Having regard to the availability of sewerage, it is inevitable that at some point connection to the system will be sought, thereby defeating the servicing strategy of DCP 37. This is likely to impede Council's ability to ensure that development is serviced in a rational manner.

### **Domestic Water Supply**

In order not to place additional demand on Hat Head's reticulated water supply, the applicant proposes to install two 22,000L rainwater tanks. The applicant has provided calculations demonstrating that such facilities would adequately service both developments, without placing additional demand on Hat Head's water supply.

It is understood that the applicant would have mains water connected to the rainwater tanks in the event water did 'run out' (i.e. float switch mechanism).

However, it is still considered that when a potable reticulated water supply is available to the lot, all dwellings should be connected. It is considered that permitting such a system would create an undesirable precedent for other large allotments south of Korogora Creek.

Again, the provision of tanks would circumvent DCP 37. eHead's water supply

### **Tree Retention**

A number of banksias and other coastal health species will require clearing for the proposal. However, these do not represent 'trees' as defined by DCP 37 as they are not greater than 3m and have a trunk less than 200mm in diameter.

### **Bushfire**

A Bushfire Hazard Assessment has been completed for the proposal. The assessment was forwarded to the NSW RFS for comment. Subsequent correspondence from the RFS indicates that the proposal satisfies the requirements of Planning for bushfire Protection 2001 provided a number of recommended conditions to include in any consent. Such conditions could be included in any approval.

### **Stormwater Disposal**

For new developments under DCP 37 'all stormwater shall be collected and disposed of wholly on-site'. Detailed engineering plans have been submitted demonstrating compliance with this requirement can be achieved.

### **Building Design**

The proposal has been designed using predominantly non-masonry materials, maintaining the character of the village.

### **Access and Car Parking**

Access to the dwellings is from Ledge Street. Engineering details of the driveway have been provided demonstrating compliance with AS 2890.1 – Off Street Car Parking. A visitor car park has been provided off Gap Street (*Appendix F*). It is considered that the visitor car park is not accessible to the dwellings and that excessive entry/exit points to the allotment are undesirable.

### **DCP No. 22 – Local Housing Strategy**

In addition to DCP 37, all residential developments within Hat Head are subject to compliance with all DCP 22 provisions.

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Complies Y/N</b>

<b>DENSITY – DCP 37</b>	1400m <sup>2</sup>	2000m <sup>2</sup>	Yes
<b>SETBACKS</b> - side - primary street frontage - secondary street frontage	1.8m average 5m  3m	>1.8m average >5m  carport 1..5m (building 3m = complies)	Yes Yes  <b>Concern</b>
<b>CARPARKING*</b> - resident - visitor	1 covered per dwelling 1 for development	1 covered per dwelling 1 visitor space	Yes <b>Concern over accessibility</b>
<b>Private open space</b>	25m <sup>2</sup> with 4m x 4m square. Gradient not greater than 1 in 8.	>25m <sup>2</sup> with 4m x 4m square. Concern raised over accessibility and gradient.	<b>Concern</b>
<b>Landscaping</b>	>500m <sup>2</sup>	>500m <sup>2</sup>	Yes
<b>Height</b>	6.2m with additional 1.7m for rake	7.9m	Yes
<b>Solar Access</b>	15 points	Both dwellings = 22 points	Yes
<b>Privacy</b>	Adequate	Adequate	Yes
<b>Cut and fill</b>	<1.5m	<1.5m	Yes
<b>Long walls</b>	<20m	<20m	Yes
<b>Erosion/ sediment control</b>	Sect 4.10 DCP 22	To be conditioned	Yes
<b>Infrastructure</b>	Sect 94 Contributions	To be conditioned	Yes

### Setbacks

The applicant has provided a submission ([Appendix G](#)) justifying the reduced setback in the secondary street frontage based on:-

- A neighbouring property being less than 3m
- Area between Ledge Street and the dwelling is not suitable for private open space.

- Traffic safety will not be compromised.
- The amenity of the area will not be interfered with

It is considered difficult to justify a reduced setback in this instance due to the size of the allotment and the potential to relocate the dwellings to achieve full compliance.

### **Private Open Space**

Under DCP 22 private open space areas are to be directly accessible from the living areas and have a gradient no greater than 1 in 8. The applicant was requested to demonstrate compliance with DCP 22 in this regard and has not provided information to date. Whilst there is ample room to achieve a 4m x 4m rectangle, concern is raised in relation to the accessibility of this area and the gradient. Details should be requested to demonstrate compliance.

### **Public Exhibition**

The development application was advertised in accordance with Council's Advertising Policy, with no objections being received.

### **Acting Directors Comment**

Whilst concerns relating to visual impact, setbacks and parking could be addressed by an amended proposal, the proposal would effectively 'leap-frog' the servicing strategy for Hat Head. DCP 37 gives priority to development of unconstrained land north of Korogora Creek, if and when it can be demonstrated that there is sufficient additional capacity of the sewerage treatment plant to service increased development. DCP 37 also specifies that no development should occur on the southern side of the creek until a detailed DCP addressing access, servicing, visual impacts, stormwater and other constraints has been prepared. Neither of these requirements have been met and it is considered that the proposal is likely to create an undesirable precedent which would erode the effectiveness of DCP 37.

However, the requirement for a future DCP was intended to primarily relate to the 1 ha allotments off Marlin Circuit in order to control future subdivision patterns. Provided the concerns relating to visual impacts, setbacks and parking are adequately addressed, no objection would be raised to allowing the development as a Phase Two Development, whereby the consent would not operate until such time as adequate sewerage is available.

2004. 641

### **RESOLVED:**

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

- A. That the applicant be invited to submit amended plans which adequately address the requirements of DCP 37 – Hat Head and DCP 22 - Local Housing Strategy in respect to visual impacts, setbacks and carparking.
- B. That the applicant be advised that subject to receipt of adequate amended plans, Council is prepared to issue a “deferred commencement” consent, conditional upon the development being connected to Councils reticulated sewerage system, and

Council being satisfied that the system has the capacity to service the development in accordance with DCP 37.

**DES7**

**SOUTH WEST ROCKS MASTERPLAN  
IMPLEMENTATION COMMITTEE  
FILE: T5-85 PMK**

**{Folio No. 282042}**

**SUMMARY:**

Reporting on the outcomes of the recent meetings held on July 21<sup>st</sup> and August 11<sup>th</sup> of the South West Rocks Masterplan Implementation Committee meeting.



**Background**

The South West Rocks Masterplan Implementation Committee is one of the Council Committees established at its meetings in May and June. The Committee has met twice since its inception, once in July to discuss background issues and once in August, on site in South West Rocks CBD to discuss proposed traffic calming measures currently being implemented.

Following these meetings, the final Committee membership needs to be ratified by Council.

**Committee Membership**

Council, at its meeting of 22<sup>nd</sup> June 2004, resolved:

That the five community members nominated, the Director Environmental Services or his nominee and the Director Engineering or his nominee be appointed to the South West Rocks CBD Masterplan Implementation Committee

However, - Ms S Graham, a nominated community member, has left the State and is no longer available to sit on the Committee.

It subsequently became apparent that the South West Rocks Chamber of Commerce should be represented and Mr Peter Needs was invited to attend the meeting in this capacity. It is recommended that his ongoing attendance as a voting member be endorsed by Council.

**Director Environmental Services Recommendation:**

**That Council resolve:**

- 1 That the South West Rocks Masterplan Implementation Committee comprise representatives from:-**
  - 3 x available community members nominated at the Council meeting of 22<sup>nd</sup> June, and**

- 1 x member from the SWR Chamber of Commerce, and
- 2 x Councillors, and
- Director Environmental Services or nominee, and
- Director Engineering or nominee.

2004. 642

**RESOLVED:**

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

That the Director's recommendation be adopted with the first dot point being changed to read;

- 4 x available community members nominated at the Council meeting of 22<sup>nd</sup> June, and

and the composition of the committee be reviewed in September 2005.

Councillor Gribbin recorded his vote against the foregoing Resolution.

2004. 643

**RESOLVED:**

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

That Council affirm its support of Councillor McWilliam in his handling of nominations to the South West Rocks Masterplan Committee.

Councillor Gribbin recorded his vote against the foregoing Resolution.

DES8	<b>CONSTRUCTION OF FACTORY FOR MANUFACTURE AND SALE OF ALUMINIUM AND GLASS LOT 902 DP 838666 No 10 HOPETOUN STREET, KEMPSEY</b> <b>FILE: T6-04-389    DEC</b>	{Folio No. 282043}
------	--	--------------------

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

DES9	<b>INFRASTRUCTURE PLANNING FOR SOUTH WEST ROCKS</b> <b>FILE: T4-88 PMK (NRN)</b>	{Folio No. 282045}
------	---	--------------------

**SUMMARY:**

Reporting on the Consultants Report on a public meeting held to seek feedback on Council's discussion paper on Future Infrastructure needs for South West Rocks.



## **Background**

At its meeting of 23<sup>rd</sup> December 2003 Council considered the submissions that had been received on a discussion paper on Future Infrastructure Needs for South West Rocks. ([Appendix M](#))

Seventeen submissions had been received in response to the discussion paper but whilst the submissions made a number of comments in respect to planning issues related to current and future growth, few actually indicated their preference, or otherwise in respect of infrastructure.

Accordingly the Council resolved:-

*That Council proceed to hold a Public Meeting and obtain the services of a facilitator, following further consideration of the submissions received, the Intergenerational Report and the State of the Regions Report.*

Peter and Michelle Chapman from All About Planning were appointed to facilitate the meeting, which was held in the RSL Hall in South West Rocks at 5pm on Wednesday 7<sup>th</sup> July 2004. Approximately 100 people attended the meeting. The meeting was advertised in accordance with Council's communications policies and background papers and an agenda made available on Council's web page and through the libraries.

The Consultants produced an agenda and a list of questions to be addressed (*included in the appendix to the Consultants Report attached ([Appendix N](#))*) and the meeting was run to meet the points listed in these papers.

Following the meeting the Consultants prepared a report on the outcomes of the meeting for Council. ([Appendix N](#))

The main issues that came from the outcomes report include:

### **Projected Population Growth**

The Consultants reported that before the issue of infrastructure needs and priorities could be dealt with, it was clear those in attendance were very worried by the absence of public debate about what is an environmentally sustainable population growth for the area. Concern was expressed at the population projections outlined in the report outside an associated assessment of the sustainable development potential of the area. A number of suggestions were made to address this point.

### **A Quality Built and Natural Environment**

The Consultants reported that those in attendance expressed great concern at what they described as '*the current poor quality of development in South West Rocks and the lack of planning*'. A number of suggestions were made to address this point.

### **Financing of Infrastructure and Services**

The Consultants reported that the community expressed a desire for ongoing dialogue with Council over how new and or upgraded services and infrastructure for the area would be financed. A number of suggestions were made to address this point.

### **Community identified Infrastructure Needs and Priorities**

The Consultants reported that the group identified the:-

- Current services and infrastructure which are most valued, and
- Additional public services and infrastructure.

The report lists the items identified.

However, the group was unable to give a list of the future public service and infrastructure needs and services or associated priorities. The group indicated that it would prefer that this come in the context of future master planning for the area.

Following the meeting, copies of the report were made available on the web and at the libraries and a letter was written to all attendees to thank them for their attendance and to advise them of the report's availability.

### **Land Release Taskforce**

The report was considered by the Land Release Taskforce at its meeting of 29<sup>th</sup> July 2004. The Committee resolved that the South West Rocks Infrastructure Plan now become part of the review of the Residential Land Release Strategy currently being commenced. The Council noted the minutes of the Land Release Taskforce Committee at Council's meeting of 10<sup>th</sup> August 2004. ([Appendix O](#))

### **Planning Comment**

The information contained in the initial report prepared by Council officers, the submissions received from the public and other agencies through the initial public comment phase and the current report from the consultants on the public meeting will be useful additions to the Residential Land Release Strategy Review which has commenced. The Residential Land Release Strategic Review will revise population projections for South West Rocks which was a primary concern to attendees at the meeting. It is recommended that no further action is required at this stage pending completion of the review of Councils Residential Land Release Strategy.

2004. 644

### **RESOLVED:**

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

1. **That the Council note the contents of the Report from the Consultants on the Public Meeting on Community Infrastructure Needs and Priorities for South West Rocks; and**

2. That all the reports and submissions on the Future Infrastructure Planning South West Rocks be fed into the Review of the Residential Land Release Strategy currently being undertaken.

<b>DES10</b>	<b>KEMPSEY MASTERPLAN IMPLEMENTATION COMMITTEE</b>	<b>{Folio No. 282047}</b>
	<b>FILE: T4-49 PMK</b>	

**SUMMARY:**

Reporting on the outcomes of the recent meetings held on July 28<sup>th</sup> 2004 of the Kempsey Masterplan Implementation Committee meeting.



Background

The Kempsey Masterplan Implementation Committee was established by Council to oversee the work associated with the Masterplan in the town centre. The committee has met once since its inception in June. Following this meeting, the final Committee membership needs to be ratified by Council.

Committee Membership

Council at its meeting of 22<sup>nd</sup> June 2004 resolved:

*That the appointment of Chris Mowle and David Fry to the Kempsey Masterplan Implementation Committee as community members be confirmed and the Director Engineering or his nominee and the Director Environmental Services or his nominee be appointed to the Kempsey Masterplan Implementation Committee.*

At its meeting of July 28<sup>th</sup> the Committee resolved to invite the Aboriginal Liaison Committee to invite a member of the Aboriginal Community to attend the Committee as a voting member. They also recommend that Ian Flood be invited to represent the Tourism Community, that a representative be invited from the Chamber of Commerce and that the Councils Manager of Economic Development be invited to attend irregularly as required.

2004. 645

**RESOLVED:**

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

**That the Kempsey Masterplan Implementation Committee comprise representatives from:-**

- **2 x community members nominated at the Council meeting of 22<sup>nd</sup> June 2004, and**
- **1 x member from the Aboriginal Community, and**
- **1 x member from the Tourism Community, and**

- 1 x member from the Chamber of Commerce
- 2 x Councillors, and
- Director Environmental Services or nominee, and
- Director Engineering or nominee, and
- Manager Economic Development, as required irregularly.

DES11	SUBDIVISION OF LOT132 DP754396 OFF CABBAGE TREE LANE, ARAKOOON	
	FILE: T6-02-352 AJC	{Folio No. 282048}

**SUMMARY:**

Reporting on a condition of a development consent requiring part an existing crown road to be upgraded to Council standard and dedicated as public road.



**Applicant:** Mr J J Holmes  
**Owner:** Mr J J Holmes  
**Subject Land:** Lot 132 DP754396, off Cabbage Tree Lane, Arakoon

**Background**

Council on the 19 August 2002 issued a conditional development approval for the subdivision of the subject allotment into two (2) Rural Residential allotments.

Council issued a Construction Certificate for the road works associated with this development on the 23 January 2003, to extend Cabbage Tree lane by approximately 30 metres.

**Proposal**

Condition 13 of the original development consent required the crown road servicing proposed allotments 1 and 2 to be constructed to Council standard and dedicated as public road. A copy of the approved development plan is appended to this report as (*Appendix P*).

The proposal before Council is to organise the transfer of the existing relevant part of the crown road required by this development to Council from the Crown and so become a dedicated public road vested in Council pursuant to the provisions of Section 151 of the Roads Act 1993.

Council will be required to endorse the application to transfer the Crown Road and where necessary affix its seal to the relevant documents. The Crown does not charge a fee for transfer.

1. Council support the transfer process in accordance with condition 13 of the development consent issued on the 19 August 2002.
2. Where required the General Manager/Mayor endorse the application and any associated documents, including affixing of Council's seal.

<b>DES12</b>	<b>BUILDING AND DEVELOPMENT</b>	
	<b>FILE: B9-2 RBP (NRN)</b>	<b>{Folio No. 282049}</b>

### **SUMMARY:**

Reporting that the following applications have been approved:



### **Council Report on Local Development Application**

Reporting that the following applications have been approved:-

2003/LD-00305 Lot 103 DPDP884312 CRESCENT HEAD ROAD  
CRESCENT HEAD  
TWO STOREY DWELLING AND ATTACHED SHED

2003/LD-00593 REV01Lot 2 DPDP645213 BELLE O'CONNOR STREET  
SOUTH WEST ROCKS  
SUBDIVISION OF LOTS 1 & 2 INTO 23 LOTS

2004/LD-00080 73 OCEAN STREET SOUTH WEST ROCKS  
TWO STOREY DWELLING AND SWIMMING POOL

2004/LD-00179 Lot 4 DPDP729790 WILLI WILLI ROAD TURNERS FLAT  
3 LOT (STAGED) RURAL SUBDIVISION

2004/LD-00196 99-101 BROUGHTON STREET WEST KEMPSEY  
REMOVE EXISTING DWELLING & CONSTRUCT TWO STOREY  
DWELLING, 4 UNITS & GARAGES

2004/LD-00200 47 OCEAN STREET SOUTH WEST ROCKS  
DWELLING ADDITIONS, GARAGE & POOL

2004/LD-00212 109 NORTH STREET WEST KEMPSEY  
DUAL OCCUPANCY

2004/LD-00225 490 FISHERMANS REACH ROAD FISHERMANS REACH  
ALTERATIONS

2004/LD-00243 24 PETER MARK CIRCUIT SOUTH WEST ROCKS  
TWO STOREY DWELLING & ATTACHED GARAGE

2004/LD-00266 REV0122 CECIL BALDWIN CLOSE WEST KEMPSEY  
2 STOREY DWELLING AND ATTACHED GARAGE

2004/LD-00283 1-3 MACLEAY STREET GLADSTONE  
DWELLING ADDITIONS

2004/LD-00303 91 BELGRAVE STREET KEMPSEY  
RECONSTRUCT BOTTLE SHOP, INTERNAL ALTERATIONS &  
CONSTRUCT COVERED FUNCTION AREA

2004/LD-00308 BELMORE STREET GLADSTONE  
SHED TO BE USED AS A TEMPORARY CANTEEN

2004/LD-00318 REV0114 KINCHELA STREET CRESCENT HEAD  
DWELLING ADDITIONS

2004/LD-00344 76 SMITH STREET KEMPSEY  
DEMOLISH EXISTING BUILDING

2004/LD-00346 74 GRASSY HEAD ROAD STUARTS POINT  
DWELLING

2004/LD-00361 36 GREY GUM CRESCENT YARRAVEL  
VERANDAH & DETACHED GARAGE

2004/LD-00364 6 CYRUS SAUL CIRCUIT FREDERICKTON  
STRATA SUBDIVISION & 2 X 3 BEDROOM VILLAS

2004/LD-00369 Lot 1711 DPDP703187 RAYMONDS LANE  
FREDERICKTON  
TEMPORARY MOBILE ASPHALT PLANT

2004/LD-00376 588 OLD COAST ROAD KUNDABUNG  
DWELLING

2004/LD-00378 88A KINCHELA STREET GLADSTONE  
DWELLING ADDITIONS & ABOVE GROUND SWIMMING POOL

2004/LD-00380 16 EMANUEL CRESCENT SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/LD-00382 245 ARAKOOON ROAD ARAKOOON  
DWELLING

2004/LD-00388 298 QUARRY ROAD COLLOMBATTI  
DWELLING

2004/LD-00392 Lot 852 DPDP629622 GOWINGS HILL ROAD  
DONDINGALONG. TRUCK PARKING

2004/LD-00393 58-64 COCHRANE STREET WEST KEMPSEY  
2.1mtr SECURITY FENCE

2004/LD-00396 13 DENNIS CRESCENT SOUTH WEST ROCKS  
DWELLING

2004/LD-00409 130 MACLEAY STREET FREDERICKTON  
TIMBER DECK WITH ROOF

2004/LD-00417 118 BELGRAVE STREET KEMPSEY  
COLOURBOND PICKET FENCE

2004/LD-00418 10 SEAM MILL PLACE EUROKA  
COLOURBOND SHED

2004/LD-00419 183 HAT HEAD ROAD KINCHELA  
FARM SHED

2004/LD-00421 87 RANCH ROAD CRESCENT HEAD  
FARMSHED & AVIARY

2004/LD-00428 6 COOK DRIVE SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/LD-00431 9 SMITHS CREEK ROAD KUNDABUNG  
INGROUND SWIMMING POOL

2004/LD-00434 12 CLARENCE RYAN AVENUE WEST KEMPSEY  
DWELLING ADDITIONS

2004/LD-00437 25 CREEK STREET HAT HEAD  
DWELLING ADDITIONS & RAMP

2004/LD-00442 117 RIVER STREET WEST KEMPSEY  
DWELLING ADDITIONS

2004/LD-00444 133 MACLEAY STREET FREDERICKTON  
SHED

2004/LD-00448 Lot 641 DPDP830077 GREY GUM CRESCENT  
YARRAVEL. DWELLING

2004/LD-00449 34 MIDDLETON STREET SOUTH KEMPSEY  
SWIMMING POOL

2004/LD-00453 4 BLOOMFIELD STREET SOUTH KEMPSEY  
DWELLING AND SHED

2004/LD-00460 101 LEITH STREET WEST KEMPSEY  
SHED

2004/LD-00464 55 BRUSHBOX CRESCENT YARRAVEL  
DWELLING ADDITIONS

2004/LD-00465 34 SHORT STREET WEST KEMPSEY  
DWELLING ADDITIONS

2004/LD-00467 217 RIVER STREET GREENHILLS  
DWELLING ADDITIONS

2004/LD-00472 37 GORDON NIXON AVENUE WEST KEMPSEY  
DWELLING ADDITIONS & DEMOLITION OF 2 INTERNAL WALLS

2004/LD-00481 3 JERSEY STREET SOUTH KEMPSEY  
CARPORT

2004/LD-00483 31 CREEK STREET HAT HEAD  
DWELLING ADDITIONS

### Summary

Type	No	Value
Local Development Application	51	5014382

As at 2 Sep 2004 243 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 108

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	1
FD	Further Details Req	63
IA	Incomplete Application	14
OA	Other Agencies	11
RC	Refer Council	2
XX	No Reason Given	17

### Council Report on Construction Certificate Building

Reporting that the following applications have been approved:-

2003/CB-00674 678 POINT PLOMER ROAD CRESCENT HEAD  
TOURIST CABINS, DORMITORY, ASSOC REC FACILITIES

2004/CB-00068 73 OCEAN STREET SOUTH WEST ROCKS  
TWO STOREY DWELLING

2004/CB-00161 Lot 1362 DPDP835310 DULCONGHI STREET  
CRESCENT HEAD. SWIMMING POOL

2004/CB-00199 490 FISHERMANS REACH ROAD FISHERMANS REACH  
ALTERATIONS

2004/CB-00208 24 PETER MARK CIRCUIT SOUTH WEST ROCKS  
DWELLING & ATTACHED GARAGE

2004/CB-00245 1-3 MACLEAY STREET GLADSTONE  
DWELLING ADDITIONS

2004/CB-00297 4 FOREST PLACE WEST KEMPSEY  
4 TOWNHOUSES AND TORRENS TITLE SUBDIVISION STAGE 1

2004/CB-00305 74 GRASSY HEAD ROAD STUARTS POINT  
DWELLING

2004/CB-00318 36 GREY GUM CRESCENT YARRAVEL  
VERANDAH & DETACHED GARAGE

2004/CB-00330 588 OLD COAST ROAD KUNDABUNG  
DWELLING

2004/CB-00333 245 ARAKOOON ROAD ARAKOOON  
DWELLING

2004/CB-00334 33 STURT STREET SOUTH WEST ROCKS  
5 DWELLINGS

2004/CB-00337 88A KINCHELA STREET GLADSTONE  
DWELLING ADDITIONS & ABOVE GROUND SWIMMING POOL

2004/CB-00343 298 QUARRY ROAD COLLOMBATTI  
DWELLING

2004/CB-00348 13 DENNIS CRESCENT SOUTH WEST ROCKS  
DWELLING

2004/CB-00355 16 EMANUEL CRESCENT SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/CB-00357 130 MACLEAY STREET FREDERICKTON  
TIMBER DECK WITH ROOF

2004/CB-00362 118 BELGRAVE STREET KEMPSEY  
COLOURBOND PICKET FENCE

2004/CB-00366 906 STUARTS POINT ROAD STUARTS POINT  
TRANSPORT FACILITY & FARM SUPPLIES SALES

2004/CB-00367 10 SEAM MILL PLACE EUROKA  
COLOURBOND SHED

2004/CB-00368 183 HAT HEAD ROAD KINCHELA  
FARM SHED

2004/CB-00370 87 RANCH ROAD CRESCENT HEAD  
FARMSHED & AVIARY

2004/CB-00375 6 COOK DRIVE SOUTH WEST ROCKS  
DWELLING ADDITIONS

2004/CB-00376 9 SMITHS CREEK ROAD KUNDABUNG  
INGROUND SWIMMING POOL

2004/CB-00378 12 CLARENCE RYAN AVENUE WEST KEMPSEY  
DWELLING ADDITIONS

2004/CB-00381 25 CREEK STREET HAT HEAD  
DWELLING ADDITIONS & RAMP

2004/CB-00387 34 MIDDLETON STREET SOUTH KEMPSEY  
SWIMMING POOL

2004/CB-00391 133 MACLEAY STREET FREDERICKTON  
SHED

2004/CB-00393 4 BLOOMFIELD STREET SOUTH KEMPSEY  
DWELLING

2004/CB-00396 Lot 641 DPDP830077 GREY GUM CRESCENT  
YARRAVEL  
DWELLING

2004/CB-00402 101 LEITH STREET WEST KEMPSEY  
SHED

2004/CB-00405 55 BRUSHBOX CRESCENT YARRAVEL  
DWELLING ADDITIONS

2004/CB-00406 217 RIVER STREET GREENHILLS  
DWELLING ADDITIONS

2004/CB-00408 34 SHORT STREET WEST KEMPSEY  
DWELLING ADDITIONS

2004/CB-00419 31 CREEK STREET HAT HEAD  
DWELLING ADDITIONS

2004/CB-00420 3 JERSEY STREET SOUTH KEMPSEY  
CARPORT

### **Summary**

Type	No	Value
Construction Certificate Building	36	0

As at 2 Sep 2004 224 applications are in the office awaiting a determination.

The number of applications in excess of 40 days is 60

The reasons for the matters outstanding are:-

BL	Builders Licence Requirements	2
DA	DA Approval Required	3
DR	DA Requirements	4
FD	Further Details Req	40
IA	Incomplete Application	4
OA	Other Agencies	2
RC	Refer Council	1
XX	No Reason Given	4

2004. 647

**RESOLVED:**

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

That the information be noted.

<b>DES13</b>	<b>ERECTION OF A RESIDENTIAL FLAT BUILDING CONTAINING SIX UNITS FILE: T6-03- 877 GGL</b>	<b>{Folio No. 282050}</b>
--------------	--	---------------------------

**SUMMARY:**

Reporting that Council has received a Development Application for the erection of a Residential Flat Building containing six units which requires a variation to the two (2) storey height limit.



**Applicant:** O'Donnell & Hanlon Constructions Pty Ltd  
**Subject Property:** Lot 288 DP 754396, 51 McIntyre Street,  
South West Rocks.  
**Zone:** 2(c) (Residential "C" Zone)

**Planning Report**

The proposal has been examined having regard for the Heads of Consideration identified under Section 79 C (1) of the Environmental Planning and Assessment Act 1979 with the following matters considered to be of particular relevance to the proposal.

**Kempsey Local Environmental Plan 1987 (KLEP 1987)**

The proposed development is defined as a "residential flat building" under KLEP 1987 and is permissible with Council's consent under the 2(a) (Residential "C" Zone).

The proposal requires the support of an objection pursuant to State Environmental Planning Policy No 1 – Development Standards to the 2 storey height limit contained in Clause 24. (see Building Height)

**Environmental Planning Instruments**

The application does not contravene any State Environmental Planning Policies or North Coast REP 1988. Pursuant to State Environmental Planning Policy No 6 - Number of Storeys in a Building, the building is defined as a three storey building having regard to a proposed underground carpark.

***Development Control Plan No. 22 – Local Housing Strategy (Urban Areas) 2001 (DCP 22)***

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

<b>Proposal</b>	<b>DCP 22 Requirement</b>	<b>Complies</b>
	Medium to High	
Site Area: 1093m <sup>2</sup>	6 x 3 bedroom = 6x 130m <sup>2</sup> = 780m <sup>2</sup>	Yes
Landscaped Area: 360m <sup>2</sup>	6 x 3 bedroom = 6 x 55m <sup>2</sup> = 330m <sup>2</sup>	Yes
<b>Setbacks: Ground Floor</b>		
Front: 1.5 encroachment	5m with encroachment of 1.5m for unenclosed structures.	Yes
Side (Short St) 0 m encroachment	3m minimum for Secondary St	Yes
(Orara St) 0 m encroachment	900 min with average of 1.8m compensatory	Yes
Rear 0 m encroachment	900 min with average of 1.8m compensatory	Yes
<b>Setbacks: Second Floor</b>		
Front 0m encroachment	1.5 m minimum with average of compensatory area	Yes
Side (Short St) 0m encroachment	1.5 m minimum with average of $3+(6.2-3)/4= 3.8m$	Yes
(Orara St) 0m encroachment	1.5m minimum with average of $3+(6.2-3)/4= 3.8m$	Yes
Rear 0m encroachment	1.5m minimum with average of $3+(6.2-3)/4= 3.8m$	Yes
<b>Long wall at rear</b> 20m broken & 11.5m	20m maximum	Yes
<b>Car Parking</b>		
6 covered & 6 visitor	6 covered & 2 visitor	Yes
<b>Private Open Space</b>		
Building is above ground level	Balcony is not less than 15m <sup>2</sup>	
Unit 1: 35m <sup>2</sup>		Yes
Unit 2: 23m <sup>2</sup>		Yes
Unit 3: 15.5m <sup>2</sup>		Yes
Unit 4: 35m <sup>2</sup>		Yes
Unit 5: 24m <sup>2</sup>		Yes
Unit 6: 28m <sup>2</sup>		

<b>**Height</b>		
3 storeys	2 storeys as defined by SEPP 6	<b>No</b>
6.2m	6.2m from natural ground level to topmost ceiling.	Yes
<b>***Cut and Fill</b>		
Cut: 2.9m to 1.74m	1.5 max	<b>No</b>

### **\*\* Building Height**

The proposed development does not comply with Clause 24 of KLEP 1987, being a 3 storey building in accordance with the definition of the *Number of Storeys in a Building* under the provisions of State Environmental Planning Policy No. 6. The DCP also imposes a height limit of 2-storeys with a topmost ceiling level of not more than 6.2 metres above natural ground level unless the topography of the site makes compliance extremely difficult.

Pursuant to State Environmental Planning Policy 1 – Development Standards, the applicant seeks relief from the 3 storey limit on the basis that the proposed development complies with the 6.2m topmost ceiling height.

The development complies with the 6.2m ceiling topmost height limit as the applicant is proposing to cut down into the site to create a below ground level basement car parking, which only partially protrudes above ground level toward the front of the site, thereby appearing as a 2 storey building. ([Appendix Q](#))

The overall impact of the proposed development having regard to overshadowing and overlooking of adjoining properties is considered minimal as the site is bounded by a vehicular laneway on the southern boundary.

Therefore the variation to KLEP 1987 and DCP 22 in this instance regarding number of storeys is considered satisfactory as the topmost ceiling height of the building complies with the maximum limit of 6.2 metres. (See Acting Directors Comment)

### **\*\*\*Cut and Fill**

To accommodate the basement, approximately 2.9 metres (southern elevation) to 1.79 metres (eastern elevation) of cut will be required at southern side of the site, where DCP 22 sets a maximum of 1.5 metres (see Acting Directors Comment). The proposed variation is required to keep the topmost ceiling height in compliance with the 6.2 metre limit as addressed in the section above. The additional cut required will have a significantly lower impact than raising the building 1.5 metres to reduce the cut.

### **Advertising/Notification**

The proposal was advertised in accordance with Councils Policy with no objections having been received.

### **Acting Directors Comment**

Council has consistently supported the use of SEPP 1 to vary the two (2) storey height, provided the 6.2 metre maximum is achieved and an appearance of 2 storeys is maintained.

To achieve compliance the applicant was required to alter the original plans to excavate deeper to accommodate the below level carpark.

The absence of above ground parking will provide greater opportunities for landscaping and will enhance the overall appearance of the development.

The maximum cut and fill requirement was introduced to address the proliferation of slab constructions on steep slopes resulting in slope instability. In this instance, the land has a gentle slope, the excavated material is to be removed from the site and the site will be retained by the proposed building.

The proposal will not create any undesirable precedent, meets the underlying objectives of DCP 22 and approval is recommended.

2004. 648

**RESOLVED:**

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

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

- 1 The development referred to in this application is to be carried out strictly in accordance with the approved development plans (drawing numbers 01 to 11 on Job Number 00411U-02, drawn by Midcoast Design and Draft, as amended, Dated 30 August 2004) as modified by any conditions of this consent.
- 2 Before the commencement of site works, demolition or building, the following activities must be completed:
  - a Installation of soil erosion and sedimentation control devices.
  - b Installation of safety fencing/hoardings between the property and the street
  - c Protection barriers for existing trees
  - d Installation of builder's toilets
  - e Installation of signage in prominent, visible position including -
    - "Unauthorised site entry is prohibited"
    - Name and phone number of builder or other responsible person for contact outside working hours.
- 3 The hours of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 4 The applicant is to nominate the haulage route for disposal of overburden, including where it is proposed to place the material, and submit details to Council prior to release of Construction Certificate.

- 5 Lodgement to Council of a cash bond to the value of \$10,000 as surety against any damage to the nominated haul route prior to release of the Construction Certificate.
- 6 Details are to be submitted from a practising structural engineer on the measures, which are to be used to protect the adjoining properties, including Council's road reserve as a result of proposed excavations. Details are to include engineering designs and certificates to cover the work. The details are to be submitted for approval with the Construction Certificate.
- 7 If the excavation is to extend below the level of the base of the footings on an adjoining allotment, the person causing the shall:-
  - a Preserve and protect such building from damage; and
  - b If necessary, underpin and support the building in an approved manner.

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

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

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

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

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

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

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

17 Compliance with the Building Code of Australia.

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

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

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

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

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

21 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to

the sewer is required on site throughout the entire building operation.

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

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

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

- a Structural Engineer's Details for footings, reinforced concrete slab, structural steel work is to be submitted prior to any work commencing on the building.
- b Protection is to be provided from subterranean termites. Council's Code of Practice outlines methods which may be used. Details of the proposed method or methods are to be submitted for approval prior to commencement of work and suitable certifications are to be submitted prior to the issue of an occupation certificate.
- c That the floor surface of the wet areas are properly graded and drained and the junctions of the floor with the walls are treated to prevent the penetration of moisture into the walls. An inspection of the treated area is to be arranged with Council or suitable certification is to be submitted prior to the issue of an occupation certificate.
- d The windows and glass installations within the building shall comply with AS 1288, Part 3.6 BCA Housing Provisions and AS2047. The applicant shall furnish Council with a report from the supplier upon completion of the window and glass installation indicating compliance with the requirements of AS1288 and AS2047. The builder is to certify the windows have been installed in accordance with AS2048.
- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of
  - (1) D2.16of the Building Code of Australia.

Note: Spacing of rails not to exceed 125mm.
- f Riser and Going dimensions for stairs shall be in accordance with Clause D2.13 of the Building Code of

Australia. In Class 1 and 10 buildings the following will apply:

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

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

- g Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
  - h Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
  - i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
  - j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
  - k The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
  - l The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia
- 23 The proposed building has been assessed by Council under the provisions of the Building Code of Australia as a Class 2 & 7 building, having a rise of 3 storeys. The buildings are to be constructed in Type B fire resistance construction. It is the builder's responsibility to ensure that all building elements have the minimum fire resistance level specified in Specification C1.1, Table 4 of the Building Code of Australia.
- 24 Every part of the building shall be constructed in a proper and workmanlike manner to achieve the required level of performance using materials that are not faulty or unsuitable for the purpose for which they are used.
- 25 A "Smoke Hazard Management System" shall be designed and installed within the building in accordance with the relevant provisions of Section E2.2a of the Building Code of Australia.

- 26 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify the siting of the building in relation to adjacent boundaries, and work is not to proceed beyond that stage until a written release has been given by Council. The survey is to be submitted at completion of floor slab formwork before concrete is poured.
- 27 A survey certificate prepared by a registered surveyor is to be submitted to Council to verify that the work is being constructed at the level shown on the building approval. The work is not to proceed beyond the designated stage until a written release has been given by Council. The survey is to be submitted when the formwork is completed for the floor slab before concrete is poured.
- 28 Floors of balconies shall be graded and drained to a grated inlet connected to the stormwater drainage system.
- 29 Clothes drying facilities must comply with Part F, Clause F2.1 of the Building Code of Australia.
- 30 All materials used in the building shall comply with the provisions of Clause C1.10 of Building Code of Australia. A list of all the proposed construction and finishing materials detailing their early fire hazard properties (i.e. spread of flame and smoke development indexes) shall be compiled then submitted to Council for approval prior to their use in the Building.
- 31 Emergency lighting requirements must comply with Part E, Clause E4.2 of the Building Code of Australia.
- 32 Where protection is required, doorways, windows and other openings must be protected in accordance with Part C, Clause C3.4 of the Building Code of Australia.
- 33 Lintels must comply with Clause 2.3 of Specification C1.1 of the Building Code of Australia.
- 35 Brick cavities shall be cleaned in accordance with the requirements of AS3700 – Masonry in Buildings.
- 36 Full details of the means of damp-proofing all garages below or partly below ground level shall be submitted to Council with the Construction Certificate.
- 37 Provisions shall be made for the installation of telephone and television services by installation of conduits during construction for each sole-occupancy unit.
- 38 No service installations shall be installed in exits or paths of travel leading to an exit except as conceded in D2.7 of the Building Code of Australia.

- 39 Walls and floors separating sole-occupancy units and separating sole-occupancy units from a plan room, lift shaft, stairway, public corridor or the like must have Sound Transmission Class (STC) not less than 45.
- 40 A wall separating a bathroom, laundry or kitchen in one sole-occupancy unit from a habitable room (other than a kitchen) in an adjoining unit must have a Sound Transmission Class (STC) not less than 50 and must comply with F5.5 of the Building Code of Australia. Details of the proposed method of complying with F5.5 must be submitted to Council for approval prior to the commencement of construction.
- 41 Soil and waste pipes passing through more than one sole-occupancy unit must be separated from rooms in any sole-occupancy unit by construction complying with F5.6 of the Building Code of Australia.
- 42 Upon completion and prior to occupation of the building, certificate from a practising Structural Engineer shall be submitted to Council certifying that the building has been erected in accordance with the approved structural drawings and is structurally adequate for the loads imposed.
- 43 Where structural reinforced concrete members are required to have a fire resistant rating, the practising Structural Engineer shall certify that the requirements of the relevant SAA Concrete Structures Code have been satisfied. This is to be submitted prior to occupation.
- 44 A certificate shall be submitted by a practising Structural Engineer certifying that the building has been designed in compliance with the requirement as detailed in AS 1170.4 "SAA Earthquake Loads".
- 45 Openings in floors, walls and shafts for services must comply with Section C, Clauses C3.12, C3.13 and C3.14 of the Building Code of Australia.
- 46 The hours of construction work are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 47 Building materials are not to be stored within the road reserve or any other public place.
- 48 The following information to be submitted with the Construction Certificate:-
- a Two sets of specifications for the Class 2 & 7 building detailing the appropriate clauses of the BCA and Australian Standards for the work to be constructed.

- 49 The applicant's consultants are to provide certified plans and specifications with the Construction Certificate for the works to be constructed.
- a The installation of the hydrants complying with Clauses E1-3 of the BCA and AS2419.
  - b The installation of portable fire extinguishers.
  - c The installation of the smoke management system complying with NSW, Part E Tables E2.2. of the Building Code of Australia.
  - d The installation of emergency lighting and exit signs complying with Part E4 and AS/NZS 2293 Part 1-1998.
  - e The installation of plumbing and drainage complying with the requirements of the Local Government Act and Regulation, Australian Standard 3500 and New South Wales Code of Practice Standard 3500

- 50 The following survey certificates must be given to Council at the following stages:-

On completion of floor slab framework before concrete is poured, detailing the location of the structure to the boundaries and compliance with the floor height. Levels shall relate to the datum shown on the consent.

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

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

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

**Note:**

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage, to existing pipe storm system in McIntyre Street.

- ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.

- 52 Information to be submitted with the Construction Certificate:-
- a Provide two specifications for the Class 2 and 7a building detailing the appropriate clauses of the Building Code Of Australia and Australian Standards for the works to be constructed.
  - b Indicate location of the following Fire Safety Services in the Building.
    - Fire hose reels
    - Portable Fire Extinguishers
    - Emergency Lighting
    - Exit Signs.
  - c Provide Mechanical Engineer's detail and certificate Certifying that the car parks permanent natural ventilation complies with Section F clause F4.11 of the BCA and AS 1668.2.
- 53 Details of a pump out system for the under ground car park are to be submitted with the plans for the required Construction Certificate. The system is to incorporate a measure to prevent flooding in excess of 300mm during a 1 in 10 year stormwater in accordance with Australian rainfall and Runoff.
- 54 Detailed plans providing for the satisfactory disposal of stormwater from this site so as not to increase pre development flow rates to be designed in accordance with Australian rainfall and Runoff 1987 and Councils Engineering Guidelines for Subdivision and Development.
- 55 All stormwater drainage from the development site is to be piped and connected to an approved gross pollutant pit directed to Councils stormwater drainage system. A detailed plan is to be submitted for approval prior to Council issuing the Construction Certificate.
- 56 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.
- 57 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.

- 58 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 59 The plans prepared for the required Construction Certificate are to provide for a concrete footpath across Short Street and McIntyre Street frontages of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 60 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of Construction Certificate.

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

- a Payment of a contribution towards District Water Supply at the rate of \$1,211 per equivalent tenement, i.e \$1,211 x 4 E.T = \$4,844. (Indexed 2004/2005)
  - b Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$3,031 per equivalent tenement, i.e \$3,031 x 4 E.T = \$12,124. (Indexed 2004/2005)
  - c Provision of separate sewer junctions, with a maximum of two connections per junction to the existing sewer main.
  - d Details of separate water meter for watering service to be included prior to the release of the construction Certificate
- 61 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,883 per additional dwelling unit, i.e \$1,883 x 4 E.T = \$7,532. (Indexed 2004/2005)
- A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.
- 62 No service conduit to be placed on or over Council's Road Reserve and/or future Road Reserve.
- 63 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult of Council's Environmental Services Department for requirements before commencing construction.

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

## DIRECTOR ENGINEERING REPORT

DE1                    **2004/2005 TOWN IMPROVEMENT PROGRAM**  
 FILE: A2-22      APV      (NRN)                    {Folio No. 282052}

### SUMMARY:

Reporting on an amended Town Improvement Program for 2004/2005.



Council at the meeting on 24<sup>th</sup> August 2004 adopted an amended Budget for 2004/05. The Town Improvement Program was reduced by \$380,750 but with an additional allocation of \$75,000 being provided for town improvement works. The amended budget for the 2004/2005 Town Improvement Program now totals \$365,890 ie. \$290,890 (2003/04 Revote) and \$75,000 (2004/05 amended allocation).

Following a review of the outstanding Town Improvement Program for 2003/04 and the 2004/05 Town Improvement Program adopted by Council on 15<sup>th</sup> July 2004, it is proposed that the amended program, as detailed below be adopted:

### Amended Town Improvement Program

	<u>2003/04</u>	<u>2004/05</u>	<u>Proposed</u>
<b><u>Kempsey</u></b>			
Middleton St	40,000		—
West/Nicholson St	55,000		55,000
Colin Tait Av	8,933		
River St Drainage		17,750	10,000
River St Footpath		6,000	6,000
Sea/Marsh St		13,500	—
Middleton St Dish Drain		50,000	—
Lachlan St footpath (Hill St to Bloomfield St)		3,250	6,000
North St/Tozer St Drainage		23,000	—
Horatio Braham PI Drainage		3,000	3,000
Smith St footpath (north to First Lane)		7,500	5,000
<b><u>Crescent Head</u></b>			
Comara Tce Steps	3,613	5,000	8,613
Korogora & Scott St's (Drainage & K&G)	11,901	39,000	11,901
Hodgson St Drainage	16,436	9,000	25,436
Pacific St Paving	5,000		—
Pacific St Footpath		6,000	6,000

<b><u>Frederickton</u></b>			
Great North Rd K&G	37,752	12,500	50,252
<b><u>Gladstone</u></b>			
Barnard St Drainage	- 140	12,500	140
<b><u>Hat Head</u></b>			
S/W Drainage	2,731		—
Footpath		29,750	—
<b><u>Smithtown</u></b>			
Belmore St K&G	8,355		8,355
Moreton Av Drainage		5,250	—
Belmore St K&G		7,250	—
<b><u>South West Rocks</u></b>			
Sturt St	116,610		116,000
Gregory St K&G		25,000	25,000
Hill St Footpath		15,000	—
Hill St Drainage		25,000	—
Simpson St K&G		42,000	—
<b><u>Stuarts Point</u></b>			
Marine Pde	- 15,300		5,693
Ocean Av		23,500	23,500
	<b>290,890</b>	<b>380,750</b>	<b>365,890</b>

In the adopted Roads to Recovery Program for 2004/2005, \$40,000 has been provided for kerb and gutter work in Willow Street, Crescent Head. It is now proposed that this be diverted to fund the proposed drainage and kerb and gutter work in Korogora Street and Scott Street, Crescent Head.

Similarly, under the Roads to Recovery Program \$40,000 has been provided in 2004/05 for further drainage improvements works in Hat Head. It is now proposed that the continuation of the concrete footpath on the western side of Straight Street north of Mason Street, as requested by the Hat Head Community Group, be the nominated project for Hat Head at an estimated cost of \$30,000. The balance of funds (\$10,000) will be provided for drainage improvements.

Council should note that, as a result of the reduction of funds in the amount of \$31,056 for Ancillary Roads, the proposed traffic facilities projects at Russell Street/Phillip Drive and Entrance Street/Rudder Street are now deferred and will not be completed this financial year.

***Director's Comment:***

***Due to Council's budget decision on 24<sup>th</sup> August 2004, the adopted program has been reviewed and a revised program provided for Council's consideration. Council is urged to adopt the revised program.***

***Other Implications:***

*There are no environmental implications arising from this report.*

***Economic Implications:***

*The economic implications of the following recommendations are deferral of a number of projects previously listed for completion in the 03/04 and 04/05 financial years. The revised program of work complies with the budget amended by Council on 24<sup>th</sup> August 2004.*

***Social Implications:***

*The social implications of the following recommendations are perceived to be a certain degree of disappointment for some ratepayers due to deferral of some projects.*

**Director Engineering Recommendation:**

1. That the amended Town Improvement Program for 2004/05 be adopted in the amount of \$365,890.
2. That the Roads to Recovery Program be amended to provide \$40,000 for kerb and gutter and drainage works in Korogora Street and Scott Street, Crescent Head.
3. That the Roads to Recovery Program be amended to provide \$30,000 for the construction of a concrete footpath on the western side of Straight Street, Hat Head, north of Mason Street.

**MOVED:**

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

That the Director's recommendation be adopted with item 3 being amended to read;

3. That the Roads to Recovery Program be amended to provide \$30,000 for the construction of a concrete footpath / cycleway on the western side of Straight Street, Hat Head, north of Mason Street.

**An Amendment was MOVED:**

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

1. That the amended Town Improvement Program for 2004/05 be adopted in the amount of \$365,890.
2. That the Roads to Recovery Program be amended to provide \$40,000 for kerb and gutter and drainage works in Korogora Street and Scott Street, Crescent Head.

The AMENDMENT was PUT to the Meeting and was LOST.

2004. 649

The MOTION was PUT to the MEETING and was CARRIED.

**SUMMARY:**

Reporting on a petition received requesting the sealing of a section of Settlers Way.



Council has received a petition signed by 11 residents requesting that Council seal a section of Settlers Way adjoining their properties.

The first section of Settlers Way is currently sealed for a distance of approximately 420 metres from Crescent Head Road to Victor Supple Place. The next section of approximately 780 metres is unsealed. The remaining section of Settlers Way has recently been constructed and sealed as part of Phillips Subdivision and consists of 19 lots.

As a result of additional traffic generated during the construction of Phillips Subdivision and the anticipated increase in traffic generated during and following the construction of residences in the new subdivision, the residences in the central unsealed section have requested that Council upgrade and seal this section of road.

Following recent subdivisions by Phillips and Thompson, Section 94 contributions in the amount of \$25,675 are payable to Council towards the upgrading of Settlers Way. Possible future subdivision of land in the area, zoned as 1(c), could result in further contributions of up to \$55,400.

The current unsealed section consists of two sections:

- i) a length of 450m adjoining 6 - 1.2Ha lots on the western side, with residences adjacent to the roadway.
- ii) A section of 320m adjacent to 10Ha lots zoned 1(c) but not yet subdivided.

Requests to have the road sealed have been coming to Council for over 5 years but lack of funding has been the justification for not sealing the road.

The cost to upgrade and seal the first 450 metre length of the unsealed section of Settlers Way is \$37,750. If Council was of a mind to seal the first section the following two options are available.

- i) Undertake the work now by expending Section 94 funds in the amount of \$25,675 and a further \$12,075 of Council funds in advance of possible future development. This is contrary to Council's position in the past and no interest has been shown by the remaining property owners to subdivide at this stage.
- ii) Undertake the work now by expending Section 94 funds in the amount of \$25,675 and a further \$12,075 of Council's funds from the Gravel Resheeting Program.

The sealing of the remaining 320 metre unsealed section of Settlers Way would be undertaken as sufficient funds became available from Section 94 Contributions in the future.

In 2002, Council resolved, in part,

*“That a moratorium until the end of the Roads to Recovery Funding in June 2005 be placed on the extension of the sealed road network in the Kempsey Shire, with the exception of River Road, Kundabung, Old Station Road, 500 metres on Inches Road and 500 metres of John Lane Road in 2003/2004.”*

Traffic figures would not indicate a high usage, the road is not, as yet, a School Bus route and there are no significant safety issues to be addressed. There seems little justification to seal this section of road at this time and it may be beneficial to review the situation in conjunction with the 2005/2006 budget.

**Directors Comments:**

***Whilst it is possible to complete the sealing of a section of the road, with minimal impact on Council’s resources, there is no apparent urgency.***

**Environmental Implications:**

***There are no significant environmental implications from the following recommendation although dust creation is an issue.***

**Social Implications:**

***The social implications from the following recommendation would be a limited amount of discomfort for adjacent property owners awaiting road sealing.***

**Economic Implications:**

***The economic implications of the following recommendation would be the need to allocate Council funds, to compliment Section 94 funds, in the 05/06 Budget.***

**Director Engineering Recommendation:**

That the petitioners be advised that insufficient funds are available to complete the sealing at this stage and that the project will be considered with the 05/06 budget.

2004. 650

**RESOLVED:**

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

That this particular section of road in Settlers Way be included for consideration in conjunction with the overall roads report to be submitted to Council’s February meeting.

**SUMMARY:**

Reporting on the additional funding allocated for Road Maintenance.



Council considered a report on 2003/04 Budget Revotes at its Extraordinary Meeting on the 24<sup>th</sup> August 2004, and resolved that an additional \$400,000 be allocated for Roads Maintenance.

As previously reported, Council needs to concentrate on the maintenance, and refurbishment or renewal of existing assets. Lack of maintenance leads to asset failure. Replacing an asset is far more costly than maintaining it. Asset maintenance is a critical activity that must be appropriately funded. Council's duty of care requires that Council must not allow the infrastructure to fall into such a state of disrepair that it becomes dangerous.

The additional amount of \$400,000 provided for road maintenance will assist in addressing the enormous backlog of roadworks.

**Reseal/Rehabilitation**

Earlier this year an investigation was carried out on all of the sealed roads in the Shire to provide an ongoing Reseal and Rehabilitation Program for the next 15 years (it is desirable to reseal every 12 to 15 years). Roads not resealed within this cycle deteriorate and require substantial additional capital input to maintain.

To maximise the benefit of this additional funding, a quick survey was again undertaken to ascertain the urgent works required this financial year to provide a sustainable network on Rural Local Roads. This survey has revealed that a total of \$1.94million of funding is required for urgent Reseals and Rehabilitation of Rural Local Roads in 2004/05.

This additional funding of \$400,000 together with previous budget allocations for reseals and rehabilitation of the road network will allow some catchup. But as previously reported, this level of funding will need to be allocated on a yearly basis into the future, together with a corresponding increase for every new road that is added to the road network through new development.

The major problem that exists for Council is that a significant percentage of roads need immediate resealing, especially over the next 3-5 years. Accordingly a significant proportion of the additional funding has been allocated for the resealing of rural roads.

Periodic maintenance in the form of bitumen resealing is carried out at intervals to prolong the life of the road. Bitumen resealing retards the development of surface defects such as potholes, edgebreaks, ravelling and

cracking. It also will reduce the infiltration of water into the pavement, thus reducing the rate of the development of rutting, depressions and other losses of pavement shape.

The lack of catch-up funding for this activity is significantly reducing the life of the roads, providing a multiplier effect to pavement strengthening liability costs, which are approximately 5 times the cost of resealing. Resealing costs \$5.00/m<sup>2</sup> as compared to \$25.00/m<sup>2</sup> for road rehabilitation or reconstruction.

## **KERB AND GUTTER**

Council controls and maintains 165kms of kerb and guttering which, on average, needs replacing every 60 years. This means that up to 2.75km of kerb and gutter need replacing annually, depending on condition, at a cost of \$170.00/lineal meter. Future funding for kerb and gutter replacement will need to be in the order of \$415,000 annually.

An inspection of kerb and gutter has been carried out earlier this year, which has revealed that there is some 2,750m of kerb and gutter where the lip is raised 50mm or higher, and is in need of replacement. The estimated cost of replacing this kerb and gutter is \$467,500.

Council has provided \$15,000 in the 2004/05 Budget for kerb and gutter replacement.

An additional \$20,000 has been allocated for kerb and gutter replacement from the additional \$400,000 provided for road maintenance.

## **Bridges**

An additional \$20,000 has been allocated to Specific Bridge Maintenance from the additional funding for urgent bridge works. Without this additional funding the proposed works at McIntyres Bridge on Nulla Nulla Creek Road will not be able to be completed as originally provided for and further funds would need to be provided in 2005/06.

The following program of work is proposed for the additional \$400,000 provided for road maintenance.

<b>Road</b>	<b>Estimate</b>
Reseal - Belmore River Right Bank Rd from 3.05km to 3.58km	\$16,000
Reseal - Chain-O-Ponds Rd from 3.70km to 5.12km	\$43,000
Reseal - Hat Head Rd from 0.5km to 1.30km	\$39,000
Reseal and Rehabilitate - Sherwood Rd from River St to 1.00km	\$78,000
Rehabilitate - Collombatti Rd from 0.08km to 0.43km	\$53,000
Rehabilitate - Sea St from Short St to Dangar St	\$91,000
Rehabilitate - Middleton St (north side) from Vernon St to Robert Eggins St	\$40,000
Specific Bridge Maintenance - McIntyres Bridge on Nulla Nulla Creek Rd	\$20,000
Kerb and Gutter Replacement	\$20,000

<b>TOTAL</b>	<b>\$400,000</b>
--------------	------------------

**Director's Comment:**

**From the additional funds provided by Council's decision of 24<sup>th</sup> August 2004, a program of works has been developed and is included for Council's information.**

**Implications:**

**There are no environmental, economic or social implications from the following recommendation.**

**Director Engineering Recommendation:**

**That the information be noted.**

**MOVED:**

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

**That this matter be deferred for a month and a further report be submitted to Council based on the allocation of \$150,000 being set aside for use within the unsealed road network.**

**An Amendment was MOVED:**

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

**That the Director's recommendation be adopted and that a workshop be held to clarify all the issues relevant to roads.**

2004. 651

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

<b>DE4</b>	<b>CRESCENT HEAD FORESHORE REHABILITATION FILE: C13-3 GJW (NRN) COPY APC {Folio No. 282058}</b>
------------	---

**SUMMARY:**

Reporting on Crescent Head Foreshore Rehabilitation.



An assessment of the Crescent Head foreshore has highlighted significant amounts of wear and erosion. This has been a consequence of heavy usage associated with drought conditions.

Consultation with the local Aboriginal community has also identified several sites of significance within the area.

To cope with the amount of pedestrian traffic at peak periods, it has been proposed that a number of measures be undertaken.

## **Stage 1**

Rehabilitation of eroded areas and removal of seating significant areas.

## **Stage 2**

Construction of a solid pathway from the southern end of the beachfront carpark along the beachfront for approximately 75 metres and the revegetation of the area.

## **Stage 3**

- The extension of the pathway to the south.
- The protection of significant sites.
- The construction of a viewing platform and revegetation of the area.

## **Stage 4**

- The continuation of the path south to the foot of Little Nobby and the revegetation of the area.

## **Stage 5**

Erosion control, pathways and viewing platforms on Little Nobby.

All infrastructure would be of a minimal nature so as not to detract from the natural beauty of the area.

Consultation has been carried out with the Kempsey Aboriginal Land Council, the Department of Environment and Conservation - National Parks and Wildlife, DIPNR, Dunghutti Elders, Guriwa Ngungadar, Booroogen Djugun, Crescent Head Elders, the Malibu Club and Crescent Head Country Club.

It is proposed to seek funding from a number of sources to complete the works. Included in Council's Section 94 Plan for Outdoor Recreation and Open Space was the provision of pathways in this area and it is proposed that \$20,000 be allocated from the funds available. Some \$101,139 is currently available for the Crescent Head Catchment.

### ***Director's Comment:***

***The proposed project will involve the community and Council in protection of a fragile coastal foreshore and Council is urged to support the recommendation.***

### ***Environmental Implications:***

***The environmental implications of the following recommendation would be a commitment to preservation and enhancement of the fragile coastal environment.***

### ***Social Implications:***

*The social implications of the following recommendation would be Council's support for a project encompassing a broad range of community participants.*

***Economic Implications:***

*The economic implications of the following recommendation would be the allocation of funds from Outdoor Recreation and Open Space Section 94 contributions to the value of \$20,000, leaving a balance of \$81,139.*

2004. 652

**RESOLVED:**

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

**That \$20,000 be drawn from Section 94 Contributions for Outdoor Recreation and Open Space for Crescent Head Foreshore Rehabilitation.**

<b>DE5</b>	<b>GOAL POSTS AT SMITHTOWN OVAL FILE: R3-24 GJW (NRN) COPY APC {Folio No. 282059}</b>
------------	---

**SUMMARY:**

Reporting on goal posts at Smithtown Oval.



A risk assessment of Smithtown Oval has highlighted the need to replace the existing posts due to deterioration of the metal uprights. The posts will need to be replaced prior to the next football season.

An investigation of appropriate posts has identified a manufacturer of aluminium posts who supplies posts to suit Australian Standards for \$8,000.

No specific funding has been made to cover new posts at Smithtown and Council withdrew the vote of \$21,000 for sports facilities at its meeting of 24.8.04. These funds are now held in the Sports Facilities Reserve. This project is relatively urgent, funds can be expended this financial year and there are no Section 94 Outdoor Recreation and Open Space Contributions available for the Smithtown area.

It will be recommended that funds be drawn from this Reserve for this project.

***Director's Comment:***

***New posts will be required at Smithtown Oval for the next season and provision needs to be made this calendar year to allow supply and installation before the next season. Council is urged to support the recommendation.***

***Economic Implications:***

***The economic implications of the following recommendation would be a reduction in the Sports Facilities Reserve of \$8,000, leaving \$13,000 available for any further projects.***

***Other Implications:***

***There are no social or environmental implications from the following recommendation.***

2004. 653

**RESOLVED:**

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

**That \$8,000 be provided from the Sports Facilities Reserve for new goal posts at Smithtown Oval.**

<b>DE6</b>	<b>QUESTIONS WITHOUT NOTICE</b>		
	<b>FILE: C18-28 JC (NRN)</b>		<b>{Folio No. 282060}</b>

**SUMMARY:**

Reporting on Questions Without Notice from the Council meetings of 15<sup>th</sup> July 2004 and 10<sup>th</sup> August 2004.



Responses to Councillors Questions Without Notice are listed for information.

**Meeting of 15<sup>th</sup> July 2004**

**Councillor E A Green**

**File: R Sherwood Rd**

**(Folio No. 278800)**

That the Director Engineering would supply a copy of the rehabilitation program for the Sherwood Road / Old Aerodrome Road area.

***Information being compiled. Listed for inclusion on roads inspection 9<sup>th</sup> September 2004.***

**Councillor R H McWilliam**

**File: T6-04-308**

**(Folio No. 278822)**

That the Director Engineering would investigate the status of the DA for the new canteen at Gladstone Sporting Fields.

***DA conditionally approved. User Group informed.***



**Meeting of 10<sup>th</sup> August 2004**

**Councillor E R Walker**

**File: N3-2**

(Folio No. **280314**)

That the Director Engineering would follow up on a previous request to investigate the presence of Khaki Weed at the Riverside Park boatramp.

***Khaki weed not found at boat ramp although area had just been mowed. Area sprayed for bindie, which should take care of most broad-leafed weeds including khaki weed.***

**Councillor E R Walker**

**File: N3-2**

(Folio No. **280318**)

That the Director Engineering would investigate the presence of Giant Parramatta grass in the vicinity of the Fabridam at Kinchela Creek.

***Greg Egan to inspect and add to GPG programme for coming Spring.***

**Councillor E A Green**

**File: R8-2**

(Folio No. **280337**)

That in re-sealing of bitumen roads it was the contractors role to return the next day to sweep away excess gravel and the Director Engineering would investigate the excess gravel at the following locations in West Kempsey which had been there for some time:-

- cnr North Street and Sea Streets
- cnr Sea Street and Elrington Avenue
- cnr North Street and Jack Bond Crescent

***Relatively small buildup of gravel due to traffic wear – work order issued for maintenance attention.***

**Councillor E A Green**

**File: T11-4**

(Folio No. **280340**)

That the Director Engineering would investigate the poor condition of the fourth large tree in Broughton Street from River Street end.

***Tree to be removed - quotes being sought.***

**Councillor J H Bowell**

**File: R Nance Rd**

(Folio No. **280344**)

That the Director Engineering would investigate the need for road maintenance at the corner of Nance Road and South Street, South Kempsey.

***Road maintenance provided – longterm rehabilitation listed for future program.***

**Councillor J H Bowell**

**File: R8-24**

(Folio No. **280352**)

That the Director Engineering would consider the need for additional street lighting outside the Showground in Sea Street, Kempsey, and in the South Street Industrial area in South Kempsey.

***Quotation sought for Sea Street from CountryEnergy Review of Industrial area to be undertaken to assess requirements.***

**Mayor Councillor J A C Hayes**

**File: R Sherwood Rd**

**(Folio No. 280365)**

That the Director Engineering would investigate the need to repair a depression in the road surface at Sherwood Road just before Old Aerodrome Road.

***Repairs completed***

***Report Implications:***

***There are no implications arising from the following recommendation.***

2004. 654

**RESOLVED:**

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

**That the information be noted.**

**DE7**

**WORKS IN PROGRESS**

**FILE: R8-2 KJF (NRN)**

**{Folio No. 282061}**

**SUMMARY:**

Reporting on Works in Progress.



**ROADS**

***REGIONAL ROADS***

**Sealed**

Patching and general maintenance is continuing on all the Regional Roads.

Black Spot remedial works on MR198 (South West Rocks Road) involving realignment and rehabilitation of some sections of MR198 in the Austral Eden area is complete.

MR198 (South West Rocks Road) at Benelong Haven is scheduled for rehabilitation works. This work will commence in September 2004.

**LOCAL ROADS**

**Sealed Rural**

Pavement maintenance work on the sealed road network is continuing.

**UNSEALED RURAL**

### **Gravel Resheeting**

The gravel resheeting of Old Station Road, Verges Creek Road, Chain O'Ponds Road and Collombatti Road has been completed.

Back Creek Road is due to be resheeted during the second part of September.

### **Maintenance Grading**

The "Shire East" roads maintenance crew is currently in the Frederickton / Collombatti Area (Area E4). The crew will move to the Aldavilla Area (Area E5) upon completion of area E4

Roads graded during this month;

Kemps Access	Quarry Road
Seven Hills Road	Barbers Lane
Mighells Road	Lukes Lane
Thurgoods Lane	Western Lane
Syd Sutherlands Lane	Dangars Lane (East & West)

The "Shire West" roads maintenance crew is currently in the Warbro Area (Area West 3). The crew will move to the Toorumbee Area (Area W4) upon completion of area W3.

Roads graded during this month;

Fifes Road	Warbro Road
Brasils Creek Road	Toose Road

### **TOWN AND VILLAGE STREETS**

#### **Kempsey Town Improvement**

Gladstone Street in Kempsey is scheduled to undergo rehabilitation works in early September. This work will involve replacement of the broken kerb and gutter on the eastern side and rehabilitation of the road. This project is part of the Roads to Recovery program.

#### **Crescent Head Town Improvement**

Drainage work, kerb and gutter, and road works are scheduled for Korogora Street. This work is due to commence at the end of September.

#### **South West Rocks Town Improvement**

The CBD area is currently undergoing improvement works under the RTA 40km/h High Pedestrian Usage Program. This work will involve the installation of blisters, median islands and footpaving to accommodate a more pedestrian friendly environment.

#### **Stuarts Point Town Improvement**

Kerb and Gutter works is underway in Ocean Avenue. The kerb and gutter will join the existing kerb on the eastern side and be constructed on both sides of Ocean Avenue heading west. This project is part of the Roads to Recovery program.

### **Pedestrian Access Mobilisation Plan (PAMP)**

The PAMP work in Smith Street (Kempsey) has been completed. This work involved a footpath along the eastern side of Smith Street connecting the CBD to the Bus Station in First Lane.

Further PAMP work is in progress in Belgrave Street and Marsh Street. The work will involve blisters, pedestrian refuge islands and footpath to accommodate pedestrians at these very busy locations. This work will be completed by mid September.

### **FLOOD MITIGATION**

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

The Glenrock Drain Flood Structure is currently undergoing concrete maintenance works. This work will involve the dewatering of the site; the grit blasting of the concrete structure; replacement of steel where needed; and the repairing of concrete surfaces. The floodgates will be renovated at the same time.

### **BRIDGES / STRUCTURES**

#### **Specific Maintenance**

Specific maintenance on Fullers Creek Bridge (Nook Creek Road) has been completed.

The new bridge at McCoys Creek on Willi Willi Road has been completed and the bridge is open to traffic. The next step is the removal of the causeway as part of a NSW Fisheries initiative to reinstate the creek bed levels.

### **HORTICULTURE**

#### **Coastal Weeds Rehabilitation Project**

Continuing. Spraying carried out at Middle Head and South West Rocks.

#### **Upper Macleay Riparian Weeds Project**

Stage 1 completed - to continue with the eradication of regrowth in the areas treated over the past 6 months through Spring and Summer.

#### **Plans of Management**

Plan for Verge Street Ovals – continuing. Full survey required to clearly identify area.

## **Playgrounds**

**Kundabung Reserve** - Lands Department confirmed Trust happy to pass management to Council and letter of acceptance sent to Lands Department. Awaiting gazettal of Council as trustees.

**Ella Hennessy Park, West Kempsey** - New equipment to be installed delivered to depot.

The Horticultural Advisor is working on a playground strategy to highlight future requirements and funding sources.

## **Sporting Facilities**

Department of Sport and Recreation Capital Assistance grant applications sent to all User Groups. Application completed for Boyters Lane complex.

A grant funding application is being prepared to be submitted to the Department of Tourist Sport and Recreation's Area Assistance Programme in regards to the resurfacing of the Sydney Street Netball Courts.

## **Parks**

Landscape improvement works at South Kempsey Park, funded by the RTA, have been completed.

## **NOXIOUS WEEDS**

Greg Egan is still acting in the role of Noxious Weeds Inspector. Greg represented Kempsey Shire Council at the Quarterly Mid North Coast Weeds Advisory Committee AGM and General Meeting on 26<sup>th</sup> August 2004.

Planned Bitou Bush spraying is near completion for the season - are still treating a few areas by Spot Spraying, which won't affect any of the native species that are now flowering.

A control programme for Giant Parramatta Grass is currently being drawn up for Council roads and reserves. Spraying will commence in September, if weather conditions are favourable. The GPG inspections are also for Urban streets with control plans now well under way for the treatment of this evasive weed in town. Streets will start being treated in September with Taskforce as it is registered to use from September to February. As a result of Notification letters that have been sent out informing landowners of infestations and the need to prevent GPG from spreading and reducing numbers. Landowners have been contacting council with feedback and control plans for their control.

Council has received quite a few phone calls from Weed Articles that have been published in the Town and Country Newspaper with many ratepayers enquiring about Giant Parramatta Grass and Groundsel Bush. These articles have been run by Mid North Coast Weeds Advisory Committee, and include contact details for each participating council.

There was a small amount of Water Hyacinth identified in the Macleay near the Kempsey Traffic Bridge, this has been treated by a contractor with a good success.

Annual Program for Groundsel bush is in the process of being completed although there has been a few new site where Groundsel Bush has been identified and these new infestations will be programmed for control.

Bindii Spraying has been underway in the Kempsey Shire in parks and Sporting Fields with the aim to control and reduce the numbers of Bindii and any other weeds.

A mapping and control program is also being worked on for infestations of Mother of Millions in the Kempsey Shire.

## **BUILDING SERVICES**

### **Work completed last 4 weeks**

- Ongoing maintenance to amenities.
- Aged Care Units – miscellaneous repairs.
- South West Rocks Pilot Station – Temporary repairs to rear verandah.
- Clyde Street Mall – Baby Care Facility.
- Works Depot - construct vehicle ramps to wash bay.  
- safety rail to wash bay area.
- South STW – Replace doors.
- Tozer Street Aged Care Units – Modifications to kitchen at Unit 7.
- Kemp Street Amenities Block – Install partitions to ladies showers.

### **Work proposed next 4 weeks**

- Works Depot
  - Maintenance to gutters and down pipes (continuing).
  - Upgrade Locker Room/Shower (continuing).
  - Relocate Stores Compound (continuing).
  - Install sediment fences to designated areas (continuing).
- Timber Bollards – Manufacture a total of 300 (continuing).
- South West Rocks SES – install concrete slab and awning.
- Crescent Head – Repair ordinance fencing to Comara and Noongah Terrace (continuing).
- South West Rocks Tip – Install concrete slab for waste oil tank.

- Kempsey Tip – Insulate roof to ticket/entry office.
- Frederickton Cemetery – Install self-contained pump station to Unisex toilet.
- Crescent Head Water Treatment – Replace doors.
- Pools painting for 2004/05 season opening.
- Clyde Street Mall – Repaint lampposts.

**Implications:**

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

2004. 655

**RESOLVED:**

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

**That the information be noted.**



**DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT**

DCCS1	KEMPSEY SHIRE COUNCIL SOCIAL PLAN 2004 - 2009		
	FILE: C10-9	MJL	NSW {Folio No.282062}

**SUMMARY:**

Reporting on the background of mandated social planning activity in NSW as well as the findings and recommendations based on research conducted (including community consultation) within Kempsey Shire.



The Local Government (General) Regulation 1999 requires all Councils in NSW to develop a social plan at least every 5 years, and to review it annually in conjunction with Council's management plan. Councils must include a statement about proposed access and equity activities in their management plans and report on these identified activities in their annual reports (NSW Department of Local Government 2002).

The Social Plan broadly identifies and addresses the needs of the community through describing the demographic makeup of the area, reviewing and analysing trends locally and compared with other areas, identifying current and future key priority issues and recommending actions to address these issues. It also prepares Council to be in a position to act in an advocacy role, where appropriate, for diverse groups within the community. In addition, it functions

as a management tool to enable Council to remain accountable to the community in relation to its activities and decisions.

Kempsey Shire Council is committed to creating a thriving, sustainable community. The Social Plan is an underpinning factor in achieving this objective. There have been substantial resource limitations in its research and development. As such, it has been produced with the intention of providing a strong foundation for further in depth investigation of identified issues and development of specific strategies to address them over the 5-year time frame.

The Draft Social Plan has been copied for Councillors and forwarded separate to this Report.

***Social Implications:***

***In making a commitment to adopt and implement the recommendations in the 2004-2009 Social Plan, Kempsey Shire Council is demonstrating leadership and optimism to the community. These are essential elements in building the capacity of the Shire to become empowered and sustainable in the current climate of increasing social, economic and environmental pressure.***

***Financial Implications:***

***Council will need to give consideration to appropriately resourcing a position to undertake community development / social planning activities. This is a cost effective and productive way of addressing the complex issues involved in meeting Council's obligations to the mandated requirements of the NSW government in regard to social planning.***

***At present staff have carried out this role in addition to existing roles – Madeleine LaCroix was employed for 3 days per week under the Community Options Program and an extra day to research and compile the Plan was paid from the Social Plan Budget. A further report will be submitted with the 2005/06 Budget because the COPS Program now takes up 5 days.***

***Statutory Obligations:***

***The Social Plan must be adopted by Council before 30<sup>th</sup> November 2004 to meet its Statutory Obligations.***

***Policy Implications:***

***In accordance with Council's Community Consultation Policy, the Draft Plan will be placed on exhibition and a public meeting held.***

**Director Corporate and Community Services Recommendation:**

**That the Draft Kempsey Shire Council Social Plan 2004 - 2009 be placed on public exhibition and resubmitted to the November Council meeting for adoption.**

2004. 656

**RESOLVED:**

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

1. That the Draft Kempsey Shire Council Social Plan 2004 - 2009 be placed on public exhibition with a disclaimer regarding current contents and that Council has not reviewed the plan in detail.
2. That a workshop be held after the exhibition period to discuss Council's and the public submissions received.



**PRESENTATION**

Council was addressed by Kathy Oliver and Greg Hehir, who did a Power Point presentation on the Community Economic Forum, that they attended in Grafton last week.



At this stage 1.20 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.22 p.m. all present at the adjournment were in attendance.



2004. 657

**RESOLVED:**

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

That Council move into workshop mode to further discuss GM6 Organisational Restructure.

2004. 658

**RESOLVED:**

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

That Council resume and deal with item GM6 Organisational Restructure immediately.



<b>GM6</b>	<b>ORGANISATIONAL RESTRUCTURE</b>	<b>{Folio No. 282107}</b>
	<b>FILE: S10-2 AVB (NRN)</b>	

**SUMMARY**

To present to Council options for the future organisational structure for Kempsey Shire Council.



Under Section 333 of the Local Government Act 1993 the Organisational Structure must be determined within 12 months after any ordinary election of

the Council. The current organisation Structure for Council is shown in [\(Appendix C\)](#)

The Council's Organisation Structure should reflect the current needs of its communities. These needs are constantly changing but have an underlying basis of an expectation of improved levels of service, effective delivery of service and a requirement of strong and constant consultation.

When we last did a restructure in 2001 a Business Enterprise Department was established with a view to converting existing Council businesses into more profitable units which would provide alternative income sources to complement rate income or reduce the business costs to make them less dependent on subsidisation from rates.

Many of the businesses managed by Business Enterprise are in fact services eg. airport, swimming pools, waste, economic development, tourism and fleet and are never likely to provide a profit. On the other hand water and sewerage (Macleay Water), caravan parks, property and sale yards do or are capable of making a profit. The department is in fact not a true business operator but an operator of essential community services and a limited number of business opportunities.

The departments are currently an assortment of service providers. The internal service provider, corporate services is providing external services such as cemetery, library and community services while the physical external services are split between Engineering and Business Enterprise. Council's workforce and plant is split between three departments making any reallocation of staff and plant priorities difficult.

The basis for this review of the structure has been - would Council's service provision be improved if;

- all internal services were grouped together
- all external services were grouped together
- all works staff and plant were contained in the one department?

There have been a number of Council resolutions that needed to be taken into account as part of the review process.

#### Meeting 9th December 2003

*"That Council review its natural resource management methods with a view to;*

- a. *establishing a natural resource management department / section"*

#### Meeting 29th April 2004

*"That consideration of providing \$40,000 to engage a consultant to determine a corporate approach to asset management, be deferred for consideration in conjunction with the report from the General Manager on Council's restructure proposals.*

1. That a review of Tourist Information Services and a possible fee for service be included in the report from the General Manager on the restructure proposals.
2. That the feasibility of combining Tourist Promotion Services and Economic Development Services be investigated.

During the review of the structure staff were fully consulted. Two meetings with each departments staff plus meetings with Team 21 and with the Directors were held and their input sought. Attached [\(Appendix D\)](#) is a précis of those discussions and feedback.

Two options are presented to Council [\(Appendix E\)](#) one is for a two department structure and one is for a three department structure. Both options have the same management positions except for an additional department head. There is a strong view particularly from Environmental Services that the department head of a two department structure could have a conflict of interest if that department head was the applicant and the consent authority for Council applications eg. the conditions of the consent could be a burden on the financial resources available. There could also be a perception by the community that there was a conflict with the same department being both applicant and consent authority as it could be believed that consent would be a fact accompli. The same Director would also be reporting to Council on possible conflicting roles.

The major new features of both options are;

1. The establishment of a Strategic Group.

During consultation with staff the lack of liaison between departments was identified as a major issue particularly between those areas of Council involved in future infrastructure planning. When plans of management or strategic plans are being developed there is little input from affected sections throughout the organisation. A Strategic Group is to be established with core representation from at least;

- Organisational Effectiveness
- Strategic Planning
- Engineering Design and Strategy
- Macleay Water
- Environmental Projects
- Economic Development

Non-core members would be representatives from Departments preparing plans outside of the core group. The Strategic Group is to meet on a regular bases.

The establishment of a separate department for this Strategic Group was investigated but is not recommended due to cost considerations. Those staff that would have to be transferred permanently to a strategic department would have to be replaced in their original department as Strategic Planning is only part of their job.

Regardless of whether Council changes the current structure I intend to establish a Strategic Group.

## 2. The Establishment of a Development Assessment Group

Conditions of consent are prepared by Environmental Services and there is not sufficient input from other departments who will be the owners of any new infrastructure. It is the infrastructure owners who know of future plans and the need for subdivision infrastructure to be compatible with that planning. A Development Assessment Group is to be established to review conditions of consent and this group will meet on a weekly basis. Once again I intend to establish this group regardless of whether the structure is altered.

## 3. One Department Manages all Works Staff and Plant

This would eliminate the frustrations being encountered by departments with small workforces that need to requisition either staff or plant during leave periods or at time of breakdowns or emergency situations. Currently we have two departments. Engineering and Business Enterprise that have large works staff and plant and the amalgamation of both staff and plant should provide better career pathing and higher utilization of plant. Council however, needs to gain look at how plant is purchased to overcome the "Them and Ours" attitude and to ensure that resource sharing is not inhibited by different fund allocations. The only works staff that would not be covered by this concept would be workshop and store.

## 4. Each department is either responsible for Internal Services or External Services

The Corporate Services Department has been established to manage Internal Services while the external services are managed by Shire Services or in a three department structure, Shire Services and Environmental Health and Development. The only exceptions to that rule are

- Customer Services although primarily providing a service to external customers relates strongly with administration and has been included with Corporate Services.
- Engineering Design and Strategy although providing a service to internal customers is strongly aligned with Engineering and Macleay Water and these two areas are proposed to be within the same department. As Engineering Design and Strategy is only providing a service to one department it has been included in that department.

## 5. Community and Leisure Services

There are strong linkages of lifestyle services if you accept that cemeteries are maintained by parks and Gardens. Parks and Gardens, Library, Swimming Pools, and Tourism are all recreational, while youth services and aged services are improving the lifestyles of different generations. Although this section would come under one manager the section would be subdivided into the major focus areas eg. Parks and Gardens, Community Services,

Library and Tourism. It is anticipated that the manager would co-ordinate a focus area.

#### 6. Economic Development

Economic Developments focus is to generate increased business activity. This involves in many cases negotiating opportunities that make Kempsey Shire the most beneficial location in which to do business. Discussions are held regarding Council's policies and plans and there is substantial liaison with Town Planning. There would be better understanding of each areas roles if Economic Development was included in Environmental Health and Building.

#### 7. Small Businesses

Waste, Caravan Parks, Sale Yards, Airport, Property Maintenance and Trade Waste works both maintenance and construction will be the responsibility of Shire Services. These businesses need to grow to ensure that they are less dependant on rate revenue or make a profit. Employment of a person with property and marketing skills needs to be employed by Corporate Services to not only oversee the growth of these businesses but to ensure that Council's assets, land and buildings are utilized to their full potential.

#### 8. Customer Service Centre

A proposal for a Customer Service Centre is attached ([Appendix F](#)). The Customer Service Centre would handle all personal and telephone enquiries. All staff are to be multiskilled and are to be capable of answering enquiries relating to Rates, Health and Building, Town Planning, Engineering, Community Services etc. and to be a cashier. The clerical staff would be supported by a duty Town Planner, Building Surveyor and Engineer who will sit behind the counter staff on a roster system. Those technical staff would undertake their normal roles unless called upon by the Customer Service staff.

The only part of the Civic Centre building that will be accessible by the public will be the Customer Service Centre. All incoming calls will be taken by the Customer Service Centre and only those calls that can't be handled by the Customer Service Centre will be put through to the Departments.

Customer Service Centres operate at a number of Councils and the concept lends itself to a Civic Centre with a layout such as ours. Currently our customers trudge to and fro across the lawn to receive a service they should be able to receive in one location. A number of models have been inspected by the Manager Administration but due to concerns of some staff a further inspection is to be arranged with those staff so that they can see first hand a successful operation.

### **Summary**

Of the two options presented I would recommend the three department structure. The concerns about conflict and community perception are real and a one external service provider would be an enormous responsibility for one Director.

There are some financial savings with both options due to the reduction of the number of Directors. However, other staff would need to be engaged to fulfill their roles. The savings in the two department option amount to approximately \$45,000 and in the three department option approximately \$16,000. It should be recognised however that additional resources will need to be allocated to establishing systems and providing training for the Customer Service Centre. Provision of \$200,000 has been made in the budget for internal alterations to the Civic Centre, which will be centred around the Customer Service Centre.

In respect of the resolution regarding fee for service for the Tourism Information Service, I am in favour of charging for the distribution of brochures on behalf of the accommodation and facility sector. Council has adopted an output to be achieved by 31st March 2005 by myself "Procedures are put in place that will result in funding for Tourism Information and Promotion Service being provided by the beneficiaries of those services". The Tourism Strategies Plan that is being developed talks about the establishment of clusters for the purposes of funding promotion activities by way of contribution but the leadtime for the establishment of those clusters is long term.

The matter of the amalgamation of Economic Development and Tourism Promotion has been addressed elsewhere in this report with the suggestion that Economic Development be aligned with Town Planning and Tourism being aligned with Lifestyle Services.

Should Council adopt either option I will endeavour to have the new structure in place to operate from the 1<sup>st</sup> January 2005. This timetable will exclude the internal alterations and the establishment of the Customer Service Centre to train the staff for the Customer Service Centre will take about nine months and there is no future in opening the Customer Service Centre until this has been completed. A further report needs to be submitted to Council on the final preferred option together with an assessment of resources needed to establish the centre.

### ***Report Implications***

***There are no statutory or policy implications. There will be some savings if either the two department or three department option is adopted but these savings will be absorbed by additional training costs. There may be other costs associated with the establishment of a Customer Service Centre which will be needed to be reported later.***

### **General Manager's Recommendation:**

- 1. That Council adopts a three department structure comprising Corporate Service, Shire Services and Regulatory Services.**
- 2. That a further report be submitted on the establishment of a Customer Service Centre.**
- 3. That the current method of allocating resources for the purchase of plant by fund be re-examined.**

**MOVED:**

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

**That the General Manager's recommendation be adopted.**

**An Amendment was MOVED:**

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

**That the Mayor approach the Department of Local Government and requests a consultant recommended by their department.**

**This consultant is to audit the operations of Kempsey Shire Council's organizational structure and supply Councilors with his findings and recommendations before Council adopt any future recommended organizational structural changes for Kempsey Shire Council.**

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

2004. 659

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

**DCCS2**

**COMMUNITY SAFETY COUNCIL  
FILE: P8-2 CJL**

**{Folio No. 282063}**

**SUMMARY:**

Reporting on outcomes of the recent Community Safety Council meeting.



Council, at its meeting of 22<sup>nd</sup> June 2004 resolved:

*"That the Director Corporate and Community Services provides a further report on the appointment of members to the Community Safety Council".*

At the Community Safety Council meeting of 6<sup>th</sup> July 2004, the Committee resolved:

*"That the membership of the Community Safety Council should comprise a representative of the following organisations:*

*Kempsey Police  
Department of Corrective Services  
NSW Premiers Department  
Djigay Centre  
Department of Housing  
Kempsey Women and Children's Services  
Department of Community Services  
Kempsey Community Health Services  
NSW Department of Education and Training  
West Kempsey Neighbourhood Improvement Program  
Many Rivers Violence Prevention Unit*

Durri Medical Centre  
Kempsey Probation and Parole Service  
Kempsey Juvenile Justice  
Elders Council South Kempsey  
Kempsey Mental Health Support Group  
Community Health Violence Against Women Strategy  
Mid North Coast Area Health Service  
Kempsey Centrelink  
Goorie Galbans  
Kempsey SES  
Kempsey Assistance Patrol  
The Director of Corporate and Community Services or his/her nominee'

Council is asked to adopt this committee makeup. Nominations will then be sought from suitable representatives.

**Director's Comment:**

***The appointment of community organisation delegates to the Community Safety Council is based on the various community service organisations in the Shire being represented on the committee by a delegate to ensure appropriate input from the community and applicable dissemination of outcomes to the community. It is felt that the makeup recommended will work well and Council is urged to adopt the committee members as recommended.***

On 24<sup>th</sup> August 2004, I attended a meeting to commence the Mid North Coast Safe Communities Network (Councils from Great Lakes / Taree to Coffs Harbour to comprise the Network).

Whilst the main focus of the Councils at present is either the creation of Crime Prevention Plans or the revision of Crime Prevention Plans, the future emphasis will be broader and aim towards being accredited by the World Health Organisation (WHO) as "Safe Communities".

The Safe Communities model offers an approach to injury prevention and safety promotion. It creates an infrastructure in local communities for addressing injury prevention initiatives through the building of local partnerships. Communities build relationships to target injury-related issues that are of significance in their local area and then organise solutions to address these issues.

This type of model has been very successful as:

- A community defines its own problems and identifies solutions to these problems;
- Efforts towards injury prevention and safety promotion are coordinated at a regional level;
- It raises public awareness about the importance of protecting people in communities;
- It ensures that community interest groups play a part and support any injury prevention or safety promotion projects; and
- It creatively mobilises local community members to action.

To achieve the goals of the WHO partnerships between all community agencies will be necessary as well as active partnerships between the Councils as Community leaders.

This Network will also be of benefit to all participating Councils as it is hoped to form a link with Statewide Mutual to ensure risk management practices in public places are at the forefront of Community Safety Initiatives.

By encouraging active participation of as many Government and Non Government Agencies as possible onto the Community Safety Council and forming networks within the region it is hoped to attract more programmes and funding towards Community Safety objectives.

*Other Implications:*

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

**Director Corporate and Community Services Recommendation:**

That the Community Safety Council comprises representatives from;

Kempsey Police  
Department of Corrective Services  
NSW Premiers Department  
Djigay Centre  
Department of Housing  
Kempsey Women and Children's Services  
Department of Community Services  
Kempsey Community Health Services  
NSW Department of Education and Training  
West Kempsey Neighbourhood Improvement Program  
Many Rivers Violence Prevention Unit  
Durri Medical Centre  
Kempsey Probation and Parole Service  
Kempsey Juvenile Justice  
Elders Council South Kempsey  
Kempsey Mental Health Support Group  
Community Health Violence Against Women Strategy  
Mid North Coast Area Health Service  
Kempsey Centrelink  
Goorie Galbans  
Kempsey SES  
Kempsey Assistance Patrol  
The Director of Corporate and Community Services or his / her nominee.

2004. 660

**RESOLVED:**

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

That this report be referred to the Community Services Committee for its determination.

<b>DCCS3</b>	<b>KEMPSEY MEDICAL SCIENCES SCHOLARSHIP COMMITTEE</b>
<b>FILE: H2-26 TIH (NRN)</b>	<b>{Folio No. 282064}</b>

## **SUMMARY:**

Reporting on the inaugural meeting of the Scholarship Committee.



Set out below are the Minutes of the Inaugural Meeting held on 25<sup>th</sup> August 2004.

### **Minutes of the Kempsey Medical Sciences Scholarship Committee, held in the committee room Kempsey Shire Council on Thursday 25th August 2004 at 4.10pm**

#### ***Present:***

Councillor John Bowell, Trevor Hannam, Derek Wright (School of Rural Health), Brian Troke (Kempsey Rotary Club), Jo Cavanagh (Melville High School), Margaret Hammerlsey (Kempsey West Rotary Club), Bill Shepherd (Kempsey High), Leo Smith (G.P), Mick Vella (St Pauls College), Meram McCourt (SWR Rotary Club)

#### ***Apologies:***

Sheri Cook, Richard O'Leary

#### ***General Discussion:***

Discussion centred on how much is a suitable amount for a scholarship of this nature, the definition of Health Profession " (medical radiation, physiotherapy, general practise, dentistry, pharmacy, occupational therapy, speech therapy, medicine. nursing, et al), do we allocate one scholarship per school i.e. 3 or ? Year 12 students only, how to ensure that the recipient is enrolled and does not defer, the necessity to ensure that the selection criteria and process cannot be challenged, how to apply for the scholarship the necessity to advertise the scholarships as soon as possible to the current Year 12 students, how to priotise the health profession that is to be encouraged to be applied for the scholarship. Suggestion that the 3 school representatives determine the criteria for the scholarship should it be or not be means tested?

#### ***Resolutions:***

1. That 2 scholarship of \$6,500 each be allocated in the year 2004/05
2. That the scholarship be paid as a lump sum upon proof of enrolment and acceptance and not be subject to a means test.
3. That the scholarship only be available to students enrolled at the 3 Kempsey based high schools i.e. Melville High School, Kempsey High School and St Pauls
4. That the representative from the 3 high schools prepare for discussion an invitation / application form.
5. That selection will depend on acceptance and enrolment into the appropriate course.
6. That on the invitation to apply, the list of professions in order of preference be determined

7. That because there are several avenues for nursing scholarships that for the 04/05 invitations nursing be listed as a low priority.
8. That at the beginning of term 1 school year 2005, members of the rotary clubs be invited to speak to year 12 students about the availability of the Kempsey medical sciences scholarships.
9. That when the successful candidates are known the scholarships be widely advertised

**Next Meeting:** 4pm 16/09/2004 Committee Room Kempsey Shire Council.

**NOTE: NO AGENDA WILL BE SENT, THE MAIN BUSINESS BEING EDITING OF THE PROPOSED APPLICATION FORM, FINALISING THE SELECTION CRITERIA AND THE APPOINTMENT OF A SELECTION PANEL.**

**Meeting Closed:** 5pm

**Director's Comment:**

**The process has commenced and following the 16<sup>th</sup> September meeting the Scholarship project will be underway.**

**Financial Implications:**

**The funds have been providing by Council, Rotary and the Macleay Regional Co-operative Ltd (IGA Supermarket).**

**Social Implications:**

**The social benefits will be the encouragement of students to study medical sciences and the active participation of the Schools, Rotary Clubs and commercial organisations in the fostering of further studies by students enrolled at Kempsey's High School.**

**Sustainability Implications:**

**The success of this important initiative will depend on the continued enthusiasm of the contributing parties.**

2004. 661

**RESOLVED:**

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

That the information be noted.

DCCS4	LOCAL GOVERNMENT ABORIGINAL NETWORK CONFERENCE
FILE: C11-6 DJM	(NRN) {Folio No. 282065}

**SUMMARY:**

Invitation has been received to attend the Local Government Aboriginal Network Conference.



The 17<sup>th</sup> Local Government Aboriginal Network Conference is to be held in Moree 26-29 September 2004. Information relating to the Conference is attached at [\(Appendix A\)](#).

It is proposed that Council's Aboriginal Liaison Officer, Mrs Debra Morris will attend.

***Acting Director's Comment:***

***Council is normally represented at the Aboriginal Network Conference by one (1) Councillor and the Aboriginal Liaison Officer.***

***Financial Implications:***

Cost per delegate for full registration is \$550.00 plus accommodation and travelling.

***Other Implications:***

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

2004. 662

**RESOLVED:**

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

That Council appoint its delegate to attend the Local Government Aboriginal Network Conference.

2004. 663

**RESOLVED:**

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

That Councils delegate to attend the Local Government Aboriginal Network Conference be Councillor Gribbin.

**DCCS5**

**STATEMENT OF BANK BALANCES AS AT 31ST AUGUST  
2004 APC**

**SUMMARY:**

Submitting the Statement of Bank Balances as at 31st August 2004.



[\(Appendix B\)](#)

***Financial Implication***

***There are no financial implications arising from this report.***

2004. 664

**RESOLVED:**

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

That the information be noted.

<b>DCCS6</b>	<b>STATEMENT OF INVESTMENTS AS AT 31ST AUGUST 2004 APC</b>
--------------	--

**SUMMARY:**

Submitting the Statement of Investments as at 31st August 2004.



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

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

***Financial Implication***

***There are no financial implications arising from this report.***

2004. 665

**RESOLVED:**

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

That the information be noted.

<b>DCCS7</b>	<b>COUNCIL MEETING DATES</b>
<b>FILE: C18-22</b>	<b>PJH (NRN) {Folio No. 282066}</b>

**SUMMARY:**

Reporting on the proposed schedule of meeting dates up to September 2005.



The first meeting of the new Council on 13<sup>th</sup> April 2004 resolved that the Ordinary Council meetings be held on the second Tuesday of each month commencing at 9.00am.

At the May 2004 meeting a schedule of meeting dates was adopted by Council up to September 2004 when the Mayoral election was again due. As the legislation has extended the Mayoral term to September 2005 a schedule of meeting dates has been prepared based on the Ordinary meetings remaining on the second Tuesday of each month.

Tuesday 12<sup>th</sup> October 2004

Tuesday 9<sup>th</sup> November 2004  
Tuesday 14<sup>th</sup> December 2004  
Tuesday 11<sup>th</sup> January 2005  
Tuesday 8<sup>th</sup> February 2005  
Tuesday 8<sup>th</sup> March 2005  
Tuesday 12<sup>th</sup> April 2005  
Tuesday 10<sup>th</sup> May 2005  
Tuesday 14<sup>th</sup> June 2005  
Tuesday 12<sup>th</sup> July 2005  
Tuesday 9<sup>th</sup> August 2005  
Tuesday 13<sup>th</sup> September 2005

The dates of particular meetings may be changed if necessary by Council resolution.

*Report Implications:*

**Statutory**

***Council is required under section 365 of Local Government Act to meet at least 10 times per year, each time in a different month.***

**Financial**

***Council has provided funding in the 2004/2005 Budget to cover catering and Councillors travelling associated with Council meetings.***

**Policy**

***There are no policy implications arising from this report.***

***Acting Director's Comment:***

***As per report.***

2004. 666

**RESOLVED:**

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

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

<b>DCCS8</b>	<b>POLICY – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS</b>
<b>FILE: C18-16</b>	<b>PJH (NRN) {Folio No. 282067}</b>

**SUMMARY:**

Reporting on the review of Council's Policy on the payment of expenses and provision of facilities to the Mayor and Councillors.



Council at its meeting of 10<sup>th</sup> August 2004 resolved to give 28 days notice of its proposal to adopt a revised policy number C24:4 – Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

A copy of the advertised revised policy is attached at [\(Appendix D\)](#)

The advertising period closes on 13<sup>th</sup> September 2004, the day prior to the Council meeting. There have been no submissions received up to the time of preparing this report. Copies of any submissions received up to the closing date will be forwarded to Councillors.

The revised policy will incorporate the following amendments:

- a) The provision of laptop computers for each Councillor
- c) The provision of a Councillors interview room
- c) Accommodation and sustenance allowance to be:
  - Capital cities \$270.00 per overnight stay
  - Country \$190.00 per overnight stay
  - Sustenance only \$85.00 per overnight stay
- d) That the travel allowance paid to councillors for using their own vehicles increase to 65cents (vehicle over 2.5L) and 57cents (vehicle under 2.5L) or the equivalent of the local government award for staff, whichever is the higher, due to the increased cost of fuel.
- e) That wherever appropriate that all Councillors travel arrangement bookings are to be under the name of Kempsey Shire Council.
- f) That the telephone allowance be increased to \$70.00 per month, due to the increased use of mobile phones and line rental.

An additional clause has been included to clarify the procedure for return of equipment on completion of a Councillors term of office. This is shown at clause 2(f) of the policy and was included prior to advertising of the policy.

*Report Implications:*

## **Financial**

***Council provided funds in the 2004/2005 budget for provision of laptop computers for all Councillors. The allocation will also be used to install power outlets in the Council Chambers so to allow Councillors to use their laptops at Council meetings.***

***The travel and telephone costs are met from the 2004/2005 budget allocations for Councillors travelling/telephone (\$22,200). Accommodation expenses are met from the budget for delegates/conference expenses (\$36,000). The travelling costs expenditure relates to travelling to and from meetings by Councillors and the Mayors vehicle costs and other travelling.***

*A review of the budget amounts for 2004/2005 indicates that additional funds will need to be allocated for travelling and telephone allowances. In 2003/2004 travelling costs totalled \$22,620 and telephone allowance expenditure was \$5,405, a total of \$28,025 however it needs to be borne in mind that for 9 months of the 2004/05 year Council operated with eight (8) councillors.*

The budget for travelling/telephone allowances in 2004/2005 is \$22,200. With adoption of the new policy the telephone allowance expenditure in the 2004/05 year will be of \$7,155. Travelling costs for (nine) 9 Councillors is estimated at \$25,000 therefore a total of \$32,000 would be a more realistic budget for the 2004/05 travelling and telephone costs.

*It will be recommended that the 2004/2005 budget for Councillors travelling and telephone allowances be increased by \$10,000 to \$32,200.*

#### Policy and Statutory

Under section 232 of the Local Government Act, Council must adopt a policy concerning the payment of expenses and provision of facilities to the Mayor and Councillors any such expenses or facilities provided must be in accordance with the adopted policy.

Acting Director's Comment

As per report.

2004. 667

**RESOLVED:**

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

- 1 That the revised policy C24:4 – Payment of Expenses and Provision of Facilities to the Mayor and Councillors be adopted.
- 2 That an additional \$10,000 from working funds be allocated to the 2004/2005 Budget for Councillors traveling and telephone allowances.

**DCCS9**

**APPOINTMENT OF COUNCIL'S SOLICITORS**

**FILE: L3-3 PJH**

**{Folio No. 282068}**

#### **SUMMARY:**

Reporting on appointment of Council's Solicitors.



Council's normal practice is to appoint its solicitors for a 12 month term with a report to Council each September for determination. As a newly elected Council it is appropriate to advise Council of the past procedure for appointing Council's solicitors and alternative options to consider.

Council's current solicitors are Howard Sheridan Cooney Harvey Lawyers of Kempsey and this firm has been Council's Solicitors for the past fourteen (14) years. Their appointments have always been on a 12 month basis.

Howard Sheridan Cooney Harvey has over this time has gained much experience and expertise on local government issues. Where any potential conflict of interest has occurred with clients, the firm advises Council so that other legal representation can be sought. This has always been a condition of appointment. On these occasions Council has normally used Donovan Oates and Hannaford of Port Macquarie.

### ***Options for Solicitor Appointment***

Council may wish to consider its options for Solicitors as it does vary from Council to Council, some using a panel of solicitors while others prefer to use out of town solicitors to avoid any conflicts of interest. There has also in the past been contact from Sydney solicitors seeking this Council's business however this has not been pursued as having a local office with face to face contact readily available has always been preferred.

While this Council has re-appointed Howard Sheridan Cooney Harvey annually over the last 14 years, in 1996 it resolved firstly to call for expressions of interest from Solicitors interested in appointment. This was only advertised locally and two (2) submissions were received from Howard Sheridan Cooney Harvey and Sheridan and Stubbs. Sheridan and Stubbs were not considered to have the necessary resources or expertise.

Council's options can be as follows:-

- 1 Invite Howard Sheridan Cooney Harvey to seek re-appointment and to advise Council of their re-appointment conditions.
- 2 Advertise seeking expressions of interest from Solicitors from the local area.
- 3 Advertise seeking expressions of interest from Solicitors from the local area and the wider area including Port Macquarie, Newcastle and Sydney.

*Report Implications:*

### ***Financial:***

***Council's legal costs are funded from its allocations for legal expenses. The budgets for 2004/2005 are shown as follows along with the expenditure in 2003/2004:-***

	<u>2004/05 Budget</u>	<u>2003/04 Expenditure</u>
<i>Admin</i>	\$30,000	\$15,755
<i>Development Control</i>	\$42,000	\$46,699
<i>Rates Recovery</i>	\$31,000	\$25,002

*In the 2003/2004 year the total paid to Howard Sheridan Cooney Harvey for legal services was \$31,269. Their charge rate for the last year was \$220.00 per hour for general advices and court matters. Barrister's charges vary and are generally paid direct to the Barrister.*

**Policy or Statutory:**

*Council has no policy on its appointment of Solicitors. Such appointment is presented to Council each September for decision.*

*Council would have a statutory obligation to invite tenders for this service if the value of the service exceeded \$100,000. As the appointment of solicitors has always been for 1 year the value of the service does not exceed this amount.*

**Acting Director's Comment:**

*As per report.*

2004. 668

**RESOLVED:**

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

**That Council appoints the General Manager to negotiate with Howard Sheridan Cooney and Harvey for Council's solicitors for the next twelve months.**



## **DIRECTOR BUSINESS ENTERPRISES REPORT**

<b>DBE1</b>	<b>HAZARDOUS MATERIALS IN KEMPSEY SHIRE</b>
<b>FILE: G1-20</b>	<b>WJL {Folio No. 282069}</b>

**SUMMARY:**

Reporting on the Collection, Transportation and Disposal of Chemicals and Hazardous Materials in Kempsey Shire.



Midwaste is the forum comprising representatives of eight councils on the Mid North Coast of NSW, of which Kempsey Shire Council is a member.

Midwaste has facilitated the tendering of contracts for collection, transportation and disposal of chemicals and hazardous materials for seven of the member councils. Midwaste is not a legal entity and therefore cannot enter into contracts on its own right.

It was intended that the successful tenderer would enter into contractual agreements for a period of 3 years with the individual councils and separate, Council specific tender documents were provided for this purpose.

Midwaste also held the view that by acting collectively, a more beneficial schedule of rates may be forthcoming and therefore included an option within the specification to tender for the collective of Councils.

Tenderers could submit tenders for one or more individual councils and/or submit a collective tender which would include a schedule of rates applicable if all councils were to enter into contractual agreements with the one contractor.

At the conclusion of the tender period, three tenders were received, all providing schedules of rates for individual councils and for a collective of councils. The tenderers were:

Envirochem Technologies P/L  
Cleanaway  
CWDS P/L

The method of assessment was based upon data from all member Councils, particularly Hastings Council and Coffs Harbour Council who have a regular collection service, in relation to quantities of chemicals and hazardous materials disposed of during the preceding twelve months and by applying the respective schedule of rates to these quantities.

This information was presented to the Midwaste meeting held on 5 August 2004 with an ensuing resolution that it be a recommendation to each member council that the tender submitted by CWDS for the collective of councils, be accepted.

Extensive consultation occurred between the Midwaste member council representatives in the preparation of the tender documents and in the assessment of the tenders.

***Director's Comments:***

***Nil.***

***Financial Implications***

***The appointment of CWDS P/L will ensure a viable chemical and hazardous materials disposal process for Kempsey Shire Council at a fraction of the current cost. This is essentially because of the nil site attendance fees offered through the collective tender.***

***The cost to conduct the October 2003, chemical clean up day was in excess of \$3,000, based on the competitive pricing and schedule of rates from CWDS P/L, the same quantity of materials would be collected for approximately \$2,100.***

***An additional benefit of awarding such a contract is there will also be security of pricing during the three-year term of the contract.***

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

2004. 669

**RESOLVED:**

*Moved: Cl. Bowell*

That the tender submitted by CWDS P/L offering a schedule of rates for a range of chemical and hazardous materials disposal services, be accepted and that Council's common seal be affixed to the Instrument of Agreement.

<b>DBE2</b>	<b>NSW SURF LIFESAVING PREMIERSHIP SURF CARNIVAL - SOUTH WEST ROCKS 4<sup>th</sup> &amp; 5<sup>th</sup> DECEMBER 2004 FILE: P12-21 KEO (NRN) {Folio No. 282070}</b>
-------------	---

**SUMMARY:**

Reporting on the successful application to host one of the NSW Surf Lifesaving Premiership events at South West Rocks in December 2004.



Kempsey Shire Council was approached by Sports Marketing Australia Pty Ltd, on behalf of NSW Surf Lifesaving to host one of the four Premiership events in 2004. NSW Surf Lifesaving has adopted changes in the approach to hosting these events, and the events now attract a \$10,000 hosting fee.

Several Council's on the Mid North Coast had been approached to "bid" for this event. Kempsey Shire Council was successful in our bid to host this event at South West Rocks.

The event is expected to attract 800 – 1,000 participants, each of whom will bring 1.3 accompanying partners, bringing a total visitation between 1,800 and 2,300. Many will arrive Thursday with the balance arriving on Friday, which will generate approximately 5,000 bed nights. Figures provided by the Australian Bureau of Statistics suggest that each person spends an average of \$149.50 per day. Using this information as background, the economic benefit to the region should be in the order of \$750,000.

The Economic Development Manager convened a meeting with key business representatives at South West Rocks to discuss their commitment to raise the funds to reimburse Council for the hosting fee. The direct beneficiaries in hosting this event are the businesses at South West Rocks.

This opportunity had been discussed by the Macleay Development and Promotion Committee at the meeting held in July 2004. The Committee confirmed that the Community would need to commit to refunding the full \$10,000 to Council prior to bidding for the event.

A second meeting was held with key stakeholders at South West Rocks, the Country Club committed \$2,000 toward the event, with accommodation industry representatives also committing funds, the Chamber of Commerce has offered the funds generated from community markets and have identified other activities to raise the funds to reimburse Council.

The Tourism Manager, Steve Read, also attended this meeting.

Following the commitment provided by the business community at South West Rocks, the Economic Development Manager and the Tourism Manager recommended to the General Manager that the \$10,000 hosting fee could be funded through the Tourism Promotion Budget, and reimbursed by the business community leading up to and post the event.

The business community requested that the event be held on the 4<sup>th</sup> & 5<sup>th</sup> of December. This is a traditionally quiet time for the community and the expected financial injection gained through this event is clearly recognised. NSW Surf lifesaving accepted these dates in awarding Kempsey Shire Council and the South West Rocks Surf Club the event.

Further meetings have been held with the business community and the South West Rocks Surf Club, in identifying activities and business sponsorship for this event. Monies generated will be forwarded to Council, with a special account established for payment to Council and the reimbursement of the Tourism Promotion Budget.

Prior to and during this event, the Economic Development Office and the Tourism Operators will be working to ensure that the "off beach" event provides additional incentives for return visitation by the competitors. This is an opportunity to showcase the Macleay Valley Coast to participants and visitors and generate economic benefits not usually available at this time of year within the community.

***Directors Comments:***

***The concept of offering major events to areas subject to the payment of a "hosting fee" is becoming an increasingly popular strategy for activities which have significant marketing appeal.***

***The response of the South West Rocks business sector is vital to the success of this event.***

***Report Implications:***

***The Tourism Manager will provide the \$10,000 hosting fee to NSW Surf Lifesaving from the Tourism Promotion Budget. The Economic Development Manager and the Tourism Manager will work with the business community to ensure Council is reimbursed the hosting fee.***

***There are no Policy or Statutory implications.***

2004. 670

**RESOLVED:**

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

That the information be noted.

**DBE3**

**VILLAGE POOL FEES**

**FILE: R3-2 GBS (NRN)**

**{Folio No. 282071}**

**SUMMARY:**

Reporting on proposed fees for the 2004/05 summer swimming season for Gladstone and South West Rocks Baths.



When adopting the 2004/05 Management Plan, incorporating Fees and Charges, notice was given that the Baths Fees would be reviewed prior the season commencement, and may be subject to change.

The fees (incl. GST) for the previous season (2003/04) were –

Adults	\$ 2.30
Children	\$ 2.30
Spectator Only	\$ 1.00
Season Ticket - Family	\$180.00
- Single	\$ 95.00
School Groups	\$ 2.00

In view of the provision within Council's Budget for a significant increase in income from Pool fees, and with the benefit of information obtained through the recent tendering process it is suggested that the fees (incl. GST) for the 2004/05 season be set as follows:-

Adults	\$ 2.50
Children	\$ 2.50
Spectator only	\$ 1.00
Season Ticket - Family	\$200.00
- Single	\$ 95.00
School Groups	\$ 2.00
10 Entry Pass	\$ 23.00
20 Entry Pass	\$ 45.00

These fees are similar to those proposed by the Lessee of the Crescent Head Pool.

**Director's Comment:**

***The proposed fee structure applies a 20¢ increase in single admissions; a \$20 increase in Family Season Tickets; and introduces a concessional 10/20 Entry Pass.***

**Report Implications:**

***The 2004/05 Budget provides for income of \$22,000 from each of the Gladstone and South West Rocks Pools. The 2003/04 season income from these two Pools was \$19,141 and \$19,670 respectively.***

***Income levels fluctuate in line with seasonal conditions.***

***The Pool operators receive 87% of the admission fees as part of their remuneration package.***

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

**Director Business Enterprise Recommendation:**

1. That the Admission Fees to the Gladstone and South West Rocks Baths be set as follows:

Adults	\$ 2.50
Children	\$ 2.50
Spectators only	\$ 1.00
Season Ticket - Family	\$200.00
- Single	\$ 95.00
School Groups	\$ 2.00
10 Entry Pass	\$ 23.00
20 Entry Pass	\$ 45.00

2004. 671

**RESOLVED:**

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

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

2. That the Director Business Enterprise investigate the possibility of introducing a daily family pass.

**DBE4 AIRPORT STRATEGIC OPTIONS  
FILE: A5-2 SJR (NRN) COPY APC {Folio No. 282072}**

**SUMMARY:**

Reporting on utilisation options for airport infrastructure.



At the meeting of the Airport Community Advisory Committee held on 25<sup>th</sup> August 2004 it was requested that funding be sought for the development of a prospectus for the Airport.

Recent experience has shown that potential users of, and development at, the airport have been inhibited by the inability of Council to contribute in any significant way to such use or development.

It is prudent that, to fully expose the site to potential use and to facilitate the feasibility analyses of same, a prospectus be prepared which promotes the site to potential users/developers/investors. A raft of funding and development and funding options may crystallise through expressions of interest including public-private partnerships and regional networking.

In this way, Council would be canvassing the global market for potential long-term utilisation of the site. The prospectus could be published in three formats (gold for corporate high-fliers, silver for businesses and agencies and bronze

for other interested parties). Air-related developments and utilisations would be targeted at this stage.

Advertising would take place via industry magazines, internet and other areas. The responses to expressions of interest would be referred to Council departments and the Airport Community Advisory Committee for assessment and consequential recommendations. The tenure of the Airport Committee would need to be extended to 30<sup>th</sup> December to facilitate the completion of this initiative which is supported by the Committee itself.

The Airport Committee was formed to review existing options for the future use of airport infrastructure, investigate others and recommend to Council a preferred option to the September 2004 meeting of Council. The committee has been unable to meet this timeline and is still obtaining relevant information.

The prospectus would indicate that there is no obligation upon Council to proceed or enter into correspondence in relation to any response to the prospectus.

The costs of the exercise is estimated at \$7,000 being \$2,000 production, \$2,000 printing, \$2,000 advertising and \$1,000 disbursements.

***Director's Comment:***

***The adopted 2004/05 Budget for the Airport only provided for essential basic maintenance for day only usage at a net cost of \$36,382. Council has previously been advised that to continue operations as an airport with night landing facilities, NDB, etc a budget in excess of \$100,000pa would be required.***

***It is important for the future of the Kempsey Airport that every opportunity to improve the financial viability of the facility is fully explored.***

***Report Implication:***

***Should Council concur with the recommendation it will be necessary to allocate the required funding from Working Funds as there is insufficient funding within the Airport Budget.***

***Other Implications:***

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

**Director Business Enterprises Recommendation:**

- 1. That \$7,000 be allocated from Working Funds for the production of a prospectus inviting ideas and/or expressions of interest for future air-related development or utilisation of Kempsey airport.**
- 2. That the tenure of the Airport Committee be extended to 30<sup>th</sup> December 2004 to allow completion of its current charter.**

That the Director's recommendation be adopted with the addition of;

3. That a full safety inspection of the Kempsey Airport be conducted with \$3,890 to be taken from Working Funds.
4. That a report be provided to Council on all airport land and its current usage.

<b>DBE5</b>	<b>2002/03 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE COMPARISONS FILE: W1-2 GRP (NRN) {Folio No. 282073}</b>
-------------	--

### SUMMARY:

Reporting on the performance of Kempsey Shire Council in relation to the results of the 2002/03 Performance Monitoring Reports which benchmark performance of non-urban Councils throughout NSW.



The Ministry of Energy, Utilities and Sustainability (DEUS) produces an annual benchmarking report which compares performance indicator figures from each non-urban Council in NSW for water supply and sewerage activities. The report for 2002/03 has just been released. This report is to provide Council with a broad overview of this Council's performance in relation to the top 20%, the median (50%) and the lowest 20% of other Councils.

The Summary Report for Kempsey is attached as [\(Appendix A\)](#) for information.

Every year the DEUS prepare an "Overview" document and this includes an example on how to use the reported information to review a water business's performance. For 2002/03, with our permission, they have used Kempsey Shire Council's water supply figures as the example in the document.

The "Overview" document is included as [\(Appendix B\)](#).

The full Performance Monitoring Report giving fine detail is available for inspection on request to the Manager Macleay Water.

### **Director's Comment:**

***Kempsey Shire Council's overall performance compares favourably with most other Council's of similar size and characteristics.***

### **Report Implications:**

2004. 673

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

**RESOLVED:**

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

That the information be noted.

<b>DBE6</b>	<b>WATER SALES 2003/4</b>	
	<b>FILE: W1-2 AMB (NRN)</b>	<b>{Folio No. 282074}</b>

**SUMMARY:**

Reporting on water sales during the first year of user-pays water pricing.



User-pays water supply pricing was introduced to Macleay water customers at the beginning of the 2003/4 financial year in accordance with the Department of Energy, Utility and Sustainability's (now DEUS but formerly DLWC) Guidelines for Best-Practice Pricing.

The previous water supply pricing system was an allowance system.

The income from Water Sales for the full year is listed below in Table 1.

**Table 1: Income from Usage Charges**

<b>Original Estimate</b>	<b>Revised Estimate</b>	<b>Actual</b>	<b>Surplus</b>
2,443,199	2,473,760	2,498,814	25,054

Actual income from Usage Charges exceeded the Budget Estimate by 1%. The surplus is largely attributed to the additional income derived from previously unmetered Council properties, which returned \$35,259.

The estimated overall reduction in consumption patterns attributable to user-pays pricing may have been underestimated at 15% for the Macleay Water customers. Although Usage income was within 1% of that projected, the hot, dry period would have influenced consumption patterns. If we had not experienced the weather patterns that eventuated, it is likely that consumption patterns may have been further reduced.

Macleay Water staff are currently being assisted by DEUS staff to analyse the consumption patterns using a climate correcting computer model. This will place Macleay Water in a better position when assessing the \$ amounts required for tariff equalisation. Tariff equalisation is a means to balance the fluctuating water sales income across respective years with the relatively fixed cost of water supply operational costs. Water sales are very dependent upon weather patterns; hot year = income up, wet year = income down.

Table 2 shows a comparison of actual versus budgeted income for both Access and Usage Charges.

**Table 2: Actual and Budgets Comparisons (Usage and Access)**

Charge	Actual 2002/03	Budget 2003/04	% change 02/03-03/04 budget	Actual 2003/04	% change 02/03-03/04
Access	4,135,341	2,937,801		2,936,262	-29
Usage	1,039,775	2,443,199		2,498,814	140
Total	5,175,116	5,381,000	3.98%	5,435,076	5.02%

The user-pays water pricing was maintained as a revenue neutral exercise. There was approximately a 4% increase between 2002/03 income and 2003/04 budgets, which reflected the increased operations and management costs. This 4% increase would have occurred regardless of the water-pricing regime. Revenue neutral was determined as within  $\pm 1\%$  of the projected income and Table 2 shows the revenue increase was, as a whole, approximately 1% (5.02-3.98).

**Director's Comment:**

*Nil.*

**Report Implications:**

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

2004. 674

**RESOLVED:**

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

That the information be noted.

<b>DBE7</b>	<b>FLEET MANAGEMENT</b>			
	<b>FILE: P6-2</b>	<b>MSW</b>	<b>(NRN)</b>	<b>{Folio No. 282075}</b>

**SUMMARY:**

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



There following items of plant have been purchased for the month of August.

Plant No.	Description	Amount (GST exc)
V2160	Ford Territory AWD (awaiting supply – General Manager)	\$44,331.00
V2161	Toyota Hilux Dual Cab – Parks &	\$21,043.00

	Gardens	
--	---------	--

The following items of plant have been auctioned / traded for the month of August.

Plant No.	Description	Amount (GST exc)
V1033	Toyota Hilux extra cab SR5 - Auctioned	\$4,545.00
V1618	Mitsubishi Triton - Auctioned	\$1,355.00

**Director's Comment:**

*Nil.*

**Report Implications:**

*The purchases are within Budget provisions.*

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

2004. 675

**RESOLVED:**

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

That the information be noted.

<b>DBE8</b>	<b>WORKS IN PROGRESS</b>	
	<b>FILE: W1-2 GBS (NRN)</b>	<b>{Folio No. 282076}</b>

**SUMMARY:**

Reporting on Works in Progress.



**WATER SUPPLY**

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

**Works Completed for last 4 weeks**

1. Bulk water meter installation Potters Hill Reservoir - complete.
2. Piggyback Boyters Lane – complete.

**Works Proposed for next 4 weeks**

1. Install Meters on all bore pumps – continuing.
2. Tenders for South West Rocks Water Treatment Plant – ongoing.

3. Monitoring and testing of dam - continuing.
4. Sherwood Prod Meter replacement – continuing.
5. Stuarts Point Sludge Trial/Removal – continuing.
6. Meter Replacement Program – continuing.
7. Belgrave Falls rising main – continuing.
8. Sherwood Road watermain replacement from Hillview Drive to Aerodrome Road – 50% complete.
9. Crescent Head Water Treatment Plant fencing and upgrade.
10. Remove Piggybacks at Clybucca and Bellimbopinni.

### **MONTHLY WATER CONSUMPTION**

	<b>August 2004 Kilolitres</b>
<i>Kempsey Dam</i>	0
<i>Belgrave Falls</i>	0
<i>Bellbrook</i>	743
<i>Crescent Head</i>	12,237
<i>Hat Head</i>	5,195
<i>Sherwood – Lime Plant</i>	221,444
<i>South West Rocks</i>	39,030
<i>Stuarts Point</i>	11,630
<i>Willawarrin</i>	1,008
<b>Total Consumption</b>	<b>291,287</b>

**Kilolitres to Financial Year to Date:** 600,092kl

**Applications for connection in August – 13**

### **SEWERAGE**

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

#### **Works Completed last 4 weeks**

1. Sewer pipeline rehabilitation Perrins Lane to Tozer Street – complete.
2. Handrails South STP and West Kempsey STP – complete.
3. K21 – Hobas Detention Pipeline – complete.

### **Works Proposed for next 4 weeks**

1. Sewerage Pump Stations Fall Prevention Systems – manufacture and install – continuing.
2. South West Rocks Sludge Trial - continuing.
3. South West Rocks sewer rehabilitation - continuing.
4. Fence repairs, sewer installations and pump stations - continuing.
5. Infiltration repairs East and South Kempsey continuing.
6. Tender process – Jerseyville sewer – continuing.
7. Manhole Repair/Renewal Program SWR R1 and R2 catchment – continuing.
8. De-sludge lagoon West Kempsey STP – continuing.
9. Sewer Infiltration Studies K6 catchment.
10. Hand rails Pasveer Channel Islands – South West Rocks and South Kempsey Sewerage Treatment Plants.

### **SALEYARDS**

#### **Works Completed during last 4 weeks**

1. Normal maintenance and operation.
2. New display screens installed in Selling Ring.
3. Development application for truckwash facility/water treatment ponds approved.

#### **Works proposed for next 4 weeks**

1. Construction of new truckwash facility. Plans being prepared.
2. Construction of water treatment ponds.
3. Redesign of drafting yards and laneways.
4. Commence safety works program.
5. Engage consultant to prepare overall concept/feasibility plans.

### **AIRPORT**

### **Works Completed during last 4 weeks**

1. Normal maintenance and operation.
2. Meeting of Consultative Committee to review options for future of Airport.

### **Works proposed for next 4 weeks**

1. Normal maintenance and operation.
2. Installation of Hazardous Goods Signage as per CASA direction
3. Investigation into replacement of adjoining property fence

## **CARAVAN PARKS**

### **Crescent Head**

### **Works completed over last 4 weeks**

1. Complete Roadwork, Plumbing works and Electrical works
2. Landscape Works.
3. Concrete works (paths, driveways, median islands)
4. Install power heads

### **Works proposed for next 4 weeks**

1. Complete Landscaping works.
2. Install boom gates
3. Install additional taps
4. Commence Works as Executed documentation
5. Install new cabin
6. Decommission site

## **WASTE SERVICES**

### **Works Completed during last 4 weeks**

1. Normal operation and maintenance.
2. Installation of Staged Irrigation system at KWR&DF
3. Installation of recycling signage at Transfer Station.
4. August MidWaste Meeting held at Hastings Council
5. Collection of Scrap metals at all waste disposal sites
6. Inspection of KWR&DF by new EPA Officer

#### **Works proposed for next 4 weeks**

1. Normal Operation and Maintenance.
2. September MidWaste Meeting at Greater Taree Council
3. Installation of insulation to Gatehouse at KWR&DF
4. Development of new waste agreements for collection staff
5. Advertise Specification for 2 new Waste Collection vehicles
6. Recruitment of Recycling Project Officer
7. Commencement of Resource Recovery (Waste) Coordinator replacing current Facilities Management Coordinator

#### **Baths**

#### **Works completed during last 4 weeks**

1. Ongoing Kempsey Pool Site upgrade works.
2. Continued repair of Kempsey pool pipework to address numerous breaches and leaks.
3. Continued OH&S Works at Kempsey Pool.
4. Tenders let for lease of pools as per Council resolutions.
5. Fabrication of Multi Purpose Room at Crescent Head Baths
6. DA submission for 3 Village Pools backwash systems submitted.

#### **Work proposed for next 4 weeks**

1. Repair and upgrade of entire pipe network to and from 33m pool at Kempsey.

2. Site Restoration.
3. Redevelopment of "Open Space" area at Kempsey.
4. Finalise leases of Kempsey and Crescent Head Pools.

**Director's Comment:**

**Nil.**

**Report Implications:**

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

2004. 676

**RESOLVED:**

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

That the information be noted.



## GENERAL MANAGER'S REPORT

<b>GM1</b>	<b>OUTSTANDING REPORTS / RESOLUTIONS</b>	<b>FILE: C18-2 AVB (NRN)</b>	<b>{Folio No. 282077}</b>
------------	--	------------------------------	---------------------------

**SUMMARY:**

Council's report on outstanding reports and resolutions.



Following is listed each Director's outstanding reports and resolutions up to and including 1st September 2004 meeting of Council.

**OUTSTANDING REPORTS / RESOLUTIONS**

**Director Environmental Services**

10.8.04 DBE1	Hat Head Sewerage Progress – Further report be submitted on CNL powers under LG Act to enforce premises to connect.	Letters have been sent to those who are not connected.
-----------------	---	--

**Director Engineering**

14.10.2003 DE9	That suitable flood free land be identified to house the Gladstone SES Unit.	Land being reviewed.
-------------------	--	----------------------

9.12.2003 DE1	That the Director Engineering <b>report</b> on the possibility of Council running a trial of computerised floodgates.	Details being pursued.
13.1.2004 DE13	Stuarts Point footbridge – repairs to be carried out as a matter of urgency at a cost \$15000 from working funds.	Awaiting confirmation of contractor's arrival.
22.6.2004 DE1	Horseshoe Bay Reserve Plan of Management - referred to workshop - adopt amended draft plan excluding those relating to future of caravan park - future C/P be subject to further negotiation with Dept. Lands	Negotiations with Dept. of Lands initiated.
15.7.2004 DE1	Macleay Flood risk Management Committee representation of organisations on committee.	Nominations being sought from the organisations approved by Council.

#### **Director Corporate & Community Services**

8.6.2004 DCCS9	Incident Vandalism Kempsey Shire - report - Community Safety Council endeavour formulate strategies address vandalism problem	Computer program being sorted out.
15.7.2004 D1 & DCCS4	Structural and funding policy – Kempsey District Hospital. Council to facilitate workshop to develop a partnership with health related organisations.	Workshop to be organised.
10.8.2004 DCCS1	Aged care facility SWR crown land assessment - LA5054 - organise meeting with stakeholders with an interest in acquisition of land for infrastructure.	Meeting with stakeholders yet to be organised.
10.8.2004 DCCS7	Donation SWR Rotary Club community project equivalent to DA fees paid approved - review following Dec accounting period.	To be reviewed after December 2004.
10.8.2004 NOM H2-10	Port Macquarie & Kempsey Hospital networking of services - invite Chris Crawford to meet with Council.	Letter sent 17.8.04 inviting Mr Crawford to meet with Council. Awaiting response.
10.8.2004 DCCS14	Policy review - payment of expenses to Mayor and Councillors - give 28 days notice of proposal to adopt policy incorporating amendments listed.	Submissions close 13th September report to 14th September meeting.

### Director Business Enterprise

8.6.2004 NOM	Stuarts Point sewerage scheme request Dept. Energy Utilities & Sustainability support Council progressing.	Process to identify preferred options in underway. Report to Council when completed. Expected by end of 2004.
DBE3 SUPP	Kempsey Pool Infrastructure - Longer term planning investigate developing new aquatic facilities including heated 25 metre pool.	Planning to be done as time permits.

### General Manager

9.12.2003 D3	Local Govt. & Natural Resource Forum 2/12/03 - prepare submissions, review natural resource management methods, investigate and pursue establishment ROC from Taree to Tweed Shire.	Submissions forwarded organisational structure and committee structure will be investigated when reports submitted to Council. One ROC from Tweed to Taree being investigated by Mid North Coast Group of Councils.
13.4.04 GM5	Road closures - interpretation of maintained road - text Dept. Lands interpretation of a constructed road by submitting application - challenge interpretation that requires proceeds of sale to be paid to Dept. Lands - advise LGSA, Country Mayors & Mid	Meeting with the Department of Lands, unable to be arranged as yet. The Roads Act is currently being reviewed.
24.8.04 GM2	Macleay Valley CST Tourism Strategic Plan – subject to receipt updated draft plan, all implications of implementing actions be reported to CNL.	Awaiting amended Strategic Plan to be prepared and presented to Council.

### *Financial Implication*

*There are no financial implications arising from this report.*

2004. 677

**RESOLVED:**

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

That the information be noted.

**GM2**

**2003 R H DOUGHERTY AWARD**

**FILE: C18-4 MAM (NRN)**

**{Folio No. 282078}**

### **SUMMARY:**

Reporting that Council was awarded the 2003 R H Dougherty Award for Excellence in Communication in the category of Councils with a population of less than 30,000 residents.



Each year, the Local Government and Shires Association seeks applications from Councils in NSW for the R H Dougherty Awards for Excellence in Communication and Reporting to the Community. All Councils are encouraged to enter the "Awards" as it is an opportunity to gain recognition for leading practice in communication management. It is also seen as a measure of the strength of the relationship between Council and the community.

For the second time in the past three years, Council was selected as the winner of the prestigious Excellence in Communication Award in the category of Council's with a population of less than 30,000 residents.

Mayor, Councillor Janet Hayes and Website Administrator, Mrs Noeleen Hayward received the award at the state launch of Local Government Week in Sydney on 2 August 2004. MC, Mr Vince Sorrenti announced Kempsey Shire Council as the winner of the award and stated, "In 2001, they won the Dougherty Award for their Corporate Image and Public Relations Strategy and this year's award recognises the continuous work they have done in communicating with their communities. They have a good strategy and an open policy."

The fifteen page application included details of Council's communication and consultation practices and stressed Council's desire to continually improve the communication process both externally and internally. Attached to the application were the following documents.

- Corporate Image and Public Relations Strategy and Action Plan
- Advertising Strategy
- Annual Report
- Sample brochure on one of Council's functions
- Newsletter – six monthly
- Mini Newsletter – included with rates reminder notice
- Sample advertisement
- Sample media release

***Financial Implications***

***There are no financial implications***

***Policy Implications***

***There are no policy implications***

***Statutory Implications***

***There are no statutory implications***

***ESD Implications***

***There are no ESD implications***

2004. 678

**RESOLVED:**

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

That the information be noted.

<b>GM3</b>	<b>DRAFT MODEL CODE OF CONDUCT</b>
<b>FILE: C18-3</b>	<b>AVB (NRN) {Folio No. 282079}</b>

**SUMMARY:**

To submit a copy of the Draft Model Code of Conduct, to allow Council to make a submission, if there is a need.



Attached [\(Appendix A\)](#) is a copy of the Draft Model Code of Conduct and guidelines prepared by the Department of Local Government.

The Local Government Amendment (Discipline) Bill 2004 currently before the NSW Parliament makes provision for a prescribed model Code of Conduct to apply to all Councillors and Council staff. The draft model code will form the basis for the prescribed code should this Bill become law. Council is invited to lodge its comments on the Draft by 17<sup>th</sup> September 2004.

Councils current Code of Conduct is very extensive and as well as including the core code it has a series of policies attaching to it which form part of the code. Our Current Code of Conduct generally provides in excess to that recommended in the new draft.

Council must have a Code of Conduct but it does not have to adopt the model code. I can see no need for Council to make a submission regarding the draft. When adopted, a further report can be submitted to Council suggesting refinement to our current code including the inclusion of Key Principles and the provisions setting up the conduct committee to investigate breaches by Councillors and the General Manager. The suggestion in the guidelines to develop a separate code for contractors, volunteers and community representatives also has merit.

***Report Implications***

***There are no financial implications arising out of this report. Changes to our code will alter current policies and will ensure statutory compliance.***

2004. 679

**RESOLVED:**

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

That Council not make a submission on the Draft model Code of Conduct and guidelines.

<b>GM4</b>	<b>ELECTION OF DEPUTY MAYOR</b>
------------	---------------------------------

**SUMMARY:**

Reporting that Council needs to determine whether or not to extend the term of office of the Deputy Mayor to September 2005 or hold a Deputy Mayoral Election.



The Local Government Act 1993 was amended on 6<sup>th</sup> July 2004 by the Local Government Amendment (Mayoral Elections) Act 2004 in relation to the term of office of Councillor elected Mayors. This followed the Local Government elections held on 27<sup>th</sup> March 2004.

Section 290 of the Act provides that the election of the Mayor by the Councillors is to be held within 3 weeks of the election with subsequent annual Mayoral elections in September. The amendment removes the requirement to conduct the election in September 2004 and provides for a one-off 12 month extension of the Mayoral term.

This amendment does not affect the term of Deputy Mayors.

Under the Act the office of Deputy Mayor is optional and the term may be equivalent to the Mayoral term or a shorter term. It has been Kempsey Council's practice to elect a Deputy Mayor for the same term as the Mayor, the current Deputy Mayor being Councillor Sowter.

Council needs to determine whether or not to extend the term of office of the Deputy Mayor to September 2005 or hold an election.

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor, or if the Mayor is prevented from exercising the function; or if there is a casual vacancy in the office of Mayor.

If Council's decision is to hold a Deputy Mayoral election the following procedure is required.

**Nominations**

Clause 2 Schedule 3 Local Government (Elections) Regulation provides that nominations for Deputy Mayor must be in writing, signed by two (2) Councillors (one of whom may be the nominee), and the nominee must consent in writing to the nomination.

Nominations are to be "delivered or sent to the returning officer", that is the General Manager, who shall announce the names of the nominees at the council meeting at which the election is to be held.

A nomination form for Deputy Mayor is provided to Councillors with this Agenda.

**Method of election**

Where only one (1) Councillor is nominated, that Councillor is declared elected.

Where more than one (1) Councillor is nominated, the Council is to resolve whether the election is to proceed:-

- ◆ by preferential ballot;
- ◆ by ordinary ballot; or
- ◆ by open voting

***Preferential ballot and ordinary ballot are secret ballots, whereas open voting means by a show of hands or similar means.***

### **Preferential Ballot**

The ballot-papers are to contain the names of all the candidates. Councillors are to mark their votes by placing the number "1", "2" and so on against the various names so as to indicate the order of their preference for the candidates.

### **Ordinary Ballot**

Under ordinary ballot, the General Manager is to decide the manner in which votes are to be marked on the ballot-papers.

### **Counting**

The counting process is virtually the same for both preferential ballot and ordinary ballot where there are only two (2) candidates, (i.e. the candidate with the higher number of votes is elected).

However where there are three (3) or more candidates the counting process for:-

- (i) **ordinary ballot requires the one with the lowest number of votes to be excluded and further votes taken until such time as only two (2) candidates remain;**
- (ii) preferential ballot requires the successful candidates to secure an "absolute majority" of votes (i.e. a number more than one-half the number of formal unexhausted ballot papers). If an absolute majority is not obtained on first preference votes, the candidate with the lowest number of votes is excluded and the second preferences on those ballot papers are transferred to the remaining candidates.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and transferring the votes in order of the voters preference is repeated until one candidate has received an absolute majority of votes.

### ***Financial Implications:***

**Section 249 provides that a council may pay the Deputy Mayor (if there is one) a fee determined by the council for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid must be deducted from the Mayor's annual fee. Therefore there are no additional funds required in having a Deputy Mayor.**

**Policy or Statutory Implication:**

**Council has the option under the Act and Amendment Act to extend the Deputy Mayor's term to September 2005 or hold an election.**

The General Manager advised Council that nominations for the position of Deputy Mayor were sought and Councillor Sowter was the only nomination received, therefore, the General Manager declared Councillor Sowter as the Deputy Mayor for the period up to September 2005.

**GM5**

**LABOUR HIRE SERVICES TENDER**

**FILE: S10-48**

**{Folio No. 282081}**

**SUMMARY**

Reporting that a tender to supply labour hire services for Kempsey Shire Council closed at 10am on 24th August 2004.



**Background:**

For more than a year, Council has been utilising Labour Hire Services for short-term labour relief in both outdoor and indoor workplaces using various suppliers on informal arrangements. Due to the high cost of these informal arrangements and the fact that the total cost to Council was exceeding \$100,000 per annum it was considered necessary to put out a formal tender to supply Outdoor labour hire services. These tenders closed at 10am on the 24<sup>th</sup> August 2004. Because of the nature of Labour Hire Services it was considered commercially sound to advertise the tenders on a set rate and consider each tender against a number of factors including proven provision of labour hire services, sustainable and ethical business practices and proven commitments to economic and employment development in Kempsey, workplace safety and Aboriginal employment. A number of tenderers were received, however none from local (Kempsey) suppliers, excepting one tender received after the closing time. After considering all of the selection criteria the assessment panel considered that Skilled Engineering could best deliver Council's needs and that MHS Group Pty Ltd would be the second choice ([Appendix B](#)). Other tender applications were received from Workforce International, Flexiforce, Jigsaw Personnel and National Staffing Group Pty Ltd. ETC submitted a late tender application which could not be considered and remains unopened.

**Human Resources Manager's Comments:**

**Based on the advertised Selection Criteria it is recommended that a Panel of Providers be established with Skilled Engineering Ltd and MHS Group Pty Ltd as the preferred Council's Suppliers.**

Whilst both of the recommended providers will be serviced from their Newcastle and Port Macquarie respectively, both have proven history of supplying Labour Hire Services to Local Government and no local (Kempsey) Labour Hire Provider submitted a tender before the closing date and time.

#### **Financial Implications**

**The financial implications of the following recommendation are already budgeted for in the budgeting of labour and Human Resources costs for the Council**

#### **Other Report Implications:**

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

2004. 680

#### **RESOLVED:**

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

**That a Panel of Providers be established with Skilled Engineering Ltd and MHS Group Pty Ltd as the Council's Suppliers.**

**GM6**

**ORGANISATIONAL RESTRUCTURE**

**FILE: S10-2 AVB (NRN)**

**{Folio No. 282107}**

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



## **ABORIGINAL LIAISON COMMITTEE**

18<sup>th</sup> August 2004

**REPORT OF THE ABORIGINAL LIAISON COMMITTEE HELD ON WEDNESDAY 18<sup>TH</sup> AUGUST 2004 COMMENCING AT 2:00 PM IN THE COUNCIL'S COMMITTEE ROOM.**

**Present:** Councillor Betty Green, Ursula Donohue, Robert Silva, Bronwyn Leon, Madeline Donovan, Lillian Greenup, Mavis Davis, Gary Morris, Christine Landkroon, Debra J Morris, Ashley Rose, Trevor Hannam.

### **1 Welcome – Councillor Betty Green**

**Apologies:** Councillor Jim Gribbin, Ren Perkins, Narelle Cochrane, Beverly Roberts, Father Bernie, Brad Widders, Gerald Bradshaw, Chris Latta, Beverly Roberts.

**Recommendation:**

**U. Donohue/L. Greenup**

*That the Apologies be accepted.*

## **2 Membership of the Committee**

### **Aboriginal Liaison Committee**

Gary Morris (previous) - Booroongen Djugun Aboriginal Corporation)  
Dawn Thornton (previous) - NSW Premiers Dept  
Chris Latta (previous) - Kempsey Macleay Womens Reconciliation  
Robert Silva (previous) - Macleay Business Enterprise Centre  
Harry Bell (previous) - Burran Dalai Aboriginal Corporation  
Ren Perkins (new) – Djigay Centre Student Manager  
Ruth Cambell (previous) – Elders Council  
Beverley Roberts (previous) – Many Rivers Violence Prevention Unit  
Narelle Cochrane (previous) – Community Health  
Steve Blunden (previous) – ATSIC Many Rivers Region  
Ursula Donohue (previous) – Dept Community Services  
Bronwyn Leon (previous) – Dept Community Services  
Noel Lockwood (previous) – Guri Wa Ngundagar CDEP Program  
Fred Kelly (previous) – Djigay Students Association  
Gerald Bradshaw (previous) – Djigay Students Association  
Caroline Bradshaw (previous) – Macleay Valley Local AEGG  
Lillian Greenup (previous) – Regional Extended Family Services  
Harold Smith (previous) – Kempsey Local Aboriginal Land Council  
Andrew Hoholt (previous) – Kempsey Local Aboriginal Land Council  
David Toby (previous) – Thunghutti Local Aboriginal Lands Council  
Laurie Clay (previous) – Durri Medical Service  
Father Bernie Ryan (new) – community member  
Andrea Douglas (new) – community member  
Shirley Kelly (previous) – community member  
Mary-Lou Buck (previous) – community member  
Madeline Donovan (previous) – community member Goorie Galbans  
Aboriginal Corporation  
Mavis Davis (previous) – community member.

The following Committees has received 6 community member nominations which exceeds the number of community members previously on this Committee.

**Recommendation:**  
**Leon**

**L. Greenup/B.**

That Mary Lou Buck be contacted in regards to her community nomination and if she would consider being the representative of the Roads and Traffic Authority on The Aboriginal Liaison Committee.

**Recommendation:**  
**Leon**

**L. Greenup/B.**

That late Submissions for two youth (15-25) members of the Aboriginal Liaison Committee, one being male the other female, be addressed.

**Recommendation:**  
**Leon**

**L. Greenup/B.**

That a mentoring program for the youth members be developed within the ALC.

**Recommendation:**  
**Leon**

**L. Greenup/B.**

That the community membership be reviewed at the next ALC meeting.

### **3 Aims and Objectives**

- To advise Council on matters concerning the Aboriginal Community
- To develop and implement a Cultural Protocol
- To develop and implement The Statement of Commitment to the Aboriginal Community made by Council May 26<sup>th</sup> 1999.
- Effective communication and information flow between Council and the Local Aboriginal Community.
- To ensure Aboriginal people have access to Council services
- To work with Aboriginal communities to develop strategies by which Council can meet the community 's expressed needs.
- To advise Council on an Aboriginal Employment Strategy.
- To advise Council on issues relating to Aboriginal Culture and Heritage and to encourage the preservation and restoration of local Aboriginal Culture.
- To increase awareness and respect for Aboriginal Culture by other members of the Kempsey Community

**Recommendation:**  
**Morris**

**L. Greenup/G.**

That the Above Objectives be adopted.

### **4 Committee Draft Standing Orders.**

**Recommendation:**  
**Morris**

**L. Greenup/G.**

*That a Letter be sent to the members of the ALC explaining the importance of the ALC and the need of members showing their commitment to this committee through attendance at meetings.*

**Recommendation:**  
**Morris**

**L. Greenup/G.**

*That the standing orders read as follows: -*

### **Committee Standing Orders**

- 1 The Committee shall abide by the provisions of the Local Government Act 1993, the Local Government (Meetings) Regulation 1993, and Kempsey Shire Council's Code of Meeting Practice. Specific reference should be made to Council's Code of Meeting Practice part 7 (Council Committees).
- 2 The elected representative from Kempsey Shire Council shall be the Chairperson.
- 3 Quorum – At least 5 non-Council delegates.
- 4 The Council appointed Staff shall be able to participate in discussion and debate but may **NOT** vote.
- 5 Each member of the Committee shall have one (1) vote. In the event of equality of voting the Chairperson (or acting Chairperson) shall have a casting vote as well as a deliberative vote.
- 6 Any member of the Committee who has a personal, direct or indirect, interest (whether pecuniary or otherwise) in any matter, shall declare such interest at the meeting and depart from the meeting while such matter is under consideration.
- 7 An agenda will be issued at least three (7) days prior to each meeting. If a member wishes to have any matter specifically dealt with at a meeting, written notice (and a report if necessary) should be sent to the Secretary so that the agenda can be prepared and all members advised. Closing time – seven (10) working days prior to the meeting.
- 8 Minutes of each meeting shall be taken and distributed as soon as possible following the meeting.
- 9 Meeting procedure:
  - (a) The Chairperson shall ensure matters are fully discussed, but if a procedural motion is put to close a debate, the motion is to be put.
  - (b) Motions will not be discussed unless seconded.
  - (c) Questions may be asked off the floor to a speaker during discussion with the consent of the Chairperson.
  - (d) Debate "discussion" will close with the mover speaking on the motion a second time, except upon the direction of the Chairperson.
- 10 If a motion is passed and a member wishes to rescind the motion, notice of rescission is to be given at the meeting when the motion is put. Rescission motions must have two seconders before being placed on the agenda.
- 11 Motions of a similar nature contrary to an existing motion shall not be made within three (3) months of the original motion.

- 12 Representatives are to keep the groups they represent advised of Committee decisions.
- 13 All requests made to Council by the Committee shall be in writing.
- 14 The Committee shall have the power to invite persons to attend meetings to discuss or be involved in specific matters.
- 15 Members of the public may be invited to attend meetings as observers by advising the time and place of meetings in Council's advertising space in the Macleay Argus and in the Happynings.
- 16 The meeting may form itself into "camera" (Matters not to be discussed outside the meeting) to discuss confidential matters at the discretion of the Committee.
- 17 That Committee meetings start at 10:00 am and end at 12:00 pm on the 4<sup>th</sup> Wednesday of every month, with the exception of December and January.

**Recommendation:  
Greenup**

**B. Leon/L.**

*That a Aboriginal Information page be established on Council's website together with Historical information, as well as an Aboriginal liaison Information brochure to be posted on the web page and circulated in the community.*

#### **7 Mapping Protocol / Powerpoint Presentation by Ashley Rose**

**Recommendation:**

**G. Morris/U. Donohue**

*That Council apply for grant funding to employ an Aboriginal Culture & Heritage Officer to Work Kempsey Shire Council in partnership with National Parks and Wildlife, the Dunghutti Elders Council, Kempsey Local Aboriginal Lands Council, Thunghutti Local Aboriginal Lands Council, Community Elders and the local Aboriginal Community to work through the proposed cultural mapping protocols.*

#### **8 Adoption of the Minutes of 16<sup>TH</sup> June 2004.**

**Recommendation:  
Leon**

**U. Donohue/B.**

*That the minutes the ALC meeting held on the 16<sup>th</sup> of June 2004 be adopted.*

Business Arising from the Minutes of 16<sup>th</sup> June 2004.

- 8.1 DOCS Aboriginal Project Officer Bronwyn Leon to give a presentation on her program, Kempsey Aboriginal Child, Youth and Family Strategy.
- 8.2 Presentation by Wutuma Chairperson, Elizabeth Holden.

Awaiting Response from letter to the Wutma Aboriginal Keeping Place dated the 26<sup>th</sup> of July 2004.

8.3 Kempsey Shire Council survey.

Did not have any process to identify if the person who filled out the Survey was of Aboriginal or Torres Strait Islander Descent – this issue is currently being followed up with Marg Mottee.

8.4 Naidoc Week Planning Committee Matters

**Recommendation:** **U. Donohue/R. Silva**

That the NAIDOC Week Planning Committee meet on Tuesday the 28<sup>th</sup> September 2004 commencing at 2:00pm at Council's Committee Meeting Room.

8.5 Community Safety Committee Matters- Chris Landkroon

**Recommendation:** **U. Donohue/B. Leon**

*That a confidential Meeting be called for Wednesday the 8<sup>th</sup> of September 2004 to discuss Strategies for combating Racism and Racial Tension in the Local Government Area.*

**Review of all ALC Sub-Committees**

The following Recommendation was adopted at Council's Ordinary meeting held September 9<sup>th</sup> 2003.

*Buck/Kelly*

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.*

Discussion and Debate then took place with the following issues raised

- That there are simply too many sub-committees
- A lack of attendance due to the amount and frequency of sub-committee meetings
- That they should all be dealt with in one committee with the exception of Culture and Heritage as well as the Statement of Commitment Planning Committee

**Recommendation:** **M. Davis/G. Morris**

*That the Education & Training, Employment, Health & Aged Care and Disabilities, Social Justice and Housing, become permanent agenda items of the ALC instead of being individual Sub-committee's of the ALC.*

## 11 Council Matters

### 11.1 Coast and Estuary Committee

-----Original Message-----

**From:** Ron Kemsley

**Sent:** Thursday, 29 July 2004 11:51 AM

**To:** Debra Morris

**Subject:** Aboriginal representative on Coast & Estuary Committee

Dear Debra

At the July 2004 meeting of Councils Coast & Estuary Management Committee, it was resolved to contact the Aboriginal liaison committee to seek a representative from the Aboriginal community on the C&E committee.

Could you please list as an agenda item for the upcoming ALC meeting.

The next C&E meeting is scheduled for 2:30pm Tuesday 7th September 2004.

Regards Ron

**Recommendation:**  
**Leon**

**L. Greenup/B.**

*That Cedric Button be nominated as the Aboriginal representative Councils Coast & Estuary Management Committee.*

## 12 General Business.

**Recommendation:**  
**Davis**

**U. Donohue/M.**

*That the Following Agenda items be re-agenderd to the next meeting of the ALC to be held on Wednesday the 29<sup>th</sup> of September 2004 commencing at 10:00am.*

- 8.4 *Aboriginal Employment Strategy*
- 8.5 *Kempsey Shire Council's Social Plan*
- 8.6 *Naidoc Week Planning Committee Matters*
- 8.8 *NSW Police – Aboriginal Strategic Direction 2003 – 2006*
- 8.9 *Indigenous Sports Program*
- 8.10 *Greenhills Community Centre*
- 8.11 *Aboriginal Mentoring Program*

9 *Statement of Commitment Strategic Plan Matters.*

- 10.1 *Education and Training*
- 10.2 *Health*
- 10.3 *Social Justice*
- 10.4 *Culture and Heritage*

- 12 Aboriginal Community Matters
  - 12.1 "Back to Burnt Bridge". Ruth Campbell
  - 12.2 Kempsey Assistance Patrol- Restructure of the Health system - Gerald Hoskins
  - 12.3 Naming of a Park- Mary-Lou Buck
- 14 General Business
  - 14.1 Stolen Generations Plaque
  - 14.2 South Kempsey Neighbourhood Centre (SKNIP).

**13 Evaluation of the Meeting**

**14 Next Meeting**

*Wednesday the 29<sup>th</sup> of September 2004 commencing at 10:00am.*

**15 Meeting Closed**

**FILE: A1-2 DJM (NRN)**

**{Folio No. 282108}**

**2004. 681**

**RESOLVED:**

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

**That the minutes of the Aboriginal Liaison Committee meeting held 18th August 2004 be adopted with item 7 being changed to read;**

**That Council apply for a fully funded grant to employ an Aboriginal Culture and Heritage Officer to work with Kempsey Shire Council in partnership with National Parks and Wildlife, the Dughutti Elders Council, Kempsey Local Aboriginal Lands Council, Thunghutti Local Aboriginal Lands Council, Community Elders and the Local Aboriginal Community to work through the proposed cultural mapping protocols.**



## **CARAVAN PARK COMMITTEE**

19<sup>th</sup> August 2004

'SUBJECT TO ADOPTION BY COUNCIL'

**REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY, ON THURSDAY, 19<sup>th</sup> AUGUST 2004, COMMENCING AT 8.30AM.**

### **PRESENT**

Councillor Janet Hayes, Councillor John Bowell, Councillor Jim Gribbin, Bruce Snape, Gary Smith and Steve Read.

Also present were Grant O'Shannessy and Jenny Kelly.

The meeting commenced with an on-site inspection of the Crescent Head Caravan Park upgrade works.

## **1. APOLOGIES**

Nil.

## **2. APPOINTMENT OF CHAIRMAN**

**RECOMMENDED**

*Moved: Councillor J Howell*

*Seconded: Councillor J Gribbin*

That Councillor Hayes be appointed as Chairperson.

## **3. MINUTES OF PREVIOUS MEETING**

**RECOMMENDED**

*Moved: Councillor J Howell*

*Seconded: S Read*

That the Minutes of the previous meeting held 4<sup>th</sup>/5<sup>th</sup> March 2004 be confirmed.

## **4. BUSINESS ARISING FROM PREVIOUS MINUTES**

### **4.1 Management Plans -**

- a) Consideration deferred to the next meeting.
- b) Scale plan of Crescent Head Cabin precinct to be provided to Committee members.
- c) Site boundaries for cabin sites not to be shown.

## **5. STANDING ORDERS**

**RECOMMENDED**

*Moved: Councillor J Howell*

*Seconded: Councillor J Gribbin*

That the Draft Standing Orders be adopted subject to the following amendments –

- a) Item 3 – Quorum to be “one more than half”.
- b) Item 13 – Public attendance at meetings to be clarified with the General Manager.

## **6. AIMS AND OBJECTIVES**

**RECOMMENDED**

*Moved: Councillor J Howell*

*Seconded: Councillor J Gribbin*

That the following objectives be adopted for the Caravan Park Committee.

1. To review and make recommendations to Council on the Management Plans/Business Plans for the operation of the 4 Shore Parks.
2. Make recommendations to Council on policies and priorities relating to Tourist Parks.
3. Develop and recommend to Council Budget proposals.

## **7. COMMITTEE MEMBERSHIP**

### **RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: S Read*

That the Mayor be formally appointed as a Committee member.

## **8. DIRECTORS REPORTS**

### **8.1 Financial Report and Budget Review to end of June 2004.**

#### **RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

- a) That the status of outstanding loans be reported to the next Committee meeting.
- b) That the information be noted.

### **8.2 Crescent Head Caravan Park Works Progress Report**

#### **RECOMMENDED**

*Moved: Councillor J Gribbin  
Seconded: Councillor J Howell*

That the information be noted.

### **8.3 Caravan Park Flood Studies**

#### **RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

That the Acting Director Environmental Services be invited to attend the next Committee meeting.

### **8.4 Entrance Sign to Hat Head Reserve**

#### **RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

The entrance signs to all 4 Shore Parks contain a message of welcome and a list of facilities available.

### **8.5 Fish Table at Crescent Head Reserve**

#### **RECOMMENDED**

*Moved: Councillor J Howell*

*Seconded: Councillor J Gribbin*

- a) That the information be noted.
- b) That the options for upgrading of the Crescent Head fish tables be investigated.

#### **8.6 Ensuite Facilities in Holiday Vans**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: S Read*

- a) That Council ensure that sufficient details of ensuite facilities are provided by van owners prior to installation to ensure that no health issues arise consequent to the provision of the facilities.
- c) That the Acting Director Environmental Services be requested to develop a pro-forma application for van owners to complete so that they are guided as to the extent of information required to be submitted at the time of application.

#### **8.7 Disabled Access to Crescent Head Caravan Park**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: G Smith*

- a) That the information be noted.
- b) That the Crescent Head Ratepayers Association be informed in line with the Directors Report.

#### **8.8 Provision of Garbage Facilities at Crescent Head Caravan Park**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: B Snape*

That the matter of garbage facilities be deferred to the next meeting.

#### **8.9 Sites Occupancy Report**

**RECOMMENDED**

*Moved: S Read  
Seconded: B Snape*

That the information be noted.

### **9. GENERAL BUSINESS**

#### **9.1 Crescent Head Kiosk**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

That a report be provided on possible external upgrading of kiosk.

**9.2 Caravan Park Levy Committee**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

That an application be made to the Committee for funding required to complete the upgrading program on Hat Head and Stuarts Point Parks.

**9.3 Fees**

**RECOMMENDED**

*Moved: Councillor J Howell  
Seconded: Councillor J Gribbin*

That the fees for 4 Shore Tourist Parks be reviewed in November 2004.

**10. NEXT MEETING**

Date to be determined.

**11. EVALUATION OF MEETING**

Objectives addressed.

**12. CONCLUSION**

There being no further business the meeting concluded at 12.41pm.

**FILE: C1-2 GBS (NRN)**

**{Folio No. 282109}**

2004. 682

**RESOLVED:**

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

That the minutes of the Caravan Park committee meeting held 19th August 2004 be adopted.



**SALEYARDS COMMITTEE**

**FILE: S1-2 GBS (NRN)**

**{Folio No. 282110}**

20<sup>th</sup> and 30<sup>th</sup> August 2004

**“SUBJECT TO ADOPTION BY COUNCIL”**

**REPORT OF THE SALEYARDS COMMITTEE MEETING HELD IN THE COMMITTEE ROOM, CIVIC CENTRE, WEST KEMPSEY, ON FRIDAY, 20<sup>th</sup>**

**AUGUST 2004, COMMENCING AT 8.30AM, AND AT THE SALEYARDS ON MONDAY, 30<sup>th</sup> AUGUST 2004, COMMENCING AT 2.30PM.**

**PRESENT**

Councillor B Sowter (Chairman), Councillor D Saul and Messrs R Bowen, R Swan, A Griffin, I Argue and N Griffin.

Also present were Councillor E Walker, W McGoldrick, B Snape, R Browning and R Clarke.

**1. APOLOGIES**

**RECOMMENDATION**

*Moved: Councillor D Saul  
Seconded: D Griffin*

That the apology submitted by Councillor J Hayes be accepted.

**2. SUSPENSION OF STANDING ORDERS**

**MOVED**

*Moved: A Griffin  
Seconded: I Argue*

That Standing Orders be stood aside to allow for an address by and discussion with Mr Armin Huefner on saleyards design and operation.

Councillor Saul entered the meeting at 8.46am.

Mr A Griffin departed from the meeting at 9.24am.

*The meeting resumed at 11.12am.*

**3. OCCUPATIONAL HEALTH AND SAFETY MATTERS**

**RECOMMENDATION**

*Moved: N Griffin  
Seconded: Councillor D Saul*

That a report be submitted to the ExtraOrdinary Council meeting to be held on Tuesday, 24<sup>th</sup> August 2004, seeking additional funding to address the following OH&S matters which were identified by Mr Huefner:

- Lighting
- Loading chutes
- Mesh walkways on chutes
- Gates
- Refuge in Sale Ring
- Drafting Yards

**4. CONCEPT PLANS FOR SALEYARDS**

**RECOMMENDATION**

*Moved: N Griffin  
Seconded: R Bowen*

That the matter of developing overall design plans for the Saleyards be deferred.

## 5. DIRECTORS REPORTS

### Item 6.7 SPONSORSHIP SIGNS

#### RECOMMENDATION

That the Corporate Sponsorship prospectus be adopted subject to the following amendments –

- Selling Arena – Front of Hut – be deleted.
- Selling Arena – Rafter Signage – Fee be \$1,200pa.
- Selling Arena – Ring Fence – be deleted.

## 6. GENERAL BUSINESS

### 6.1 Staffing Resources

Ian Argue sought clarification as to Council's intentions regarding the replacement of Richard Browning. This matter is under negotiation.

### 6.2 Design Plans

Russell Bowen requested that his design proposals be resubmitted to the Committee.

### 6.3 Selling Ring – Soft Floor

#### RECOMMENDATION

*Moved: R Bowen  
Seconded: R Swan*

That the selling ring and laneway from the scales be converted from concrete to soft flooring.

### 6.4 Locking of Yards

#### RECOMMENDATION

*Moved: R Swan  
Seconded: Councillor D Saul*

1. That two (2) large yards and four (4) small yards on the southern end of the Saleyards Complex be made available for stock-in-transit, and that the remainder of the Complex be kept locked on non-sale days.
2. That a sign be erected to indicate that use of the Saleyards facilities on non-sale days would be at the users risk.

At this stage the time being 12.13pm the meeting was adjourned, to be reconvened at the Saleyards at 2.30pm on Monday, 30<sup>th</sup> August 2004.

The meeting resumed at 2.30pm on Monday, 30<sup>th</sup> August 2004.

**PRESENT**

Councillor B Sowter (Chairman), Councillor D Saul and Messrs R Bowen, R Swan, N Griffin, A Griffin, I Argue.

Also present were B Snape, R Browning, W McGoldrick and R Clarke.

**7. APOLOGIES**

Nil.

**8. APPOINTMENT OF CHAIRPERSONS**

**RECOMMENDATION**

*Moved: N Griffin*

*Seconded: A Griffin*

That Councillor B Sowter be appointed Chairperson.

**9. MINUTES OF PREVIOUS MEETING**

**RECOMMENDATION**

*Moved: I Argue*

*Seconded: A Griffin*

That the Minutes of the Saleyards Committee meeting held on 16<sup>th</sup> February 2004 be confirmed.

**10. BUSINESS ARISING FROM PREVIOUS MINUTES**

- a) Monitors – TV display now operating satisfactorily.
- b) Vehicle fitted with Crane – due to arrive early September.

**11. DIRECTOR'S REPORTS**

**11.1 Standing Orders**

**RECOMMENDATION**

*Moved: Councillor D Saul*

*Seconded: I Argue*

That the Draft Standing Orders for the Saleyards Committee be adopted.

**11.2 Aims and Objectives**

**RECOMMENDATION**

*Moved: R Bowen*

*Seconded: N Griffin*

That objective of the Saleyards Committee be –

*“To provide advice to and make recommendations to Council in regard to the management, maintenance and future development of Kempsey Regional Saleyards.”*

### **11.3 Committee Membership**

#### **RECOMMENDATION**

*Moved: A Griffin  
Seconded: Councillor D Saul*

That the membership of the Saleyards Committee be retained as at present.

### **11.4 Financial Statement for Year 2003/04**

#### **RECOMMENDATION**

*Moved: Councillor D Saul  
Seconded: I Argue*

That the information be noted.

### **11.5 2004/05 Budget**

#### **RECOMMENDATION**

*Moved: Councillor D Saul  
Seconded: R Bowen*

- i) That the Budget information be noted.
- ii) That consideration of the 2004/05 Capital Works Program be deferred pending development of overall concept plans and NLIS implementation.
- iii) That contact be made with software providers and neighbouring saleyards operators in respect of NLIS proposals.

### **11.6 Operation of Saleyards**

The meeting was advised of the current proposals for lease of the Saleyards to Kempsey Stock and Land on their usual sale days.

### **11.7 Sponsorship**

Report considered earlier in the meeting.

## **12. GENERAL BUSINESS**

### **12.1 Saleyards Plans**

#### **RECOMMENDATION**

*Moved: Councillor D Saul  
Seconded: A Griffin*

That three (3) quotations be sought from persons experienced in Saleyards design for the preparation of feasibility and concept designs for the future planning of Kempsey Regional Saleyards.

### **12.2 OH&S Training**

The matter of accreditation of persons working within the Saleyards was discussed. It was indicated that Council and Kempsey Stock and Land would coordinate the training.

**13. NEXT MEETING**

To be determined.

**14. EVALUATION OF MEETING**

The consensus of members of the Committee was that the meeting met its aims and objectives.

**15. CONCLUSION**

There being no further business the meeting concluded at 4.10pm.

2004. 683

**RESOLVED:**

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

**That the report of the Sale Yards Committee meeting held 20th and 30th August 2004 be adopted.**



## **LOCAL TRAFFIC COMMITTEE**

**FILE: L\* KJF (NRN)**

**{Folio No. \*}**

25 August 2004

**SUBJECT TO ADOPTION BY COUNCIL**

**MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 25 AUGUST 2004, IN THE COUNCIL CHAMBERS COMMENCING AT 9:10 AM.**

**PRESENT:**

Mayor Councillor Janet Hayes – **Mayor**, Sergeant Paul Dilley - **Kempsey Police**, Graham Carthew – **Roads & Traffic Authority**, Rod Dale - **Andrew Stoner's Representative**, Tom Vermeulen, Neil Thomson, Kathryn Trentini.

**A G E N D A**

**1. APOLOGIES**

*Nil.*

**2. PREVIOUS MINUTES**

***2.1 The minutes of the meeting of 26 May 2004 were adopted by Council at its meeting on 8 June 2004.***

**RECOMMENDATION**

*That the information be noted.*

**3. BUSINESS ARISING**

**3.1 Reconstruction of Southside Cellars, Lachlan Street, South Kempsey  
Ref: T6-04-16**

**RECOMMENDATION**

1. That Council's parking code be amended to ensure that parking and vehicle manoeuvring is undertaken wholly on site.
2. That the laneway not be utilised for manoeuvring by customer vehicles.
3. That all direct access to the highway be removed.
4. That vehicle barriers be placed across the footpath.
5. That the area available for manoeuvring and unloading delivery vehicles be increased.

**4. GENERAL BUSINESS**

**4.1 2005 Memorial Day March  
Ref: P12-21 (276745)**

**RECOMMENDATION**

That approval be granted to the National Servicemen's Association of Australia, Macleay Sub-Branch, to conduct the 2005 Memorial Day Street March in Kempsey, subject to

1. Completion and submission of Council's Event Management documentation.
2. A Road Occupancy licence being obtained from the RTA.
3. Police concurrence.

**4.2 Trial Bay Triathlon  
Ref: P12-21 (278945)**

**RECOMMENDATION**

That approval be granted to the Trial Bay Triathlon Committee to stage the Trial Bay Triathlon on Saturday, 19<sup>th</sup> and Sunday, 20<sup>th</sup> February 2005, subject to:

1. Completion and submission of Council's Event Management documentation.
2. That all roads used for the Children's Events be closed during those events.
3. That Arakoon Road from Gregory Street to Phillip Drive be closed during the Adult Event.
4. That further discussions be held with the organisers in relation to traffic management along Gregory Street and Phillip Drive.

**4.3 Gregory Street, South West Rocks  
Ref: R Gregory St (277686)**

**RECOMMENDATION**

1. That a separate footpath/cycleway be provided on the western side of Gregory Street linking Gordon Young Drive with the marked school/pedestrian crossing, subject to available funding.
2. That a No Stopping zone be created on northern side of Gregory Street 10m south of lower access road.

**4.4 Traffic safety measures at South West Rocks**  
**Ref: R8-19 (276832)**

**RECOMMENDATION**

1. That in the short term a No Right Turn sign be placed on Marlin Drive at the intersection of Ocean Street.
2. That in the short term a No Right Turn sign be placed on Ocean Street at the intersection of Marlin Drive.
3. That a letterbox drop be conducted with an explanation to the residents of the change of traffic conditions at the intersection.
4. That signs be placed at Rudder Street and Gilbert Cory Street advising motorists of a change of traffic conditions.
5. That the intersections of Marlin Drive and Ocean Street and Frank Cooper Street and Lionel Hogan Close be listed for future investigation and design, subject to available funding.

**4.5 Disabled car parking, South West Rocks**  
**Ref: B9-2A (277590)**

**RECOMMENDATION**

That one disabled parking spot be provided on the northern end of the angled parking area in front of the Pilots Station on the western side of Gregory Street south of the intersection of Livingstone Street, South West Rocks provided the cross fall at this location is not excessive.

**4.6 Marys Bay Road**  
**Ref: R8-19 (277513)**

**RECOMMENDATION**

That the intersection of Marys Bay Road and Gowings Hill Road be listed for future investigation and design, subject to available funding.

**4.7 Lack of signs in Macleay Street, Frederickton**  
**Ref: R8-20**

**RECOMMENDATION**

That the issue of regulatory parking signs on Macleay Street, and adjacent side streets, be referred to the RTA for inclusion as part of the present road works.

**4.8 Speed Zone Issues**

It has been requested that the following speed zone issues be referred to the LTC for recommendation to the RTA.

1. **South West Rocks Road – Red Hill**

**RECOMMENDATION**

That the matter be deferred and reviewed on site.

**2. Old Station Road**

**RECOMMENDATION**

1. That the RTA be requested to reduce the speed limit along the sealed section of Old Station Road to 80kph.
2. That the unsealed section of Old Station Road and Verges Creek Road be derestricted.

**3. Armidale Road**

**RECOMMENDATION**

That no changes be made to the existing speed zones along Armidale Road.

**4. New Entrance Road  
Ref: R8-29 (274900)**

**RECOMMENDATION**

That no changes be made to the existing speed zones along New Entrance Road.

**5. Sherwood Road and Airport Road  
Ref: R8-29 (276308)**

**RECOMMENDATION**

1. That no changes be made to the existing speed zones along Sherwood Road and Airport Road.
2. That the letter be forwarded to the Mid North Coast Community Consultative Committee.

**6. Crotty's Lane, Bushland Drive**

**RECOMMENDATION**

That the existing speed limit of 80kph be reduced to 70kph on Crotty's Lane, Bushland Drive, and adjoining streets.

**7. Arakoon and Lighthouse Roads  
Ref: R8-29 (227525)**

**RECOMMENDATION**

That the matter be deferred and reviewed in conjunction with the Shire Wide review of speed zones.

**8. Akubra Place  
Ref: R8-29 (280638)**

**RECOMMENDATION**

1. That a 40kph School Zone sign be erected in Akubra Place at the cost of the Macleay Valley Workplace

- Learning Centre, subject to the Centre being recognised as a school by the NSW Board of Studies.
2. That 40kph School Zone pavement marking not be used on the road in Akubra Place.
  3. That the Centre be advised of concerns regarding the supervision of students on adjacent roadways.

#### **9. Plummers Lane**

##### **RECOMMENDATION**

That the matter be deferred and reviewed in conjunction with the Shire Wide review of speed zones.

#### **4.9 Parking at and under Traffic Bridge**

##### **RECOMMENDATION**

1. That the proposed parking arrangements be adopted.
2. That a height limit sign be erected to warn motorists of restrictions.
3. That the concept to lease the 8 parking spaces under the Traffic Bridge be referred to the Kempsey Town Master Plan Committee. [\(Appendix A\)](#).

#### **4.10 Harold Walker Avenue**

##### **RECOMMENDATION**

That no action be taken.

#### **4.11 Belgrave Street parking between Stuart Street & Smith Street**

##### **RECOMMENDATION**

That the parking layout on the northern side of Belgrave Street, as tabled, be adopted. [\(Appendix B\)](#)

#### **4.12 Kempsey Library Disabled Parking Space Ref: B9-2A (274850)**

##### **RECOMMENDATION**

That a disabled parking space be provided on the northern side of Elbow Street east of Harold Walker Avenue.

#### **4.13 Proposed subdivision of Old Station Road, Kempsey Ref: T6-04-15**

##### **RECOMMENDATION**

1. That a temporary single access be permitted for the 3 proposed lots subject to the access complying with sight distance requirements and minimum type A widening be provided.
2. That Council review the Development Control Plan 6 to provide one access road only from Old Station Road.

#### **4.14 U-turn at traffic lights – Smith Street & Belgrave Street**

RTA advised that the RTA policy does not permit U turn manoeuvres at traffic lights.

#### **RECOMMENDATION**

That the information be noted.

#### **4.15 Guardrail Treatment**

#### **RECOMMENDATION**

That a letter be sent to the RTA requesting an urgent review of the Pacific Highway from Gill Street to the traffic bridge with issues to include sight distance, queuing traffic, pedestrian fence, guardrail treatment and the speed limit.

### **5. OTHER BUSINESS**

#### **5.1 Pacific Highway – 40kph Heavy Vehicle Speed Limit**

RTA advised that the highway through Kempsey does not meet the warrants for imposing a 40kph speed zone for heavy vehicles.

#### **RECOMMENDATION**

That the RTA review the speed zone on the Pacific Highway through Kempsey and Frederickton in conjunction with the overall review of the urban speed limits on the Pacific Highway.

#### **5.2 Malibu Club Ref: P12-21 (280371)**

An application has been received from the Crescent Head Malibu Club to conduct the 2004 National Old Mal Titles at Crescent Head on 4 & 5 September 2004.

#### **RECOMMENDATION**

That Crescent Head Malibu Club be requested to liaise with the Crescent Head Caravan Park Management.

#### **5.3 Kempsey Women's Refuge**

A request has been received from the Kempsey Women's Refuge to hold a demonstration March in Kempsey on 28 October 2004.

#### **RECOMMENDATION**

1. That the application be referred back the Kempsey Women's Refuge to review the proposed route in accordance with Council preferred route options.
2. That the applicant provides appropriate documentation in accordance with Council Events Management Policy.

#### **5.4 Smith Street & Stuart Street traffic lights Ref: R Smith St (281494, 280251)**

Responding to complaints from residents that the phasing of the lights and the dedicated left turn from Stuart Street to Smith Street is causing traffic delays at the intersection.

## **RECOMMENDATION**

1. That the matter of the phasing of the lights at the intersection of Stuart Street and Smith Street be referred to the RTA.
2. That the RTA reviews the pavement markings in Stuart Street on the approaches to Smith Street intersection.

### **5.5 South West Rocks Road - Jerseyville Ref: R8-19 (276831)**

Councillor McWilliam has requested that the speed limit be reduced to 80kph from Jerseyville to Manix Corner.

## **RECOMMENDATION**

That the matter be deferred and reviewed in conjunction with the Shire Wide review of speed zones.

### **5.6 West Street, South Kempsey Ref: R West St (280447)**

Responding to a letter received from resident requesting that speed reduction measurements be put in place in West Street.

## **RECOMMENDATION**

1. That the matter of speeding traffic along West Street be referred to the Kempsey Police for enforcement.
2. That the resident be advised that the matter has been referred to the Kempsey Police.

### **5.7 Smith Street & Belgrave Street**

## **RECOMMENDATION**

That the RTA review the operation of the Smith Street and Belgrave Street intersection.

### **5.8 Police & Community Accountability Meeting**

Mayor advised of the outcome of the Police and Community Accountability meeting regarding the issue of heavy vehicles on the Pacific Highway.

## **RECOMMENDATION**

That the information be noted.

### **5.9 York Lane – marked pedestrian crossing Ref: T7 (266218, 265839, 234279)**

The RTA has responded to a request from the Kookaburra Club referred from Council to install a marked pedestrian crossing on York Lane from the Post Office to the RSL.

## **RECOMMENDATION**

That the Kookaburra Club be advised that the site will be monitored following the introduction of a stop sign at the intersection and the modification of the pram ramp.

**5.10 Lachlan Street**

RTA advised that a review had been undertaken of the excessive cross fall in the parking lane on the eastern side of Lachlan Street.

**RECOMMENDATION**

That the RTA responds formally to Council's request.

**6. NEXT MEETING**

To be advised.

**7. CLOSURE**

The meeting closed at 2.22pm.

2004. 684

**RESOLVED:**

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

**That the report of the Local Traffic Committee meeting held 25th August 2004 be adopted with the items in 4.4 to be referred back to the Traffic Committee for further discussion.**



**QUESTIONS WITHOUT NOTICE**

Councillor B R Sowter

Councillor Sowter was advised:-

1. That the Director Engineering would be arranging meetings with user groups within the next couple of weeks to work out issues relating to sporting fields.
2. That the General Manager was trying to organize a meeting with the Department of Lands regarding the sale of land around Kempsey.
3. The Director Engineering advised that the issues occurring at Jim Mordue's property at Hickeys Creek is the responsibility of the property owner.

**QUESTIONS WITHOUT NOTICE**

Councillor D F Saul

Councillor Saul was advised:-

1. That the Director Engineering would investigate the overhanging trees protruding onto the road at 410 Left Bank Road Belmore River.
2. That the Director Engineering would investigate the river bank erosion near the property of 671 Summer Island Road.

### **QUESTIONS WITHOUT NOTICE**

Councillor R H McWilliam

Councillor McWilliam was advised:-

1. That the Director Business Enterprise would investigate the need for bins to be placed at the fish cleaning tables at Back Creek South West Rocks.
2. That the Director Engineering would write to Hastings Council to see if they would be willing to join Kempsey Shire Council in applying for R2R funding to seal Maria River Road and a bridge at Port Macquarie.
3. That Council consulted with the community through a great number of channels before selecting Crottys Lane for the cemetery site. Crottys Lane was chosen because it was larger and a more acceptable site.

### **QUESTIONS WITHOUT NOTICE**

Councillor E R Walker

Councillor Walker was advised:-

1. The Director Environmental Services advised Council's Compliance Officer had recently inspected Beranghi but had not located anyone living on site. Council's Compliance Officer would be investigating further.
2. The Director Engineering would investigate the condition of First Lane due to the increased traffic caused by the second set of traffic lights recently installed in Smith Street.

### **QUESTIONS WITHOUT NOTICE**

Councillor J H Bowell

Councillor Bowell was advised:-

1. The Director Environmental Services advised that the LEP for Crescent Head South has been referred to DIPNR and DPINR has been requested not to require an environmental study.
2. The Director Engineering advised that once the D.A. for Point Plomer Road has been approved, the staging of works are expected to commence before Christmas.

3. The Director Engineering advised that the noise abatement in Kempsey and Frederickton are being monitored.
4. The Director Engineering advised that the pot holes in Elbow Street would be repaired as soon as possible.
5. The Director Environmental Services advised that concerning roads between subdivisions it is possible to recoup monies under Section 94 to bankroll road works but it depends on the circumstances of the subdivision.
6. The Director Environmental Services advised that in regard to development in rural areas Council was unaware of any conflicts between dairy or agricultural properties and dwelling but certainly priority would be to protect rural business properties.
7. The Director Environmental Services advised that he would check whether the caravan and shed referred to in Sherwood Road does have Council approval.

### **QUESTIONS WITHOUT NOTICE**

Councillor E A Green

Councillor Green was advised:-

1. The Director Environmental Services advised that in regards to the land cleared at South West Rocks, legal advice had been sought and no breach of the tree preservation order had occurred.
2. The Director Environmental Services advised that the building site at Mitchell Avenue cul de sac would be investigated.
3. That upon the return of the Director Corporate and Community Services consideration would be given to a formal opening of the baby care room in the mall.
4. The Director Business Enterprise advised that Council would not place a skip bin at the Hat Head recycling bin site.
5. The Director Business Enterprise advised that residents of Hat Head would not continue to pay the sewerage levy once their properties are connected to the sewer system.

### **QUESTIONS WITHOUT NOTICE**

Councillor J C Gribbin

Councillor Gribbin was advised:-

1. The Director Environmental Services advised that DIPNR have requested that a Local Environmental Study be prepared for the rezoning referrals to Government agencies has occurred and Council

would be calling for expressions of interest to prepare Local Environmental Study.

2. The Director Environmental Services advised that the South West Rocks Old School building has been recommended for heritage listing by Council's Heritage Committee.
3. The Director Engineering would further investigate why the Weeds Officer had a Budget rent a car.
4. The Director Engineering advised that center lines would be painted Gordon Young Drive.
5. The Director Environmental Services advised that Council had made a submission to DIPNR dated 26th August regarding the SWR Caravan Park development.
6. The General Manager advised that in future Council ads for proposed developments and development consents would have the name of applicant not the owner.

### **QUESTIONS WITHOUT NOTICE**

Councillor T L Hunt

Councillor Hunt was advised:-

1. That the Director Engineering would be reporting to Council at the end of the month results of the workshop and consultants report on the second crossing.

### **QUESTIONS WITHOUT NOTICE**

Councillor J A C Hayes

Councillor Hayes was advised:-

1. Director Environmental services advised in terms of old dairies being done up for living quarters in the Belmore area some of these buildings have been investigated and Council is aware of several more with no approval.
2. The General manager was advised that all Councillors and three staff would be attending the meeting with Phil Coperburg on 22<sup>nd</sup> September commencing at 10.30am to discuss issues of threatened species legislation and bushfire legislation – going through parliament now - other Councils will be in attendance.



### **MOTION FOR COMMITTEE**

2004. 685

**RESOLVED:**

*Moved: Cl. Bowell*

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

<b>DES1</b>	<b>DWELLING ADDITIONS – REAR GLASS</b> <b>ENCOLOSURE LOT 30 DP754423, 335 RIGHT BANK</b> <b>ROAD, BELMORE RIVER</b> <b>FILE: T6-04-175 SAR (NRN)</b>	<b>{Folio No. 282111}</b>
-------------	---	---------------------------

### SUMMARY:

Reporting that Council has received a development application to erect a dwelling which is contrary to Councils Flood Risk Management Policy.

### REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains advice concerning the litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege (Local Government Act 1993, Section 10A(2) (g)).



2004. 686

### RECOMMENDED:

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

That the information be noted.

<b>DES2</b>	<b>REQUEST PURCHASE LAND</b> <b>FILE: LA 175 RBP</b>	<b>{Folio No. 282112}</b>
-------------	---	---------------------------

### SUMMARY:

Reporting that Council has received a request to purchase land owned by Council.

### REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains information that would, if disclosed, confer a commercial advantage on a person with whom

the Council is conducting business or proposes to conduct business. (Local Govt Act Section 10A (2)(c)).

Discussion of this matter in an Open Council meeting may jeopardize Council's proposed negotiations.



2004. 687

**RECOMMENDED:**

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

**That Council is prepared to consider the sale of public land and rezoning subject to all relevant issues being addressed prior to Council proceeding to consider to prepare a draft LEP.**



**Councillor Hunt declared an interest in the following item for the reason that he is a member of the committee of the Workplace Learning Centre and retired from the Chamber.**

**DIRECTOR BUSINESS ENTERPRISES  
CONFIDENTIAL REPORT**

<b>DBE1</b>	<b>LOT 98, AKUBRA PLACE</b>	<b>GBS</b>	<b>{Folio No. 282113}</b>
	<b>FILE: LA18995 COPY: APC</b>		

**SUMMARY:**

Reporting on advice that Freddo Pies and Ice Creams Pty Ltd now wish to renew the lease of Lot 98, Akubra Place, rather than purchase.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it contains commercial information of a confidential nature that would if disclosed, prejudice the commercial position of the person who supplied it.



2004. 688

**RECOMMENDED:**

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

**That a report come back to Council advising the legal status of the subleasing arrangements and other outstanding matters.**

**At this stage Councillor Hunt returned to the Chambers.**



# CONFIDENTIAL MAYORAL SUPPLEMENTARY MINUTE

<b>M1</b>	<b>LEASE OF CROWN LAND AT SOUTH WEST ROCKS</b>	<b>{Folio No. 282637}</b>
	<b>FILE: LA 3940 JACH</b>	

## REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business. Local Government Act section 10A(2)(c).

### SUMMARY:

Reporting that for some time I have been lobbied by stakeholders who are concerned that the boat shed at the Entrance is falling into disrepair, rarely open and an eyesore.



2004. 689

### RECOMMENDED:

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

**That the General Manager or his nominee enter into negotiations with the lessee to determine his plans for the future.**



## GENERAL MANAGER'S CONFIDENTIAL REPORT

<b>GM1</b>	<b>LEGAL MATTERS</b>	<b>{Folio No. 282114}</b>
	<b>FILE: L3-1 AVB (NRN)</b>	

### SUMMARY:

Reporting on the current position regarding legal matters.

## REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 690

### RECOMMENDED:

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

That the information be noted.

Councillor Gribbin declared an interest in the following item for the reason that he is a party to the Friends of South West Rocks and retired from the Chamber and apologized for non-attendance at the remainder of the Meeting.

<b>GM2</b>	<b>LEGAL MATTERS</b>	
<b>FILE: L3-1</b>	<b>AVB (NRN)</b>	<b>{Folio No. 282115}</b>

**SUMMARY:**

Reporting on the current position regarding legal matters.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 691

**RECOMMENDED:**

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

That the information be noted.

Councillor Walker declared an interest in the following item for the reason that he is a party to the following report, retired from the Chamber and apologized for non-attendance at the remainder of the Meeting.

At this stage, 6.39pm, Councillor Bowell retired from the Chamber and apologised for non-attendance at the remainder of the Meeting.

<b>GM3</b>	<b>LEGAL MATTERS</b>	
<b>FILE: L3-1</b>	<b>RBP (NRN)</b>	<b>{Folio No. 282116}</b>

**SUMMARY:**

Reporting on the current position regarding legal matters.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2004. 692      **RECOMMENDED:**

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

That the information be noted.



## **REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE**

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



## **ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

2004. 693      **RESOLVED:**

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

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



## **LATE BUSINESS - Delegates for Sports User Group Meetings**

2004. 694      **RESOLVED:**

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

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

2004. 695      **RESOLVED:**

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

That Councillors Sowter and McWilliam be Council delegates for the Sports User Groups meetings.



Councillor Green submitted an apology for Council's ordinary Meeting to be held 14th October 2004.



## **CONCLUSION:**

There being no further business, the Meeting terminated at 6.47 p.m.



