



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 9th July 2002 commencing at 9.05am.

PRESENT:

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

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 11TH JUNE 2002

2002. 511

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 11th June 2002, be adopted.



MINUTES OF THE EXTRA-ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 28TH JUNE 2002

2002. 512

RESOLVED:

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

That the Minutes of the Extra-Ordinary Meeting of Kempsey Shire Council dated 28th June 2002, be adopted.



PUBLIC FORUM

- 1 Mr Mick O'Neill addressed Council regarding the Rescission Motion relating to Subdivision of Lot 51 DP1025337 Spencerville, South West Rocks and report DES 1.

*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002*

.....
MAYOR

- 2 Mr Garry Pierpoint addressed Council regarding Report DES 7 Proposed Sand and Gravel Screening Plant – Turners Flat.
- 3 Mr George McKiernan addressed Council regarding report DES 13 Application for Garage in Kempsey Floodway No. 1.
- 4 Ms Annabel Lahz addressed Council regarding report DES 2 Development Application to Erect a Dwelling Lot 65 DP874223 off the Gap Road, Hat Head.
- 5 Mr Peter Lucena addressed Council regarding report DES 8 Proposed Upgrade of Wastewater Treatment Frederickton Abattoir.



CONSIDERATION OF LATE REPORTS

2002. 513 RESOLVED: *Moved: Cl. Sowter*
Seconded: Cl. Mainey

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



2002. 514 RESOLVED: *Moved: Cl. Joukhadar*
Seconded: Cl. Howell

That Standing Orders be suspended to allow consideration of the Mayoral Minute prior to Public Forum reports.



MAYORAL MINUTE

M1 SHIRES ASSOCIATION CONFERENCE
FILE: C11-4 Councillor Hayes (NRN)
{Folio No. 237290}

SUMMARY:

To advise Council of the proceedings of the Shires Association Conference.



On the 4th and 5th June Councillors Bowen, Howell, the General Manager and myself attended the Shires Association Conference in Sydney. The Conference was preceded by the Local Government Managers Australia Forum on the 3rd June.

The Forum once again was very well presented and featured:

THIS IS PAGE 2 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- Rob Redenback an Australian who was head of Nelson Mandela's Presidential Security. Rob spoke of the attributes of Nelson Mandela in displaying leadership.
- Michael Down Partner Phillips Fox Solicitors who outlined the reasons for the increases in public liability premiums such as attitude to making claims, increases in court awards, September 11 and HIH collapse and the Government's proposed Reform Bill.
- A workshop on Local Government financial health presented by Gerry Brus President of LGMA and David Rosenbaum Divisional Manager Business and Financial Services Hurstville City Council.
- A case study on Risk Management incorporating a computerised identification system in place at Newcastle City Council, productivity improvements introduced at Scone Shire through a rehabilitation safety plan and Wollongong Cities meeting with London underwriters where the emphasis was on what Local Government in NSW does not do.
- George Negus Foreign Correspondent World Events
- Light hearted entertainment from an impersonator Dr. Roberto Leonardi who presented a thought provoking experience based on "Civic Traditions in Modern Italy" and "Why Local Authorities Must Care".

The Shires Association Conference was opened by the Premier Hon. Bob Carr MP who outlined his Public Liability Legislation and job creation initiatives. The Bluet Award winners were announced. The Shires Association section was won by Tumut Shire Council and the Local Government Association Section was won by Coffs Harbour City Council.

A number of Ministers addressed the conference, viz: -

- The Hon. Wilson Tuckey MP Federal Minister for Local Government who outlined support for non feasance in respect of roads, support for constitutional recognition for Local Government and advised that the Standing Committee on Economics, Finance and Public Administration was holding an inquiry into Local Government and cost shifting.
- The Hon. Harry Woods MP Minister for Local Government advised that legislation was to be introduced to sack Councillors/Councils found guilty of corruption by ICAC, that the practice of charging urgency fees is to be discontinued, anti graffiti legislation is to be introduced and that separate water values and land values are to be introduced for water trading purposes.
- The Hon. Carl Scully MP Minister for Roads reiterated that 80% of the increase in Harbour Bridge Tolls were to be expended on rural roads maintenance and highlighted the Commonwealth Governments intention under the National Transport Plan to allocate funds from National Highways to rail and other road works. Mr Scully allocated most of his time to answering questions.
- The Hon. Michael Costa MLC Minister for Police outlined his major recruitment program increasing police numbers to 1700, juveniles are to have only three cautions under the Young Offenders Act and arresting police views to be taken into account, there is to be a

THIS IS PAGE 3 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

restructure of the force from 1st July and Police community, accountability teams (Mini Police Boards) are to be established.

Other speakers included:

- The Hon. John Brogden MP Leader of the Opposition who does not support deleting retrospectivity of public liability claims against the Government whose government will publicise the cost of services to be devolved to Local Government and will allow doctors to use existing hospital facilities to reduce the cost of establishing 'a practice'.
- The Hon. Duncan Gay MLC opposition spokesperson for Local Government advised that a Coalition Government would require a compulsory ballot of electors to initiate amalgamations or major boundary changes, and that separate 2 day meetings would be arranged at parliament house for urban and rural Council Mayors to enable these Council representatives to meet with Ministers and senior staff and similarly an annual meeting would be arranged with General Managers to meet with Department Heads.
- Mr Phillip McNamara Director General State Emergency Service who outlined the operation of the SES.
- Ms Robyn Henderson Director General State Department of Women who spoke on the 10 Point Plan to increase women's participation in Local Government.

Councils motion regarding loan funds through the Caravan Parks levy being excluded from calculations for the debt service ratio was carried, Mike Montgomery was re-elected President and Phyllis Miller and Colin Sullivan were re-elected Vice Presidents of the Association.

Financial Implications

There are no financial implication arising form this report.

2002. 515

RESOLVED:

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

That the information be noted.

M2	MAYORAL ENGAGEMENTS FOR JUNE/JULY
	FILE: C18-25 Councillor Hayes (NRN)
	{Folio No. 237291}

SUMMARY:

Reporting on the Mayoral engagements since Council's meeting on the 11th June 2002.



.....
MAYOR

Sunday 16th June

- Attended the Softball Titles held in Kemp Street

Tuesday 18th June

- Resource NSW meeting in Sydney
- Meeting with Tony Stewart Parliamentary Secretary to Carl Scully, Minister for Transport

Wednesday 19th June

- Traffic Committee Meeting
- Kempsey Town Centre Master Plan Implementation Committee meeting
- Lions Club Changeover Dinner at the Hotel Kempsey Dining Room.

Thursday 20th June

- Meeting with ratepayers regarding a proposed indoor stadium for Kempsey
- Meeting with ratepayer
- Appointment with Vanessa Standing regarding EPA Voluntary, Heritage and Environment grant funding
- Community Services Committee meeting
- Meeting with Terry Clout CEO Mid North Coast Area Health Service, Director Environmental Services and Director of Engineering and Robert Pitt regarding a DA approval for Kempsey District Hospital

Tuesday 25th June

- Business Women's Breakfast at the Kempsey RSL club.

Thursday 27th June

- Lunch with Country Energy representatives

Friday 28th June

- Extra-Ordinary meeting of Council
- Meeting with ratepayer to receive a gift on behalf of Council
- Meeting with Sarah Ashton CEO Kempsey District Hospital
- Meeting with Clr. Wayne Richards Mayor Hastings Council

Sunday 30th June

- Terry Giddy Fundraiser at the Spotted Frog Restaurant

Tuesday 2nd July

- Community Safety Council meeting
- Meeting with Roz Flew regarding the Westpac Rescue Helicopter Fund Raising Committee

Wednesday 3rd July

- Meeting with the Fire Control Officer and the Director of Engineering as per minute number 2001.1017

THIS IS PAGE 5 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- Tree Planting Ceremony at St Paul's High School as part of the West Kempsey Community Renewal Project and NAIDOC celebrations
- Guest speaker at Melville High School's Merit Assembly
- Meeting with Diana Pook from BEC

Friday 5th July

- Many Rivers Regional ATSIC Councillors Award Evening at the RSL Club

Monday 8th July

- Attended NAIDOC celebrations at the Civic Centre
- Land Release Task Force Committee meeting
- Drover's Boy Exhibition Official Launch at the Kempsey Shire Library

As well as day to day functions of the position.

I would also like to thank those Councillors who made themselves available to represent me at a variety of functions in the past month.

Financial Implications

There are no financial implications arising from this report.

2002. 516

RESOLVED:

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

That the information be noted.

M3	PROPOSED NEW ROAD CROSSING OVER MACLEAY RIVER AT KEMPSEY FILE: T7 Councillor Hayes (NRN) {Folio No. 237293}
-----------	--

SUMMARY:

Reporting on progress with the proposed new road crossing over Macleay River at Kempsey.



Council, at its meeting of 11th September 2001, resolved:

“That representations be made to the RTA, the Member for Oxley and the Minister for Roads, seeking a firm commitment for the provision of a second bridge over the Macleay River adjacent to the Railway Bridge at South Kempsey as a matter of urgency.”

Letters were dispatched to the Minister for Roads but he was unavailable to meet at the time and asked his Parliamentary Secretary for Roads, Tony

THIS IS PAGE 6 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Stewart, MP, to meet on his behalf. A meeting was held on 18th June 2002 involving Parliamentary Secretary for Roads, Tony Stewart, MP, Member for Bankstown, his research officer, Margaret Jamieson, Tim McPhaill, policy officer for Minister Scully and Bob Higgins, Pacific Highway Manager. I represented Council, along with the Director Engineering, Keith Finnie. Tony Stewart advised that there was merit in the 2nd Bridge proposal but that the RTA had some concerns with:

1. geotechnical issues, particularly in the river itself and on the northern side of the river, and
2. the estimated total cost variable being 25%.

It was agreed at this meeting that Bob Higgins and Keith Finnie meet to clarify these issues and move the project forward. At a meeting on 26th June 2002 it was agreed that Council would approach the consultants G H & D to quote to extend their investigation to allow for further geotechnical boring in the river and on the northern approaches. The consultant will then firm up their estimate to ensure the total estimated cost is definitive. It is anticipated that the costs of this additional work will be borne 50:50 by Council and the RTA.

Financial Implication

There are no financial implications from the following recommendation but Council will need to make funds available to progress this project. I have asked the Director Engineering to report further to Council when firm figures are known.

2002. 517

RESOLVED:

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

That the information be noted.



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports RESCISSION MOTION AND DES 1, DES 7, DES 13, DES 2 and DES 8.



2002. 518

RESOLVED:

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

That the Rescission Motion, DES 1 and Supplementary DES 1 relating to Subdivision Lot 51 DP 1025337 Spencerville, South West Rocks be deferred for consideration later in the meeting immediately following the morning tea adjournment.



.....
MAYOR

DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES 7

PROPOSED SAND AND GRAVEL SCREENING
PLANT, TURNERS FLAT
FILE T6-02-304 RBP

{Folio No. 237316}

SUMMARY:

Reporting that Council has received a Development Application to relocate a gravel screening plant at Turners Flat.



Applicant: Garrie Pierpoint
Owner: Don Julian
Subject Land: Lot 36 DP 752419 No 142 Mainneys Road, Turners Flat
Zone: 1(a1) Rural

Background

On the 4th September 1997, Council approved a development application for the continued use of an existing quarry on the subject land. Based on the information provided by the owner, it was apparent that the crushing plant was installed after August 1969, thereby not enjoying any existing use rights. A condition was imposed requiring separate consent if it was intended to continue the use of the screening plant. On the 9th October 1998, Council issued a notice to the owner requiring an unauthorised screening plant to cease operations.

On the 2nd December 1998, Council received a written undertaking by the owner (Mr Don Julian) stating that he would disassemble the plant and restore the site by January 1999. On the 20th February 2001, Council received a complaint that the screening operations had recommenced and, at its meeting of 20th March 2001 Council resolved to:

- “1. That Council advise the property owner that the unauthorised operations are to be cease and ancillary machinery and equipment removed from the subject property within 14 days of date of notification
2. Further, that after the expiration of the time period if the plant remains on site that Council commence action in the Land and Environment Court for the unauthorised use.”

On the 2nd August 2001, the applicant lodged a development application for the relocation of the screening plant to an alternative site on the subject land in order to avoid the need for an Environmental Impact Statement as the existing plant is located within 250 metres of dwellings not associated with the quarry.

THIS IS PAGE 8 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

On the 11th December 2001, Council considered the application and resolved to refuse the application on the basis of likely adverse impacts relating to noise and sedimentation. Council further resolved to advise the applicant and owner that Council will proceed with action in the Land and Environment Court if the plant is continued to be used.

The current application is identical to that previously refused by Council and was resubmitted for Council's consideration on the 5th June 2002. The following assessment relates to the application currently before Council.

Heads of Consideration

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

Provided the plant only crushes gravel won from the subject land, the proposal is considered to be ancillary to the extractive industry located on the subject land, thereby being permissible with development consent. The proposal is not contrary to any State Environmental Planning Policies or North Coast Regional Environmental Plan 1988.

Noise

The plant has the potential to impact on adjoining residences by reason of noise.

Monitoring carried out in relation to the existing plant indicates that noise experienced by the two nearest adjoining dwellings is well above the relevant EPA criteria. The consultant's opinion is that relocation of the plant would reduce noise levels significantly, however, no predictive calculations have been provided.

In the circumstances, it is considered reasonable to issue a time-limited consent, the extension of which would be contingent upon submission of the results of monitoring by a suitably accredited person confirming that the plant will meet relevant EPA criteria at affected residences.

In the event the results of monitoring indicate that EPA criteria are not being met, any consent should require cessation of the use until such time as a report has been provided by a suitably qualified person, indicating additional measures required to assure the plant complies with the EPA criteria with all such measures to be employed prior to recommencement of the crushing operation.

Sediment Discharge

The crushing plant utilises a wet process which creates large volumes of sediment laden waste water.

In order to ensure that discharge of waste water complies with relevant EPA criteria, it is considered reasonable to impose a condition requiring submission of detailed engineering plans, providing calculations for a suitable sediment control pond, prior to commencement of the use, with a contingency to require cessation of the use in the event relevant EPA criteria are not being met.

Road Contributions

It should be noted that no road contributions are payable in respect to the proposed development on the basis that it utilises material extracted under the terms of the existing quarry situated on the land. The existing use rights enjoyed by the land allow the extraction of up to 10,000 cubic metres per annum without the need to contribute towards the upgrading and maintenance of Council’s road system.

Public Exhibition

The development was exhibited in accordance with Council’s Public Notification Policy where six (6) objections having been received, with three (3) marked confidential, which may be summarised as follows:- [\(Appendix](#)

[“N”](#)

Objection		Planning Comment	
1	Removal of gravel has damaged bank.	1	Such impacts are assessed by DLWC when deciding whether to renew extraction permits and are not related to this Development Application. Any consent should specify that crushing of gravel extracted from the subject land only is allowed. In the event the permit is withdrawn, the crushing plant could not operate.
2	View will be disfigured.	2	The crushing plant is associated with an extractive industry which is a type of primary activity for which the zone was created.
3	Proposal will increase noise due to increased truck movements and machinery.	3	No increase in truck movements would occur as only material extracted from the land is to be processed. (See also “Noise”)
4	Fuel odours will affect residents.	4	The plant is proposed to be powered by electric motors.

THIS IS PAGE 10 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

5	Noise curfews will be ignored as in the past.	5 A condition should be imposed restricting all operations (including transportation of material) to between 7.00 am and 6.00 pm Monday – Friday and 7.00 am to noon Saturdays. In the event non-compliance were to occur, Council would have grounds for action under the E P and A Act and POEO Act.
6	Plant has operated illegally for years and is unfair to others who have complied.	6 Agreed. Any consent should apply the same criteria required of other plants. Although the plant has operated illegally, the Land and Environment Court is unlikely to order its removal , unless the operators have been given the opportunity of obtaining an approval.
7	Insufficient details provided.	7 The material placed on exhibition included a site plan and description of the development which is considered sufficient for persons to determine the issues.
8	General objections to the gravel quarry.	8 The land enjoys existing use rights for a quarry. Matters relating to the effects of quarrying on the river are currently controlled under a permit issued by DLWC.

Note:

Most of the points of objection relate to existing extraction activities for which the subject land enjoys existing use rights. Council is obliged to restrict its consideration to the impacts of the application at hand, being the operation of a crushing and screening plant. Subject to compliance with conditions relating to noise and water quality controls, the proposal is considered to be acceptable.

Director Environmental Services Recommendation:

- A** That consent be granted subject to the following conditions:-
- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
 - 2** This consent permits the crushing of gravel extracted from Lot 36 DP 752419 Mainneys Road, Turners Flat. No other material from any other quarry is to be processed by the approved plant.
 - 3**
 - a** This consent shall cease within three (3) months from the date of this consent, unless Council has provided its written agreement to its continuation.
 - b** Such agreement shall be contingent upon submission of a report prepared by a suitably qualified acoustic engineer confirming that the relevant noise criteria specified by this consent have been met at the nearest affected residence and residences located on the high bank to the south of the subject land.
 - c** In the event the results of monitoring indicate non-compliance with the relevant noise criteria specified by this consent, the use of the plant shall cease until such time as Council has provided its written agreement to permit recommencement.
 - d** Council shall not provide its written agreement to permit recommencement of crushing operations unless additional noise attenuation measures have been employed and the results of a revised monitoring report confirm compliance with the relevant noise criteria specified by this consent.
 - e** Additional monitoring shall be carried out at the request of Council in the event any complaints are received which Council considers are justified.
 - f** The operator shall employ such measures as are necessary to achieve noise criteria at any adjoining residence not associated with the quarry and crushing plant in strict compliance with the New South Wales Industrial Noise Policy.
 - 4**
 - a** Construction of a suitable sediment control pond designed to collect all runoff for the site of the plant prior to commencement of crushing operations.

THIS IS PAGE 12 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- b Such pond(s) to be constructed in accordance with detailed plans prepared by a qualified engineer designed to cater for the 1 in 10 year storm event identified by “Australian Rainfall and Runoff” and in accordance with “Managing Urban Stormwater 1998”.
 - c The pond shall be designed to achieve a discharge which will not exceed 30 mg/L of non-filtrable residue at any time.
 - d Monitoring of water during a period of discharge is to be carried out by a suitable qualified person with the results submitted to Council within three (3) months of the date of this consent unless Council is satisfied that no such discharge has occurred in which case monitoring shall occur at the next available opportunity and reported to Council within fourteen (14) days of such monitoring.
 - e In the event the results of monitoring indicate non-compliance with the relevant water quality criteria specified by this consent, the use of the plant shall cease and shall not recommence until Council is satisfied that additional measures have been employed to ensure compliance with the relevant specified criteria.
 - g Sediment is to be removed from the pond on a regular basis so as to maintain the design capacity of the required pond and disposed of by means of spreading on pastures on the subject land.
- 5 Submission of a report prepared by a registered surveyor confirming that no part of the crushing or screening plant or any associated sediment control pond(s) is located within 250 metres of any dwelling not associated with the plant prior to commencement of crushing and screening operations.
- B That the applicant be advised that all stockpiled material from the previous unauthorised screening plant site in front of the existing dwelling is to be removed and the area ripped and seeded within thirty (30) days of the date of consent.
- C That the objectors be advised of Council’s decision.

RESOLVED:

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

That the Director Environmental Services recommendation be adopted subject to the following changes:-

- 1 Recommendation A3 (a) to be amended to 6 months in lieu of 3 months**
- 2 Recommendation B to be amended to 6 months in lieu of 30 days**
- 3 The inclusion of an additional condition that the operating period, including transport, be 9.00am to 3.00pm.**



DES 13 APPLICATION FOR GARAGE IN KEMPSEY LOCAL FLOODWAY NO 1
FILE T6-02-290 KJW {Folio No. 237325}

SUMMARY:

Reporting that Council has received a Local Development Application to construct a garage on land located in Kempsey Local Floodway No 1.



Applicant: A J Secomb
 Owner: G N McKiernan
 Subject Land: Lot 1 DP 997924 No 6 Regent Street, Kempsey
 Zone: Rural (Floodway) 'E' – (1(E))

Description of Proposal

The proposal is to construct a garage (10.05 x 7 metres) at the rear of an existing single garage. [\(Appendix "R"\)](#)

Section 79C(b) and (c) Environmental Planning and Assessment Act – Likely Impact of the Development and suitability of the site.

The site is located in Kempsey Local Floodway No. 1 with a flood level at the site of 8.6 metres on A.H.D. and a velocity at the site for the 1% event 3m/s. From information supplied, it appears that the depth of inundation will vary up to 2.6 metres. The relationship of depth and velocity is High Hazard. The NSW Government's Floodplain Development Manual identifies the site as high hazard floodway which does require special considerations. [\(Appendix "S"\)](#)

.....
MAYOR

Council's Floodplain Management Strategy states in respect to Kempsey Floodway No.1 that –

“Council's aim is to seek the eventual clearance of the floodway, but it is recognised that there may be circumstances where it is appropriate for Council to consider repairs, renovations or extensions to existing buildings”.

It should be noted that the proposed garage is separate to the other buildings and does not fall into the category of repairs, renovations or extensions to existing buildings. The owner has submitted a letter of support for his application. [\(Appendix "T"\)](#)

Whilst acknowledging that the erection of a garage may provide improvement, it is difficult to acknowledge that an approval should be given considering the high velocity and depth of floodwaters in the floodway and the high hazard created given the proposed size, orientation and location of the building.

The NSW Floodplain Development Manual states that at velocities in excess of 2m/second, the stability of foundations and poles can be affected by scour and earth surfaces will begin to scour. The velocity at the site in a 1 in 100 year flood is greater than 3m/second.

However, as previously outlined, Council's Policy provides limitations on the development and/or increase in size of buildings within the floodway. The proposed garage in its present form is unacceptable but with changes to the design, size, orientation and location may comply with Council's Policy.

Director Environmental Services Recommendation:

- A That the applicant be requested to submit an amended application providing for a garage complying with Council's Flood Plain Management Strategy Policy.**
- B That unless a suitable amended application is submitted within fourteen (14) days of notice being given, that the application be refused for the following reasons:**
 - 1. That the proposed garage is not in accordance with Council's Flood Plain Management Strategy Policy.**
 - 2. Unacceptable flood risk.**

MOVED:

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

That the Director Environmental Services recommendation be adopted.

An Amendment was MOVED:

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

That the application be approved subject to conditions to be determined by the General Manager.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.520

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Sowter lodged a Rescission Motion in regard to the foregoing Resolution.



DES 2	DEVELOPMENT APPLICATION TO ERECT A DWELLING LOT 65 DP 874223, OFF THE GAP ROAD, HAT HEAD
	FILE T6-02-198 AJC
	{Folio No. 237309}

SUMMARY:

Reporting on a request to locate a new dwelling on flood prone land in the village of Hat Head.



Applicant : Lahz Nimo Architects
Owner Neil and Ann Thompson
Subject Land: Lot 65 DP 874223, off Gap Road, Hat Head.
Zone 2(v) Village

Background

Council issued a Development Approval in 1997 for the creation of lot 65 and other lots in the Gap Road area of Hat Head. A condition of that approval required the construction of an Earth Mound on proposed lots 62 to 67 inclusive which are located on flood prone land. The locality plan is attached at [\(Appendix "B"\)](#).

The reason for requiring the developer to construct the earth mounds was to comply with the Clause 12 of Kempsey Local Environmental Plan 1987(KLEP87) requiring a minimum area of at least 500 square metres of each lot to be above the assessed 1 in 100 Flood Level(2.1 m AHD/1997)

Lot 65 was subsequently created with an Earth Mound for future residential use and with allowance for onsite disposal of effluent.

An application to erect a dwelling on lot 65 was lodged with Council on the 18 April 2002. As it involved a possible variation to a development standard the matter is referred to Council for consideration.

.....
MAYOR

Proposal

The proposal is to relocate part of the existing earth mound except for a nominated effluent disposal area(drain field 300m²) forward approximately 65 metres north to a new pad site as shown on the plan at [\(Appendix "C"\)](#)

The new earth mound to be at a reduced level 3.0 metres on Australian Height Datum(AHD), 0.8 metres above the current 1 in 100 Flood level of 2.2 metres AHD.

Approximately 60% of the proposed dwelling is shown to be elevated using treated timber piers instead of an earth mound. The applicants Structural Engineer has provide preliminary comment stating that the "*footings and sub-floor piles and walls have been designed to withstand possible occasional flood inundation..., including the affects of debris and buoyancy*". The applicants Structural Engineer are still preparing final structural drawings.

The natural surface level at the new earth mound will be lower by approximately 250mm, when compared to the existing earth mound. An anticipated Floor Level for the proposed dwelling will be 3.15 metres AHD and the final detached garage floor level is proposed to be set at 2.3 metres AHD.

The Issue

Council in approving of a subdivision to create lot 65 and other lots required an earth mound to be formed to provide for future residential development including onsite effluent disposal to satisfy the requirements of the Kempsey Local Environmental Plan (KLEP).

Clause 12 development standard states **Council must not consent to the subdivision in this village zone unless council is satisfied of the following;**

(c) in the case of land zoned 2(a), 2(b1), 2(b2),2(c) or 2(v), the allotments to be created by the subdivision each include not less than 500 square metres of land which is outside the limit of the 1 in 100 year flood and which is not subject to an unacceptable risk from localised flooding during a 1 in 20 year storm event.

In order to comply with that clause Council had a condition of consent(1997) requiring the applicant to provide raised building pads in respect to proposed lots 62 to 67 inclusive with area of no less than 1300 square metres to accommodate a future dwelling and onsite effluent disposal area.

The current application is proposing to vary this development standard.

THIS IS PAGE 17 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Applicants Request

The applicant has lodged a detailed written request on 19th June 2002, which is appended to this report as [\(Appendix "D"\)](#) and further report on 27th June 2002. [\(Appendix "E"\)](#).

Discussion

The applicant's comment *"confirmed verbally with council's Environmental Services Department that building part of the structure off the mound presented no problems."* Council officers did not indicate that there would be "no problems" associated with the proposal.

Any new earth mound is required to have minimum 500m² of useable area (which does not include the batters), which is outside the limit of the 1 in 100 Flood.

It is clear that the applicant's wish to vary the existing requirements requiring the lot *include not less than 500 square metres of land which is outside the limit of the 1 in 100 year flood*, and to construct the dwelling partially within a flood prone area.

The intent of the requirements of the LEP is to provide enough useable area to accommodate a residence above flood level. The 500 square metres minimum area is based upon Clause 16 of Kempsey Local Environmental Plan 1987, which requires a residential allotment in an urban zone to have a minimum allotment size of 500m².

For example the following areas of South West Rocks that are described as flood prone lands and have been filled to comply with clause 12 of KLEP 1987 are as follows: -

- (a) The area off Cook Drive and Athol Elliott Place have allotments which were filled up to a metre in depth with minimum useable area not less than 600 square metres allocated to each lot.
- (b) Greenway and Fairway Places have allotments that were filled having useable areas in each lot that on average exceeded 600 square metres.

Council's staff are not in a position to advise the applicant that a proposal, which is contrary to requirements of the LEP, DCP or Policy will or will not be approved. Staff outline likely situations and the details that would be required to support any application for a variation.

It should also be pointed out that the discussion is not about Architectural merit, it is about flooding and the need for a dwelling to be on the highest part of a new allotment, that was only able to be created by virtue of filling of the site to obtain sufficient area above the flood level.

THIS IS PAGE 18 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

If the mounds had not been provided subdivisional approval would not have been granted. The current proposal could be seen as an attempt to defeat the purpose of Clause 12(c) of the LEP.

NSW Floodplain Management Manual 2001

The current *NSW Floodplain Management Manual 2001* accepts that flood proofing of buildings to minimise structural and or content damage is not the only consideration. Social and economic disruption from flooding is just as important. ***“council’s cannot simply allow development of flood prone land as long as buildings are flood proofed. Rather the social and economic consequences of flooding needs to be assessed....”***

The important change is the need for council to consider the full range of flood sizes including the probable maximum flood (PMF) and the use of “*site specific plans written for individual developments separate from the overall Flood plain Risk Management Plan or Local Flood Plan are ineffectual...*”

Council will in the very near future need to update and convert its current Flood Plain Management Strategy towards a Risk Assessment methodology as contained in the 2001 NSW Manual.

Until Council has had time to reassess its flood strategy it would not be appropriate to employ an application by application merits approach to this or other developments as it could create an undesirable precedent not based upon the strategy contained in the 2001 NSW Manual.

The issue is whether a new dwelling on a recently Council approved subdivision, in a flood prone area can be built partially on a mound, that is above the flood level, and with the remainder built within the flood prone section of the site. Such an action would appear to be not in accord with the condition of the subdivision approval. That requirement is the same as that applying to building on rural land, namely that the dwelling is to be built on the highest practical area within the lot.

Council needs to determine whether the proposal meets the standard as specified in Clause 12(c) of the Kempsey Local Environmental Plan 1987.

Director Environmental Services Recommendation:

For Council’s determination.

2002. 521

RESOLVED:

*Moved: Cl. Sproule
Seconded: Cl. Powell*

That the application be approved subject to conditions to be determined by the General Manager.

Councillor Parkinson recorded his vote against the foregoing Resolution.

THIS IS PAGE 19 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

SUMMARY:

Reporting that Council has received a request to consider a revised wastewater management system for the Frederickton Abattoir as a modification of an existing consent.

**Background**

In 1996, Council approved an application to expand an existing abattoir and associated waste water treatment system including disposal of effluent on adjoining land. At its meeting of 12th January 1999, Council agreed to modify the consent by allowing staging of works.

Proposed Modification

The proposed modification involves the waste water treatment and disposal system which may be summarised as follows:

- It is proposed to relocate the waste water treatment and storage facility from the abattoir land onto the ex Council quarry land which was not identified under the existing consent.
- The proposal includes an additional 80 hectares of land for the disposal of effluent not previously identified or included on the original application.
- The proposal includes deletion of approximately 16 hectares of land previously identified for effluent disposal. [\(Appendices "O & P"\)](#)

Statutory Requirements

In order for Council to be able to consider the modification under s96 of the Environmental Planning and Assessment Act, it must be satisfied that the development is substantially the same development as the development for which consent was originally granted.

Planning Comment

It is considered that the proposed modification cannot be considered under Section 96 of the Environmental Planning and Assessment Act as it differs from the original approval to a significant extent. Specifically:

- The waste treatment and storage facility is to be located onto a different piece of land which involves consideration of impacts related to potential discharge into an adjoining water course, potential impacts

THIS IS PAGE 20 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

of noise associated with aeration equipment on adjoining dwellings and odour.

- The proposed disposal areas bear little or no resemblance to that previously approved and additional assessments relating to soil suitability, hydrology, flora and fauna impacts and impacts of irrigation on adjoining dwellings by reason of odour and noise need to be undertaken.

As a result of these significant variations, it is considered that persons who are entitled to make submissions are likely to be disadvantaged as potential impacts on adjoining properties are likely to alter from those of the approved development.

It is considered that any consent issued pursuant to Section 96 is likely to be found invalid in the event any third party was to challenge Council's decision.

Should Council consider that the proposed modification is substantially the same as that previously approved, a formal application on the prescribed form would need to be submitted accompanied by the relevant fees.

Need for an Environmental Impact Statement

Having regard for the volume of waste to be disposed of by the proposed treatment and disposal system and proximity to a natural water course, Schedule 3 of the Environmental Planning and Assessment Regulation 2000 indicates that the proposal is designated development, thereby requiring preparation of an Environmental Impact Statement. However, Part 2 of Schedule 3 provides for circumstances involving alterations or additions to existing development where such alterations or additions do not significantly increase the environmental impacts of the development compared to the existing or approved development.

The applicant considers that an Environmental Impact Statement is not required, as the proposal will result in a more sustainable solution providing for a more effective collection treatment and disposal of effluent than that currently approved.

Planning Comment

Whilst the applicant's consultants proposed system may well prove to be more effective than the previous consultants design, the proposed disposal areas expose additional residents to potential impacts associated with the operation of the proposed effluent disposal system including noise from irrigation equipment, impacts of aerosols and odour. The relocation of the waste water treatment and storage facility also requires reassessment of hydrology, soil and potential odour and noise impacts.

Whilst the system would be a vast improvement on the existing system, Council must base its assessment on the approved development which has commenced.

THIS IS PAGE 21 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Director Environmental Services Recommendation:

- A** That the applicant be advised that Council is unable to consider the proposed modifications to the waste water treatment and disposal system under Section 96 of the Environmental Planning and Assessment Act.
- B** That the applicant be advised that the proposed modifications will require submission of a fresh development application accompanied by an Environmental Impact Assessment prepared in accordance with the Director General's requirements.

MOVED:

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

That the original consent be amended to approve the proposed modifications without submission of a fresh development application.

An Amendment was MOVED:

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

That the Director Environmental Services recommendation be adopted with the addition of:-

That Council request the Environmental Protection Authority to take into consideration requirements of Planning NSW and Council in this matter.

2002.522

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

Councillor Sowter recorded his vote against the foregoing Resolution.



At this stage 10.40 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.14 a.m. all present at the adjournment were in attendance.



RESCISSION MOTION

File: T6-01-376 RBP

{Folio No. 237304}

2002. 523

RESOLVED:

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

That part 1 of resolution number 2002.444 from the Council meeting of 11th June 2002 as printed below be rescinded:-

The deletion of a requirement for a Species Impact Statement.

THIS IS PAGE 22 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR



Report DES 1 Supplementary was dealt with in conjunction with report DES 1.

DIRECTOR ENVIRONMENTAL SERVICES SUPPLEMENTARY REPORT

DES 1	SUBDIVISION OF LOT 51 DP 1045337 SPENCERVILLE, SOUTH WEST ROCKS FILE T6-01-376 AJC	{Folio No. 237308}
--------------	---	---------------------------

SUMMARY:

Reporting on additional information requests in relation to consideration of the above subdivision.



Council has received correspondence from: -

- Planning NSW
- Coastal Council of NSW
- National Parks and Wildlife Service

In respect to Council's consideration of the report related to the proposed subdivision of Lot 57 DP 1025337. The letters are Appendix 1, 2 and 3. ([Appendix 1, 2 and 3](#))

In summary the letters request:

- *"I would like to advise Council that it should seriously consider the requirements for a species impact statement in order to be assessed that it has appropriate information to allow a thorough assessment of the application" (Jo Gardener, Acting Regional Manager Coordinator, Planning NSW).*
- *"We strongly recommend Kempsey Shire Council defer consideration of the proposal and in consultation with the Coastal Council establish a mechanism to review all relevant information about the site". (Professor Bruce Thom, Coastal Council of NSW).*
- *"The NPWS confirms its previous accommodation that it would be appropriate for a SIS to be prepared for the proposed development of Lot 51" (Andrew McIntyre, Manager Threatened Species, National Parks and Wildlife Service).*

THIS IS PAGE 23 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

The NPWS recommends further that

“That no decision be made by council with regard to development consent for Lot 51 until a “Settlement Strategy” had been prepared for South West Rocks. This strategy should include identification of nature conservation values, habitat for threatened species and wildlife corridors in the South West rocks area. It should then utilize this information database to identify areas that are inappropriate for further development (ie that possess high nature conservation threatened species or wildlife corridor values) and areas that are suitable for development. Officers of the NPWS’s Northern Directorate Conservation Planning Unit would be willing to participate in the development of a “Settlement Strategy” for South West Rocks”.

It is also noted that the NPWS have issued requirements for a Species Impact Statement (SIS). A 40 page document sets out the requirements.

For Council’s information the purpose of an SIS is to:

- allow the applicant to identify threatened species issues and provide appropriate amelioration for adverse impacts resulting from the proposal;*
- assist consent and determining authorities in the assessment of a development application under Part 4 or request for Part 5 approval under the NSW Environmental Planning and Assessment Act 1979 (‘EP&A Act’);*
- assist the Director-General of National Parks and Wildlife in deciding whether or not concurrence should be granted for the purposes of Parts 4 or 5 of the EP&A Act;*
- assist the Director-General of National Parks and Wildlife or the NSW Minister for the Environment when consulted for the purposes of Part 4 or 5 of the EP&A Act; and*
- assist the Director-General of National parks and Wildlife in the assessment of Section 91 Licence applications lodged under the NSW Threatened Species Conservation Act 1995 (‘TSC Act’).*

It is also noted that the question of conflict/overlap between threatened species issues and bushfire issues need to also be addressed. The potential for conflict must be addressed. However any measures must ensure that the provision of any bushfire protection issues do not partially or totally nullify threatened species issues.

A letter was also received on the 8th July 2002 in relation to Bushfire Management matters. It is understood that, at this stage the Bushfire Hazard and Management Plan has not been completed. However, it would appear that there may be some confusion as to the implications of the NSW Protection Guidelines 2002 in that each development is to manage bushfire sites within the confines of the property to be development (ie Lot 51). In that

THIS IS PAGE 24 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

regard the guidelines require all measures to establish inner and outer asset zones to be contained within the boundary of the development site.

The Bushfire Management comments although incomplete have not been referred to the Rural Fire Service for comment.

Director Environmental Services Recommendation:

That Council defer consideration of the subdivision proposal as recommended by the Coastal Council of NSW.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

This report is resubmitted as it is the subject of a rescission motion at the meeting on 11th June 2002.

The following report was the subject of a Works Inspection on 31st May 2002.

DES 1	SUBDIVISION OF LOT 51 DP 1025337 SPENCERVILLE, SOUTH WEST ROCKS FILE T6-01-376 AJC	{Folio No. 237308}
--------------	---	---------------------------

SUMMARY:

Reporting on a proposal to subdivide the subject land into 52 residential lots with public reserves, which requires consideration of potential impact on threatened species.



Applicants: Eric Norman Developments Pty Ltd

Subject Land: Lot 51 DP1025337, Parish of Arakoon, off Belle O'Connor Street, west side of Gregory Street, South West Rocks.

Zoning: 2(a) Residential

History

An application to create 52 residential lots on the subject property was first lodged on the 23 June 2000. The matter was reported to Council on the 12 September 2000 to consider potential impacts on threatened species. Council resolved the following: -

THIS IS PAGE 25 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

“That the applicant be advised that prior to council determining the application, that it will be necessary to submit a Species Impact Statement, as required by Section 78A of the Environmental Planning and Assessment Act 1979, prepared in accordance with Division two of Part 6 of the Threatened Species Conservation Act 1995.”

The applicant did not proceed and withdrew this application on the 15 September 2000.

A second application was lodged to excise two allotments off the newly constructed Belle O'Connor Street and Gregory Street on the 8 December 2000. Staged approval was issued on the 16 January 2001. Stage 1 of that development involved excising a single lot off Gregory Street. Stage 1 was completed on the 2 March 2001 creating lot 50 and residue lot 51 DP 1025337.

The applicant relodged the previous application to subdivide the subject property into 52 lots plus public reserves on the 29 August 2001. Council on the 10 September 2001 wrote to the applicant requesting additional information in the form of a Flora and Fauna Assessment. The Flora and Fauna Assessment and the Draft Threatened Species Management Plan were lodged with council on the 12 April 2002.

A plan showing the location of the subject land is appended to this report as [\(Appendix "A"\)](#)

Heads of Consideration

This application has been assessed in accordance with Section 79 C [1] of the Environmental Planning and Assessment Act 1979 being matters as are of relevance to this development. The following matters are considered to be of particular relevance to this development application: -

The provisions of *Kempsey local Environmental Plan 1987* allow the proposed subdivision with development consent.

The proposal is not contrary to any *State Environmental Planning Policy*. The provisions of State Environmental Planning Policy 44 Koala Habitat Protection were addressed in the original ecological assessment undertaken by Darkheart Pty Ltd. This assessment concluded that the site does not qualify as core koala habitat.

This proposal contravenes the *North Coast Regional Environmental Plan 1988* unless it can be demonstrated that the proposal will not have any significant impact on threatened species.

Council must also consider the impact of natural hazards on the people property and the biophysical environment. In this instance the likely **natural hazard is bush fire**. Council in evaluating the development proposal must consider the principles contained in the Planning NSW publication, Planning for Bush Fire Protection 2002 when evaluating the development proposal. The Flora and Fauna Assessment recommendation 12 outlines the Fire

THIS IS PAGE 26 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Management principle to be applied on this site. The assessment does nothing to address the issues contained in the Planning for Bush Fire Protection 2002 guide. **In fact it appears as though the recommendations of the ecological assessment are in conflict with the current bush fire control measures.**

Threatened Species

The applicants appointed the Northern NSW Forestry Services to reassess the potential impact on threatened species, which was completed on the 12 April 2002. This reassessment was reviewed pursuant to Section 5A of the Environmental Planning and Assessment Act 1979.

The previous ecological assessment and this review identify the squirrel glider and the brush tailed phascogale as two locally occurring threatened species as identified in Schedule 2 of the Threatened Species Conservation Act 1995.

The consultant concludes that provided a number of ameliorative measures are undertaken that:-

“.....it is considered that the impact of this development on threatened species and populations that are known to be in the area can be minimised to the extent that a Species Impact Statement should not be required.”

The report also relies on the previous report prepared by Darkheart EcoConsultancy of May 2000 which concludes that even with the incorporation of a range of ameliorative measures:-

“.....that a contraction of the size of the present population is likely to occur...(which)....may result in the loss of stability, and thus risk extinction of a local viable population, particularly of the squirrel glider which has a smaller home range.”

National Parks and Wildlife Service Comments

The original assessment undertaken by Darkheart was referred to the NPWS in July 2000. The Service advises that:-

“.....a highly significant impact is likely on the squirrel glider and brush tailed phascogale.”

“It is further recommended that the cumulative impacts of the developments be assessed, in the context of existing and approved developments in the local area.”

Statutory Requirements

Part 1 Section 5A of the Environmental Planning and Assessment Act 1979 requires council when evaluating a development application to consider whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats. There are eight (8) separate criteria to apply, which includes amongst others, “(a) *in the case of a*

THIS IS PAGE 27 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction,”

Following this assessment, should council decide that this development is likely to have a significant affect on threatened species, populations or ecological communities, or their habitats, then Section 78A(8) of the Act requires the development application must be accompanied by a **Species Impact Statement** prepared in accordance with Division 2 of Part 6 of the Threatened Species Conservation Act 1995.

Applicants Submission

The applicant’s Consultant Engineer lodged a letter received at Council on the 1 May 2002 requesting this matter be reported to the May 2002 general meeting of Council for determination.

The following is a summary of the applicants submission received at council on the 3 August 2001: -

1. *This site has been zoned residential since 1987.*
2. *The land is include in council’s latest Land Release Strategy recently accepted by Planning NSW.*
3. *Extensive Ecological Studies have been undertaken by Berrigan (Darkheart Pty Ltd) in May 2000and Williams and O’Neil (Northern NSW Forestry Services) in December 2001 at cost exceeding \$12,000.*
4. *The only den or habitat trees on the site are at the northern end and on the stage 3 section which will not be immediately developed. Only three trees have been identified in the studies and one of these is a dead tree, which could fall over at any time.*
5. *Justine Williams (Northern NSW Forestry Services) has reported on trapping in December 2001 and has provided a “low” and “high” estimate of local and South West Rocks Regional Populations for the Squirrell Glider and Phascogale as follows: -*

TRAPPED ON LOT 51 DECEMBER 2001	NUMBER	LOCAL AREA 180 Ha	SWR REGIONAL AREA 17,000Ha
Squirrell Glider	2	Low 150(1.33%) High 216(0.93%)	Low 4,485(0.04%) High 21,360(0.01%)
Female Phascogale	1	Low 9(11.1%) High 15(6.67%)	Low 288 (0.35%) High 1,425(0.07%)

THIS IS PAGE 28 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Williams reports that approximately 6,800 Ha (or 40%) is within the National Parks and the threatened Species there will surely be protected.

6. Completion of the development will result in the following expenditure: -

- [a] More than \$280,000 in direct fees and Section 94 contribution to council during the civil construction.*
- [b] Two million dollars plus expenditure on the civil works*
- [c] More than \$100,000 in fees to Council at dwelling application stages.*
- [d] More than \$8 million in principally local expenditure and employment during the construction of the dwellings on the developed lots.*

Planning Comment

The expenditure comments in the consultant's submission relate to contributions, fees and charges being lodged to provide a service and cannot be interpreted as income that will be available to council for general use as it will either pay for required infrastructure or be used to recoup funds already expended.

Pursuant to the provisions of Section 5A of the Environmental Planning and Assessment Act 1979 Council must decide whether the life cycle of the species identified onsite in both Ecological Assessments is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction and the following salient points are made:-

- The previous assessment accepted by Council for an adjoining subdivision concluded that the identified populations of squirrel gliders and phascogales were unlikely to be placed at risk of extinction on the basis that the identified den trees were retained and the subject land (Eric Norman Developments) was no longer to be developed.

Note: This assessment cannot be divorced from the current application as clearing required for the subject subdivision will largely negate the previous assessment.

- The current assessment rests on the assumption that provided identified den trees are retained, the use of corridors linking to adjoining land is likely to prevent extinction of the population on the subject land and adjoining land (Divall and Kemp).

Note: The consultant states in his assessment that the likely effectiveness of these corridors has not been established and would be the subject of a broader assessment.

THIS IS PAGE 29 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- Even if the broader assessment concludes that the corridors will be effective, the developer is seeking to transfer the responsibility to retain foraging habit to adjoining land, thereby risking its sterilisation for further development.
- In the absence of a broader assessment which establishes the efficacy of the corridors it is considered that the applicant has failed to demonstrate that the development will not have a significant impact on the identified threatened species and that a Species Impact Statement is therefore required.

Fire Management

Fire Management is an important aspect of the 2002 Reassessment as contained in recommendation 12. This section states; *“that controls be put in place to exclude fire from the reserves and corridor and to prevent wildfire on adjoining undeveloped land.”*

Further that, *“prescribed burning may be periodically required on adjoining land to the west...”*

This assessment has not addressed the issues contained in the 2002 Planning for Bushfire Protection Publication, which under Section 79C 1 of the Environmental Planning and Assessment Act 1979 is listed to be considered by council as part of the development application Evaluation process.

For example, the ecological consultant has not recognised that any Asset Protection Zone associated with future development of the lots is to be located wholly on the subject property and is not allowed to spill over onto adjoining land owned by others. This action will have a significant impact on the applicant to manage fire with respect to threatened species conservation, when the goal of the recommendation 12 is to put controls in place to exclude fire from the proposed reserves and wildlife corridor including wildfire.

The applicant needs to address the following issues in respect to Bush Fire taking into consideration the Bushfire Protection Guidelines 2002 and AS 3959: -

- Will the proposed lots in the proposed subdivision be suitable for future residential development?*** Address the impact of retaining threatened species habitat (a fuel source) in close proximity to proposed future residences taking into consideration the Bush Fire Protection 2002 guidelines and AS 3959 *Construction of Buildings in bushfire prone areas.*
- What impact will existing adjoining undeveloped land in this locality have upon future residential development in respect to providing sufficient onsite protection for residents backing onto these lands?*** Consider that asset protection zones cannot be located on adjoining property.

- (c) **Address the apparent conflict between measures to protect the locally occurring threatened species and their habitat (by excluding fire from the proposed reserves and wildlife corridor) and proximity of future residential development?**

The NPWS advise in respect to the original local development application (00/388) was to request a **Species Impact Statement** should this development proposal for subdivision proceed. Further, council develop a **Development Control Plan** to assess the cumulative impacts of the existing and potential future development in the area.

CONCLUSION

It is evident from the information contained in the written advise previously provided by the NPWS and the conclusions of the Darkheart May 2000 Ecological Assessment and the applicants January 2002 Ecological Reassessment (lodged with Council in April 2002) that the following action is required: -

- [i] The applicant to submit a **Species Impact Statement(SIS)** pursuant to the current provisions of the Environmental Planning and Assessment Act if the development proposal is to move forward. Council cannot issue draft conditions and or an in-principle approval until the findings of the SIS has been assessed by all parties and any modifications required to lot layout, road location and other infrastructure needs, have been effected.
- [ii] The applicant needs to enlist the services of a suitably qualified **bush fire consultant** to prepare an evaluation pursuant to the provisions set down in the 2002 Bushfire Protection Guide and liaise with the applicant's Ecological Consultant to determine a suitable **Bushfire Management Plan** for this development.
- [iii] Council Undertake a broader **Ecological Study** of this area of South West Rocks that will identify habitat requirements for threatened species based upon the National Parks and Wildlife previous advise; "*It is further recommended that the cumulative impacts of the developments be assessed, in the context of existing and approved developments in the local area.*" It is understood that Council has resolved to allocate \$40,000 to fund the required study to commence in the 2002/2003 Financial Year.

Financial Implication

The financial implication of the following recommendation would be \$40,000 to be allocated from the 2002/2003 budget for flora and fauna studies.

Director Environmental Services Recommendation:

That the applicant be advised that prior to Council determining the application, that it will be necessary to submit a Species Impact Statement, as required by Section 78A of the E P and A Act, prepared in accordance with Division 2 of Part 6 of the Threatened Species Conservation Act 1995.

MOVED:

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

That the Director Environmental Services recommendation be adopted.

An Amendment was MOVED:

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

- 1 That Council suggest to the developer to make application to stage development to allow development of Lots 49 to 56 facing Belle O'Connor Street and further that Council require a Species Impact Statement for the remainder of the development and advise Planning NSW, Coastal Council and National Parks and Wildlife that Council will comply with their requests for the remainder of the development.
- 2 That Council advise the relevant parties that it proposes to reconsider this matter at Council's meeting of 10th September 2002.

The AMENDMENT was PUT to the Meeting and was LOST.

MOVED:

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

- 1 That Council defer consideration of the subdivision proposal as recommended by the Coastal Council of NSW.
- 2 That the applicant be invited to complete a Species Impact Statement or lodge a staged development application for the proposal.

2002.524

The MOTION was PUT to the MEETING and was CARRIED.

Councillors Sproule , Parkinson, Hunt and Hayes recorded their vote against the foregoing Resolution.



ADOPTION OF AGENDA ORDER OF BUSINESS

2002. 525

RESOLVED:

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

That the Agenda Order of Business be adopted.



NOTICE OF MOTION - 1

File: H2-10 Copy R5-2 TIH

{Folio No. 237296}

2002. 526

RESOLVED:

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

That the Mid North Coast Group of Council's be requested to include an Agenda item at the next meeting at Taree in August 2002 involving the determination of a Strategy to submit to the State Government in respect to the availability of funding in the 2003/4 Budget to provide for at least the initial planning for the re-invigoration of district hospitals and primary care within the Mid North Coast. (Councils Gloucester to Coffs Harbour).



NOTICE OF MOTION - 2

File: M3 TIH (NRN)

{Folio No. 237300}

MOVED:

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

That consideration be given to the design and cost of an appropriate structure that could be erected at South Kempsey Park to commemorate the 35th Anniversary of the accident at the Middleton Street crossing on 9 December 1968.

The MOTION was withdrawn at the request of the MOVER Councillor Howell.

2002. 527

RESOLVED:

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

That Council initiate discussion with the families of the victims of the accident to consider the scope and maintenance of the existing Memorial.



THIS IS PAGE 33 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

NOTICE OF MOTION - 3

File: R Armidale Rd

SJR

{Folio No. 237302}

MOVED:

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

That Council market Armidale Road as 'The Slim Dusty Way'.

That an appropriate sign be erected (in the Greenhill area) advising motorists accordingly.

That Armidale/Dumaresq Council be requested to allow the erection of a similar sign near the junction of Armidale Road with the New England Highway.

An Amendment was MOVED:

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

That Council market Armidale Road as 'The Slim Dusty Way'.

That an appropriate sign be erected (in the Greenhill area) advising motorists accordingly plus three additional signs along the road.

That Armidale/Dumaresq Council be requested to allow the erection of a similar sign.

At this stage a further amendment was foreshadowed.

A Procedural Motion was MOVED:

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

That this matter be deferred to the next ordinary meeting of Council.

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

The AMENDMENT was PUT to the Meeting and was LOST.

An Amendment was MOVED:

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

That Council prepare a detailed Marketing Plan for a Tourist Drive known as the Slim Dusty Way.

2002.528

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



SUPPLEMENTARY NOTICE OF MOTION

MOVED:

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

That representation be made through Mr Andrew Stoner MP, Member for Oxley, to the Hon Craig Knowles MP, Minister for Health, in support of the establishment of the \$12m Federally funded Radiotherapy Unit within the Macleay Hastings which is the centre of the Mid North Coast Area Health Service.

That Hastings Council be advised accordingly.

An Amendment was MOVED:

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

That representation be made through Mr Andrew Stoner MP, Member for Oxley, to the Hon Craig Knowles MP, Minister for Health, in support of the establishment of the \$12m Federally funded Radiotherapy Unit within the Macleay which is the geographical centre of the Mid North Coast Area Health Service.

2002.529

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



RESCISSION MOTION

File: T6-01-376 RBP

{Folio No. 237304}

This Rescission Motion was dealt with earlier in the meeting just after the Morning Tea adjournment.



DELEGATE'S REPORT

D 1	FUNCTIONS ATTENDED REPRESENTING THE MAYOR
	FILE: C18-25 Councillor Bowell (NRN)
	{Folio No. 237306}

SUMMARY:

Reporting on functions attended on behalf of the Mayor Clr. Janet Hayes.



*THIS IS PAGE 35 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002*

.....
MAYOR

Kempsey Rotary Club Kempsey Inc.

64th Changeover Dinner and Annual Report on Monday 24th June 2002.

Outgoing President Brian Calford reported on a successful year with a total of \$9,439 being donated as a result of the years efforts.

Rotarian Gerald Haynes was inducted as President for the year 2002/2003.

South West Rocks Lions Club Inc.

38th Changeover Dinner on Tuesday 25 June 2002. President Lion Darrell Cottell was re-elected for a further year.

Throughout the year a total of \$13,835.95 was donated to a wide range of activities.

An ongoing activity of Lions is that of recycling spectacles and other equipment. On April 19 2,900 pairs of spectacles were delivered to Sydney to the Australian Foundation for the People of Asia and the Pacific Ltd to be sent to Vietnam.

Association of Civilian Widows

A birthday luncheon was held on Wednesday 26 June 2002.

2002. 530

RESOLVED:

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

That the information be noted.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

This report is resubmitted as it is the subject of a rescission motion at the meeting on 11th June 2002.

The following report was the subject of a Works Inspection on 31st May 2002.

DES 1	SUBDIVISION OF LOT 51 DP 1025337 SPENCERVILLE, SOUTH WEST ROCKS FILE T6-01-376 AJC	{Folio No. 237308}
--------------	---	---------------------------

This report was dealt with earlier in the meeting just after the Morning Tea adjournment.

THIS IS PAGE 36 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

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

Standard	Required	Proposed	Compliance Y/N
DENSITY • Medium Density, 2 x 3 bedroom occupancies	3 bedroom: 330m ² x 2 = 660m ²	2 x 3 bedroom: 614.9m ²	
SETBACKS - To Arthur Street - To Athol Elliott Place - Side Setback - Rear Setback (2 storey) - Rear Setback (1 storey)	3 metres minimum 5 metres 3.5 metres 3.60 metres (max) 1.8 metres	3 metres 5.5 – 7.15 metres 6.44 metres 3.60 metres 1.8 metres	*Yes Yes Yes Yes Yes
CARPARKING	2 Covered Spaces 1 Visitor Space	2 Covered Spaces 1 Visitor Space	Yes Yes
PRIVATE OPEN SPACE	25m² per occupancy	> 25m² per occupancy	
LANDSCAPING	115m² x 2 = 230m²	388m²	
BUILDING HEIGHT	Max 6.2 metres	5.4 metres	
SOLAR ACCESS	Adequate	Adequate	
PRIVACY	Adequate	Adequate	
CUT AND FILL	<1.5 metres	<1.5 metres	
EROSION/SEDIMENT CONTROL	To be conditioned	To be conditioned	

* See Planning Comment

THIS IS PAGE 38 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Planning Comment

DCP 22 requires a minimum lot size in a medium density area for a three bedroom development of 330m². The proposal is for two three bedroom attached occupancies, therefore a minimum lot size of 660m² is required. The lot size is 614.9m², requiring variation to DCP 22.

The applicant has requested a variation to the required standards, and supplied the following reasons for the variation.

- The site area requirement is the only non-complying item;
- The applicant could construct a dwelling with the same external dimensions but with one unit only having two large bedrooms – fully complying with the requirements of DCP 22; and
- The small deficiency in site area is compensated by the large landscaped area (70% in excess of the DCP requirements).

The proposal is considered to be in keeping with the residential style of the neighbourhood.

The applicant states that if one dwelling had two large bedrooms rather than the three specified, it would comply with the DCP.

Alignment to Arthur Street

In regards to the proposed dwellings, the DCP permits a minimum 3 metre alignment, however, the issue of carparking onto the footpath area can be addressed by applying a condition requiring automatic door opening devices (Refer Condition no 29).

Public Exhibition

The proposal was advertised in accordance with Council's policy with no objections having been received.

If Council considers the variation has been justified by the applicant, any consent should be 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 consent.
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 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

THIS IS PAGE 39 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- 4 The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.
- An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
- 5 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.
- 6 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 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 Provision of a security deposit to Council totalling \$600 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 The visitor parking driveway and carpark are to be constructed of removable pavers to gain required access to Council's sewer easement.
- 10 Any future subdivision must make provision for required visitor carparking as per DCP 22 Local Housing Strategy and Kempsey Local Environmental Plan 1987.

INSPECTIONS

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

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

Inspections required:

- (a) footings in position and prior to the pouring of concrete;
 - (b) footings in position and prior to the pouring of concrete;
 - (c) all steel reinforcement prior to the pouring of concrete;
 - (d) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
 - (e) wet area floor and wall surfacing prior to tiling;
 - (f) completion of stormwater systems prior to backfilling.
 - (g) Prior to fixing any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.
- 12 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.

- 13 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.

THIS IS PAGE 41 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- 14 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.
- 15 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.
- 16 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.

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

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

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

THIS IS PAGE 42 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

convenience. Such balustrade to conform with the requirements of

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

Note: Spacing of rails not to exceed 125mm.

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

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

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

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

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

i Artificial lighting and mechanical ventilation is to be provided to the water closet.

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

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

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

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

l 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.

- m 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.
 - n Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
 - o Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - p Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 18 The dwelling shall be constructed to include all the energy efficiency requirements contained within the Natthers certificate dated 16th May 2002.
- 19 The hours of operation of the activity are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 20 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 21 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.
- 22 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.
- 23 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 and/or bitumen sealed.
- 24 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.
- 25 Structural Engineer's Details and Certificate are to be submitted for the footings, certifying that the design has taken into account the effect on the structure, should excavation of the sewer line be necessary, prior to the release of the Construction Certificate.

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

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

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

Note:

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

27 A Survey Report is to be submitted on completion of slab formwork to ensure the location of the building is in accordance with the approval issued.

28 The proposed dwelling is to have a floor level of 5.2 metres A.H.D. in accordance with council's Flood Plain Management Strategy Policy.

In this regard, Council requires submission of a Survey Certificate prior to pouring concrete confirming the form work at 5.2m AHD or above.

29 Access to the garages for carparking purposes is to be via remote control automated roll-a-doors, constructed in accordance with the Building Code of Australia. Details are to be provided with the plans for the required Construction Certificate.

30 Payment of a cash contribution prior to the issuing of the required Construction Certificate towards Council's trunk drainage system in accordance with Council's Section 94 Plan for Stormwater Drainage at the rate of \$1358 per equivalent tenement, i.e. \$1358 x 1 E.T. = \$1358 (indexed) 2001/2002.

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

31 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 the augmentation of sewerage headworks at the rate of \$2041 per equivalent tenement, i.e \$2041 x 1 E.T = \$2041. (Indexed) 2001/2002.

32 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1745 per additional dwelling unit, i.e. \$1745 (Indexed 2001/2002).

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

a Payment of a contribution towards district water supply at the rate of \$1113 per equivalent tenement, i.e \$1113 x 1 E.T = \$1113 (Indexed) 2001/2002.

Director Environmental Services Recommendation:

For Council's determination.

2002. 531

RESOLVED:

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

That the application be approved subject to conditions detailed in the Director Environmental Services report.

Councillor Hunt recorded his vote against the foregoing Resolution.



At this stage 1.05 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.55 p.m. all present at the adjournment were in attendance with the exception of Councillors Hunt, Parkinson and Sproule.



At this stage 1.55pm discussions were held with Council's Tourism Services Manager, Mr Steve Read, regarding the marketing of the Slim Dusty Way.



.....
MAYOR

At this stage 1.59pm Councillors Parkinson and Sproule entered the Chamber.



DES 4	PROPOSED FRUIT AND VEGETABLE SHOP – FREDERICKTON FILE T6-02-126 AD	{Folio No. 237312}
--------------	---	---------------------------

SUMMARY:

Reporting that Council has received an application for a fruit and vegetable shop for which objections have been received.



Applicant: J S Rooprai
Subject land: 141 Macleay Street, Lot 15 DP 995074
Frederickton
Zone: Zone 2(v) Village
Proposal: Fruit and Vegetable shop

Heads of Consideration:

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

The proposal is permissible with consent under KLEP 1987 in the specified zone.

Traffic Impacts

The Development Application was referred to Council’s Local Traffic Committee for comment with the valuation being –

- (i) “That the Director Environmental Services be advised that access to the development is unsafe and that this type of development is considered unsuitable at this location”. [\(Appendix “F”\)](#)
- (ii) “That if the development proceeds, no vehicular or pedestrian access to the development be allowed from Macleay Street.”

Development Control Plan No 8 – Frederickton Village (DCP 8)

The proposal is contrary to DCP 8 which seeks to concentrate commercial activities on the existing commercial area.

.....
MAYOR

Public Exhibition

The application was advertised in accordance with Council's Policy with three (3) objections having been received which may be summarised as follows:

[\(Appendix "G"\)](#)

Objection		Planning Comment	
1	No parking facilities except on footpath and road is not wide enough for cars to park there.	1	See "Traffic Impacts".
2	There is a lot of traffic with the Christmas Heights residents turning the traffic has to come over onto the footpath to go around. It is a very dangerous intersection without having people stopping at a shop.	2	See "Traffic Impacts".
3	The school buses pick up in the mornings and drop the children off in the afternoon at that point, cars coming and going would be very dangerous with the children.	3	See "Traffic Impacts".
4	The danger associated with people parking on the footpath making it hazardous to reverse from driveways.	4	See "Traffic Impacts".
5	The proposal is located within a residential area with a commercial business being out of place.	5	Agreed. Although shops are permissible within the 2(v) zone, the area has developed as a residential precinct.
6	As this is a residential area, a commercial business can only lead to a fall in value to property in this area.	6	There is no such evidence to support such a claim.

Planning Comment

The traffic generated by the proposal is likely to create a hazardous impediment to the continued and smooth flow of traffic as well as a hazard to pedestrian activity.

The residential amenity of the neighbourhood would also be adversely affected by the increase in activity.

THIS IS PAGE 48 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

The upgrading of Back Lane as an alternative access to the proposal is not considered feasible as it would require the construction of 260 metres of a narrow laneway. Any works for the purpose of providing access to the proposal and associated traffic would adversely impact the amenity of the neighbourhood.

Note: It should also be noted that Council's requirements regarding a suitable location for the shop were discussed on numerous occasions with the applicant. The proposed site was chosen without any prior consultation with Council and is contrary to guidance previously provided to the applicant.

2002. 532

RESOLVED:

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

That the application be refused due to the following reasons:-

- 1 **The traffic generated by the proposed development will create unacceptable conflicts with traffic on the Pacific Highway.**
- 2 **Traffic generated by the development has the potential to impede pedestrian flow, as well as present a hazard to pedestrians and children alighting from buses.**
- 3 **Traffic generated by the development is likely to impact negatively on the amenity of the neighbourhood.**
- 4 **The proposal is contrary to DCP 8 which seeks to concentrate shops in the existing commercial precinct within the village.**



At this stage 2.03pm Councillor Hunt entered the Chamber.



DES 5	PROPOSED HOLIDAY CABINS, RAINBOW REACH
FILE T6-02-18 RBP	{Folio No. 237314}

SUMMARY:

Reporting that Council has received an application to erect six holiday cabins adjacent to the Macleay River at Rainbow Reach for which objections have been received.



Applicant:	G O'Dell
Subject Land:	Lot 10 DP 833663 No 588 Plummers Lane, Rainbow Reach
Description of Development:	Six Holiday Cabins, boat ramp and jetty <u>(Appendix "H")</u>

THIS IS PAGE 49 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Heads of Consideration:

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

Kempsey Local Environmental Plan 1987

The subject land is zoned 1(a1) Rural under Kempsey Local Environmental Plan 1987. The development may be defined as a tourist facility and is permissible with consent.

Clauses 56 provides that Council shall not consent to the development until it has considered a preliminary assessment relating to whether any Acid Sulphate soils are present and, if so, it ensures that measures are in place to treat such soils. The applicant is in the process of arranging for the tests and any consent should be withheld pending receipt of the results.

North Coast Regional Environmental Plan 1988

Clause 12 requires Council to consider the likely impacts of development on adjoining or adjacent agricultural land and whether or not the development will cause a loss of prime crop or pasture land. The subject land is classified by NSW Agriculture as Class 3 land which meets the definition of prime crop or pasture land under the plan. As the development will occupy approximately only 0.25 hectares, any loss in agricultural potential is considered to be minimal, particularly having regard to the fragmentation of rural holdings in the area. Development is not located within close proximity to any intensive agricultural pursuits and therefore will not impact on the agricultural viability of adjoining holdings.

Clause 15 requires Council to consider the potential impacts of the development on the adjoining wetland and river system by ensuring that water quality is not reduced. Council is also required to consider whether an adequate public foreshore reserve is available and that access to that reserve is maintained. Subject to the provision of a suitable effluent disposal system with monitoring the proposal is unlikely to result in any impacts on the adjoining wetland or river. The provision of foreshore public access along the river in the locality is considered to be adequate and the proposed development does not justify dedication of additional land for such purposes (see "Effluent Disposal").

Clause 32B applies to all land affected by the NSW Coastal Policy. Although not mapped as being within the coastal zone, the subject land may be affected by the Coastal Policy which is determined by the limit of mangroves as defined as NSW Fisheries in 1985. Council is required to take into consideration the provisions of the Coastal Policy, NSW Coastal Manual and NSW Coastal Design Guidelines.

1. NSW Coastal Policy 1997 – Subject to adequate controls relating to the disposal of effluent and stormwater, the proposal is considered to be consistent with the objectives of the Policy. No specific provisions of the Policy apply to the proposed development (see stormwater disposal and effluent disposal).
2. NSW Government Coastal Management Manual – The subject land is not considered to be subject to any coastal hazard as defined under the manual (see “Flooding”).
3. North Coast Design Guidelines – The proposal is considered to be consistent with the guidelines, subject to provision of landscaping to reduce the visual impact of the cabins when viewed from South West Rocks Road and having regard to the proposal to restore the riparian vegetation (see “Bank Rehabilitation”). In order to ensure consistency with the guidelines, a condition should be imposed requiring submission of a schedule of finishes providing for colours and materials of low reflective nature and which blend with the natural environment and to require landscaping.

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

The proposal is “integrated development” under Section 91 of the Environmental Planning and Assessment Act as permits are required from the Department of Land and Water Conservation and NSW Fisheries relating to the proximity of the development to the river bank and proposed jetty and boat ramp. DLWC advise that they are willing to issue a permit subject to conditions which are required to be attached to any Council consent. As at the time of writing, no reply from NSW Fisheries had been received. Under the provisions of the Act, Council may assume that the Department has no objections to the proposal.

Flooding

The proposed development site is subject to the following flooding characteristics.

Natural Surface Level	2.5 m AHD
Designated Flood Level	3.8 metres
Depth of Inundation	1.3 metres
Velocity	0.4 metres/second
Velocity x Depth	0.52
Minimum Floor Level	4.3 metres AHD

In accordance with the NSW Floodplain Management Manual January 2001, the development site would be classified as high hazard flood fringe. In accordance with the Manual, Council should require any structure to be built of flood compatible materials, the floor level to be above the designated flood level and ensure that the structure can withstand the force of flood waters including debris and buoyancy forces.

Having regard to the temporary occupation of the cabins and the ample warning time for the Lower Macleay, any risk to visitors is considered to be acceptable. In addition, it is considered reasonable to impose a condition requiring proposed evacuation procedures to be displayed within each cabin.

The proposed cabins are to be located immediately adjacent to the high bank of the river which may be subject to erosion. Although the applicant proposes to rehabilitate the bank by re-establishing riparian vegetation, it is considered that a condition should be imposed requiring a minimum setback of 5 metres in order to provide a safety margin in the event proposed rehabilitation works are ineffective, particularly during the establishment phase. Such a setback would also provide for landscaping to be established to screen the development (see "Bank Rehabilitation").

Effluent Disposal

The applicant proposes to dispose of effluent by means of an elevated mound located immediately adjacent to a wetland on one side and the Macleay River on the other side. Whilst the information provided indicates that the proprietary system would function under peak conditions, the close proximity of the system to the river and wetland could result in contamination in the event the system were to fail due to factors such as mechanical breakdown or lack of maintenance.

In order to provide a contingency in the event of failure and to minimise the potential for such incidences, it is considered reasonable to require the disposal mound to be setback a minimum of 100 metres from the wetland in accordance with NSW Government guidelines on sewerage management and to require a suitable ongoing monitoring program. It should also be noted that if it is proposed to traverse the adjoining Crown Land to reach the alternate disposal area, the consent of the Crown will be required which should be incorporated in any consent. Having regard for the length of the pipeline required, it will also be necessary to ensure that the required pumping and pipeline equipment will deliver a standard of effluent acceptable to the proprietary disposal system. Conditions should also specify that the mound be constructed to a height above the designated 1 in 20 year flood with daily flow rates to be based on the requirements of AS 1547.

Any consent should also require flow rates to be based on the fact that the development is to be connected to town water. The requirement to connect to town water should be a condition of consent as it would avoid the rigorous testing and monitoring requirements of the NSW Health Guidelines relating to the provision of a potable water supply which are difficult to police and which have resulted in water quality problems at other establishments.

Stormwater Disposal

The proposal has the potential to impact on an adjoining wetland and the river by means of stormwater disposal from the cabins and associated parking area. In order to prevent any adverse impacts, it is considered reasonable to require all stormwater from the cabins and parking areas be directed to a

suitable retention pit capable of retaining water during a 1 in 10 year storm event so as not to effect predevelopment flow rates.

Bank Restoration

The existing bank, although colonised by coral trees, is exhibiting signs of erosion having regard for the lack of protective armouring applied to other sections of the river. It is understood that a previous owner refused access to Council to carry out the works. In order to stabilise the bank and thereby protect the foundations of the proposed cabins, the applicant proposes to rehabilitate the bank by establishment of native riparian vegetation. It is considered that such measures will enhance the appearance of the riverbank and provide a positive environmental impact. However, having regard for the importance of the restoration works to the stability of the cabins, any consent should include a requirement to prepare a detailed rehabilitation plan in accordance with the Department of Land and Water Conservation to form part of the plans for the required Construction Certificate. The proposed condition relating to certification of the buildings by a structural engineer would need to have regard for such a plan.

As discussed, it is also considered reasonable to increase the setback of cabins to at least 5 metres from the high bank in order to provide an adequate buffer and to allow for establishment of additional riparian vegetation which would also assist in softening the visual impacts of the development.

Access

The proposal incorporates the use of an existing access track which is partially constructed and which traverses Crown Land. Whilst no objection is raised to the use of the internal road, the road should be upgraded to all weather gravel standard and the consent of the Department of Land and Water Conservation should be required for that part which traverses the Crown Land prior to release of any Construction Certificate. In addition, intersection upgrading works on Plummers Lane should also be required.

Note:

No road contributions are payable as upgrading of Plummers Lane has been funded from government grants.

Public Exhibition

The proposed development was advertised in accordance with Council's Policy with two objections including a confidential petition containing 30 signatures have been received. The objections may be summarised as follows: [\(Appendix "I"\)](#)

Objection	Planning Comment
1 Development already carried out relating to a shed containing a bar and boat slip.	1 The existing development includes an old farm shed and dwelling and rudimentary timber slip.

THIS IS PAGE 53 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

			Any allegations concerning such works are unrelated to the application before Council.
2	EPA guidelines for effluent disposal need to be addressed.	2	The effluent disposal system has been assessed in accordance with the relevant Australian Standard and joint departmental guidelines and, subject to relocation of the disposal mound, is considered to be acceptable.
3	Rivers and Foreshores Act and SEPP 14 wetland issues need to be addressed.	3	The development was referred to Department of Land and Water Conservation as a permit under the Rivers and Foreshores Act is required. No SEPP 14 wetlands are affected by the proposal.
4	Coastal Policy needs to be addressed.	4	See "North Coast REP 1988"
5	Boat ramp could easily become another public ramp at added cost to Council.	5	Any consent should include a condition restricting the use of the ramp to patrons.

THIS IS PAGE 54 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

6	Existing access is dangerous.	6	The proposal does not involve use of the access gate on a dangerous bend with access to be gained from a straight section of Plummers Lane with good sight distances. To reinforce this aspect, a condition should be imposed requiring the gate on the bend to be suitably sign posted so as to prevent access being gained from this point.
7	Proposal will create a precedent for other unsustainable developments.	7	Subject to effluent and stormwater being adequately treated, the development is considered to be ecologically sustainable and the proposed bank restoration will enhance the environment. Any precedent created is therefore likely to be positive.
8	Boats will disturb the vegetation and mud flats.	8	Any increase in wake from increased activity of boats resulting from the development is likely to be insignificant and restoration of the bank would further reduce any likely impacts.
9	Flood evacuation for up to 20 craft needs to be addressed.	9	Given the number of cabins, the maximum number of boats is unlikely to exceed 6 (at full capacity). Flood warning times for the Lower Macleay would provide ample time for retrieval of boats and evacuation of the land.
10	Dwellings could become a future urban slum.	10	The zoning of the land does not permit permanent occupancy which should be reinforced by conditions and as a restriction on the title of the land.

11	Excessive noise would impact on adjoining dwelling.	11	<p>No external recreational facilities are proposed except for a barbecue shelter. The barbecue shelter is attached to the site of a laundry and toilet which is located between the barbecue area and the nearest dwelling approximately 150 metres to the north. The low key nature of the development targeted at small family fishing groups is likely to further reduce the potential affects of noise.</p> <p>The operation of ski-boats, jet skis etc from the proposed beach could adversely impact on neighbours. However, such impacts are considered to be insufficient grounds on which to base a refusal of the application particularly having regard to noise generated by other boats using the river.</p>
12	Tourists likely to gain access to a sand spit across adjoining land.	12	<p>The sand spit is located below high water mark and may be used by the public.</p> <p>In order to reduce the possibilities of trespassers, the applicant should be required to display a map indicating the location of the adjoining private property boundary.</p>
13	Access point is a traffic hazard.	13	<p>Provided the access point is upgraded to the applicable AUSTRROADS standards, no unacceptable traffic hazard will be created given the low traffic volumes generated by the development.</p>
14	Fishing shacks are unsightly and will obstruct views.	14	<p>The cabins are architecturally designed and provided landscaping is applied, the bank restored and colours used which blend with the landscape, no unacceptable visual impacts are likely.</p>

15 Adjoining farm activities will have to be curtailed.

15 See "North Coast REP 1988".

Statutory Requirements

In addition to the required testing for acid sulphate soils, the consent of the DLWC to the lodging of the application will be required for the ramp and jetty prior to the issuing of any consent. The applicant has requested the department's consent which is yet to be received.

Flora and Fauna

The site is cleared pasture and no significant impact on the habitat of any threatened species is likely.

2002. 533

RESOLVED:

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

A That subject to submission of a satisfactory acid sulphate soil assessment and receipt of the consent of the DLWC to the lodging of the application, consent be granted subject to the following conditions:-

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent 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.**
- 3 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 4 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council**
- 5 The buildings are not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**

- 6 Before the commencement of site works, demolition or building, the following activities must be completed:
- a Installation of soil erosion and sedimentation control devices.
 - 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.
- 7 Provision of a security deposit to Council totalling \$1200 to cover any damage sustained to public property including road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 8 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 9 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 Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
- 10
- a The plans for the required Section 68 application for the effluent disposal system are to provide for relocation of the proposed effluent disposal mound to not less than 100 metres from the lagoon or river. If it is proposed to place the required pipeline across the adjoining Crown Land, the written consent of the DLWC will be required, prior to release of the Construction Certificate.
 - b The development is to be connected to the town water supply and full details of any water reduction

fixtures are to be provided specifying design flow rate in accordance with AS1547.

- c The effluent disposal mound is to be located above the designated 1 in 20 year flood level of 2.70 metres AHD.
 - d The design flow rates are to be based on the fact that the copies are to be connected to the town water supply.
 - e The detailed plans are to be accompanied by a written statement by the manufacturers of the system indicating that the design parameters of the system will be met having regard to the above requirements.
- 11 The plans for the required Construction Certificate are to include details for a monitoring program for the proposed effluent disposal system. Such program is to be prepared by a suitably qualified wastewater consultant indicating the frequency of monitoring and reporting, including monitoring within peak periods. Council's approval to operate the onsite effluent disposal system will be restricted to twelve (12) months, renewable depending upon the results of monitoring.
- 12 The plans for the required Construction Certificate are to include a detailed landscaping plan providing for establishment of endemic species, suitable to reduce the visual impact of the cabins when viewed from South West Rocks Road and the Macleay River. Such details are to be included in the required Plan of Restoration.
- 13 The plans for the required Construction Certificate are to include a detailed Schedule of Finishes providing for colours and materials of low reflective nature and which blend with the surrounding landscape and required landscaping.
- 14 The written advice of DLWC and NSW Fisheries indicating that all relevant requirements have been met is to be submitted to Council prior to release of the Construction Certificate.
- 15 The plans for the required Construction Certificate are to include Energy Scorecards for each of the cabins indicating that an energy efficiency rating of at least 3.5 stars will be met.

- 16 The proposed cabins are to have a floor level of 4.3 metres A.H.D. in accordance with council's Flood Plain Management Strategy Policy.

In this regard, Council requires submission of a Survey Certificate issued by an accredited certifier upon completion of the bearers and joists indicating that the minimum floor level will be achieved. The certificate is to have regard to the required Restoration Plan.

- 17 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.

- 18 a The plans for the required Construction Certificate, are to include a detailed Plan of Restoration for the riverbank from at least the proposed boat ramp to the downstream extent of the subject land.
- b The plan is to provide for the establishment and maintenance of endemic riparian species adequate to stabilise the bank so as to prevent erosion.
- c The plan is to be endorsed by the DLWC.

- 19 A sign indicating flood evacuation procedures is to be prominently displayed in each cabin. Details of the proposed sign are to be provided with the plans for the required Construction Certificate.

- 20 A sign is to be displayed in a prominent location displaying a map indicating adjoining private property boundaries. Details are to be provided with the plans for the required Construction Certificate.

- 21 The plans for the required Construction Certificate are to provide for a minimum setback of each cabin of 5 metres from the top of the river bank.

- 22 The internal access road is to be upgraded and maintained to all-weather two wheel drive standard. If it is proposed to traverse the adjoining Crown Land, the consent of the DLWC will be required prior to release of the Construction Certificate.

- 23 The plans for the required Construction Certificate are to include details of the means of collecting and disposing of all stormwater from buildings and carpark areas so as not to adversely impact on the Macleay River or the lagoon,

during a 1 in 10 year storm event in accordance with Australian Rainfall and Runoff.

- 24 The plans for the required Construction Certificate are to include detailed engineering plans prepared by a qualified engineer providing for the upgrading of the intersection of the access road and Plummers Lane to AUSTRROADS Type A standard. Works are to be carried out in accordance with such plans prior to occupation of the cabins.
- 25 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met , prior to release of the Construction Certificate.
- i) 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 water supply headworks at the rate of \$1,130 per equivalent tenement, i.e \$1,130 x 2 E.T = \$2,260. Indexed)
- 26 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 of a gravel paved standard.
- CONDITIONS 27 TO 31 IMPOSED BY THE DEPARTMENT OF LAND AND WATER CONSERVATION.**
- 27 That a comprehensive bank restoration management plan is prepared in consultation and with the approval of DLWC prior to the issue of the Part 3A Permit.
- 28 That any surplus construction material and spoil will be removed from the site.
- 29 That all proposed dwellings are constructed with a minimum setback of not less than 5 metres measured horizontally and at right angles from high bank of Macleay River.
- 30 That a Soil and Water Management Plan (S&WMP) for all site works is to be prepared by a suitably qualified person(s) with knowledge and experience in the

THIS IS PAGE 61 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

preparation of such plans, in consultation with, and the approval of DLWC prior to the issue of the Part 3A Permit. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book")

- 31 If the permit conditions have been breached the permit holder shall restore to the satisfaction of the Department. If the works as directed are not completed then the permit holder shall pay a fee prescribed by the Department for the initial breach inspection and all subsequent inspections.
- 32 The boat ramp is to be restricted to use by patrons of the development only.
- 33 Provision of a sign prominently displayed on the gate on the sharp bend on Plummers Lane indicating No Entry.
- 34 Provision of a sign on the internal road at the western end of the trailer park indicating 'No Exit' and directing vehicles to the approved access road.
- 35 The plans submitted for the required Construction Certificate are to include details providing for access to at least 1 cabin in accordance with AS 1428 – Design for Access and Mobility.
- 36 Creation of an appropriate Restriction-as-to-User providing that no buildings, other than the Manager's Residence, may be occupied by any one person or family for more than thirty (30) days within any twelve (12) month period. Such restriction shall nominate Kempsey Shire Council as the sole party to vary and is to be registered prior to release of the Construction Certificate.

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

DES 6	PROPOSED SECOND DWELLING – CRESCENT HEAD FILE T6-00-33 RBP	{Folio No. 237315}
-------	---	--------------------

The following report was withdrawn at the request of the applicant.

SUMMARY:

Reporting that Council has received an application to modify a consent which requires further variations to Council's Local Housing Strategy.

THIS IS PAGE 62 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

DES 7

**PROPOSED SAND AND GRAVEL SCREENING
PLANT, TURNERS FLAT
FILE T6-02-304 RBP**

{Folio No. 237316}

This report was dealt with earlier in the meeting just after the Mayoral Minute.

DES 8

**PROPOSED UPGRADE OF WASTEWATER
TREATMENT FREDERICKTON ABBATOIR
FILE LA 10432 RBP**

{Folio No. 237318}

This report was dealt with earlier in the meeting just after the Mayoral Minute.

DES 9

**ABANDONMENT OF EXISTING USE RIGHTS –
TURNERS FLAT
FILE T4-94-127 RBP**

{Folio No. 237320}

SUMMARY:

Reporting that it appears existing use rights for a gravel quarry at Turners Flat have been abandoned.



Owner: D Gravitis
Subject Land: Lot 40 DP 752419 Turners Flat Road, Turners Flat
Existing Use: River Gravel Quarry

In 1993, pursuant to State Environmental Planning Policy No 37 – Continued Mines and Operation, Council recognised existing use rights for a river gravel quarry on the subject land on the basis that the owner was able to establish that the use commenced prior to the 8th August 1969.

The previous owners (D and S Rose) subsequently applied under the provisions of SEPP 37 to expand the existing quarry and consent was issued on the 7th August 1997. Annual returns received indicate that the consent has not yet been activated as extraction levels have remained below existing use rights limits.

Under the provisions of the Environmental Planning and Assessment Act, existing uses are presumed to be abandoned unless it can be demonstrated that the use has not ceased for any continuous period greater than 12 months. Despite this provision, the Land and Environment Court has held that Council may continue to recognize existing use rights provided it can be demonstrated that there was an intention to continue the use. As previously reported to Council, it is considered that it is sufficient, in respect to river gravel quarries, for existing use rights to be maintained despite cessation of

THIS IS PAGE 63 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

the use for a period greater than 12 months, provided it can be demonstrated that non extraction is related to the ongoing management of the resource having regard to the need to protect the environment.

In accordance with the terms of the consent issued in 1997, existing operations are restricted to the extraction of not more than 3,500m per annum with annual returns in a form of statutory declarations to be provided within each 12 month period from the date of consent.

Although the previous owners submitted subsequent returns, no returns have been submitted for the period 7 August 2000 to 6 August 2001.

By letters of the 11th February and 23rd May 2002, the current owners were advised of the requirement to submit the return, including advice inviting them to establish their intention to extract in the event that no material was removed. As at the date of writing this report, no response has been received.

The effect of Council determining that the existing use rights have been abandoned would be that no gravel could be extracted from the subject land in the future without the submission of a development application accompanied by a an Environmental Impact Statement. Such an application would also be integrated development under the current provisions and no guarantee of any success could be given.

Note:

No road contributions are payable for quarries operating within existing use rights limits. Contributions are only payable on any nett increase over the existing use rights limits.

2002. 534

RESOLVED:

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

- A** That the owner be advised that unless a return in the form of a Statutory Declaration indicating the amount of gravel removed from the site between 7 August 2000 and 6 August 2001 is received within 14 days of notice being given, that Council will formally advise that existing use rights have been abandoned.
- B** That the owner be further advised that in the event no material was removed, Council is prepared to consider to continue recognizing existing use rights provided a clear intention to continue extraction can be established by written submission within the specified period.

DES 10	DURRI ABORIGINAL CORPORATION MEDICAL SERVICE REZONING	{Folio No. 237321}
	FILE T5-83 MEI (NRN)	

SUMMARY:

Reporting on progress in the rezoning of land from 4(a) Industrial to 3(a) Business to permit the development of a medical centre.



PlanningNSW has advised that the above rezoning has now been gazetted. Council is now able to determine a development application for such uses as are permissible in the 3(a) Business zone.

2002. 535

RESOLVED:

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

That the information be noted.

DES 11	INDEPENDENT COMMISSION AGAINST CORRUPTION	{Folio No. 237323}
	FILE H2-2 BWC	

SUMMARY:

Reporting that ICAC has issued an interim report on "Taking the Devil out of Development".



Council at its meeting on 15th January 2002 considered a report on the discussion paper issued by ICAC on "Taking the Devil out of Development" – exploring corruption risks in administration of development applications by local councils.

An interim report on that discussion paper has now been released.

The summary of ICAC's views are as follows as they would impact on Council's current operation or introduce new legal provisions.

Issue 1: *Informing applicants and objectors about Council values and business ethics*

It is likely a model statement and guidelines will be released later this year.

Issue 2: *Knowledge of the system*

It is likely to recommend that Councils consider making greater use of websites and the electronic and print media to increase community understanding of the DA system and the role of Councillors and staff in the assessment process.

Issue 3: *Notification of development applications*

ICAC favours the idea that there be a Model Policy to help Councils throughout the State achieve minimum acceptable notification levels.

Issue 4: *Ensuring appropriate delegations and separation of responsibilities*

ICAC is likely to suggest Councils should have a delegations policy that gives applicants the option of having the matter referred to Council if it would ordinarily be approved under delegation. Also that determination of an application is generally not be undertaken by the officer who has been involved in the negotiation and assessment of a proposal.

Note: In respect to Issue 4, the statement relating to a determination by an officer is to a degree expanded further in the report in a statement – “(the decision to approve or refuse) generally not be made by the officer who has been involved in the negotiation and/or the assessment of the proposal”.

This suggestion is considered impractical and more than likely would result in increased time to process applications for possibly no real benefit. For smaller Councils it would be very difficult to implement the suggestion due to the unavailability of trained staff. The suggestion would also appear to be contrary to desires of applicants, Councils and even Government to streamline the processing of applications, without any loss of integrity. Surely if a delegation to consider is given, then a determination is part of that process. Those who have delegations from Council do not have the right to refuse, that rests with Council. If an applicant is unhappy with a decision, made under delegation, a right of review of that decision exists.

Issue 5: *Corrupt practice provisions*

ICAC is likely to recommend that a statutory provision be created that permits the penalizing of an applicant who obtains a development approval by or through corrupt means.

Issue 6: *Modifications to development applications*

ICAC is likely to recommend that relevant regulations be amended or enacted in respect of all modifications and reviews (s.96 and s.82A reviews). Limiting the use of a delegated authority for the approval of modifications.

Note: The reason for limiting the use of delegations is not given. It is difficult to understand that, if due process was followed in the consideration of an application that consideration of a subsequent modification, under a delegation, is any different to processing of the original application.

Issue 7: *Helping Councillors choose the right hat*

ICAC may recommend that all Councils should have an extended or separate Code of Conduct for Councillors which recognizes the unique role they play in the development assessment and determination processes compared to Council staff. ICAC may provide a model code in this regard.

Issue 8: *Alternative decision making models and dispute resolution processes*

ICAC is likely to recommend that all Councils should have a specific policy aimed at facilitating some form of alternative dispute resolution.

Issue 9: *What to do when Council is both developer and consent authority*

ICAC is likely to suggest that there be a State Environmental Planning Policy (SEPP) in respect of development in which the consent authority is the applicant or otherwise has a conflict of interest.

Issue 10: *Contemporary planning instruments*

ICAC is likely to await the outcome of the planFirst initiative of planningNSW before taking a definitive position on this issue. It may suggest that there be a planned program of review by Councils of all planning instruments.

Council has many of the suggestions already in place and other suggestions are dependent upon the issuing of guidelines and alterations to Acts and Regulations.

2002. 536

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Sproule*

That Council advise ICAC of the concerns as outlined in respect to Issues 4 and 6.

DES 12	HEALTHY RIVERS COMMISSION – INDEPENDENT INQUIRY INTO COASTAL LAKES FILE R7-1 RFK (NRN)	{Folio No. 237324}
---------------	---	---------------------------

SUMMARY:

Reporting on the Healthy Rivers Commission Final Report – Coastal Lakes (Independent Inquiry into Coastal Lakes)



The Healthy Rivers Commission recently produced its Final Report into Coastal Lakes, their sustainability and management. The report includes the, **Coastal Lakes Strategy : An Assessment and Management Framework.**

.....
MAYOR

The Commissioners principle recommendations is that the Government adopts arrangement for the management of coastal lakes through the endorsement of the **Coastal Lakes Strategy (CLS): An Assessment and Management Framework**

Within the CLS there a seven (7) primary components to be considered, one of which is the classification of coastal lakes into four (4) Management Orientation classes; **Comprehensive Protection – Significant Protection – Healthy Modified Conditions and Targeted Repair.** [\(Appendix “Q”\)](#)

The Kempsey Shire Local government area has two (2) coastal lake systems identified within the report.

- 1 Saltwater Lagoon, South West Rocks as been classified into the Healthy Modified Condition, and based on submissions to the commissioner.
- 2 Goolawah Lagoon, near Crescent Head as Significant Protection (*the Commissioner was satisfied that Goolawah demonstrated characteristic of a coastal lake*).

Killick Creek was tabled within the report but not included as a Coastal Lake and subsequently not referred to within the broader concept of the report.

Council through its Coast & Estuary Management Committee has commenced the development of Management Plans for Saltwater Lagoon and Killick Creek. To-date process studies for both systems have been undertaken. The next stage is the development of Management Plans for both systems. Both plans are being developed as recommended by the DLWCs Estuary Management Manual, however the *Assessment and Management Framework* document does not seem to refer to the manual when undertaking the development of the Sustainability Assessment and Management Plans (SA & MP).

Issues for Council arising from the **Assessment and Management Framework** include:

- Preparation of Sustainability Assessments and Management Plans for Saltwater Lagoon and Goolawah Lagoon **and their surrounding catchments.**
- Council has to commence programs to address and mitigate impacts on the coastal lake systems.
- Council may be required to develop or review LEP's to incorporate provisions that give effect to the SA & MPs.
- Council to give effect to principles within the Coastal Lake Strategy

Funding

The report has identified \$8.6m to undertake the first stage of the *Comprehensive Coastal Assessment* over the next three (3) years. From that allocation a dedicated amount of \$2.2m would be made available for the completion of the *technical* component of the assessment of the coastal

THIS IS PAGE 68 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

lakes. Addition 'seed' funds of \$1.6m (over three years) would assist public authorities to develop the management component of the Sustainability Assessment and Management Plans.

The report suggests that, Council should also contribute funds or in-kind resources commensurate with their responsibilities and for the preparation and implementation of Sustainability Assessment and Management Plans, support should also be sourced from existing funding programs such as, the Estuary Management Program, Stormwater Management Program, Floodplain Management Program, etc.

Footnote:

It is still not clear whether the over ridding management of the Coastal Lakes referred to in this report will be via the 'proposed' coastal protection SEPP or a separate but linked SEPP for coastal lakes.

A further report will be submitted to Council after the NSW Government has adopted the strategy and allocated funding.

2002. 537

RESOLVED:

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

That the information be noted.

DES 13	APPLICATION FOR GARAGE IN KEMPSEY LOCAL FLOODWAY NO 1 FILE T6-02-290 KJW	{Folio No. 237325}
---------------	---	---------------------------

This report was dealt with earlier in the meeting just after the Mayoral Minute.

DES 14	BUILDING AND DEVELOPMENT
---------------	---------------------------------

SUMMARY:

Reporting that the following applications have been approved:



APPROVALS

Local Development (LD) [\(Appendix "U"\)](#)

Construction Certificates (CB) [\(Appendix "V"\)](#)

.....
MAYOR

2002. 538

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Howell*

That the information be noted.

2002. 539

RESOLVED:

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

That the following item DES 15 Hospital Additions, Kempsey be deferred for consideration until Town Planner Mr Robert Pitt is available to address Council.

**DES 15 HOSPITAL ADDITIONS, KEMPSEY
FILE T6-02-289 RBP {Folio No. 237326}**

This report was dealt with immediately following report DE 1 Flood Damage Funding.



DIRECTOR ENGINEERING REPORT

**DE 1 FLOOD DAMAGE FUNDING
FILE: F5 KJF Copy APC {Folio No. 237327}**

SUMMARY:

Reporting on an offer of assistance for flood damage.



Council has received advice from the Hon. Morris Iemma, MP, Minister for Public Works and Services, offering financial assistance under the Natural Disaster Relief Program to the value of \$152,930. This follows Council's application for funding for damage to the Riverbank at Kempsey, in March 2001, which has been the subject of considerable correspondence between Council and Department Public Works and Services.

Council's claim was for a total of \$218,130 but has been reduced by \$65,200 because ".....Treasury guidelines do not allow for financial assistance towards the betterment of assets." A copy of the offer from the Minister is shown at [\(Appendix A\)](#)

Council's claims included 3 specific items.

- i) Restoration of stormwater infrastructure south of shower block. The pipe and its discharge point is currently buried in excess of 1 meter by silt deposits and does not function. The excavation of silt at its discharge point is not permitted. To restore the function of this asset

THIS IS PAGE 70 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

to a pre-disaster condition, it is necessary to relocate the headwall to a discharge point requiring extension to the pipework.

- ii) Restore stormwater infrastructure under Traffic Bridge and support piling. As for item (i) above. The pipe and headwall is currently buried under silt and flood debris and does not function. To establish to pre-flood condition and function, the headwall needs to be relocated and stormwater pipeline extended.
- iii) Remove damaged footpath and replace footpath from Forth Street to Verge Street. The total area of footpath damaged through flood inundation is 400 m². This section cannot be replaced in-situ due to siltation on the riverbank. The footpath is to be replaced on an alignment approximately 5 meters to the west of the damaged footpath so that the facility can be restored.

Council needs to accept the offer in accord with the conditions. However the level of funding offered does not address the problems faced by Council in restoring Council owned assets damaged by the flood. Council may like to pursue this matter further directly with the Minister.

Financial Implication

The financial implications of the following recommendation would provide funding to cover the restoration of the riverbank at Kempsey but insufficient to restore the area to a point where the full function and amenity is provided.

2002. 540

RESOLVED:

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

- 1 That the offer of financial assistance by the Minister for Public Works and Services for flood damage restoration be accepted.**
- 2 That the Minister for Public Works and Services be approached to provide further funding to fully address the problems faced on the Kempsey riverbank.**



DIRECTOR ENVIRONMENTAL SERVICES REPORT

Councillor Parkinson declared an interest in the following item for the reason that he has been offered employment at Kempsey District Hospital and retired from the Chamber.

DES 15

HOSPITAL ADDITIONS, KEMPSEY

FILE T6-02-289 RBP

{Folio No. 237290}

SUMMARY:

Reporting that Council has received an application to make additions to the Kempsey Hospital.



Applicant: Department of Health
Subject Land: Kempsey District Hospital, River Street, West Kempsey
Zone: 5(a) Special Uses (Hospital)

Description of the Proposal

The proposal is to construct a new six (6) to eight (8) bed maternity ward as an extension to the existing birthing unit and to carry out minor alterations and conversions to the existing ward; carry out minor alterations to the rehabilitation building to enable transportation of patients; construct new maternity ward entrance with external access ramp upstairs; refurbish and convert the existing maternity ward into a new mental health inpatient unit; construct new mental health unit entrance with external access ramp upstairs; relocate existing linen store; demolish existing laundry and linen building; and if required, construct extensions to the relocated linen service; construct a new community mental health building as an extension to the inpatient unit; and construct a new link to the new maternity ward and mental health unit for hotel services. [\(Appendix "W"\)](#)

Heads of Consideration:

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

The proposal is permissible within the 5(a) Special Uses Zone under Kempsey Local Environmental Plan 1987.

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

THIS IS PAGE 72 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Carparking

The current 85 bed hospital generates approximately 200 car parking spaces during peak periods each day.

Whilst observations indicate that approximately half of these spaces are provided on Council's road reserve on River Street and Polwood Street, Council can only require parking at the rate generated by the proposed development and cannot seek additional parking not required for previous additions. On the basis that there are no current RTA guidelines based on surveys of hospitals, the applicant was invited to make a submission as to what they consider to be a reasonable basis for determining the parking requirements for the development.

In response the applicant commissioned a traffic consultant who considers that based on the amount of parking available, four (4) carparking spaces should be provided to serve the development.

Planning Comment

No objection is raised to the assessment and a condition requiring four (4) carparking spaces on site should be imposed as a condition of consent. The applicant's consultant has indicated that this can be achieved by reorganising and marking of existing spaces on site, which should be reinforced by a condition of consent.

It should be noted that Council has previously entered into discussions with the Department seeking formalisation of current illegal 90 degree parking in Polwood Street on the basis of the benefits derived to the Hospital from the parking. Based on the relatively small level of parking generated by the development, it is considered that Council cannot require upgrading of this parking in conjunction with the current application.

Water Headworks Contributions

Based on Public Works Department Guidelines, the development generates a demand for 8.4 equivalent tenements.

Under the Water Management Act 2000, Council is able to charge water headworks contributions. At a meeting with representatives from the Department of Health and Public Works and Services, it was indicated that the applicant was not agreeable to payment of any water headworks contributions as they felt they were exempt from the requirements.

The amount in question is \$9,537.

By letter of 21st June 2002, the applicant was advised that the draft condition requiring payment was based on the relevant planningNSW Circular relating to Crown development applications and conditions of consent. It was advised that under the provisions of the Circular, Council was able to levy contributions towards water headworks on the basis that Council is a water

THIS IS PAGE 73 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

supply authority under the Water Management Act 2000. It was further advised that Council is unaware of any specific direction from the Minister for Planning which has revoked or restricted this requirement.

Note:

Subsequent enquiries with planningNSW indicate that Circular D6 is the current circular relating to such matters and no specific directions have been issued which override this circular, thereby entitling Council to charge the contribution.

Applicant Submission

In reply, the applicant has submitted that they are not prepared to pay the contribution unless Council can explain the statutory basis for its imposition.

Planning Comment

In addition to the above advice, the following additional advice is provided by way of clarification:

Water Management Act 2000 Contributions

Comment

- 1 Kempsey Shire Council is a Water Supply Authority as defined in Part 2 Division 5 of the Water Management Act 2000.
- 2 Section 292 (1)(c) of the Act allows Council as the Water Supply Authority "to do anything for the purpose of enabling the objects of the Act to be attained".
- 3 Sections 305, 206 and 307 deal with Developer Contributions to the construction of works.

Section 306(2) allows Council as the Water Supply Authority to require the applicant to pay a contribution and/or construct water management works prior to the Water Supply Authority issuing a Certificate of Compliance.

Council has calculated the contribution pursuant to Section 306(3). The value of the existing works and projected works is considered and the amount of government subsidy is not deducted from the cost of the works.

- 4 Section 306(4) Binds the Crown to the requirements of the Act.

All other draft conditions have been agreed to by the applicant.

Statutory Requirements

As the application has been submitted by a Crown authority, Council is unable to impose any conditions on the consent without the agreement of the applicant. In the event agreement cannot be reached between Council and the applicant, it will be necessary to refer the application to planningNSW to determine.

Director Environmental Services Recommendation:

That the applicant be advised of the basis on which Council considers draft conditions to be justified in accordance with the above report and requested to provide their written agreement to the following draft conditions of consent:

- 1 The development is to be carried out substantially in accordance with the approved development plans except as modified by conditions of this consent.**
- 2 Submission of detailed plans prepared by a qualified engineer indicating that the proposed means of disposing of stormwater from the existing and proposed development is adequate to cater for a 1 in 10 year storm event in accordance with "Australian Rainfall and Runoff" prior to commencement of any works.**
- 3 Provision of a minimum of four (4) additional parking spaces on site. Such parking spaces are to be constructed to at least bitumen sealed standard. In this regard, a plan indicating the location of the spaces is to be provided prior to commencement of any works. If it is proposed to provide the spaces by improved markings, a plan indicating the location of the spaces is to be provided prior to commencement of any works with all linemarking to be carried out prior to occupation of the premises.**
- 4 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to commencement of any works.**

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 water supply headworks at the rate of \$1,130 per equivalent tenement, i.e. \$1,130 x 8.44 E.T. = \$9,537 Indexed 02/03)**

THIS IS PAGE 75 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

The 2002-2005 Transportation Infrastructure Strategic Plan (TISP) is a revision of the 2001-2005 TISP adopted by Council at its Meeting on the 22nd August 2001. The document sets out a direction for works based on existing funding trends, and existing programming. A copy of the Plan will be provided to Councillors, General Manager and Directors accompanying this business paper.

As part of this Strategic Plan, Council will need to consider the included Regional Road Block Grant Program and the Town Improvement Programs.

The following details are listed to provide Council with details highlighting, and reasons for changes to the previous projects listed for the 3 year program.

1. Regional Roads

Due to the redistribution of overheads to other specific RTA projects (South Kempsey Park and fencing at Highway Traffic Bridge approaches) Administration Overheads have been reduced by \$23,820. This allows increased expenditure on the Regional Roads.

Council has not received official advice from the Roads and Traffic Authority, but verbally the RTA has indicated that the Regional Road Block Grant Funding for 2002/2003 will be increased from \$992,000 to \$1,020,000.

The proposed program of works for the 2002/2003 Regional Roads Block Grant Program has been included in the TISP for adoption.

2. Local Roads

A number of programs of works have been listed for adoption in the TISP as listed below:

- **Kempsey Town Improvement Program**

A comprehensive list of future works has been compiled, with projects considered a priority included in the 3 year strategy. The remaining projects have not been prioritised at this stage, but provide projects under existing funding arrangements for the next 20 years.

\$38,797 from unallocated funds have been earmarked for the following projects removed from 2002/03 Budget Estimates for Footpaths and Cycleways, and Traffic Facilities.

Pedestrian Access Mobility Plan (PAMP) Implementation	10,000
Forth Street - Construct Footpath	12,000
Broughton Street Footpath	4,000
Bissett Street - Construct Footpath	3,000

Alterations to previously listed projects included:

- Innes Street Footpath – completed with funds allocated from North Street/Kemp Street intersection project which was funded by the Saleyards.
- Elbow Street/Tozer Street Intersection reconstruction – deferred to 2003/2004 in conjunction with proposed Second Bridge Proposal.
- Queen Street reconstruction - deferred to 2004/2005 in conjunction with proposed Second Bridge Proposal.

- **Crescent Head Town Improvement Program**

The replacement of steps in East Street and Comara Terrace, initially included in 2001/2002, are now in 2002/2003, due to the over-expenditure on the Skyline Crescent kerb and gutter and drainage project (reported to Council in February 2002).

The Korogora Street kerb and gutter and drainage project has been brought forward from 2003/2004 to 2002/2003, as the project is deemed to be of a higher priority. This has meant that the timing of other projects has been adjusted.

Stormwater drainage projects have also been included as an ongoing project to alleviate flooding issues that have occurred recently. Refer to report to Council meeting on 14th May 2002.

Future projects listed have not been prioritised.

- **Frederickton Town Improvement Program**

Projects have been listed for consideration.

- **Gladstone Town Improvement Program**

Remains unchanged.

- **Hat Head Town Improvement Program**

Projects have been listed for consideration.

- **Stuarts Point Town Improvement Program**

The timing of the projects under the program has been altered to finalise the kerb and gutter in Marine Parade. This was reported to Council at its June 2002 Meeting.

- **Smithtown Town Improvement Program**

The timing of the projects under the program has been altered to finalise the kerb and gutter project in Croads Esplanade.

- **South West Rocks Town Improvement Program**

Projects have been included in 2004/2005 for consideration. The remaining projects, listed for future works, have not been prioritised.

- **Federal Roads to Recovery Program**

Projects listed reflect changes to funding and timing of projects as resolved by Council in June 2002.

- **Gravel Resheeting Program**

Projects have been listed for consideration.

3. Ancillary Road Facilities

Projects listed reflect Council's Budget for 2002/2003.

Council has not received official advice from the Roads and Traffic Authority, but verbally the RTA has indicated that the Traffic Facility Funding for 2002/2003 will be \$85,000.

4. Bridges

Projects listed reflect Council's Budget for 2002/2003.

5. Car Parking

Projects listed reflect Council's Budget for 2002/2003.

Funds will be recouped from Sect. 94 Carpark Contributions to fund the landscaping work carried out in the Clyde Street Carpark. This will allow Council to continue its rolling program of resealing Council Carparks. Projects have been included to reflect this.

6. Footpaths and Cycleways

Projects listed reflect Council's Budget for 2002/2003.

Council's Works Program is dependent upon adoption of the 2002/2005 TISP.

Financial Implications

There are no specific financial implications from the following recommendation as all expenditure is within approved budgetary limits.

Director Engineering Recommendation:

That the 2002/2005 Transportation Infrastructure Strategic Plan be adopted.

THIS IS PAGE 79 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

MOVED:

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

That the Director Engineering recommendation be adopted.

An Amendment was MOVED:

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

That the Director Engineering recommendation be adopted subject to the deletion of funding of \$250,000 allocated to Point Plomer Road.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.543

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Parkinson recorded his vote against the foregoing Resolution.

**DE 4 GORDON YOUNG DRIVE CYCLEWAY, SOUTH WEST
ROCKS
FILE: R8-6 (235077) NJT Copy APC (NRN)
{Folio No. 237331}**

SUMMARY:

Reporting on additional funds received from the RTA for the Gordon Young Drive Cycleway Project at South West Rocks.



Council has received an additional \$22,500 from the RTA under the 2001/2002 RTA Cycleway Program for the Gordon Young Drive Cycleway Project.

This will allow Council to construct the missing link, between the eastern end of the new cycleway and Roy Sanders Street.

Financial Implication

The financial implications from the following recommendation is nil as funds will be provided by the RTA for the project

2002.544

RESOLVED:

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

That the information be noted.

.....
MAYOR

SUMMARY:

Reporting on a request to name Stuarts Point Oval.



A request has been received from the Stuarts Point Sports Association to name the Stuarts Point Oval the Joe Donovan Sporting Complex.

Joe Donovan, who passed away recently, was a great sporting dignitary from the Stuarts Point area. He represented Australia as a boxer and made many contributions to sport in the local area.

Department of Land and Water Conservation, Macleay Valley Historical Society and the Gumbaynggir Elders have each been contacted regarding this matter and replies are awaited.

Council is asked to approve the naming of the Stuarts Point Oval the Joe Donovan Sporting Complex.

Financial Implication

There would be no financial implications from the following recommendation, as any costs incurred would come from existing budgets.

2002. 545

RESOLVED:

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

That the name of the Stuarts Point Oval be the Joe Donovan Sporting Complex.

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 20th March 2001, 12th March 2002, 9th April 2002 and 14th May 2002.



Responses to Councillors Questions Without Notice from the Council meeting of the 20th March 2001 are listed for information.



Councillor B R Sowter

File D5-2

{Folio No. 211596}

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

An inspection has been carried out with the RTA, on the 11th December 2001. Still awaiting a report from the RTA on the proposed action.

Responses to Councillors Questions Without Notice from the Council meeting of the 12th March 2002 are listed for information.



Councillor J Bowell

File F3-2

{Folio No. 231044}

That the Director Engineering would report to the next Council meeting on the meeting to be held with the Fire Control Officer.

Meeting scheduled for 26th June 2002.

Responses to Councillors Questions Without Notice from the Council meeting of the 9th April 2002 are listed for information.



Councillor J Bowell

File: FM331

{Folio No. 232856}

That the Director Engineering would arrange an onsite inspection with the landowner of flood mitigation structures reportedly causing erosion in the Pola Creek area and report back to Council.

Onsite meeting undertaken on 29th April 2002. Council has undertaken a survey of the levee and identified some minor improvements to ensure a uniform levee crest.

Responses to Councillors Questions Without Notice from the Council meeting of the 14th May 2002 are listed for information.



THIS IS PAGE 82 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Councillor J Sproule

File: R GOWINGS HIL

{Folio No. 234521}

That the Director Engineering would investigate the provision of centre line marking for the whole length of Gowings Hill Road.

Options are being reviewed

Councillor B R Sowter

File: R8-29

{Folio No. 234525}

That the Director Engineering would ask the RTA to review the provision of the 40kph school zone at Bellimbopinni school, giving consideration to having flashing lights to warn vehicles when the school zone is applicable.

A letter has been sent to the Roads & Traffic Authority and follow up telephone calls made to the Acting Regional Manager seeking urgent attention.

File: R8-2

{Folio No. 234526}

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

Details are being compiled.

Councillor N Joukhadar

File: R PIPERS CK

{Folio No. 234572}

That the Director Engineering would investigate the need to allow room for pedestrians on old Pipers Creek Road at Gowings Hill Road where a large mound of soil was placed on the road reserve.

Options are being reviewed.

Responses to Councillors Questions Without Notice from the Council meeting of the 11th June 2002 are listed for information.



Councillor N Joukhadar

File: R8-2

{Folio No. 235938}

That the Director Engineering would investigate slashing of high grass at the corner of Collombatti Road and Pacific Highway, Frederickton, that affects site distance.

THIS IS PAGE 83 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Options being reviewed. Discussions re-instigated with RTA.

File: R8-2 {Folio No. 235953}

That the Director Engineering would investigate the need for urgent line marking on Second Lane, Kempsey, following recent roadworks, as this road is frequently affected by fog.

Centreline marking was provided as soon as possible following sealing.

Councillor J H Bowell

File: D5-2 {Folio No. 235965}

That the Director Engineering would investigate the situation regarding drainage and overgrown Council land at Perrins Lane.

Maintenance completed.

File: R8-2 {Folio No. 235969}

That the Director Engineering would follow up Telstra in relation to the repair of a cable inspection pit at corner Middleton and Queen Streets, South Kempsey, which had a Telstra work barrier around the site for some time.

Telstra reports the repairs to the pit lid will be completed by 1st July 2002.

File: R BAYVIEW ST {Folio No. 235975}

That the Director Engineering would advise of the current situation regarding consideration of conversion to one-way traffic in Bayview Street, South West Rocks.

Local Traffic Committee at its June meeting resolved:

- 1. That Bayview Street remain open to two-way traffic.**
- 2. That the vegetation on the corners of Mitchell Street and Trial Street be pruned to improve the sight distance and clearance.**
- 3. That Council contact the local real estate agents regarding the ongoing issue of the parking of boats in road reserves, pointing out that it is illegal for parked vehicles or boats to impede traffic flow.**

Councillor P J Mainey

File: R BELGRAVE ST {Folio No. 235976}

That the Director Engineering would investigate the intersection at the National Bank, Kempsey, corner Belgrave Street and Smith Street where a truck had damaged tyres on broken kerb negotiating a left turn at this site.

THIS IS PAGE 84 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Investigations initiated to determine extent of variation to original layout.

Councillor B S Sowter

File: R8-29

{Folio No. 235980}

That the Director Engineering had not received a response from the RTA on Council's letter on the 40kph school sign at Bellimbopinni, but was aware a number of complaints had gone to the local member, Mr Andrew Stoner MP, regarding this matter.

Discussed with Acting Regional Director, Peter Stevens, on 20th June 2002, a response will follow.

Councillor J Sproule

File: P6-3

{Folio No. 235986}

That the auction of surplus fire vehicles would take place as soon as possible rather than wait for Council's auction on 3rd August.

All vehicles removed from Thompson Street Depot.

File: R PIPERS CK RD

{Folio No. 235999}

That the Director Engineering would investigate the temporary speed signs on Pipers Creek Road that are confusing i.e. 100kph signs where roadworks are being undertaken.

Derestriction sign was not covered up when 60 construction zone was signposted - was covered up at a later stage. Works now completed.

Councillor J A C Hayes

File: F4

{Folio No. 236001}

That the Director Engineering would urgently investigate the need for the taps on the fish cleaning tables at Hat Head to be adjusted to a more convenient location and height.

An inspection will take place, will advise of the outcome

Financial Implication

There are no financial implications from this recommendation.

2002. 546

RESOLVED:

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

That the information be noted.

THIS IS PAGE 85 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

SUMMARY:

Reporting on works in progress.

**ROADS**Regional Roads

- MR198 South West Rocks Road - Pavement strengthening in progress.
Ch. 5.3 – 6.3
- MR7737 Crescent Head Road - Heavy patching completed.
- MR7740 Stuarts Point Road - Heavy patching completed.

Gravel Rural Local Roads**Gravel Resheeting**

- Gravel Resheeting Program 02/03 - To be determined.
- Mines Road - Completed.

Maintenance Grading**Work Completed**

Pee Dee Road
Gap Creek Road
Rossiters Road
Balls Road
Toose Road
Fifes Road
McKenzies Road
Warbro Brook Road
Pipers Creek Road
Mines Road
Lukes Lane
Browns Road
Rogers Lane
Pavans Access
Barbers Lane
Fishermans Reach Road
Rainbows End Road
Ballengarra Road

Works in Progress or Proposed

Crescent Head Area
East Kempsey/Belmore Area

TOWN AND VILLAGE WORKS

Kempsey

Geoffrey Debenham Street - Kerb and Gutter works planned.

Crescent Head

Gowing/Dulconghi Street drainage - Completed.

Stuarts Point

Marine Parade kerb and gutter - In progress.

Frederickton

Great North Rd/Creek St K & G - In progress

Great North Rd – K & G and drainage - In progress.

South West Rocks

Arthur Street K & G - Planned

FLOOD MITIGATION

General Maintenance and Repair - In progress.

Bridges

Maintenance - Ongoing.

Flood Damage Restoration Works

RTA Flood Repair Assistance Program - Completed.

HORTICULTURE

- Town Entrances planting commenced along Frederickton Straight. The principle plantings are Red Cedar, with Waterhousia to match the existing plantings being used in close proximity to power lines. A weed control programme is being instigated in conjunction with the planting works.
- Landscaping works commenced at South Kempsey Park using funding allocated by the RTA.

- Horsehoe Bay Draft Plan of Management continuing. Awaiting the completion of a fauna and flora study of the Saltwater Creek area before finalisation.
 - Verge/Eden Street Ovals Draft Plan of Management commenced.
 - Review of Council owned and controlled reserves continuing.
 - A press release has been issued asking for public support for National Tree Day, to be held on 28th July 2002. A letter has been sent to all schools in the Shire advising them that National Schools Tree Planting Day will be held on 26th July 2002. \$1,000 from the existing Horticulture budget has been allocated to supply plants stock for use on both days.
 - A round of the NSW Under 19 softball competition was held at Kemp Street Ovals on the weekend of 15th and 16th June. Cougars Baseball-Softball Club reported that the weekend was very successful and sent their thanks to Council's Parks and Gardens team for their effort.
- Another round is to be held on the first weekend in August and further allocations of State League rounds are expected.
- An audit of all Sporting facilities within the Shire is underway.
 - Beach Access audit and repairs completed.

NOXIOUS PLANTS

- Private property inspections continuing. For the last two months concentrating on Giant Parramatta Grass, Bitou Bush and Madiera Vine.
- Groundsel Bush in the Crescent Head and Maria River area mapped by helicopter. Heaviest concentrations were found along North Coast Railway Line.
- Roadside Inspections Programme completed for 2001-2002. Main weeds mapped are Giant Parramatta Grass, Bitou Bush, Red Lantana, Blackberry and Camphor Laurel.
- Weed Control contractor has been spraying Giant Parramatta Grass, Bitou Bush, Red Lantana and Blackberry throughout the Shire.
- Council's Noxious Weeds Policy currently under review.

THIS IS PAGE 88 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance and repair to public toilets, sporting facilities and amenities.
- Majors Creek bus shelter.
- Bellimbopinni Chlorine dosing station.
- Realign pavers in public areas.
- Miscellaneous repairs to locks and cupboards, aged care units.
- South Kempsey Park - erect chainwire fence.

Work proposed next 4 weeks

- Emergency Management Centre – Provide power and communications services to Emergency Operations Centre, prepare and seal access.
- Civic Centre office restructure (Records).
- Office modifications to Environmental Services including replacement of air conditioners.
- Rehabilitation of Unit 9, Tozer Street Aged Units - Painting and floor coverings to be complete.
- Unit 14, Leith Street Aged Units - construction of hardstand.
- Erect fencing to close off pedestrian laneway between Leith Street and Roscoe Turner Street.
- Continue manufacture of timber bollards.
- Bus shelter - Crescent Head Road (cnr. Neville Morton Drive), Frederickton - replace vandalised timber shelter.
- Modifications to Toilets in South Kempsey Park – Crime prevention.
- Kempsey Pool – Replace skylights.
- South Kempsey Information Centre/Museum – Repair box gutters.
- Community house Gordon Nixon Drive – provide tabletop and alter internal door.
- Crescent Head Water Reservoir – paint and apply anti-graffiti solution.

THIS IS PAGE 89 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- Provide awning to small plant shed, Thompson Street Depot.

Financial Implication

There are no financial implications from the following recommendation.

2002. 547

RESOLVED:

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

That the information be noted.

DE 8	COMPLIMENTS RECEIVED BY ENGINEERING STAFF
FILE: S10-2	JC (NRN) {Folio No. 237340}

SUMMARY

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



- Peter & Trudi Needs - Thanking Council for Brighton Park walkway, which now connects the town centre to the sporting fields.
- Mr & Mrs Beashel - Thank you to Council for promptness in fixing the levy bank in Hat Head.

Financial Implication

There are no financial implications from the following recommendation.

2002. 548

RESOLVED:

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

That the information be noted.

DE 9	ROAD RELATED WORKS PROGRAM
FILE: R8-101 (237127)	NJT COPY APC (NRN) {Folio No. 237341}

SUMMARY:

Reporting on advice received on Road Related Works Program Funding.



Council has received advice from the RTA relating to Council's Road Related Works Program Funding for 2002/2003. Details are as listed below:

THIS IS PAGE 90 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Regional Road Block Grant	1,020,000
Ex 3X3	122,000
Traffic Facilities	85,000
Bus Stop Remedial Works	25,000
Cycleway	55,000
PAMP: Works resulting from Study	10,000

1. Regional Road Block Grant

The Regional Road Block Grant Funding for 2002/2003 has been increased from \$992,000 to \$1,020,000. Advice received is consistent with income shown in 2002/2003 Budget and the Transportation Infrastructure Strategic Plan.

2. Ex 3X3 Funding

The Ex 3X3 Council Determined component funding remains at \$122,000. As this can now only be utilised on Regional Roads it is proposed to use these funds for Pavement strengthening on South West Rocks Road near Benelongs Haven.

3. Traffic Facilities

The Traffic Facilities funding remains at \$85,000, with indications that these funds are subject to a review by RTA/ LGSA/ Council representatives.

4. Bus Stop Remedial Works

A grant of \$25,000 has been allocated for Bus Stop Remedial Works on Regional Roads. This additional funding will be matched by \$25,000 from the Regional Road Block Grant.

5. Cycleway Funding

A grant of \$55,000 has been allocated for cycleway projects. These funds are to be matched 1:1 by Council. However, Council has allocated only \$20,000 as its contribution in the 2002/2003 Budget.

It is recommended that Councils contribution be increased by \$35,000 to \$55,000 in the 2002/2003 Budget, so that Council can accept this grant.

Council will be able to finalise the construction of the cycleway/footpath in Ocean Avenue, Stuarts Point, and bring forward the next project in Phillip Drive from the end of the existing cycleway towards Arakoon.

6. PAMP: Funding of works relating to the study

A grant of \$10,000 has been received for the funding of works relating to the Pedestrian Access Mobility Plan (PAMP) recommendations. These funds are to be matched 1:1 by Council. Council has allocated \$10,000, of unallocated Kempsey Town Improvement funds from 2001/2002, to fund this work.

The PAMP is presently in the process of being finalised and funding will allow some of the recommendations to be carried out.

These increases in funding have resulted from Council's concerted efforts in seeking additional funding, under the various programs.

Financial Implication

There are no financial implications from the following recommendations No's 1 – 6.

The Financial implications from recommendation No 7, is that Council allocate an additional \$35,000 for Footpath/Cycleways, to take full advantage of the RTA Grant, financed from Working Funds.

Director Engineering Recommendation:

- 1** That \$1,020,000 allocated under the Regional Road Block Grant Funding for 2002/2003 be accepted.
- 2** That the General Manager be authorised to sign the Agreement for Block Grant of Assistance to Council for Regional Roads 2002/2003 on Council's behalf.
- 3** That \$85,000 allocated under the Traffic Facilities component be accepted.
- 4** That \$122,000 allocated under the Ex 3X3 funding be accepted.
- 5** That \$25,000 allocated for Bus Stop Remedial Works be accepted.
- 6** That \$10,000 allocated under the Works resulting from the PAMP Study be accepted
- 7** That \$55,000 allocated under the Cycleway Program be accepted, and that an additional \$35,000 be provided from Working Funds for Footpath/Cycleways in the 2002/2003.

MOVED:

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

That the Director Engineering recommendation be adopted.

An Amendment was MOVED:

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

That the Director Engineering recommendation be adopted subject to the deletion of recommendation 7.

The AMENDMENT was PUT to the Meeting and was LOST.

THIS IS PAGE 92 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

2002.549

The MOTION was PUT to the MEETING and was CARRIED.



DIRECTOR ENGINEERING SUPPLEMENTARY REPORT

DE 1 PURCHASE OF LAND
FILE: LA14295 KJF

SUMMARY:

Reporting on the purchase of land at South West Rocks.



The purchase of Portions 78, 79 and 80, Boyters Lane, Jerseyville, was approved at Council's last meeting. Council now needs to formally resolve to affix the seal to the contract of sale and transfer documents.

Financial Implication

There are no financial implications from the following recommendation.

2002. 550

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Joukhadar

That Council's seal be affixed to the contract of sale and transfer documents for the purchase of Portions 78, 79 and 80, Boyters Lane, Jerseyville.



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS 1 RATES ABANDONMENT – 2001/02
FILE: R1-3 WMS Copy APC (NRN)
{Folio No. 237342}

SUMMARY:

Reporting that Council's approval is now sought to abandon and write off the following rates and charges in 2001/2002 for the reasons stated.



In accordance with Local Government (Rates & Charges) Regulations a resolution of Council is required to abandon and write off rates and charges.

THIS IS PAGE 93 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Reasons for Abandonment:

Rates and charges of \$4,997.66 on a crown lease previously held by Dennis George Sharp and Carmel June Sharp are proposed to be abandoned. The lessees became bankrupt in 1993. The Official Trustee in Bankruptcy filed a notice of intention to disclaim the lease with the crown. This lease was subsequently forfeited on 1 November 1995. Council did not receive notification of the forfeiture prior to our enquiries with Land and Water Conservation in May this year. The Land and Property Information Service (Valuer General) were not aware that the lease had been forfeited and continued to provide valuations for rating purposes. Under section 555 (1) (a) of the Local Government Act 1993 the land became non ratable from the date of the forfeiture, when ownership reverted to the crown.

The rates prior to the date of forfeiture were effectively quashed under the Bankruptcy Act 1966 when the lessees became bankrupt. All avenues of recovery are extinguished.

Summary:

In accordance with the provisions of Local Government (Rates and Charges) Regulation 1999 Section 14 (4) (a)(b) & (c) approval is sought to abandon and write off the rates and charges detailed above totalling \$4,997-66.

Financial Implications

A reduction of \$4,997-66 in rate and charges arrears.

2002. 551

RESOLVED:

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

That the rates and charges totalling \$4,997.66 as listed be abandoned and written off in 2001/2002 for the reasons stated.

DCCS 2	REWARD FOR REPORTING OF VANDALISM
FILE: V1 PJH	{Folio No. 237343}

SUMMARY:

To advise that reported vandalism to Council property has led to a conviction.



On Friday 25th January 2002 a person, who wishes his name not be published, noticed a person putting drag marks and writing on freshly laid concrete footpath in Belgrave Street.

.....
MAYOR

The person reported the matter immediately to the Kempsey Police who arrested the offender. The person reporting the incident gave a statement to the Police and advised that he would be prepared to attend court if required. The offender was subsequently convicted of the offence and fined \$600.00.

The person reporting the offence is entitled to receive the reward as per Council's policy. The offer of reward for information leading to a conviction for vandalism is regularly advertised in Council's page.

Council's policy states:-

"That Council offer a reward of up to one thousand five hundred dollars (\$1,500) for information leading to the conviction of a person or persons responsible for damage or vandalism to Council buildings and property (such damage to include graffiti and advertisements).

The action taken by the gentleman in reporting this incident is to be applauded and while the vandal damage may have been minor it is an opportunity for Council to show it is serious about providing this reward for resultant convictions.

As per the policy wording, Council does have the option of paying a lesser amount than \$1,500.00.

Financial Implication

The reward money will be funded from Council's budget for insurance excesses on public liability and property.

Director Corporate and Community Services Recommendation:

The Council pay a reward of \$1,500.00 to the person who reported the vandalism to the footpath in Belgrave Street, Kempsey on 25th January 2002 which led to a successful conviction.

MOVED:

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

That the Director Corporate and Community Services recommendation be adopted subject to the reward amount being amended to \$600.00.

An Amendment was MOVED:

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

That the Director Corporate and Community Services recommendation be adopted.

2002.552

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

DCCS 3

PROPOSED AGED CARE FACILITY AT SOUTH WEST ROCKS

FILE: A7-5 TIH (NRN)

{Folio No. 237344}

SUMMARY:

Reporting on a response from Federal Member for Cowper, Luke Hartsuyker, MP in relation to establishing an aged care facility at South West Rocks.



Attached at [\(Appendix A\)](#) is a copy of the correspondence received 25th June 2002.

Financial Implication

The financial implication of the following recommendation would be NIL.

Director Corporate and Community Services Recommendation:

That the information be noted.

MOVED:

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

That the Director Corporate and Community Services recommendation be adopted.

An Amendment was MOVED:

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

- 1 That the information be noted.
- 2 That Council make direct representations to the Aged Care Planning Advisory Committee.

2002.553

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

DCCS 4

**STATEMENT OF BANK BALANCES AS AT 30TH JUNE 2002
APC**

SUMMARY:

Submitting the Statement of Bank Balances as at 30th June 2002.



[\(Appendix B\)](#)

Financial Implication

There are no financial implications arising from this report.

2002. 554

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Howell*

That the information be noted.

DCCS 5	STATEMENT OF INVESTMENTS AS AT 30TH JUNE 2002 APC
---------------	---

SUMMARY:

Submitting the Statement of Investments as at 30th June 2002.



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.

Director Corporate and Community Services Recommendation:

That the information be noted.

2002. 555

RESOLVED:

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

- 1 That the information be noted.
- 2 That Council request the Local Government and Shires Association to find the means for Councils to better utilise lending facilities more efficiently.

SUMMARY:

Reporting on attendance at the Yarn Up 2 – Growing Up Our Leaders Conference held at Novotel Northbeach Wollongong.



The following is a Report by Community Services Trainee, Miss Jayde Kelly who attended:-

GROWING UP OUR LEADERS
YARN UP 2

Over 600 Aboriginal people from all over New South Wales attended the Yarn Up 2- Growing Up Our Leaders Conference with 16 Elders and 6 young people from Kempsey that was held at Novotel Northbeach Wollongong.

Yarn Up 2 - was a gathering of Elders and young people to share the knowledge and discuss leadership skills in our communities.

Over the 3 days the Elders exchanged their knowledge and skills with me, that will benefit me in becoming a leader for my family, community and all Aboriginal people.

Below is just a brief outline of the activities that took place.

Day one- Monday 17th June

Dr Andrew Refshauge MP officially opened the event after a traditional smoking ceremony, dance and music

Lyall Munro Snr and Esther Carroll spoke about setting the scene for future generations, they both made points that the young people today have so many opportunities available, and if the opportunity arises, take it and hold onto.

Mark Yettica- Paulson did keynote address; he spoke about leadership from an Aboriginal perspective.

Mark made the point that learning to become a leader is like learning to drive. You go through different stages of learning and every day is a learning process.

Day 2- Tuesday 18th June

A Plenary Session took place on Leadership and Capacity Building.

In this session Lynette Riley- Mundine who is the Manager for the Aboriginal Programs Unit with the NSW Education Dept and the Chair of NSW

THIS IS PAGE 98 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Reconciliation Council introduced 3 young people Richard McGuinness, Jade Rose and Raylene who are future leaders.

They each did a speech on leadership, and where their inspirations come from.

It was during this session that Elders got up and spoke about how they were sick and tired of Non-Aboriginal people coming into our communities after they get a University degree and think they know all about our Culture and Heritage.

After Richard, Jade and Raylene spoke an Elder from Maclean got up and congratulated them and said that they were already leaders, then all the people in the conference applauded them.

Raylene left us with a quote " you must not follow a path you must make your own tracks and leave a trail"

Workshops took place; I participated in Getting into Politics, which was very interesting. Councillor Warren Mundine and Col Markham ran this workshop. They both spoke about the positives and negatives of getting into politics whether it is Mainstream or Indigenous.

We had a young people's session. In this session there were about 30 young people from all over NSW, which work in Government and community organizations.

In this session it was where a lot of us young people really connected. Each person introduced themselves, told every one where we Come from, what nation, where we work and what yarn up meant to them.

There was another Plenary Session that took place where Joe Hedger, who comes from Northern NSW but is currently living in Sydney working for ATSIC, recently made a statement that "out Elders were burnt out, Mentally and Physically" and that "ATSIC is not a place for a future leader to be working". He spoke about growing up as a future leader and what opportunities that is available for young Aboriginal people.

Joe left us with a quote from the Late Charles Perkins "we must not live in the past, the past must live in us", which offended a lot of the Elders.

We had the conference dinner with Special Guest speakers including Vic Simms an Elder from La Perouse, Jumiliku an Aboriginal comedian, and the Michael Donovan Band, who are originally from Nambucca but are all currently living in Sydney.

Day 3- Wednesday 19th June

We had discussion groups I went to the young people's session. Which consisted all of the young people that had the meeting on Tuesday. We wrote down points on how we would like to become the future leaders and that we get the respect of our elders.

The young people then presented it to the Elders and Organisations. The major points that we mentioned was that the Elders need to sit down and tell us about all the yarns and stories so we can pass it on from generation to

generation, so that in another 214 years our Culture will still be here and be stronger than ever.

On Wednesday afternoon we had a Consultation session with Aboriginal Affairs and AJAC about the new policies that they are developing to help better the needs of Aboriginal people.

The closing ceremony then took place.

It was a great experience to be part of Yarn Up 2- Growing up our Leaders. I feel I have learned so much, from the people who are so powerful and have so much knowledge.

I found that over the 3 days whilst we were in the workshops and discussion groups that a lot of the young people wouldn't express themselves because of Respect they have for the Elders, they felt more comfortable having a yarn in a more relaxed environment. I would like to thank the Shire Council for enabling me to participate in such a wonderful experience and that the knowledge and skills that I gained from just attending the conference will last a lifetime."

Financial Implication

The financial implication of the following recommendation would be NIL.

2002. 556

RESOLVED:

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

That the information be noted.

DCCS 7	COMMUNITY SERVICES DEPARTMENT – quarterly report APRIL TO JUNE
FILE: C10-1	TIH (NRN)
	{Folio No. 237346}

SUMMARY:

Reporting on the activities of the Community Services Department between April and June 2002.



Since the previous report the following projects and services have been rendered:-

1 Aged Housing

- *Community Service Order Gang has carried out major cleanups in the gardens at both Boronia Gardens and Leith Street units.*

2 Community Service Order and Juvenile Justice CSO Gangs

The Community Service Order Gang continues to work on Fridays including laying of pavers at the Bandbox Theatre, Aged Units and back of Council's Community Services Building.

The Juvenile Justice CSO gang continues to work on Tuesdays.

3 Cemeteries

Regular maintenance is being undertaken. Between April and June there have been 26 funerals, 2 ashes inurnment, 6 Erection of Monuments and 14 reservations.

The Development Application lodged for the columbarium wall at Crescent Head. Appointment of a consultant to prepare the DA for the new Yarravel cemetery. Computerisation of the cemetery registers is well underway. Cemetery Management Policy completed.

Regular maintenance has been maintained as well as a complete facelift for West, East Kempsey, Frederickton and Arakoon before Mother's day.

4 Grants

Total grant funds gained from August 2001 to 28/06/02 \$144,323.60

Application lodged between March and June 2002

Date	Council Dept	Project	Funding organisation	Amount	Funding Conditions \$	Status
18/03/02	Corp/Com Services	Pilot Vessel "Macleay" Cover and Cradle	Heritage Incentives Program	\$10,000.00	KSC \$5000.00 Community Contribution \$5000.00 Grant \$10,000.00 Total Project \$20,000.00	Successful \$10,000
08/04/02	Corp/Community Services	Canoe's for WKNIP, SKNIP, House of Youth and others.	NSW Dept Sport & Rec	\$4,858.70	100%	Pending
30/04/02	Corp/Community Services	SWR Aged Care Facilities. Funding for Business Plan	NSW Department of State and Regional Development.	Unclear		Unsuccessful
1/05/02	Corp/Community Services	Kempsey Shire Road Safety Officer	RTA	\$6123.60	100% wages, Council provision of seat, phone, computer etc.	Successful \$6123.60
9/5/02	Corp/Com Services	NRMA Crime Safe	Underage Drinking Forums	\$4350.00	100%	Successful \$4350.00
5/02	Corp/Com	Kempsey Community Solutions Plan.	NSW Premiers Department	Unknown.	100%	Pending.
12/06/02	Support provided to Frederickto	Painting the hall	NSW Ministry for the Arts	\$6000.00	50/50 School of arts funded.	Pending.

THIS IS PAGE 101 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

	n School of Arts					
12/06 /02	Mac Arts Council	Renovation of Oddfellows Hall. Community Arts Centre	NSW Ministry fir the Arts.	\$45,000.00	50/50 Funding MVAC.	Pending.
30/06 /02	Corp/ Com Services	Sport & Recreation Worker.	NSW Department Sport & Recreation.	\$30,000.00	100% funded	Pending.

The Grant's Officer has been actively involved with Malcolm Imrie from the Premier's Department to provide indepth submissions for the Regional Solutions Program. The results of which have not been announced.

5 **Street Stalls and Raffles**

Location	NUMBER OF BOOKINGS			
	April	May	June	TOTAL
Clyde St Mall:	37	29	10	76
Other Locations:	25	20	12	57

6 **Community Safety Council**

The Community Safety Council has held three (3) meetings during this quarter, i.e. 2nd April, 7th May and 4th June 2002.

7 **Slim Dusty Museum**

Regular meetings are still being held to plan for the project. The selection of a site has moved from South Kempsey Park to consideration of locating to the Showground. A grant has been successful to prepare a Business Plan for the Slim Dusty Heritage Museum.

8 **Aboriginal Liaison Officer**

Aboriginal Liaison Committee

The Aboriginal Liaison Committee has held 2 meetings during this quarter and 2 Statement of Commitment Task Force meetings.

The Aboriginal Liaison Committee activities involvement include:-

- a) *Planning for Reconciliation, Naidoc Week July 2003, including organising the "Drovers Boy" Art Collection.*
- b) *Ongoing meetings of the Statement of Commitment Task Force to devise and implement strategies identified.*

THIS IS PAGE 102 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

- c) *Dunghutti Community Working Party – progressing towards Stage 2 and have commenced purchasing properties in the Kempsey Shire. Meeting held 28th June to further progress this important housing initiative by the Aboriginal people in the Kempsey Shire.*

Aboriginal Liaison Committee participation is ongoing in the areas of:-

- *Reconciliation projects.*
- *Lobbying at a State and Federal level for better service delivery to Aboriginal and wider communities.*
- *Crime Prevention issues.*
- *Attendance at Goorie – Interagency meetings.*
- *Input into Families First programs.*
- *Support and advice for the Regional Extended Families Service.*
- *Ongoing support for the Youth Development Officer's re Aboriginal Youth issues.*
- *Local Government Aboriginal Mentoring Program.*
- *Aboriginal Employment Strategy.*
- *Local Government and Shires Association Aboriginal Reference Group.*
- *Local Government Aboriginal Network.*

Wutuma Keeping Place

Annual General Meeting held in May, Liz Holden is the new Chairperson.

Kempsey Assistance Patrol

Has been consistently operational 3 nights a week and now have a CDEP component of 10 workers. The grant funded positions of Driver and Co-ordinator should be appointed and on the job by the end of July.

9 Kempsey Shire Library

New security system is proving its worth. Security stripping items is very time consuming, but fortunately staff have had help from volunteers. All the assistance given by the volunteers at Kempsey branch was recognised during Volunteers' Week with a morning tea held in the library.

A small grant of \$3600 has been allocated from the Department Ageing and Disability to provide free Information Technology tutoring to seniors. The contract has been signed and the Macleay Valley Community Education Group will be taking the classes to South West Rocks, Stuarts Point as well as Kempsey. Each course will consist of three sessions and the last one will be held at the nearest library, as most seniors are likely to use the Internet at their branch library.

During Library Week in May, the Library's website was launched by Brian England, the President of the Kempsey Chamber of Commerce. The site has links to numerous research sites useful to students and business people and also has the library co-operative's catalogue on it. Library members are able to identify their requirements on line and request material via e-mail. We have also started to notify borrowers by email when their reserved items become available. The site has had thousands of hits since it was put on the net, some months ago.

Two members of library staff – Angie Meers and Deb Mills, as well as three library volunteers, Bruce Cain, Michael Scott and James Dumay attended a "training small groups" course. All of these people are involved with instructing members of the public in various aspects of research and technology.

Ruth Waite the resource van driver / operator attended a "Mobile Muster" which dealt with the marketing and usage of mobile libraries.

10 **Community Care Options**

During the period of 1 April – 28 May 2002 we have provided service to 27 clients.

The service provision totals for the period:-

<i>Home Maintenance</i>	<i>19 hours</i>
<i>Personal Care</i>	<i>297 hours</i>
<i>Domestic Assistance</i>	<i>157.5 hours</i>
<i>Respite</i>	<i>18 hours</i>

Community Aged Care Packages

The programme currently has 40 clients.

Veterans Home Care

There are approximately 80 clients on the programme from Kempsey and Port Macquarie LGA.

11 **Compliments Received**

- a. Sherwood Hall Committee

Greatful for the assistance given.

- b. Reverend Ian Marshall

Complimented the cemetery staff on the appearance of the Ashes Garden at East Kempsey Cemetery and the general appearance of the cemeteries and the new directional signs are a major improvement and of great assistance.

12 **Social Plan**

The Social plan has been revised and an updated version including the latest demographical details will be presented to the August Council meeting.

It is pleasing to note that Grant funds have been successful for the employment of a men's worker for 3 days per week and brokerage funding for emergency accommodation for men. This has been a goal of the Men's Accommodation and Resource Centre Committee for the past eighteen (18) months and has now been achieved.

13 **Youth Worker**

PC / YC lease with PC / YC Head Office for completion.

The Youth Development position has been an almost exhausting role during the last few months with many activities, meetings, counselling and youth coordination roles within the Macleay and sometimes the Hastings areas. The premier youth event in the Macleay would have to be Youth Week and this year seen the biggest and most successful to date. Youth Week is a premier national event but without more assistance from the State Government will have to undergo a major change to support the local councils who run the range of events being organised.

Council's role in youth work is now seen as an integral part of community welfare and youth education in this area with other services now relying on the youth development position to facilitate and coordinate with other youth related services in the Macleay. The youth development officer also holds the chairperson's position with Mid Coast Youth Forum an organization of youth workers from Gloucester to Coffs Harbour (all meetings are facilitated by Kempsey Council) and an excellent service to call upon when the need arises as so often it does.

The youth development officer also facilitates the Kempsey Youth Network, an organisation of youth related services in the Kempsey area who wish to work together in partnership to assist not only the youth of the area but also the workers. The Kempsey youth network is recognised by DOCs as an integral part of youth service to the Macleay and at a recent meeting Councils youth development officer was placed at the top of the hierarchy for youth work involvement, this should be seen as quite an achievement for Kempsey Council. The role is constant to say the least and the training in areas such as drug and alcohol has been a huge asset to the position.

The Child Protection Policy has been completed and forwarded to the Ombudsman for ratification.

List of activities for the quarter;

*Working closely with PCYC including the charity golf day
Macleay youth refuge (management committee)
Crescent Head Skyshow (skate comps)
Youth alcohol expo (doing workshops with young people)
"Your Choice" underage drinking program (grant from NRMA)
Durri/Inspire website project Advisory Committee
Kempsey Neighbourhood Centre (management committee)
Mr Mania mental health performances
Mid coast youth forum (health education, drug education, alcohol
ed.....)
Rocks Youth (council now has a video editing system available to
youth gained with the assistance of rocks youth)
JPET (homeless project)
House of Youth (youth at risk program)
Reconnect (youth and family mediation)
Mid North Coast Area Health Service (youth depression and suicide
projects)
Youth Insearch Camps and support group
All high schools and occasionally primary schools.(crossroads
program)*

14 Culture Plan

Consultations have commenced for the provision of a Cultural plan that will form the basis of future facilities where Council can be of assistance as well as facilitating lobbying for other groups to achieve their aspirations for their cultural pursuits.

15 Trainees

Trainees are progressing well and have commenced studies with Workplace Learning 1 day per month.

16 Bandbox Theatre

Bandbox Theatre is now air conditioned.

17 Parklands Cottage

Parklands Cottage is being used on weekends as well now for emergency respite needs.

18 WKCRP

Activities attended:

Expulsion and suspension meeting with Education Department and other organisations interested in getting suspended kids back into school.

April school holiday ball games, tug of war, water games, skipping and barbeque.

Police, Fire Brigade and Ambulance safety talk and demonstration.

Distance education barbeque in back yard for distance education kids working from the community house.

Luncheon to introduce TAFE computer lecturer to residents who were taking part in computer course at the community house.

Galban (Women's) well being program lunch, alcohol and other gambling issues.

23rd healthy luncheon – Laurie Clay from Durri start of diabetic clinic.

Website page development meeting.

Drug and alcohol day – lunch and presentation drug and alcohol related issues

Handing over of trailer by Department of Housing - Trailer to be used by residents for rubbish collection.

Planning of living in harmony tree planting ceremony and Naidoc week celebration at riverside park – traditional food barbeque

Residents picnic at Crescent Head to gather pippies for traditional feast.

Visit by Co-ordinators from Inverell to observe Community Kitchen activities.

National Clean Up Day attended by over 100 people.

19 Wigay Park

Has continued to expand and develop new gardens.

20 Access Committee

Development Application has been approved for the Unisex change facility at the Kempsey Swimming Centre.

Final plan for the Lift for Council Chambers has been received.

Education workday was held for the Workplace Learning students from St Paul's.

Lobbying has commenced to try and achieve disabled access to the Kempsey Police Station and T.A.B. buildings.

THIS IS PAGE 107 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

The Pedestrian Access Management Plan (PAMP) is progressing for the town of Kempsey and South West Rocks.

Council facilitates the production each week of the Talking Macleay Argus.

21 Art Exhibition

Planning has commenced for the January 2003 Kempsey Art Exhibition to be held at the Gladstone Hall – Coastline Credit Union are sponsoring Section 2 – Traditional to the amount of \$1500.

22 Department of Housing

Support has allowed more social programs to be carried out in West and South Kempsey and their funding of a community trailer for the use of the residents to take rubbish to the tip etc is proving a very useful community asset.

23 Hospital Action Group

Continues to meet regularly and can take a degree of credit for the successful attainment of the proposed ten bed psychiatric ward, new maternity wing and the refurbishment of the operating theatres. The Hospital Action Group and the new health forums will ensure that Council is kept aware of the area health service plans which is a stipulation in Council's social plan.

24 Crime Prevention Officer Report

Attended:

- *LGCSA Seminar: Local Government Identity Crisis: Local Government and Crime Prevention!*
- *2 Macleay Liquor Consultative Committee Meetings*

Projects:

- *Enquire into the enforcement of Council ordinances in the CBD.*
- *Establishment of Alcohol Free Zones in West Kempsey.*
- *Crime assessment and Crime Prevention Through Environmental Design evaluation of RSL Car Park, and the pursuance of recommendations.*
- *CPTED evaluation of Toilet Block in South Kempsey Park.*
- *Establishment of RTA funded Drink Driver Prevention Officer position with Council.*
- *NRMA Crime Safe funding of underage drinking forums in Shire partnership with Area Heath and local Police.*
- *Negotiate closure of walkway between Roscoe Turner Ave and Leith Street.*

- *Provision of support and project development assistance to the Premier's Department, Kempsey Community Solutions Program.*
- *Liaison with Regional Victims of Crime coordinator.*
- *Mural on toilet block at Verge Street sports grounds.*
- *Removal of graffiti from Civic Building Belgrave Street.*
- *Removal of Graffiti Crescent Head water tower.*
- *Program of Entertainment in the Clyde Street Mall.*
- *Participation in staff selection process for KAP.*
- *'Can I have a party?' a parents guild to young peoples parties, booklet.*
- *Support the development of Macleay Liquor Accord.*
- *Grant application Dept Sport and Recreation Neighbourhood Sport and Recreation worker West and South Kempsey.*

25 Kempsey Shire Cultural Planning Committee

- *3 Cultural Planning Committee meeting.*
- *Development of expression of interest doc.*
- *Selection process to select cultural planning consultants.*
- *Facilitation of Cultural planning Community Consultation.*

Financial Implication

The financial implication of the following recommendation would be Nil.

2002. 557

RESOLVED:

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

That the information be noted.

DCCS 8	KEMPSEY SHOWGROUND	
	FILE: LA 2942 TIH	{Folio No. 237347}

SUMMARY:

Reporting on progress to date in trying to arrange a visit by the Minister for Lands and Water Conservation the Honourable J Acquilina.



Councillors will recall the Works Committee inspection where it was resolved to update Council's estimate of the necessary work at the Kempsey Showground prior to Council contemplating trusteeship.

The revised estimate comes in at \$195,500 (revised from \$140,000) see [\(Appendix D\)](#).

.....
MAYOR

At its meeting held 26th June the Kempsey Showground Trust considered this estimate and fully supports every endeavour Council makes towards having the Minister inspect the Showground.

The necessary works to clear the old concrete drain to enable the construction of the cattle pavilion were carried out very promptly by Council and much appreciated by the Showground Trust. This enabled the finalisation of the cattle pavilion for the show.

There are several proposals in the very formative planning stages for major developments at the Showground, eg the rekindling of the idea of a multi-purpose indoor sports facility with multi purpose functions and the suggested siting of the Slim Dusty Heritage Centre at the Showground. The Showground Trust are keen to explore any avenues of assistance on the proviso that the Showground's main functions i.e. Agricultural exhibitions and equestrian and cattle events are not lost.

Financial Implication

The financial implication of the following recommendation would be met from current allocations.

2002. 558

RESOLVED:

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

1. That Council agree to a time that is provided by the Minister to inspect the Kempsey Showground with the Trustees and with the Trustee's consent other parties who are interested in the development of the Showground.
2. That Council continue to provide as much help in kind to the Showground Trustees on physical improvements to the Showground.

DCCS 9	AFFIXING OF COUNCIL SEAL
FILE: H6-2 PJH Copy APC (NRN)	{Folio No. 237348}

SUMMARY:

Reporting on the need to affix Council's seal to documents.



The Local Government (Meetings) Regulation requires that before Council's seal is affixed to any document, Council must resolve to affix the seal. Council's resolution also must refer to the document and the document must relate to Council business.

Macleay Valley Neighbourhood Aid – Home and Community Care Program

.....
MAYOR

Council's seal is required on the funding agreement with the NSW Department of Ageing, Disability and Home Care who are to provide \$170,961 to Council in 2002/2003 to provide Home and Community Care under its Community Options program.

Financial Implication

The Community Options program is fully funded with Council being the service provider.

2002. 559

RESOLVED:

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

That Council authorise the affixing of its seal to the Funding Agreement with the NSW Department of Ageing, Disability and Home Care to provide Council with funding of \$170,961 in 2002/2003 for provision of its Community Options service program.

DCCS 10	COMPARISON OF RATES AND CHARGES COLLECTIONS
FILE: R1-2	WMS (NRN)
	{Folio No. 237349}

SUMMARY:

Reporting on comparison of Rates and Charges collections.



A comparison of rates and charges collections for the years 1999/2000, 2000/2001 and 2001/2002 to 31st May 2002 are set out on the attached schedule [\(Appendix E\)](#).

Collection figures are slightly up on previous years as a result of a debt recovery program commenced in November 2001.

Financial Implication

There are no financial implications arising from this report.

2002. 560

RESOLVED:

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

That the information be noted.

At this stage 3.28pm Councillor Sproule retired from the Chambers.

SUMMARY:

Reporting in response to a letter from the Macleay Regional Shooting Complex Inc. in respect of rating of the Rifle range off Crescent Head Road.



In response to a letter from the Macleay Regional Shooting Complex Inc. in respect of rating of the Rifle range off Crescent Head Road. (see [\(Appendix F\)](#)).

Council raised rates as a result of a notification from the Valuer General. The supplementary valuation arrived in this office in early July 1999. The supplementary valuation includes the relevant date that the land became ratable, which was the date the lease was transferred to the Macleay Regional Shooting Complex Inc. There is no discretion available to Council as to when the property became ratable. Discussions occurred with Bruce Colefax of the Kempsey Rifle Club on whether or not the lease would be ratable. Mr Colefax advised that he was under the impression that when the lease transferred to the Kempsey Macleay RSL Rifle Club that it would be non-ratable. As a result of his statement the Department of Local Government was contacted and they advised that there wasn't any legislation changes in place that would exempt the rifle range from rating.

The Local Government Act 1993 is quite specific at section 555 (1) The following land is exempt from all rates

- (a) land owned by the Crown, not being land held under a lease for private purposes.

The Macleay Regional Shooting Complex Inc. was notified in February 2000 that the lease did appear to be ratable and a request was made to advise us of any section of the Act that may be applicable to allow council to treat the property as non-ratable.

A letter of categorisation of the land for rating purposes was forwarded in February 2000.

A letter confirming the earlier ratable advice was forwarded in August 2000. The property was rated in September 2000, from 1 December 1999, as required by law. The rating period is not an optional aspect of rating.

The category for rating purposes is not dependant on the zoning of the land but is directly related to the use of the land.

Section 514 Categorisation of land for purposes of ordinary rates

Before making an ordinary rate, the council must have declared each parcel of ratable land in its area to be within one or other of the following categories:

- farmland
- residential
- mining
- business

Note. Land falls within the "business" category if it cannot be categorised as farmland, residential or mining. The main land uses that will fall within the "business" category are commercial and industrial.

The Macleay Regional Shooting Complex Inc. do not have any services provided by council. However, if water, sewer and garbage services were provided then an additional charge would be levied to cover those services.

The Macleay Regional Shooting Complex Inc. statement that "Council does have the power to adjust or even not to charge these rates on our club" is incorrect. The research details provided to the club through the Sporting Shooters Association of Australia (New South Wales) Inc. (SSAA) is incorrect in the most part. The various branch office bearers who appear to have little knowledge of rating provided the information gathered by the SSAA. The rate sections of each Council identified in the letter from the club was approached to gain information on ratable status of rifle ranges in their area.

Orange Council do not rate their local club and when asked for an explanation of how they get around section 555 (1) (a) of the Act the rate clerk providing the information did not know. He said Orange Council did not have the lease details but agreed that the lease should be rated. He also stated that it might have been a political decision. However, if this was the case then council should rate the land and provide a donation to the club to an amount equivalent to the rate. He intends to review this case with his manager.

Port Stephens council area the Shooters Club owns the land and it is rated Business

Copmanhurst Council rate the rifle club business rate and pay a contribution equivalent to the rate.

Gilgandra Council rate the local pistol club as Business Non-Urban. The rate clerk providing the information was not aware of any other firearm type club in her area.

The Northern Rivers Club has "rural" rating because a grazier uses the range to graze cattle. The name of the council area they are in is not known so verification was not obtained. However, that arrangement is possible and indeed the Racecourse Trust at Gladstone is rated farmland, because a local farmer is utilizing the lease.

The Local Government Act 1993 states that all land is ratable unless it is exempt. There does not appear to be any exemption available for this lease.

.....
MAYOR

The land is being used solely as a rifle range and can only be categorised as Business

Other sporting bodies in the Kempsey Shire Council area are subject to rating include:

- Kempsey Clay Target Club which owns land on Armidale Road,
- The Kempsey Greyhound Club has land in East Street East Kempsey. They also pay water and garbage charges.
- Macleay District Motorcycle Club owns land in Greenhill.

No rate relief is offered to any of the above sporting bodies.

Council currently provides donation's to the surf lifesaving clubs, public hall committees, Country Womens Assoc and racecourse trusts in the Shire, the level of subsidy ranges from 20% to 100% of the ordinary rate.

If council is of a mind to provide rate relief to the Macleay Valley Regional Shooting Inc..Council may elect to provide a donation equivalent to either the rate yield or part thereof. The precedent created by such action may well result in similar applications from other sporting groups within the Shire

Director Corporate and Community Services Recommendation:

For Council determination.

MOVED:

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

That Council make a donation of \$1,000 back to the Macleay Regional Shooting Complex Inc.

An Amendment was MOVED:

*Moved: Cl. Howell
Seconded: Cl. Mainey*

That the Director Corporate and Community Services report back to Council on the precedence of granting a donation of \$1,000 to the Macleay Regional Shooting Complex Inc.

At this stage 3.32pm Councillor Sproule entered the Chamber.

2002.561

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



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE 1	PURCHASE OF TRUCKS	
	FILE: P6-3 GRP Copy APC (NRN)	{Folio No. 237351}

SUMMARY:

Reporting on the need to purchase three small tip trucks for Water and Sewerage Teams to allow compliance with road laws and facilitate asset replacement programs.



Funds for the water and sewerage Asset Replacement Programs has increased in the Sewerage Fund from \$248,000 in 2001/02 to \$474,000 in 2002/03 and in the Water Fund from \$120,000 to \$310,000. This is a total of an additional \$416,000 to be spent in 2002/03. It is planned to almost double this amount in the coming years in accordance with responsible long-term asset replacement programming.

Cost comparisons indicate that the best value for money will be achieved by doing the work by direct management rather than by contracting. Employing an extra two people for each of the three Teams will enable formation of a permanent construction crew in each Team. This will facilitate these works into the longer term.

These crews will, however, need to be provided with a vehicle.

In addition, Council has recently been advised that materials cannot legally be carried in the front buckets of backhoes. This means that a small tip-truck will be required for each Team to transport sand bedding and backfill materials for mains repairs, construction activities, etc.

It is proposed that the purchase of three 2-tonne tip trucks (1 for each Team) would provide the means to overcome this material-transportation problem and provide the vehicles required for the construction activities.

Funds for the labour component of the Asset Replacement Program is included in the 2002/03 budgets for Asset Replacement. Funding of the vehicles is required from other sources.

Approximate cost comparisons for hiring of these vehicles in lieu of purchase are as follows:

A new truck costs \$35,000. Depreciation over, say, 7 years amounts to \$5,000 per year plus, say, \$4,000 per year servicing, registration, insurance, etc plus fuel costs. That is, \$9,000 per year plus fuel compared with hiring costs of \$26,000 per year plus fuel. By purchasing the vehicles Council can

THIS IS PAGE 115 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

save \$17,000 per year per vehicle (total \$51,000 per year) in complying with the road law and facilitating Asset Replacement at the same time.

The funds for the purchase of the vehicles can be made available from the 2001/02 Water and Sewer Funds which will have some areas of under-expenditure, as shown in Table 1 below.

Table 1

Allocation	Description	Amount Available
664108	Wellhead Protection	\$8,000.00
667017	DLWC Licence Fees	\$11,000.00
693196	Sherwood Pump Station Upgrade	\$9,000.00
693408	Workshop Office	\$10,000.00
715114	EPA Licences	\$18,000.00
712214	Sewer Cleaning & Rehabilitation	\$50,000.00
	TOTAL	\$106,000.00

It is proposed that these funds be re-voted to 2002/03 to facilitate the purchase of the three trucks.

Financial Implication

The financial implication of the following recommendation would be the provision of \$106,000 by re-voting unspent money from the 2001/2002 Water and Sewerage Funds as outlined in Table 1 above. The ongoing financial implication is the ongoing running and replacement costs of the vehicles, which are a charge against the works on which they are engaged.

2002. 562

RESOLVED:

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

That Council re-votes \$106,000 from the 2001/02 Water and Sewerage Funds for purchase of three 2-tonne tip trucks.

DBE 2	STUARTS POINT WATER QUALITY RESULTS
FILE: W1-15	GRP (NRN) {Folio No. 237352}

SUMMARY:

Reporting on the publicity of the Stuarts Point water quality analyses results.



At the Community Consultation Meeting at Stuarts Point in February 2002 an undertaking was given by Council to make the results of water quality analyses publicly available.

.....
MAYOR

The results of all analyses for the drinking water from when the new water treatment plant was commissioned have been collated. The results are shown as [Appendix A](#)

Advice was given to Council that the best way to make this information available was by display on the Stuarts Point Community House notice board. To comply with Council's undertaking the results were forwarded to the Community House in mid-May.

The results of future analyses of drinking water will be forwarded as they come to hand. Council normally does a full chemical analysis on a six-monthly basis at Stuarts Point in accordance with Health Department requirements. The next results are due in September.

Council sometimes does miscellaneous analyses as required, usually as a result of consumer complaints or unusual circumstances. Results of these will be updated approximately three-monthly.

It is proposed to also include a section within Council's Internet web site to display the results of water quality tests.

Financial Implication

The preparation and dissemination of information in respect of the bi-annual Stuarts Point water quality analysis is estimated to cost approximately \$200 pa.

2002. 563

RESOLVED:

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

That the results of the bi-annual Stuarts Point water quality analysis be made available to the public by display on the Stuarts Point Community House notice-board, and on Council's Internet web site.

DBE 3	2002 WATER MANAGEMENT CONFERENCE
FILE: C11-7	GRP (NRN) {Folio No. 237353}

SUMMARY:

Reporting on the 2002 Water Management Conference at Batemans Bay in September.



The 2002 Water Management Conference will be held at Batemans Bay on 11th, 12th and 13th September 2002.

The program is expected to include discussion of the implementation of water reforms in NSW, catchment management and the implementation of catchment blueprints, integrated urban water cycle planning, and effluent reuse and return policy.

THIS IS PAGE 117 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

The total cost of the Conference will be approximately \$1,400 per head including Conference fees, travel and accommodation.

The Councillors Delegates Program for 2002/2003 has not yet been established. No specific allowance has been made in the Budget for attendance by Councillors at this Conference but the Conference could be of benefit to Councillors.

Financial Implication

The financial implication of the following recommendation would be the provision of approximately \$1,400 from the 2002/2003 Elected Members Expenses budget for each Councillor attending.

Director Business Enterprises Recommendation:

That Council determine whether Councillors are to attend the 2002 Water Management Conference.

2002. 564

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Howell*

That no Councillor attend the 2002 Water Management Conference.

DBE 4

QUESTIONS WITHOUT NOTICE

FILE: C18-28 JC (NRN)

{Folio No. 237354}

SUMMARY:

Reporting on Questions Without Notice from Council meetings of the 11th June 2002.



Responses to Councillors Questions Without Notice from the Council meeting of the 11th June 2002 are listed for information.

Councillor J H Howell

File: I2-2

{Folio No. 235966}

That the Director Business Enterprises would seek details on the State and Regional Development person who conducts town audits in relation to communities with a view to conducting such an audit in Kempsey.

At the recent economic development Regional Forum conducted by the Department of State and Regional Development, Ms Linda Hailey convened sessions relating to town audits. Attached at [\(Appendix B\)](#) is Ms Haileys.

THIS IS PAGE 118 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Upon commencement of Council's Economic Development Officer it is proposed to liaise with Kempsey and District Chamber of Commerce, Macleay Business Enterprise Centre, and State and Regional Development with a view to conducting an audit of Kempsey.

File: T9-5, Copy O3-1

{Folio No. 235971}

That the Director Business Enterprises would follow up the Kempsey Chamber of Commerce regarding the matter of having a days shopping in Kempsey promotion advertised in the Nambucca area, which had been referred to them for consideration.

This matter is being pursued with the Chamber of Commerce.

Councillor B S Sowter

File: G1-2

{Folio No. 235977}

That the Director Business Enterprises would advise him on the number of truck loads collected in the recent kerbside garbage pickup in Smithtown, Gladstone and Frederickton.

Following the village kerbside clean ups conducted from the 3rd June 2002, Council collected 142 truck loads (8 cubic metre) with the disposal costs of \$9,600.00. These details represent the volume of rubbish removed from the Smithtown, Gladstone and Frederickton areas only.

The disposal costs for the total clean up was \$12,500.00, with 195 truck loads collected.

File: G1-2

{Folio No. 235979}

That the Director Business Enterprises would consider the suggestion of having each village have a day where residents can take their rubbish to the tips for free in lieu of having a kerbside collection.

The matter of providing residents with a voucher style system will be investigated.

Financial Implication

There are no financial implications from this recommendation.

2002. 565

RESOLVED:

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

That the information be noted.

SUMMARY:

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



The following plant was **purchased** in June 2002.

Date	Dealership	New P/No.	New Vehicle	Cost Price \$
13.6.02	R H Taylor Newcastle	V2001	International Acco with Garbage Compactor Body (Awaiting Delivery)	\$276,976.00
25.6.02	K & J Trucks Coffs Harbour	V2004	Mitsubishi Canter FE637 with Obieco Service Body (Awaiting Delivery)	\$51,682.64 (Some Contribution from Water and Sewerage)
28.6.02	Macleay Ford Kempsey	V2005	Ford Falcon Forte AU III SR	\$26,549.36
28.6.02	Kempstar Nissan Kempsey	V2006	Nissan Patrol DX with Obieco Service Body	\$45,439.62 (Some Contribution from Water and Sewerage)

The following plant was **sold** in June 2002.

Date	Dealership	Old P/No.	New Vehicle	Sale Price \$
28.6.02	Macleay Ford Kempsey	V1839	Mitsubishi Magna	\$14,200.00
14.6.02	Mr J W Howle	V1117	Caterpillar 953 Track Loader	\$35,678.00

Financial Implications

There are no financial implications arising from this report as all costs are covered by the Fleet Management Budget (these prices include GST).

2002. 566

RESOLVED:

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

That the information be noted.

SUMMARY:

Reporting on works in progress.

**WATER SUPPLY**

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

Works completed during last 4 weeks

1. Roofing SWR Collection Tank, roofing of Willawarrin and Bellbrook Reservoirs – complete. Some handrail and platform work not complete.
2. Hat Head Caravan Park – divide (separate) park and Day Visitor water servicing – complete.
3. Cut in water main connection for new subdivision at Belle O'Connor Street, South West Rocks – complete.

Works Proposed for next 4 weeks

1. Meter Replacement Program – continues.
2. Install Meters on all bore pumps – continuing.
3. Construction of new re-chlorination plant at Bellimbopinni – continuing.
4. First Lane water main – Kemp to Smith Street – continuing.
5. Bunding – Stuarts Point Water Treatment Plant – continuing.
6. Watermain - Bestic Street, Polwood to Tabrett Street.
7. Clean Crescent Head Dam

MONTHLY WATER CONSUMPTION

	June 2002 Kilolitres
Belgrave Falls	21,872
<i>Bellbrook</i>	1,121
<i>Crescent Head</i>	5,296
<i>Hat Head</i>	5,666
<i>Sherwood</i>	184,288
<i>South West Rocks</i>	36,823
<i>Stuarts Point</i>	10,219
<i>Willawarrin</i>	1,088
Total Consumption	266,373

Kilolitres to Financial Year to Date: 8,111,579 KI

Connections for June – 22

SEWERAGE

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

Works Completed during last 4 weeks

1. Camera inspections of South West Rocks, Kempsey and Crescent Head Sewage mains – complete.
2. Refurbish sewer main Leith Street to Polwood Street – Rudder Street ` and Stanley Street – complete.
3. Smoke Testing C1 and C2 Catchments at Crescent Head. Seal all manhole lids – complete.

Works Proposed for next 4 weeks

1. Repair faults found by Smoke Testing – continuing (South Kempsey).
2. Crescent Head Pump Station refurbishment.
3. Epoxy coating of channels at South Kempsey Treatment Plant – continuing.
4. Pump station well washer installations by South Team – continuing.
5. Manhole maintenance at Crescent Head.

THIS IS PAGE 122 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

Saleyards

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Concrete yards/lanes leading to loading chutes.
3. Fill and gravel of truck parking area.
4. Quotations obtained for renewal of roadside fencing.
5. Specifications for design of complex roofing.

Works Proposed for next 4 weeks

1. Normal maintenance and operation.
2. Completion of Business Plan.
3. Design of Effluent Treatment system.
4. Structural Engineer to design roofing of selling area.
5. Renewal of roadside fencing at southern end.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Annual electrical/lighting inspection.
3. Obstacle survey (towers).

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Upgrade of data collection equipment.
3. Painting of airstrip markings.

CARAVAN PARKS

Works Completed during last 4 weeks

1. Normal operation and maintenance.

2. Removal entrance sign to Hat Head Reserve.

Works proposed for next 4 weeks

1. Normal operation and maintenance.
2. Redesign of Parks to meet legislative requirements.
3. Works identified on 2001/02 improvement works program.
4. Replacement of 3 McLeans Cabins at Crescent Head.
5. Assessment of effluent disposal system at Stuarts Point Park.
6. Investigate options for future management of all Parks.

WASTE SERVICES

Works Completed during last 4 weeks

1. Normal operation and maintenance of Domestic Waste, Trade Waste, and Waste Disposal services.
2. Monitoring of Crescent Head Road Landfill Site.
3. Commenced upgrade of Crescent Head Road Landfill Site (slashing, landscaping).
4. Diversion of site seepage flows from Showground ex landfill site to sewer.

Works proposed for next 4 weeks

1. Roadworks within landfill to gain access to cell 1 extension.
2. Development of cell 1 extension.
3. Clearance of fence line in readiness for erection of security fence.
4. Recycling of old 240 litre bins.
5. Shredding of green piles at the landfill and transfer station sites.
6. Recycling of the metal separated at the landfill and transfer station sites.
7. Commencement of fencing, and other security measures at landfill.
8. Image improvement at the landfill and transfer station sites.

Financial Implication

There are no financial implications from the following recommendation.

2002. 567

RESOLVED:

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

That the information be noted.

DBE 7	COMPLIMENTS RECEIVED BY BUSINESS ENTERPRISES STAFF
FILE: S10-2	JC (NRN) {Folio No. 237357}

SUMMARY

Reporting on compliments received by Business Enterprises staff for the month of June.



Betty Booth - Thank you for efficiency in repairing her bin.

Financial Implication

There are no financial implications from the following recommendation.

2002. 568

RESOLVED:

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

That the information be noted.



GENERAL MANAGER'S REPORT

GM 1	STATE ASSEMBLY OF LOCAL GOVERNMENT
FILE: G11	AVB (NRN) {Folio No. 237358}

SUMMARY:

To inform Council that the State Assembly of Local Government will be held 22-23 July 2002.



The Local Government and Shires Associations will be holding the State Assembly of Local Government on the 22-23 July in Sydney.

.....
MAYOR

The Assembly is titled "United We Stand; Sydney and the Bush – Integration and whole of State Assembly" and will focus on two themes:-

- Towards an integrated Transport Strategy and
- New Regional Approaches to Infrastructure Management.

The registration fee for the Assembly is \$460. Clr. Joukhadar has expressed an interest in attending.

Financial Implication

The cost of attending the conference per delegate is \$460 plus any accommodation, transport and sustenance costs.

2002. 569

RESOLVED:

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

That Council be represented at the conference by Clr. Joukhadar.

GM2	2001 CENSUS		
	FILE: S12-1	AVB (NRN)	{Folio No. 237359}

SUMMARY:

To provide Council with some preliminary census information.



I have been able to access some preliminary census information from the Internet. Details that may be of interest are:

- On census night there were 26,934 people (13,342 males and 13,592 females) counted in Kempsey. This represents an increase of 504 people (1.9%) since 1996.
- There were 2,285 people (8.5%) (1,091 males and 1,194 females) in Kempsey who identified as being indigenous in 2001. This represents a change of 492 people (27%) since 1996.
- The median age of people in 2001 was 40 years. In 1996 it was 37 years.
- For the 2001 census 23,722 people (88%) stated they were Australian born. This compares to 23,633 people in 1996.
- The median weekly income for people aged 15 years and over in 2001 was \$200 - \$299. While not directly comparable the median income recorded in 1996 was \$160 - \$199.
- Of all occupied private dwellings in 2001 there were 8,964 separate houses (86%), 333 semi detached, row or terrace houses and town houses (3.2%), 609 flats, units or apartments (5.8%) and 469 other dwellings.
- In 2001 there were 2,782 couple families with children (which comprised 39% of all families in occupied private dwellings), 2,916

.....
MAYOR

couple families without children (40%), 1417 one parent families (20%) and 101 other families (1.4%).

- Of all occupied private dwellings in 2001 7,163 were either fully owned or being purchased, which represents 69% of all occupied private dwellings, while 2,571 were being rented (25%).

Financial Implications

There are no financial implications arising from this report.

General Manager's Recommendation:

That the information be noted.

2002. 570

RESOLVED:

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

- 1 That the information be noted.
- 2 That Council express its concerns over the Aboriginal population recorded for Kempsey Shire in the 2001 Census to:-
 - a) The Aboriginal Network Conference
 - b) The Local Government Association Conference
 - c) The Minister for Local Government the Hon. Harry Woods MP
- 3 That Council enlists the support of Durri Medical Centre and Kempsey Advisory Training Enterprises to reinforce the published inaccuracies of the 2001 Census figures regarding Indigenous residents.

GM3	ECONOMIC DEVELOPMENT/TOURISM COMMITTEE
FILE: I2-17	AVB (NRN) {Folio No. 237360}

SUMMARY:

To elect representatives to the Economic Development/Tourism Committee.



The Economic Development/Tourism Committee is to comprise: -

- Two Councillors to be selected by Council
- The Mayor who is an ex officio member of all Council committees
- The General Manager
- Six community members



GM4	COMMUNITY CONSULTATION	FILE: C18-25	AVB (NRN)	{Folio No. 237361}
------------	-------------------------------	---------------------	------------------	---------------------------

SUMMARY:

Presenting a Draft Community Consultation Policy and Matrix for consideration.



A Draft Community Consultation Policy was presented to Council at it's May meeting [\(Appendix A\)](#) . Council resolved that I submit a report regarding ways to improve the Public Forum Segment of the Council meeting.

In my report to the May meeting it was suggested that every six months Council convene the Ordinary meeting of Council at a location outside the town of Kempsey and the forum at those meetings provide an opportunity for local issues of concern to be discussed.

Council was not receptive to holding Council meetings outside of the town of Kempsey so the opportunity to hold local issue forms will not eventuate.

Currently I think the public forum works well. Members of the Community have the opportunity to address Council and recently we have introduced the improvement of dealing with those items following the addresses. Other changes recently made were restricting the addresses to topics contained in the business paper and restricting the number of individuals speaking on the same topic to one for the proposal and one against the proposal. I do not believe any further changes are required.

Financial Implications

There are no financial implications arising from this report.

2002. 574

RESOLVED:

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

That the Draft Community Consultation Policy be adopted.

GM5	GENERAL MANAGERS PERFORMANCE APPRAISAL	FILE: S10-13	AVB (NRN)	{Folio No. 237362}
------------	---	---------------------	------------------	---------------------------

SUMMARY:

To appoint a facilitator for the Performance Appraisal of the General Manager.

.....
MAYOR



The Annual Performance Appraisal of the General Manager is undertaken by the full Council. In the past the appraisal has been facilitated by an external person that person for the last two years being Dr. John Martin.

I understand that although Dr. Martin has changed Universities and that he is now employed as Associate Professor Centre for Regional and Rural Development RMIT University Hamilton Victoria he is still available to facilitate the appraisal. In addition Dr. Martin usually conducts a Councillors staff workshop.

Financial Implications

The cost of facilitating the Performance Appraisal process has been included in the 2002/2003 budget.

2002. 575

RESOLVED:

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

That Dr. John Martin be engaged to facilitate the Annual Performance Appraisal of the General Manager and to conduct a workshop for Councillors and senior staff.



**GENERAL MANAGER'S
SUPPLEMENTARY REPORT**

**GM1 OUTSTANDING COUNCIL RESOLUTIONS
FILE: C18-2 AVB**

SUMMARY:

Reporting on outstanding Council resolutions for months of May and June.



DIRECTOR ENVIRONMENTAL SERVICES

DES 12	Application to subdivide Lot 24 DP253030 into Two Lots	Waiting on requested information on septic
June 2002	File T6-02-135	

DIRECTOR CORPORATE AND COMMUNITY SERVICES

DCCS 4	Review of Section 355 Committees	Responses to be obtained from Sporting Clubs regarding insurance charges
June 2002	File D2-6 Copy C18-23	

THIS IS PAGE 130 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

DIRECTOR BUSINESS ENTERPRISES

DBE 10 May 2002	Stuarts Point Aquifer Water Sharing Plan File W1-15	Community Meeting yet to be held to discuss implications of Stuarts Point Aquifer Water Sharing Plan
DBE SUPP 3 May 2002	Kempsey Water Supply File W1-2	Report to August meeting
DBE 7 June 2002	Stormwater Infiltration to the Sewerage System at Crescent Head	Report being prepared for August meeting

Financial Implications

There are no financial implications arising from this report.

2002. 576

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Sproule*

That the information be noted.



LOCAL TRAFFIC COMMITTEE

19th June 2002

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 19th JUNE 2002, IN THE COUNCIL CHAMBERS COMMENCING AT 9.10AM.

2002. 577

RESOLVED:

*Moved: Cl. Mainey
Seconded: Cl. Sproule*

That the report of the Local Traffic Committee meeting held on 19th June 2002 be adopted.



ABORIGINAL LIAISON COMMITTEE

19th June 2002

FILE: A1-2

DJM (NRN)

{Folio No. 237364}

REPORT OF THE ABORIGINAL LIAISON COMMITTEE MEETING HELD IN THE COUNCIL'S COMMITTEE ROOM, WEST KEMPSEY, ON WEDNESDAY 19TH JUNE 2002, COMMENCING AT 2.00PM.

THIS IS PAGE 131 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR

2002. 578

RESOLVED:

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

That the report of the Aboriginal Liaison Committee meeting held on 19th June 2002 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor P J Parkinson

Councillor Parkinson was advised:-

- 1 That salary sacrifice for staff is being investigated.
- 2 That the use of the Kempsey Train Station rooms for an Art Gallery was unlikely to proceed.
- 3 That a memo would be sent to staff regarding Council's policy on smoking in Council vehicles.
- 4 That the Local Government Association Conference is scheduled for 26th October 2002 at Broken Hill.
- 5 That the Director Business Enterprises would endeavour to make available to Councillor Parkinson the papers on the legal matter of Lawrence v's Council.

At this stage 5.08 Councillor Parkinson retired from the Chamber and apologized for the remainder of the meeting.

Councillor R J Bowen

Councillor Bowen was advised:-

- 1 That the Director Engineering would investigate the situation regarding wire being strung across the centre median of Belgrave Street, Kempsey, and possible insurance implications.
- 2 That the Director Business Enterprises would investigate the operation of the "Drum Muster Program" run by the Department of Agriculture.
- 3 That an update on the water monitoring and testing related to the McIntyre Dam would be provided at the next Water and Sewerage meeting and a further detailed report would be submitted to Council in August 2002 by the Director Business Enterprises.

Councillor N Joukhadar

Councillor Joukhadar was advised:-

- 1 That the Director Engineering would pass on relevant information regarding the "Clean Beach" competitions to appropriate groups and would arrange to promote this in the Mayoral Column.
- 2 That the General Manager is to respond to the Inquiry by Standing Committee on Economics, Finance and Public Administration report on cost shifting to local government.

Councillor P J Mainey

Councillor Mainey was advised:-

- 1 That the Director Business Enterprises would provide Councillor Mainey with information on what is permissible useage in relation to the old tip sites in the Shire.

Councillor B R Sowter

Councillor Sowter was advised:-

- 1 The Director Engineering would investigate the reports of a big gum tree dropping limbs in Phillip Drive, South West Rocks.
- 2 That the Roads and Traffic Authority were recently undertaking repairs to a water main break on the Pacific Highway near the Smithtown turnoff.
- 3 That the Director Engineering would investigate bank erosion at Spencers Creek in the vicinity of the Fish Co-op at Mr Les McIllwain's property.
- 4 That the Director Business Enterprises would report to the August meeting of Council the situation regarding the water quality of McIntyre Dam.
- 5 That the Director Corporate and Community Services would investigate the situation regarding the Statement of Commitment which refers to the consideration of Armidale Road being called Dunghutti Way.

Councillor J S Sproule

Councillor Sproule advised the meeting:-

- 1 That she wished to thank the Directors for their prompt responses to questions raised with them by her between Council meetings.

THIS IS PAGE 133 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 9TH JULY 2002

.....
MAYOR



MOTION FOR COMMITTEE

2002.579

RESOLVED:

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

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.



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.



**DIRECTOR ENVIRONMENTAL SERVICES
CONFIDENTIAL REPORT**

DES 1	NON-COMPLIANCE WITH CONDITIONS OF CONSENT – SOUTH KEMPSEY FILE: LA 6184 RBP	{Folio No. 237365}
--------------	--	---------------------------

SUMMARY:

Reporting that despite numerous requests , a condition imposed on an approved soil stockpile remains outstanding which has the potential to result in environmental harm.

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

RECOMMENDED:

*Moved: Cl. Mainey
Seconded: Cl. Sproule*

That the applicant be advised that unless the requested information relating to the sediment control pond is provided within fourteen (14) days of notice being issued, that Council intends to commence action in the Land and Environment Court to ensure compliance, including an order as to Council’s costs.



.....
MAYOR

CONFIDENTIAL GENERAL MANAGER'S REPORT

GM 1	LEGAL MATTERS		
	FILE: L3-1	AVB (NRN)	{Folio No. 237366}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved 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)).

RECOMMENDED:

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

That the information be noted.

GM2	CIVICVIEW		
	FILE: A3-6	AVB (NRN)	{Folio No. 237367}

SUMMARY:

To present the statement of Account for the 2000/2001 year.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved commercial information of a confidential nature that would if disclosed confer a commercial advantage on a competitor of the Council. (Local Government Act 1993, section 10A(2)(d)(ii)).

RECOMMENDED:

*Moved: Cl. Mainey
Seconded: Cl. Sproule*

That the information be noted.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2002.580

RESOLVED:

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

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



CONCLUSION:

There being no further business, the Meeting terminated at 5.33 p.m.

