



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

Tuesday 8<sup>th</sup> October 2002 commencing at 9.07 a.m.

### **PRESENT:**

Councillors J A C Hayes, (Mayor and Chairman), J H Howell, R J Bowen, 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 Donna Pearson.



### **APOLOGY:**

**2002. 802**

### **RESOLVED:**

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

That the apologies submitted by Councillors T Hunt and N Joukhadar for non attendance at the meeting be accepted and leave of absence granted.



## **MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 10<sup>TH</sup> SEPTEMBER 2002.**

**2002. 803**

### **RESOLVED:**

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 10<sup>th</sup> September 2002, be adopted.



## **PUBLIC FORUM**

- 1 Mr Bob Laut – addressed Council in relation to Rescission Motion 2 and DES 2 – Residential Rezoning of Land in Phillip Drive, South West Rocks.
- 2 Ms Patricia Baker – addressed Council in relation to GM 1 Half Day Holidays for 2003.

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- 3 Mr Peter Smith – addressed Council in relation to Rescission Motion 1 – Moratorium on extension of sealed road network.
- 4 Mr Ross Bokes – addressed Council in relation to DES 13 – Proposed Whale Watching Tower, 2 Dulconghi Street, Crescent Head.
- 5 Peter Hadlow – addressed Council in relation to Rescission No.3 – Draft Local Environmental Plan No.61, New Entrance.



## CONSIDERATION OF LATE REPORTS

2002. 804

**RESOLVED:**

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

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



## CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Rescission Motion 2, DES 2, GM 1, Rescission Motion 1, DES 13, Rescission Motion 3, DES 1.

### RESCISSION MOTION - 2

FILE T5-74 MEI (NRN)

{Folio No. 242913}

2002. 805

**RESOLVED:**

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

“That Minute No. 2002. 741 - DES 2 land in Phillip Drive, South West Rocks from the meeting of 10<sup>th</sup> September 2002 as printed below be rescinded:-

That the Director’s recommendation be adopted.”

Councillor Parkinson recorded his vote against the foregoing Resolution.

**DES 2      RESIDENTIAL REZONING OF LAND IN PHILLIP  
DRIVE, SOUTH WEST ROCKS  
FILE T5-74 RBP**

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**This report relates to a rescission motion lodged at Council's meeting of the 10<sup>th</sup> September 2002 relating to a rezoning of land to permit residential subdivision off Phillip Drive, South West Rocks.**

## **BACKGROUND**

In December 1997, Council considered an application seeking to formalise unauthorised drainage works connecting the Waiianbar subdivision to Saltwater Creek. Having regard for the potential impacts on the hydrology of the area and flora and fauna by lowering of the water table, Council subsequently resolved to advise the developer that prior to determining the application, a detailed hydrological assessment and ecological assessment would be required indicating that no adverse impact on the hydrology of groundwater or flora and fauna would result from the works. This was on the basis that the hydrological assessment provided in support of the subdivision provided for discharge of stormwater into an existing water channel which was not connected to Saltwater Creek with discharge to be via groundwater.

No reports were forthcoming and to overcome the problem the developer agreed to backfill the drain and rely on the consultants assessment that water would discharge via groundwater into an adjoining wetland.

**Note: This is the same assessment relied upon in the Local Environmental Study which supports the current rezoning application.**

The question of stormwater management is critical in respect to maintaining both water quality entering the Saltwater Lagoon and to maintaining the integrity of the adjoining wetland areas by maintaining the existing hydrology.

Although the drain was previously restored to conform with the current hydrological assessment, an inspection of the site on the 10<sup>th</sup> September 2002 following complaints from the South West Rocks Ratepayers Association revealed that a drain had again been constructed connecting the channel directly to Saltwater Creek. It was also observed that there were considerable flows within the drain suggesting that lowering of the water table may be occurring.

Council was immediately advised of the situation and a Notice of Recession was given at the meeting on 10 September 2002.

The site was reinspected on 27 September 2002 at which time it was observed that the connecting drain had been backfilled.

As Council may be aware, planning NSW refers all rezoning applications within the coastal zone to the Coastal Council for advice. It is likely that unless the Coastal Council is satisfied that adequate measures have been taken to protect the hydrology of the Saltwater Lagoon system which was identified by the Health Rivers Commission as being under threat from such impacts, a favourable recommendation to the Minister may not be provided.

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Council may wish to seek guidance from the Coastal Council in order to determine if the Coastal Council holds any concerns with the development to provide the developer the opportunity to address any concerns prior to referral for the Minister.

A letter from Saltwater Developments Pty Ltd (Mr R Laut) is at ([Appendix 'D'](#)).

### SUMMARY:

Reporting on submissions received following the exhibition of the draft plan and the next stage of the planning process.



Subject Land: Lot 506 DP 827889 Phillip Drive, South West Rocks  
Owner: R C Laut  
Current Zone: 1(c) Rural Smallholdings

The draft plan involves rezoning a 1 hectare lot in Phillip Drive, South West Rocks from 1(c) Rural Smallholdings to 2(a) Residential to create approximately 12 residential lots. Due to the subject land being within the Coastal zone as defined in the NSW Coastal Policy the proponent was required to undertake a Local Environmental Study (LES) in support of the proposal. The LES concluded that the site was suitable for residential purposes and that development on the site can proceed without significant environmental impact.

The LES was forwarded to the National Parks and Wildlife Services (NPWS), the Department of Land and Water Conservation (DLWC) and the Environment Protection Authority (EPA) for their comments. They made the following points: ([Appendix 'E'](#))

### NPWS

- 1 A Stormwater and Sedimentation Management Plan be prepared prior to development approval. They note that the Stormwater Management Plan prepared by Jelliffe Environmental for the overall development of the Phillip Drive precinct being pursued by Mr Laut recommends a combination of Gross Pollutant Traps and a constructed wetland be used to filter stormwater runoff before it enters Saltwater Creek.
- 2 The environmental impact of the access road from Waiambar Avenue must be addressed.
- 3 It is essential that due consideration be given to the potential impact of stormwater runoff on threatened flora and fauna occurring in Saltwater lagoon and associated wetlands.

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## Comment

The proponent has yet to finalise the lot layout and road access point to the subject land and is currently addressing these matters in consultation with Council's subdivision engineer prior to lodging a formal subdivision application. Council staff are fully aware of the need to provide for appropriate and effective stormwater controls to manage impacts on Saltwater Lagoon and surrounds. Such controls will be integrated with the subdivision layout and road access when these are finalised.

It should also be noted that following approval for the proposed tea tree plantation and the subsequent clearing the area generally likely to provide the access road from Waianbar is not considered to have any significant environmental values. However, should it be considered necessary Council can request an "8 part test" with the subdivision application to determine if there will be any impacts on threatened species.

The issue of stormwater controls for this entire Phillip Drive area, which this proposal will be integrated into, is one that the proponent is aware of and has undertaken preliminary studies into (prepared by Jelliffe Environmental as referred to by the NPWS). The proponent will be required to provide appropriate stormwater controls for this development which will subsequently be integrated into the larger system for this area.

## DLWC

- 1 Strongly endorses the recommendations in the LES concerning the manner in which development of the land should be undertaken.
- 2 Advises that the development is located within the area covered by the notice which Council includes on its S.149(5) certifies relating to possible groundwater contamination from the former oil terminal site.

## Comment

The S.149(5) notice will carry over to new properties.

## EPA

- 1 Encourages Council to seriously consider the incorporation of onsite residential stormwater infiltration devices as mandatory components of the development.
- 2 They advise that the petroleum hydrocarbon contamination at the former Caltex terminal site poses a significant risk of harm, with remediation the subject of ongoing negotiation. Council may be aware that since this advice was received the terminal site has been sold and the new owners are presently undertaking remediation works.

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- 3 The subject land is not regulated by the EPA and it is therefore a matter for Council to determine whether or not contamination poses any constraints to the sites development.

**Comment**

As noted in the DLWC's letter, the subject land is within the area covered by the groundwater notice on Council's 149(5) certificate. All the information available to Council indicates that the contamination plume in the groundwater moves from the oil terminal site northwards under Phillip Drive, away from the subject land. Whilst the groundwater notice will be included on the 149(5) certificates it is not considered to be a constraint on development of the site.

Following exhibition of the draft Local Environmental Plan and supporting information Council received two submissions from the public. Cheryl Filby, a nearby resident, believes that the rezoning should be postponed until such a time as the remediation of the terminal site is complete due to the risk of leachate from contaminated soil being remediated at the terminal site washing onto the subject land. She further raises the issue of windblown contaminants and evaporative hydrocarbons being released from the site.

[\(Appendix 'F'\)](#)

**Comment**

The remediation of the form oil terminal is presently being carried out by the new owners of the site. There is no evidence that the decontamination works will result in contamination of the subject land.

Mr John Jeayes raised the issue of ground water contamination and cautioned Council as to the prospect of possible future litigation concerning this matter. This issue of groundwater has been addressed above.

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

**Director Environmental Services Recommendation:**

**That Council:**

- 1 **Prepare a report under Section 69 of the Environmental Planning and Assessment Act 1979 recommending the Minister for Planning make the plan; and**
- 2 **Forward a copy of that report and the draft plan to the Coastal Council for their comments prior to it being sent to the Minister for Planning.**

2002. 806

**RESOLVED:**

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

- A That Council refer the application and all relevant papers to the New South Wales Coastal Council and the Healthy Rivers Commission for comment.
- B That upon receipt of the Coastal Council's and the Healthy Rivers Commission comments the matter be referred to Council if issues are raised, and if no further issues are raised, that Council prepare a report pursuant to Section 69 of the Environmental Planning and Assessment Act, 1979 recommending the Minister for Planning make the plan.

**GM 1 HALF DAY HOLIDAYS FOR 2003**  
**FILE: P12-9 MAM (NRN) (Folio No. 242976)**

**SUMMARY:**

Reporting that there have been two applications for half-day Public Holidays in the Kempsey Shire for 2003.



Council has received two applications for half-day Public Holidays in the year 2003.

The Central North Coast National Agricultural Society Ltd will be holding their 122nd Annual Show on Tuesday and Wednesday April 29 and 30, 2003. They have applied for a public holiday for the afternoon of Wednesday, April 30, 2003.

The Kempsey Race Club will be holding the Kempsey Cup on Wednesday May 7, 2003. They have applied for a half day holiday on that afternoon.

Council has advertised the proposed half day holidays for 2003 in Council's advertising pages in the Macleay Argus and the Macleay Valley Happynings and has included the information in the Mayoral Column. This year, advertising started early (week commencing July 29) to ensure that people were given adequate time to comment. The Macleay Argus has included editorial on the proposed holidays and a number of Letters to the Editor have been published.

Public comment was invited on the proposed half day holidays and the closing date for submissions was set at September 27, 2002. As at this date, the following submissions were received for or against the proposed holidays:-

<b>NAME / ORGANISATION</b>	<b>ADDRESS</b>	<b>DAY</b>	<b>Y CUP</b>
Mrs R J Smith	Sherwood	For	For
Raine and Horne	South West Rocks		For
Warwick Park	Kempsey	For	For

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Racecourse Trust			
Mrs M Tarr	Kempsey	For	For
Mr LJeffery	Kempsey	For	For
Mrs J Preston	Kempsey	For	For
Mr H Sharman	Kempsey	For	For
Mr B and Mrs V Fraser	Kempsey	For	For
Mrs F Wale	Kempsey	For	For
Mr I Cross	South West Rocks	For	For
Mrs L Sharman	Kempsey	For	For
Mr L Sharman	Kempsey	For	For
Mr F Wanstall	Frederickton	For	For
Kempsey Race Club Inc	Kempsey		For
Mrs M E Davies	Kempsey	For	For
Barsby's of Kempsey	Kempsey	For	For
T M Searle	Kempsey	*	*
E and R Haberfield	Kempsey	For	For
Talya Hudson	South West Rocks	For	
Randalls Business Equipment	Kempsey	For	For
1,126 residents signed a petition in support of the Kempsey Show	Various	For	

\* General comment on the Kempsey Show and Race Day being held on a weekday instead of a weekend.

A copy of the submissions, including page 1 of the 75 page petition, is included at [\(Appendix A\)](#). A full copy of the petition has been provided separately for each Councillor.

A number of submissions highlighted the fact that residents believed the practice of calling for public comment on these two half day holidays should be changed – “Public consultation not required annually.”

As Council is not the only organisation within the Shire to be affected by these holidays, it is believed we have an obligation to consult with the community and ask for their submissions regarding the proposed holidays on an annual basis.

*The following statement, which highlights a businesses' responsibilities in relation to these half day holidays, has been advertised in the lead up to these holidays in the past two years.*

*“Local public holidays are gazetted under the Banks and Banks Holidays Act of 1912. This act requires that banks are closed on local public holidays. An appointed local*

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*holiday under the Act benefits employees who have an industrial award, agreement or contract of employment which confers a right of paid absence (or penalty rates in lieu) on the local public holiday. In the absence of such express coverage within an applicable industrial instrument, the conferring of the benefit of a local public holiday to employees is entirely within the discretion of individual employers."*

Should Council resolve to approve these proposed half day holidays, the Director General of the NSW Department of Industrial Relations must be notified in writing by mid November to allow for gazettal and for the dates of the holidays to be advertised in the Government Gazette in December 2002.

**General Manager's Recommendation:**

For determination by Council.

2002. 807

**RESOLVED:**

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

That Council apply for half day public holidays on Wednesday 30<sup>th</sup> April 2003 for the Kempsey Show and Wednesday 7<sup>th</sup> May 2003 for the Kempsey Cup.

**RESCISSION MOTION - 1**

**FILE R POINT PLOME KJF (NRN) {Folio No. 242912}**

2002. 808

**RESOLVED:**

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

"That Minute No. 2002. 756 – DE 1 Point Plomer Road from the meeting of 10<sup>th</sup> September 2002 as printed below be rescinded:-

- 1 That a moratorium until the end of the Roads to Recovery Funding in June 2005 be placed on the extension of the sealed road network in the Kempsey Shire, with the exception of River Road, Kundabung.
- 2 That the \$120,000 allocated for 2002/2003 for the Point Plomer Road to be used for gravel sheeting and other works to make the road safer."

2002. 809

**RESOLVED:**

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

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

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- 2 That the \$120,000 for resealing of Point Plomer Road be deleted from the 2002/2003 budget and that the present level of funding for maintenance and repair be retained.

NOTE:

It is proposed to move the following:

1. That a moratorium until the end of the Roads of Recovery Funding in June 2005 be placed on the extension of the sealed road network in the Kempsey Shire, with the exception of River Road, Kundabung, Old Station Road, 500metres on Inches Road and 500metres of John Lane Road in 03/04.
2. That the 120k for resealing of Point Plomer Road be deleted from the 02/03 budget and that the present level of funding for maintenance and repair be retained.

<b>DES 13</b>	<b>PROPOSED WHALE WATCHING TOWER – CRESCENT HEAD FILE T6-02-466 JR</b>
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**SUMMARY:**

Reporting that Council has received an application to construct a whale-watching tower for which objections have been received.



Applicant: W & R Short  
Subject Land: Lot 325 DP 754441 No 2 Dulconghi Street,  
Crescent Head  
Zone: 2 (a)

**Proposed Development**

It is proposed to construct a whale watching tower on the subject property. The “standalone” two (2) level tower is proposed to be constructed from timber with a hip roof clad with colour bond steel. The Tower is to be square with dimensions of 3.6m x 3.6m. The southern elevation is to be clad with Colour bond. [\(Appendix 'P'\)](#)

The Tower is proposed to be located on the highest portion of the allotment, the rear Southeastern corner, and will extend to a height of 7m from ground level to the apex of the ridge.

The applicants have confirmed that the purpose of the tower is for private use only for the viewing of migrating whales.

It was requested that a Profile portraying the Apex of the roof of the tower be provided. The profile is visible from many positions within the village [\(Appendix 'Q'\)](#) and it is considered that the tower will be visually prominent from most of the village.

An elevation to the west or from Dulconghi Street was requested to determine the height of the Tower in respect to the redevelopment of the site. As approved T6-01-412 [\(Appendix 'R'\)](#) .

### **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. The following matters are considered of importance.

The proposal is a Class10 building which will be ancillary to the dwelling and is permissible under the Kempsey Local Environmental Plan 1987.

Council's Development Control Plan No 22 does not apply to this specific development. However the objectives in respect to height, scale and privacy may be applied to the proposed development to determine its suitability.

The NSW Coastal Policy 1997 requires any Developments on headlands already developed should be strictly limited to height and scale no greater than existing buildings, an assessment of visual impacts from adjoining beaches should be determined.

The whale tower will extend 3.4m above the ridgeline of the approved additions at No 2 Dulconghi Street and would be visible from beaches, contrary to the aims of the coastal policy.

It should be noted that A.H.D. level of the ridgeline varies from 40-60m A.H.D. with the top apex of the tower being 52.5m A.H.D. The tower would be above the ridgeline when viewed from the southwest. The breaking of the ridge would make the structure visually prominent as it is contrasted with the ridgeline and skyline. [\(Appendix 'R'\)](#)

The applicant has stated that the tower will be for the purpose of watching migrating whales. The season is limited, however the structure would be permanently in place. The concerns raised by the community reflect that the tower may be used for a myriad of purposes outside whale watching, times which may socially impact on the locality.

It is possible to walk 35m from the rear corner of the applicant's allotment and be on the headland (Crown Reserve) and have an unobstructed view of the ocean (50-60m above sea level) without the need to construct viewing platforms. See [\(Appendix 'S'\)](#).

The current redevelopment of the site allows for 120m<sup>2</sup> of decking of which is orientated towards the ocean and which provide uninterrupted views. The Applicant advises that a more NE viewing corridor is required to observe the whales hence the need for the tower.

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## Advertising

The proposal was advertised in accordance with Council's policy with a total of eleven (11) objections being received including a submission from the Crescent Head Ratepayers and Residents Association. [\(Appendix 'T'\)](#)

The submissions may be summarised as follows, however the objections raised by the adjoining property owner/agent will be addressed individually.

## Concerns Adjoining Property Owner

Submission	Planning Comment
1 The tower will adversely affect the privacy and amenity of No 2 Dulconghi. It will overlook the rear garden and bedroom wing and rear deck to the living room area of the proposed new residence currently before Council.	1 The objector has provided a perspective, which supports possible over looking from the western side of the viewing platform onto decks and open spaces.  The tower being close to the proposed main bedroom 1 of the proposed redevelopment may also create noise problems if the tower is used for anything other than whale watching.
2 The tower may be used at some future time as additional accommodation and/or entertaining creating noise and privacy issues.	2 If the tower was to be used for accommodation or other commercial purposes Council would require Development Consent. However, if the tower was to be used for entertaining purposes a separate or modified consent would not be required, and privacy issues and noise concerns could become an issue.
3 The proposal is not in scale with the surrounding residential area.	3 The proposal will be 7m to the apex of the roof of the tower, which is in keeping with Council's

		height requirement. However, as the tower is located on the highest portion of land, the tower will most certainly be prominent from most parts of the village. There are certain dwellings, which were constructed prior to height restrictions that dominate the streetscape in the area.
4	The bulk and height of the tower will impinge on the headland when viewed from public open space.	4 The impact of the tower both visually and in respect to the ridgeline has been discussed earlier. The bulk of the structure, which is open on three (3) sides on the upper level and 3.6m <sup>2</sup> , could not be considered bulky however the height is most certainly an issue.  The objector has provided an artists impression of the tower as viewed from the village. <a href="#">(Appendix 'U')</a>
5	The proposed Development has commercial implications.	5 The applicant has confirmed that the tower is intended for use solely by the owners of the property and will not be used for commercial activities.
6	The Development fails to recognise the ample opportunity to view the whales from the existing and proposed verandahs, which make the platform redundant.	6 Although the dwelling when completed will have approximately 120m <sup>2</sup> of decks most of which have ocean views. The applicant wishes to obtain a NE view over the ridgeline.

		As previously mentioned, 35m from the back corner of the allotment on the ridgeline an uninterrupted 180° ocean view may be obtained without the need for an elevated tower.
7	The proposed Development will exceed Council's limit of 35% natural vegetation coverage for the site.	7 The current landscape detail allows for 189m <sup>2</sup> DCP 22 required 165m <sup>2</sup> .  The tower will occupy a site 12.96m <sup>2</sup> , 176m <sup>2</sup> will be available for landscaping, which meets DCP 22 landscaping requirements.
8	The proposed Development will over-shadow our property.	8 The applicant upon request has provided a shadow diagram. The shadow although narrow will over-shadow the palm court area for more than two (2) hours June 22. The area is landscaped with low light species. The issue of over-shadowing in terms of living areas and primary open space is not considered an issue.

Summary of specific issues from eleven (11) submissions received, that have not been dealt with previously in Report.

**Summary**

**Planning Comment**

1	There is no specification of colour.	1 The applicant provided a colour schedule: • Roof - Birch • Walls- Birch (soft grey)
2	The tower is within	2 The tower is proposed at

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	setback restrictions.		900mm to rear boundary (Crown Reserve).
			DCP if applicable, would require 1.5m minimum setback. It would not be unreasonable to apply a 1.5m setback.
3	If the tower is allowed to proceed a precedent for towers all over town creating arguments concerning view taking and public amenity. It would encourage towers to gain ocean views from i.e. Comara Terrace to look south.	3	Council needs to consider this aspect carefully as it may lead to a request for separate stand alone towers for other purposes i.e. Surf watching platforms or whale watching from other locations in the village or Shire.
4	The tower will overshadow Crown Reserve.	4	The Reserve will be overshadowed for more than two (2) hours in the afternoon. This section of the reserve is currently undeveloped. However, in the future, there may be scope for passive recreational areas as the location provides spectacular views.
5	Potential to have privacy invaded by people in the tower.	5	A number of the submissions related to concerns of privacy invasion from the tower down into yards of surrounding premises. This is an issue as the western side of the tower is open.

### Conclusion

An important consideration that Council must make is whether the development is suitable for its location and furthermore that the development is justified. From the investigation of the proposal and submissions received it is considered that the construction of the stand-alone tower for the purposes of whale watching is not justified primarily on the grounds that the viewing platforms from the dwelling and proposed additions and nearby ridgeline make the need for a specific tower redundant.

In view of the above, it is to be recommended that Council refuse the application.

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2002. 810

**RESOLVED:**

*Moved: Cl. Parkinson  
Seconded: Bowen*

That Council refuse the application for the following reasons:-

- 1 The proposal is likely to result in unacceptable impacts on the visual amenity of the area, including the adjoining headland.
- 2 The building is out of keeping with the scale and appearance of existing buildings in the area, thereby being contrary to the NSW Coastal Policy.
- 3 The proposal is likely to set an undesirable precedent for other development in the area and is contrary to the planned character of the area.
- 4 The applicant has failed to demonstrate that the need for the building justifies likely adverse impacts.

**RESCISSION MOTION - 3**

FILE T5-61

MEI (NRN)

{Folio No. 242914}

2002. 811

**RESOLVED:**

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

“That Minute No. 2002. 739 – Draft Local Environmental Plan No 61 – New Entrance as printed below be rescinded:-

That Council not proceed with the rezoning application.”

**DES 1      DRAFT LOCAL ENVIRONMENTAL PLAN NO 61 –  
NEW ENTRANCE  
FILE T5-61 MEI**

**SUMMARY:**

Reporting on submissions received during the exhibition period of the draft Local Environmental Plan and the next stage of the planning process.



**This report is the subject of a rescission motion of Council’s meeting on 8 October 2002.**

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**In respect to the issues of concern related to the current 7(d) zoning it should be noted in the adopted 1995 South West Rocks Structure Plan the land is indicated for residential development.**



Subject Land: Lot 81 DP 263591 Riverview Place,  
New Entrance  
Owner: P J Hadlow  
Current Landuse Zone: 7(d) Scenic Protection

The purpose of the draft LEP is to rezone an area of land on the western side of Riverview Place, New Entrance, from 7(d) Scenic Protection to 2(a) Residential to permit the development of seven house blocks.

[\(Appendix 'A'\)](#)

The proposal was first supported by Council at its meeting of 16 September 1997. The report to that meeting advised that there were more issues that needed to be resolved before the rezoning could proceed, notably objections from the Department of Mineral Resources and the Department of Public Works concerning possible adverse impacts on the operation of nearby Rudders Quarry. Also, the (then) Department of Urban Affairs and Planning required the rezoning proposal to be included in Council's Land Release Strategy before it would allow the draft to be exhibited for comment. The proponent undertook the necessary studies which addressed the concerns of Mineral Resources and Public Works, and as reported to Council at its meeting of 14 May 2002, the Department of Planning endorsed Council's Land Release Strategy with the subject land included.

The draft plan was exhibited from 16 July 2002 until 31 August 2002. Three submissions were received as detailed below: [\(Appendix 'B'\)](#)

- 1 The Coastal Council of NSW do not support this rezoning and advise that had they been consulted by the Department of Planning prior to the endorsement of the Land Release Strategy they may not have supported the inclusion of the subject land. The Coastal Council believes that an extension of residential development to the subject land would erode the integrity of the 7(d) zone and could set a precedent for future rezoning of adjoining lands.

## **Comment**

Whilst, in general terms, the Coastal Council's comments relating to the broader 7(d) zone are accepted, it is considered that consideration needs to be given to the merits of this application. It is considered that the proposal will not adversely impact on the 7(d) zone because:

- It does not cut-off the 7(d) zone, which runs from the wetlands/estuary area to the north, southwards along the river bank, over the steeper lands behind Marlin Circuit down to Spencers Creek. [\(Appendix 'C'\)](#)

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The unique rural vista referred to by the Coastal Council is retained.

- When viewed from the riverbank immediately to the west of the subject land the area proposed for rezoning is screened by the heavily vegetated and steeply rising bank which forms an effective visual barrier.
- The highest point of the subject land is approximately 22 metres AHD. The highest point of the 7(d) zone behind this area is approximately 78 metres AHD, over 50 metres higher in elevation and visually dominant.
- The proposed development will not occur in isolation but will adjoin the existing residential development in the area utilising the existing Riverview Place roadway.
- The western half of the subject land is to remain 7(d).

The subject land was identified for residential development in the South West Rocks Master Plan 1995, which was the product of extensive analysis and public consultation. The rezoning is in accordance with Council's longer term planning intent for the area, not an ad-hoc amendment, and as such does not represent a precedent for future rezonings that are not in accordance with the provisions of the Structure Plan.

Submissions 2 and 3 were received from Shire residents Mr John Jeayes and Mr David Miller and they both express concerns regarding the possible adverse impacts on the 7(d) zone. This issue has been addressed above.

Now that the exhibition period has finished the next step in the process, should Council so decide, is to forward the plan to the Minister. As reported to Council at its meeting of 13 August 2002 the final plan and supporting report are now required to be forwarded to the Coastal Council for their comments prior to it being forwarded to the Minister. This is a result of new protocols for the preparation of LEPs recently introduced by the Department of Planning and the State Government. This is to ensure greater consistency with the NSW Coastal Policy 1997. The implications of this are unknown, although it is possible that they may recommend against the making of the plan.

**Director Environmental Services Recommendation:**

**That Council:**

- 1 Prepare a report under Section 69 of the Environmental Planning and Assessment Act 1979 recommending that the Minister for Planning make the Plan; and**
- 2 Forward a copy of that report and the draft plan to the Coastal Council for their comments prior to it being sent to the Minister for Planning.**

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**MOVED:**

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

**That the Director Environmental Services Recommendation be adopted.**

**An Amendment was MOVED:**

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

**That the application be deferred and that Council review the 7b Scenic Protection Zones in the shire.**

**The amendment lapsed for want of a seconder.**

**2002. 812 The MOTION was PUT to the MEETING and was CARRIED.**

**Councillor Parkinson recorded his vote against the foregoing Resolution.**



## **ADOPTION OF AGENDA ORDER OF BUSINESS**

**2002. 813 RESOLVED:**

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

**That the Agenda Order of Business be adopted.**



## **MAYORAL MINUTE**

<b>M1</b>	<b>ENVIRONMENTAL HEALTH CONFERENCE</b>
<b>C11- 8</b>	<b>JLM (NRN) {Folio No. 242867}</b>

### **SUMMARY:**

To determine whether Council wishes to be represented at the 2002 National Environmental Health Conference.



The 29<sup>th</sup> Australian Institute of Environmental Health National Conference is to be held at the Manly Pacific Park Royal from Sunday 20<sup>th</sup> October to Friday 25<sup>th</sup> October. The registration cost of the conference is \$1450 and conference accommodation is being offered from \$196 per night. Accommodation would be required for six nights.

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**MAYOR**

The program is substantial and covers environmental issues, food safety, wastewater, sustainability, public health, animal management, salinity, contaminated land, noise, rural health and emergency management.

Councillor Bowell is a former Fellow of the NSW Division of Environmental Health and has expressed an interest in attending the conference.

**Financial Implications**

**The cost of the conference would be registration fee of \$1,450 plus accommodation \$1,176 plus airfare \$400 plus sustenance \$360.**

**Mayoral Recommendation:**

For Council's determination.

2002. 814

**RESOLVED:**

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

That no action be taken.

<b>M2</b>	<b>CIVIC RECEPTION</b>			
	<b>FILE: C18-7</b>	<b>JLM</b>	<b>(NRN)</b>	<b>{Folio No. 242907}</b>

**SUMMARY:**

To advise Council of the visit to Kempsey by the Fijian National Soccer Team.



The Fijian National Soccer Team will be playing the Macleay Valley Rangers in Kempsey over the weekend 9<sup>th</sup> and 10<sup>th</sup> November. The Fijian National Coach is Mr Les Scheinflug who was the Australian under 17 (Joeys) coach when that team visited Kempsey several years ago.

The Fijian entourage will be approximately 30 including 25 players and on match day local children will be involved through coaching clinics and mini competitions.

The Macleay Valley Rangers Soccer Club are requesting Council to hold a Civic Reception for the Fijian National Soccer Team. I think that it is a credit to this community and in particular the Rangers Club that the Fijians have chosen Kempsey to play.

**Financial Implications**

**There is provision in the budget to hold Civic Receptions.**

2002. 815

**RESOLVED:**

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

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MAYOR

**That Council hold a Civic Reception for the Fijian National Soccer Team during their visit to Kempsey in November.**

<b>M3</b>	<b>MID NORTH COAST GROUP OF COUNCILS</b>
<b>FILE: R5 - 2</b>	<b>JLM (NRN) {Folio No. 242908}</b>

**SUMMARY:**

To advise Council of the outcomes of the meeting of the Mid North Coast Group of Councils held on 9<sup>th</sup> August 2002.



The Mid North Coast Group of Councils meeting was held at Taree on the 9<sup>th</sup> August 2002 and was attended by the General Manager and myself.

The meeting was addressed by Councillor Shirley Close Mayor of Barraba on the role of the Police Ministers Advisory Council and Bill Calcutt Executive Officer of Australia's Holiday Coast Regional Development Board on Plan First.

Resolutions passed at the meeting that would be of interest to Council are: -

- That the MNC Group of Councils make representations to continue with Roads to Recovery Funding, promoting an incremental increase in allocation from 16% - 20% of fuel excise collections, with the allocation being paid directly from the Federal Government to Local Government.
- That the MNC Group of Councils support the early implementation of planFIRST in our region and invite The Hon. Dr Andrew Refshauge, MP, State Minister for Planning and Ms Holliday, Director General, planningNSW, to discuss progressing this initiative.
- That each Council consider issues relevant to its local area and at their discretion, raise those issues at meetings with the Area Health Board to promote the appropriate allocation of resources.
- That the MNC Group of Councils write to Lgov President, Cr. Peter Woods to:
  - i) seek clarification regarding the impact of the proposed Health Act changes on local government
  - ii) include reference to concerns raised at the last Country Mayors' meeting
  - iii) forward information provided by Paul Corben, Director Public Health, Mid North Coast Area Health Service regarding the proposed changes
  - iv) raise the concern that the proposed changes may be yet another unfunded mandate imposed on local government.

The possible formation of a regional organisation for the Mid North Coast was discussed. Some concerns were raised regarding the return to a formal regional organisation of Councils status due to the associated costs. Clr.

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Tuck, Mayor Greater Taree, is to research other ROC arrangements and provide information back to the group for further consideration at the next meeting.

Membership of the Group was clarified. Membership is to consist of Mayors and General Managers of participating Councils with a standing invitation to attend meetings being provided to all Councillors of the host Council.

The next meeting is to be held at Hastings Council on 26<sup>th</sup> November 2002.

**Financial Implications**

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

**Mayoral Recommendation:**

That the information be noted.

**MOVED:**

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

That the Mayoral Recommendation be adopted.

An Amendment was **MOVED:**

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

That representations be made through Mr Andrew Stoner MP Member for Oxley to the Minister for Health the Hon Craig Knowles MP for funding to be provided within the 2003/04 State Budget for at least, the initial planning for:-

- a) the re-building of the Kempsey District Hospital, and
- b) the construction of a new community health centre at South West Rocks.

2002. 816

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

<b>M4</b>	<b>MAYORAL ENGAGEMENTS SEPTEMBER/OCTOBER</b>
<b>FILE: C18-25</b>	<b>JLM (NRN) {Folio No. 242909}</b>

**SUMMARY:**

Reporting on the Mayoral Engagements since the ordinary meeting of Council on the 10<sup>th</sup> September.



Tuesday 10<sup>th</sup> September  
Ordinary Meeting of Council

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Thursday 12<sup>th</sup> September

Luncheon with Shadow Minister Duncan Gay

Monday 16<sup>th</sup> September

Macleay Development and Promotional Committee meeting

Tuesday 17<sup>th</sup> September

Attended Resource NSW Board meeting in Sydney

Wednesday 18<sup>th</sup> September

Kempsey Town Centre Master Plan Implementation Advisory Committee

Thursday 19<sup>th</sup> September

Meeting with rate payer

Friday 20<sup>th</sup> September

Attended Regional Development Board Meeting

Monday 23<sup>rd</sup> September

Hosted visit by Wellington Shire Council regarding the gaol

Tuesday 24<sup>th</sup> September

Attended Peter O'Donnell's Funeral

Wednesday 25<sup>th</sup> September

Meeting with ratepayer from South West Rocks

Meeting with journalist from the Land newspaper

Thursday 26<sup>th</sup> September

Attended State finals of baseball to welcome visitors

Friday 27<sup>th</sup> September

Meeting with resident

Attended 35<sup>th</sup> birthday luncheon for the Kempsey View Club

Saturday 28<sup>th</sup> September

Attended the presentation of the Odd fellows Hall to the Macleay Valley Arts Council

Sunday 29<sup>th</sup> September

Attended launch of George Arnett's novel at the Kempsey Museum

Tuesday 1<sup>st</sup> October

Attended promotional launch of the Curtis Carriage & Co. at Gladstone with Councillor Sowter

Attended Community Safety Council meeting

Visited the Fire Control Centre to thank local and visiting fire fighters

Wednesday 2<sup>nd</sup> October

Attended the presentation of the Golf Pro – Am at the Kempsey Golf Club

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Sunday 6<sup>th</sup> October  
Attended the Kundabung rodeo

***Financial Implications***

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

2002. 817

**RESOLVED:**

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

**That the information be noted.**

<b>M5</b>	<b>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)</b> <b>FILE: C18-25 TIH COPY BWC (NRN) {Folio No. 242911}</b>
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**SUMMARY:**

Reporting on suggestion from the Community Safety Council of how Council may be able to assist in preventing opportunities for crime through environmental design.



**KEMPSEY CBD**

**BACKGROUND:**

Over a long period of time local retailers have been expressing concerns regarding malicious damage to property, break and enters and anti social behaviour.

Recently the CBD has been the target for a number of criminal activities mainly break and enters and car theft.

Preliminary CPTED evaluation of sites have indicated that the design of buildings, landscaping and lack of building maintenance have been major contributing factors in the commission of criminal activity. E.g. 1.A set of stairs to the rooftops of shops in the CBD allowing easy access. 2. The lack of maintenance and boundary reinforcement fencing at the rear of shops in the Forth, Stuart and Smith Street block. 3. The Riverside Park car park (Elrington's car park), over planted, overgrown and poorly designed flora provides concealment points and reduces natural surveillance.

Council has recently undertaken steps to remove concealment points at the toilet block at South Kempsey Park and has removed trees in the RSL car park to improve natural surveillance and the efficiency of the street lighting. The removal of tall plants from the planter boxes in the Mall to improve natural surveillance.

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In 2001, the state government prepared crime prevention guidelines under section 79C of the Environmental Planning and Assessment Act 1997 as part of a broad approach to reduce crime through better design. (See attachment at [\(Appendix A\)](#))

In November 2001 two Council officers, David Tyrrell (Crime Prevention Officer) and Mark Innes (Strategic Planner) attended CPTED training conducted by the NSW Police Force.

Whilst section 79C applies to new development applications CPTED principles can also be used to evaluate crime sites of existing buildings when required. If a building or development application is received to make alterations to existing premises then it would seem appropriate to take the opportunity to apply the CPTED principles.

Recent CPTED evaluations of existing buildings in the CBD indicate that significant improvements could be made to deter criminal activity from taking place at some cost to private owners.

In order to make existing business and property owners aware of the deficiencies of the present situation it is proposed to hold a forum on 23/10/02.

The Community Safety Council passed the following resolution:

“That this Committee recommend to Council that development and building applications policy for commercial developments be amended to require that CPTED principles be incorporated in any future building and or development applications.”

#### ***Financial implications***

***Financial implications of this minute: Council's environmental services staff may take longer to process applications and Police and / or other Council staff's assistance may be required.***

#### **Mayoral Recommendation:**

**That development and building application's policy for commercial developments be amended to require that CPTED principles be incorporated in any future building and or development applications.**

**MOVED:**

*Moved: Cl. Sproule  
Seconded: Cl. Bowen*

**That the Mayoral Recommendation be adopted with the addition of:**

- 1. That the CPTED information be made available to all new non-commercial building and development applications.**

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2. That interested Councillors do an inspection of the Kempsey CBD and other areas as suggested by the Crime Prevention Officer in order to familiarise themselves with the current crime problem.

An Amendment was MOVED:

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

1. That the matter be the subject of a report to Council by the Director of Environmental Services.
2. That the Director of Corporate and Community Services report on the implications of the Law Enforcement (Powers and Responsibilities) Bill 2002.

The AMENDMENT was PUT to the Meeting and was LOST.

2002. 818 The MOTION was PUT to the MEETING and was CARRIED.



At this stage 10.48 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.18 a.m all present at the adjournment were in attendance.



### **RESCISSION MOTION - 1**

**FILE R POINT PLOMER**

Rescission Motion 1 was dealt with earlier in the meeting following the public forum.



### **RESCISSION MOTION - 2**

**FILE T5-74**

Rescission Motion No 2 was dealt with earlier in the meeting following the public forum.



### **RESCISSION MOTION - 3**

**FILE T5-61**

Rescission Motion 3 was dealt with earlier in the meeting following the public forum.

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## DELEGATE'S REPORT

<b>D 1</b>	<b>SOUTH WEST ROCKS AGED CARE FACILITY COMMITTEE FILE: A7-5 CLR J H BOWELL TIH (NRN)</b>	<b>{Folio No. 242915}</b>
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### SUMMARY:

Reporting on attendance at a meeting on Wednesday 25<sup>th</sup> September 2002.



The Chairman Mr Graham Dempster announced that the South West Rocks Country Club had donated \$4,000 to the Committee. In addition \$500 had been donated by the South West Rocks Lions Club and the Senior Citizens Association.

It was resolved:

1. That a further approach be made to the Department of State and Regional Development for funding assistance for the preparation of a Business Plan
2. That Messrs Luke Hartsuyker MP and Mark Vaile MP be requested to support the allocation of beds within the 2003 program.
3. That the Macleay Development Committee be requested to support the Committee in its endeavour to establish an Aged Care Facility at South West Rocks.
4. That the Mid North Coast Area Health Service be requested to consider the establishment of a new Community Health Centre in conjunction with the Aged Care Facility.
5. That the next meeting be held on Wednesday 4 December 2002 when it is anticipated the Crown Land Assessment for the Gordon Young Drive land will be completed.

2002. 819

**RESOLVED:**

*Moved: Cl. Powell  
Seconded: Cl. Mainey*

**That the information be noted.**



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## DIRECTOR ENVIRONMENTAL SERVICES REPORT

<b>DES 1</b>	<b>DRAFT LOCAL ENVIRONMENTAL PLAN NO 61 – NEW ENTRANCE FILE T5-61 MEI</b>	<b>{Folio No. 242916}</b>
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Item DES 1 was dealt with earlier in the meeting following the public forum.

<b>DES 2</b>	<b>RESIDENTIAL REZONING OF LAND IN PHILLIP DRIVE, SOUTH WEST ROCKS FILE T5-74 RBP</b>	<b>{Folio No. 242917}</b>
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Item DES 2 was dealt with earlier in the meeting following the public forum.

<b>DES 3</b>	<b>MODIFICATIONS TO CONSENT – PROPOSED TAVERN NEW ENTRANCE FILE T6-00-288 RBP</b>	<b>{Folio No. 242918}</b>
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### SUMMARY:

Reporting that Council has received an application to modify conditions relating to a proposed tavern at South West Rocks for which objections have been received.



Subject Land: Lot 4 DP 1022342 New Entrance Road  
South West Rocks  
Applicant: S & C McEvoy

### Description of the Proposal

As originally submitted, the applicant sought modifications to an approved tavern relating to:-

- 1 Condition 13 - involving the provision of log barriers and a grassed swale across the frontage of the development to be replaced by shoulder widening and kerb and guttering to facilitate parking in front of the Tavern. Having regard to difficulties relating to maintaining the existing drainage regime resulting from the shoulder widening, the applicant agreed to withdraw this aspect of the development and

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construct a modified grass swale with retention of all required vehicle barriers in accordance with the terms of the current consent.

- 2 Amend part of the external cladding to be of bagged and painted cavity brick in place of a timber frame with lightweight bagged and painted cladding. As advised to the applicant, it is considered that this aspect of the development does not require any modification to the consent as it is substantially in accordance with the approved development. The external appearance of the building will remain unaltered by the changes.
- 3 Conditions 10 and 11 - involving modifications to the approved Noise Impact Statement which form part of the approved development. As all other aspects of the modification have either been withdrawn or not required, Council is required to consider this aspect of the modification only.

### **Noise Control Measures**

- a) The proposed amendments to the Noise Impact Statement involve decreasing the thickness of the laminated glass to the toilets, office and staffroom to 6.38mm in place of the recommended 8mm laminated glass. In this regard, the applicants acoustic consultant has certified that the amendments will not significantly degrade the noise attenuation provided on the basis that the windows are closed during entertainment, the offices and staff room doors are closed during entertainment, and the toilet doors include self closing mechanisms.  
[\(Appendix 'H'\)](#)
- b) The amendments to the acoustic consultants' original report also include increasing the thickness of the laminated glass for the windows surrounding the Tavern from 12mm to 13mm. Although the glass is to be increased in thickness, the acoustic consultant is not prepared to certify it will meet the necessary noise attenuation levels as 12mm glass is no longer available and no testing has been carried out to verify the performance of the thicker glass. The consultant suggests that the matter be determined upon monitoring of noise with noise settings to be adjusted, if necessary, to ensure compliance.  
[\(Appendix 'I'\)](#)

### **Planning Comment**

- a) No objection is raised to amendment to Condition 10 to include reference to the consultants' letter of 13 August 2002 incorporating the minor changes. Similarly, reference to the consultants' letter should also be included in Condition 11 relating to subsequent monitoring.
- b) As the window glass is of the same type as previously certified and is actually thicker, it is reasonable to assume that any effects of the variation to noise amelioration performance is likely to be negligible. However, Condition 11 requires monitoring of noise, including at least

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one period during which public entertainment is provided in order to verify the performance of all proposed noise amelioration measures. In the event any of the various amelioration measures indicate exceedences of EPA criteria, it will be necessary to install noise limiters.

Conditions 10 and 11 should be amended to also include reference to the consultants letter of 14 August 2002.

**Public Exhibition**

Have regard to the significance placed on noise measures by previous objectors, in accordance with Councils public notification policy, the amended proposal was advertised with 32 objections (including one confidential objection) having been received which may be summarised as follows:-

(Appendix 'J')

<b>Objection</b>		<b>Planning Comment</b>	
1	Thickness of laminated glass should not be altered unless it has been tested to ensure compliance.	1	See "Noise Control Measures".
2	Log barriers and parking restrictions required for safety reasons and should remain.	2	See "Description of Proposal".
3	Kerb and guttering would be unsightly and would alter drainage.	3	See "Description of Proposal".
4	Cannot alter requirements of the noise report without the approval of the Licensing Court.	4	Council is restricted in its considerations to the relevant requirements of the Environmental Planning and Assessment Act, 1979.  Compliance with any requirements of the Licensing Court is not a relevant head of consideration and is a matter for the Licensing Court to determine.  See also "Noise Control Measures".
5	Block walls have already	5	The alterations are of

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	been constructed.		minor significance and a Section 96 modification is not considered to be necessary.
6	Other conditions relating to fencing and silt control have not been met.	6	Although not relevant to Councils consideration of the application, on-going discussions continue with the developer to correct periodic non-compliance with such conditions.
7	Timber bollards and grassed verge more in keeping with the area and should be retained.	7	See "Description of the Development".
8	Preparation works for kerb and guttering already undertaken.	8	The works undertaken relate to a dish drain, which is in accordance with the current approval.
9	Additional parking in front of Tavern is unnecessary as car park is adequate.	9	Agreed.

**Director Environmental Services Recommendation:**

- A That pursuant Section 96 of the Environmental Planning Assessment act, Council agree to modify the consent as follows:**

**Condition 10 to read:**

**"The plans submitted for the required Construction Certificate are to incorporate all relevant measures listed in the Noise Impact Statement prepared H K Clarke and Associates Pty Ltd dated 18 May 2000 (as amended by H K Clarke and Associates letters of 13 & 14 August 2002)."**

**Condition 11 to read:**

**"All measures detailed in the Noise Impact Statement prepared by H K Clarke and Associates Pty Ltd, dated 18 May 2000, (as amended by H K Clarke & Associates letters of 13 & 14 August 2002) are to be implemented and a report prepared by a suitably qualified person is to be submitted to Council verifying the results of monitoring having regard to all parameters identified in the Noise Impact Statement. The report is to be submitted within thirty (30) days of occupation of**

the premises, except as otherwise agreed to by Council and is to include at least one period during which public entertainment is provided.”

**B That the objectors be advised of Councils decision.**

**MOVED:**

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

**That new glass not be installed until it is tested by an approved sound testing consultant.**

**An Amendment was MOVED:**

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

**That the Director’s recommendation be adopted.**

**2002. 820**

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

**Councillor Parkinson recorded his vote against the foregoing Resolution.**

**DES 4 APPLICATION TO REZONE LAND IN PACIFIC STREET, CRESCENT HEAD, TO 3(a) COMMERCIAL FILE: LA9602, LA9601, LA13033, LA9600 MEI {Folio No. 242919}**

**SUMMARY:**

Reporting on an application to rezone three adjoining lots in Pacific Street, Crescent Head, from 2(b1) Residential to 3(a) Commercial.



Subject Land: Lots 219, 221, 223 DP 754441, being No’s 25, 23 and 21 Pacific Street, Crescent Head  
Owner: John Volker  
Current Zoning: 2(B1) Residential  
Proposed Zoning: 3(a) Commercial

This matter was first considered at Council’s meeting of 12 February 2002 (see attached [\(Appendix ‘K’\)](#)). It was recommended that Council consider including lot 217, the adjoining lot to the subject land on the corner of Lee and Pacific Streets, in the proposal enable a service lane running off Lee Street to provide for deliveries, garbage collection, off-street parking access etc. Council subsequently resolved:

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**MAYOR**

- “1 That Council consult the owners of Lot 217 DP 754441 to ascertain their interest in having their property rezoned from 2(B1) residential to 3(a) Business (General); and
- 2 That Council advise the owner of Lots 219, 221 and 223 DP 7544441 of this.”

Following consultation with the owners of Lot 217 they have decided that at this stage they do not wish to rezone this property as proposed (see [\(Appendix 'L'\)](#)). This leaves Council with the following options:-

- 1 Rezone only the subject land and not provide service lane access, thereby requiring all service vehicles e.g. delivery trucks, garbage services, trades vehicles etc. to access the land directly off Pacific Street.
- 2 Proceed with the rezoning with Lot 217 included despite the owners stated preference not to have their property rezoned.
- 3 Not proceed with the rezoning until such time as a Town Centre Master Plan or similar document is prepared for the commercial and adjoining areas of Crescent Head. Any rezoning could then proceed in accordance with an overall strategy for the Crescent Head town centre.

Option 3 is probably the most desirable from a comprehensive planning perspective, and as previously advised, PlanningNSW now prefers rezonings to be undertaken in accordance with an agreed strategy for an area. Environmental Services has included the preparation of a Crescent Head Town Centre Masterplan in its 5 year budget program, and the rezoning could proceed following the completion of the Master Plan.

Option 2 is probably not an approach Council should take in the absence of an overall strategy for an area that has determined the need or desirability of such a rezoning. However, there is no doubt as to the value of including Lot 217 in any proposal for this area as a means of ensuring that any future intensification of commercial development would not lead to traffic problems on Pacific Street due to the lack of a service lane running off Lee Street.

As originally reported it is questionable if Option 1 should be adopted without the provision of the lane.

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

**That Council not proceed with the application to rezone the subject land until the completion of an appropriate planning study for the Crescent Head town centre.**

**MOVED:**

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

**That Director Environmental Services Recommendation be adopted.**

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An Amendment was MOVED:

Moved: Cl. Parkinson  
Seconded: Cl. Sproule

1. That the Director Environmental Services Recommendation be adopted.
2. That Council implement a process to apply for an environmental levy to be included in next years rates to address the environmental issues raised in this report.

2002. 821 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

<b>DES 5</b>	<b>TREE PRESERVATION ORDER FILE T11-3 BWC (NRN)</b>	<b>{Folio No. 242920}</b>
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**SUMMARY:**

Reporting on Submissions received in respect to the Draft Tree Preservation Order 2002.



The Draft Tree Preservation Order (TPO) 2002 was advertised for comment. Six (6) submissions were received and the points raised are summarised as follows:

<b>Submission</b>	<b>Comment</b>		
1	“Include within Significant Tree Schedule” all mature trees within an historic precinct.	1	The TPO already requires that approval be sought to remove/lop trees in Clause 2.1, the zonings are indicated.
2	Include an additional subsection under Clause 2.1 to include land subject to private and registered environmental arrangements.	2	Clause 2.1 outlines the zoning to which the TPO applies if trees, the subject to a private arrangement are within those zones, they would be covered by the TPO.  Private arrangements outside those zones would not be covered.
3	Increase diameter from 200mm to 350mm.	3	Not considered an appropriate change.
4	Increase limb size from	4	Not considered an

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	50mm to 200mm.		appropriate change.
5	Increase distance from building from 5m to 8m.	5	This has been examined previously and in a residential area it could result in nearly all trees being able to be removed.
6	Add Liquid Amber trees to trees exempt from the TPO. (No reason given.)	6	Not considered necessary to have the species included in the exemption list.
7	Provide greater explanation as to why some trees are on the Exemption list.	7	The word "invasive" has been added where appropriate.
8	Include Magnolia grandiflora (Bull Bay Magnolia) at 15 Lord Street, Kempsey.	8	The tree is a very large and prominent tree within the streetscape and is considered worthy of inclusion on the Significant Tree Register.

In respect to the Magnolia Tree a letter was forwarded to the property owner on 2 September 2002 advising of the suggestion of having the tree included in the Significant Tree Register. It was pointed out that, if the tree is declared as a Significant Tree, development consent would be required for removal, pruning, topping or lopping and that Council would advertise any application for public comment. No response has been received.

A number of other suggestions have been made which are outside the scope of the TPO and relate in part to issues related to clearing of native vegetation for which a separate approval is required from the Department of Land and Water Conservation. One (1) submission for example recommended in independent studies for historic, scientific, aesthetic and cultural trees in the Macleay Valley and as well identifying habitat trees to be undertaken and Wildlife Corridors maintained. Another made suggestions in relation to Street Plantings.

It should be remembered that the TPO is intended to provide guidance and outline procedures related to seeking approval to remove/lop trees. Many shrubs and small trees fall outside the requirements by virtue of the definition in TPO of "a tree" that is:

A plant with a single trunk and with a timber diameter of more than 200mm, measured at a point 600mm at the ground level **and**:

- i Has a height of more than 3 metres; or
- ii Is a heritage listed tree irrespective of size; or
- iii Is rare or endangered plant/tree irrespective of size

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iv Is identified as providing habitat for any threatened species.

Some trees, suggested as significant are located on parks, roads or reserves and as such are outside the scope of the TPO. However Council, should develop for its own records, trees that have a significance by virtue of their size, location and reason for planting e.g. commemorative purposes.

After consideration of the submissions received the Draft TPO has been amended to:-

- 1 Add the Magnolia Tree at 15 Lord Street Kempsey to the Significant Tree Register.
- 2 Add the word 'invasive' in respect to certain plants in Schedule 2.
- 3 Insert Rural Fire Act 1997 in Clause 2.4 in lieu of Bush Fire Act 1949.

A copy of the amended TPO is submitted as a separate document with this report.

**Director Environmental Services Recommendation:**

**That Council adopt the Tree Preservation Order as submitted and advertise the making of the Order as required by the Environmental Planning & Assessment Model Provisions.**

2002. 822

**RESOLVED:**

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

**That this item be deferred to the next Council meeting.**

**DES 6**

**STATE OF ENVIRONMENT REPORT  
FILE T4-2 BWC (NRN)**

**{Folio No. 242921}**

**SUMMARY:**

Reporting on the finalisation of the State of the Environment (SOE) report for 2001/2002.



The SOE report for 2001/2002 has been completed and is attached as a separate document.

The Local Government Act and Regulations provide that a comprehensive SOE report is to be produced in the year after each election of Councillors and subsequent reports may be a Supplementary Report. The Supplementary Report is to identify, where applicable, new environmental impacts and update trends in the indicators.

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The report prepared for 2001/2002 is a Supplementary Report. A different format has been used to the previous comprehensive report.

No new maps are included in the Supplementary Report. The Report addresses matters related to trends in respect to the environmental indicators, land, waste, air, biodiversity, waste and toxic hazards, noise, Aboriginal and Non Aboriginal Heritage.

The Supplementary Reports forms part of the comprehensive Report prepared in 1999/2000 in that it is an update on situations and activities.

**Director Environmental Services Recommendation:**

**That the 2001/2002 State of the Environmental Supplementary Report be received.**

2002. 823

**RESOLVED:**

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

**That this item be deferred to the next Council meeting.**

<b>DES 7</b>	<b>PARKING CLYDE STREET, KEMPSEY</b>
<b>FILE PI-7 BWC</b>	<b>{Folio No. 242922}</b>

**SUMMARY:**

Reporting on a request for the provision of staff parking in the Clyde Street Parking Area.



A letter has been received from the National Management of Best & Less requesting that Council allow staff to park in the Clyde Street Car Park, that is 2 hours time restricted. Effectively the request is that staff be permitted to park in the area at any time for any period. The letter at [\(Appendix 'M'\)](#) also points out that the request is made due to what is seen as intimidative and anti-social behaviour by some members of the community.

In June 2002 a similar request was received from the store manager. In response to that letter the following comments were made.

- **Staff Parking**

*Whilst understanding your concerns, unfortunately it would not be equitable to provide any staff parking spaces for only a single commercial property. The car park has been provided so as to assist shoppers to have reasonable access to shops and other commercial premises. I could suggest that to possibly overcome your concern regarding walking in the dark, at this time of the year, that you permit staff to move their vehicles late in the afternoon to the car park*

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*adjacent to your store, so that the restricted time applying to the area is not breached.*

- **Security**

*Council is not in a position to provide security officers within the area. Generally security officers are employed by a business or group of businesses.*

The Clyde St Car Park is 2-hour time unrestricted from 8.30am to 6pm. The nearest unrestricted parking area is approximately 200m from the Store via public roads. It is acknowledged that during 6 to 8 weeks in winter, that it could be dark when the store closes. The suggestion made in June i.e. to relocate vehicles, would permit vehicles to be parked in the Car park from 4pm. The question raised in the current letter "is/are the Council Rangers aware of this (parking)" – is simply answered by yes.

If Council was to permit unrestricted parking in the Clyde St Car Park, which is in a prime location, it is suggested that the majority, if not all spaces would be taken up by persons working within the CBD. This would no doubt draw complaints from shoppers and other users of the area.

Currently unrestricted parking is permitted in the following Council Car parks:

- Ampol Service Station
- Eden Street
- Adjacent to the Pensioners Hall in Clyde Street.

There are also areas in Forth Street that are unrestricted. It is unfortunate that the existing site coverage of most commercial properties is such that on-site parking is not available. Prime public parking areas should not be held for staff parking.

The anti-social behaviour issue is one that should be raised with the Police. Council staff are not on duty at the time of store closure, nor does Council have the resources to provide security officers, or similar in the area.

**Director Environmental Services Recommendation:**

**That:**

- **Council advise the current restrictions are to remain.**
- **The issue of anti-social behaviour will be referred to the Police.**

2002. 824

**RESOLVED:**

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

**That:**

- **Council advise the current restrictions are to remain.**

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- **The issue of anti-social behaviour will be referred to the Police and Council's Crime Prevention Officer.**

<b>DES 8</b>	<b>MACLEAY RIVER</b>	<b>{Folio No. 242923}</b>
	<b>FILE F4 BWC (NRN)</b>	

**SUMMARY:**

Reporting that a meeting has been held to ascertain issues related to fishing of the Macleay River.



As reported, verbally, to Council on 10<sup>th</sup> September 2002 a meeting was held on the 4<sup>th</sup> September 2002 with various stakeholders to ascertain concerns and common ground in respect to fishing, professional and recreational, of the Macleay River. The discussion related to the River and tributaries downstream from Kempsey.

Those involved in the discussions were:

Mr C Blanch – BASS Kempsey  
Mr A Lyons – Recreational Fisheries  
Mr T Byrnes – Region 3 Fisheries  
Mr B Townsend – Macleay River District Fishermans Cooperative  
Mr V Grezl – South West Rocks (Marine Business)  
Mr L Sharman – Kempsey (Fishing Equipment Business)  
Councillor Hayes, Councillor Sproule and Councillor Bowell

Following the discussions it was agreed that any submission, to the Minister for Fisheries would be based on a submission to the Region 3 discussions held in September 2001 and other issues related to compliance, scientific reports, out of river fishers and partial opening of other rivers.

A Draft Report was forwarded to participants requesting that they review the draft and submit any comments for consideration for mention in the final document.

In response to that request two (2) participants, Mr L Sharman and Mr C Blanch have indicated that they no longer support the agreement reached and would be canvassing for a total closure of the Macleay River to professional fishers. Mr Sharman now requests Council to lobby the Minister to close the river to all types of commercial fishing.

The issue now for Council is whether to:

- a) Proceed with a submission based on a partial closure of the river and some tributaries, as agreed to at the meeting on the 4<sup>th</sup> September 2002.

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- b) Request of a total closure, to professional fishing.
- c) Not proceed with any submission.

In respect to the partial closure, which relates in part to a combined submission to the Region 3 meetings, the following were the issues to be presented to the Minister:

- Agree to a partial closure of the Macleay River and create Recreational Fishing Havens:
  - (a) from "The Cut" downstream to the entrance, in the mainstream by banning all commercial methods except handlines;
  - (b) in Kinchela Creek by banning all netting;
  - (c) banning of netting upstream from Kinchela Creek during the months June, July and August (bass spawning closure).
- Provide adequate and effective attention to compliance issues on the Macleay River with the permanent appointment of a Fisheries Inspector to South West Rocks.
- Publicly release the results of surveys and scientific reports that have been undertaken, of the Macleay River since March 2001.
- Limit the activity of professional fishers to travel to various river systems in Region 3.
- Permit the partial opening of other rivers for specific species.

It needs to be recognised that any closure or otherwise of the Macleay River, in respect to fishing is a matter for the Minister for Fisheries not Council.

Also there are many often competing interests in respect to the use of the resource ie. Fish. Professional fishers supply to the wider market, whereas for recreational fishers it is a recreational sport and a food source.

Until the recent closures and buyout of professional fishers both users had the opportunity to utilise the Macleay River.

Unfortunately from a tourism point of view it could be argued that the recent publication Recreational Fishing Havens makes no reference to the Macleay River thus implying, at least by the lack of reference, that the Macleay River is unlikely to be suitable for recreational fishing - A most negative message.

It is considered that the issues to be raised with the Minister were a balanced view on local issues that impact on the fishing of the Macleay River and its tributaries.

2002. 825

**RESOLVED:**

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

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That Council proceed with the preparation of a submission to the Minister for Fisheries based on the agreement obtained at a meeting of the 4<sup>th</sup> September 2002.

<b>DES 9</b>	<b>PROPOSED COMMUNITY TENANCY OFFICE, SOUTH KEMPSEY</b>	<b>{Folio No. 242924}</b>
	<b>FILE T6-02-458 RBP</b>	

**SUMMARY:**

Reporting that Council has received an application to change the use of a dwelling to a community tenancy office for which an objection has been received.



Applicant: Kempsey Shire Council  
Subject Land: Lot 9 DP 8467 No 74 Middleton Street, South Kempsey  
Zone: 2(a) Residential

**Description of the Proposal**

The proposal is to change the use of an existing dwelling to a community tenancy office to be operated by the Department of Housing.

**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.

Although offices are prohibited within the 2(a) residential zone, the proposal may be considered as a “community building” on the basis that Council has entered into a lease agreement with the Department to also use the premises for such purposes.

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

**Access and Parking**

Although described as a community cottage and office on the development application, the Department has advised that it

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is not intended to provide any community based activities at the centre with the building to be used exclusively as an office servicing tenants of the Department in the South Kempsey area. On this basis, and on the basis that the proposal is for a two year period only, the two parking spaces at the rear at likely to be adequate to serve the development.

In the event the Department wishes to extend the period, it is considered reasonable to impose a condition whereby additional carparking could be required. The consent should also specify that the approval is for the purposes of a community tenancy office only.

In order to encourage the use of the parking at the rear and having regard for the narrow carriageway in front of the premises, a sign indicating the availability of parking at the rear should also be required.

### **Disabled Access**

Having regard to the fact that the facility is for the use of the community, the applicant proposes to provide a disabled access ramp. However, the Department have advised that they are not prepared to provide a disabled toilet facility due to the close location to the tenants dwellings and as the use is only temporary.

### **Planning Comment**

As access for disabled people is to be provided in accordance with the requirements of the Building Code of Australia and Council's Development Control Plan No 24 - Access and Mobility, it is considered that in the event any disabled person were to complain over the lack of a disabled toilet facility, that Council may have been seen to have acted discriminately.

The Department wishes to utilise the building for up to two years and a requirement to provide a unisex disabled facility by modifying the existing toilet is considered reasonable in the circumstances.

### **Statutory Requirements**

In accordance with Section 116C of the Environmental Planning and Assessment and Act, Council may not impose any condition on its consent without the written approval of the Department. In the event the Department does not agree to the conditions it would be necessary to refer the matter to the Minister for Planning for determination.

With the exception of the condition requiring a disabled toilet facility, all other draft conditions have been agreed to.

### **Public Exhibition**

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The application was advertised for public comment with one submission having been received which may be summarised as follows. [\(Appendix 'N'\)](#)

<b>Objection</b>	<b>Planning Comment</b>
1 More information requested concerning the operation of the premises.	1 Advice provided by the Department is that 1-2 staff operating up to three (3) days per week between normal office hours will provide an enquiry service to Department of Housing tenants in the South Kempsey area.  No community, social or educational activities are proposed.
2 Why is property owned by the Department of Housing yet leased by Kempsey Shire Council?	2 The lease also allows Council to operate the premises for such purposes  The lease is required to overcome the zoning restrictions applying to offices. Under the draft amendments to Kempsey Local Environmental Plan 1987 community based activities will be permitted, whether or not the premises is owned or leased by Council.
3 Road is too narrow.	3 Ample space exists at the rear of the premises for parking and a sign at the front indicating it's availability would reduce any conflicts.  A condition is proposed to be imposed whereby Council could ask for additional parking in the event proposed parking is shown to be

4 Why is there a need for another office in Middleton Street.

inadequate.

As no community social or educational activities are, proposed the potential for traffic conflict is likely to be minimal.

4 The activities offered are different to the existing community cottage and provide a more centralised location for Department of Housing tenants.

2002. 826

**RESOLVED:**

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

**A That the written agreement of the Department of Housing be sought to the imposition of the following draft conditions of consent.**

- 1 The development is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 Provision of at least two (2) off-street car parking spaces. The proposed driveway and parking area is to be constructed to at least gravel paved standard prior to commencement of the use. Additional off-street parking shall be provided if, in the opinion of Kempsey Shire Council, any on-street parking occurs which is resulting in conflict with traffic on Middleton Street.**
- 3 This consent allows the use of the building as a community tenancy office for a period of two (2) years from the date of this consent. A written request will be required if it is intended to continue to use beyond the specified period. Any agreement to extend the consent may be contingent upon the upgrading and provision of additional parking.**
- 4 Provision of a sign at the front of the premises indicating the availability of parking at the rear prior to commencement of the use.**
- 5 Access is to be provided in accordance with the requirements of *AS 1428.1 Design for Access and Mobility*, including provision of a unisex disabled toilet facility prior to commencement of the use.**

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- 6 A certificate is to be provided by a suitably qualified person certifying that the building has an adequate load bearing capacity for the intended use prior to commencement of the use.
- 7 Essential fire safety measures, as defined by Clause 80A of the *Environmental Planning and Assessment Act, 1979* and as specified by this condition are to be implemented prior to commencement of the use.
- Fire safety measures required to be implemented include the provision of portable fire extinguishers in accordance with AS 2444.
- Upon occupation of the building, a Fire Safety Certificate shall be submitted to Council in the form required by the *Environmental Planning and Assessment Regulation 2000.*
- 8 Every twelve (12) months from the date of submission of the Fire Safety Certificate, the owner of the premises shall furnish Council with an annual Fire Safety Statement in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000.* A copy of the Statement is to be furnished to the New South Wales Fire Brigades and a further copy prominently displayed within the building.
- 9 All work is to be carried out in accordance with the requirements of the Building Code of Australia.
- B That the Department be advised that the Council considers the requirement to provide a unisex disabled toilet facility to be reasonable having regard to the intended use of the premises and its likely use by disabled persons.
- C That upon receipt of the Department's written agreement that consent be granted in accordance with such conditions.
- D That Council advise the objector of Council's decision.

DES 10	COMMUNITY WORKSHOPS HELD TO REVIEW SOUTH WEST ROCKS STRUCTURE PLAN FILE T4-88 MEI (NRN) {Folio No. 242925}
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**SUMMARY:**

Reporting on the proceedings of two community workshops held in South West Rocks as part of the review of the South West Rocks Structure Plan.

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Development in South West Rocks is currently guided by the urban development strategy detailed in the South West Rocks Structure Plan. The Structure Plan was adopted by Council in 1995 to address the pressures created by the strong urban growth of the town.

The objectives of the plan are as follows:

- To provide for the orderly and economic development of available land at South West Rocks;
- To protect the environmentally sensitive and scenically attractive lands of the South West Rocks basin;
- To ensure that growth does not proceed to the detriment of fishing, tourist or recreational industries;
- To protect and make the best use of the attractive visual backdrop available to residents within the study area;
- To identify the most appropriate land uses for land zoned 1(d) Rural Investigations;
- To provide direction for the establishment of infrastructure to serve growth in the study area in a timely and efficient manner; and
- To the extent practical, to reflect the wishes of the local community in the manner they wish development to proceed.

The Structure Plan also addressed the following issues:

- The nature of existing growth pressures in the study area;
- The nature of development sought by the residents of the study area;
- Constraints of the expansion of the study area, particularly in regard to the provision of infrastructure and essential services;
- Environmental constraints to the expansion of the study area, particularly wetlands and estuarine area;
- Potential hazards constraining expansion of the study area including flooding, coastal storm surge and potentially contaminated land sites; and
- Opportunities for residential, rural residential, industrial, commercial, tourist and recreational uses within the study area.

The purpose of the Structure Plan is to identify the preferred land uses for future growth and development of the area.

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Since the adoption of the Structure Plan in 1995, South West Rocks has continued its strong population growth, which has been guided according to the fundamentals of the plan. However, coastal development is facing an increasingly rigorous regulatory framework (e.g. NSW Coastal Policy, Threatened Species Conservation Act, Environmental Protection and Biodiversity Act, increasing requirements for Land Release Strategies etc...) and community expectations as to the nature of the development of their local area can vary over time. The structure Plan has also been deemed to be too general for inclusion in Council's Residential Land Release Strategy. However, it did form the basis for the currently adopted strategy. Further, more comprehensive information may now be available with regard to constraints on development which was not available at the time the Structure Plan was developed.

As a result a review of the Structure Plan is now in progress. As part of this review the consultants recently held two public workshops in South West Rocks to enable community input into the review process, on the evening of Tuesday 17 September and the morning of Wednesday 18 September.

A total of 160 people attended the two workshops, which were characterised by the obvious enthusiasm of the participants to be involved in the review and their desire to have their say on the future of South West Rocks. The consultants were extremely pleased with the input received at the workshops and the manner in which the participants conducted themselves. The matters raised were wide-ranging and well articulated and will greatly assist the consultants in preparing their recommendations to Council.

The consultants are now working on the draft report of the review to be forwarded to Council.

**Director Environmental Services Recommendation:**

**That the information be noted.**

**MOVED:**

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

**That the Director Environmental Services Recommendation be adopted.**

**An Amendment was MOVED:**

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

**That dot points 2, 4 and 7 of the South West Rocks Structure Plan as detailed in the Director's report be deleted from the plan.**

**The amendment lapsed for want of a seconder.**

**2002. 827**

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

**DES 11 DANGEROUS DOG DECLARATION**

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**SUMMARY:**

Reporting on an incident which warrants considering declaring a dog to be dangerous under the provisions of the Companion Animals Act.



The German Shepherd cross dog, ordinarily kept at 26 Fern Tree Close, South West Rocks has allegedly, without provocation attacked several persons within the area. A petition has been received in respect to the problem.

A letter was forwarded to the owner of the dog inviting him to indicate as to why Council should not declare the dog to be dangerous. Whilst a telephone response was received no formal written response, as requested, was received.

If a dog is declared dangerous the following requirements would apply:-

- 1 Have the dog desexed within twenty eight (28) days from when notice is given to you of Council's decision.
- 2 Ensure that the dog is kept in a child-proof enclosure on the property on which it is ordinarily kept.
- 3 The dog must not at any time be in the sole charge of a person under the age of 18 years.
- 4 One or more signs must be displayed showing wording: "WARNING DANGEROUS DOG", and to be clearly visible from the boundaries of the property.
- 5 When the dog is away from the property where it is ordinarily kept, it must be under effective control of some competent person by means of an adequate chain, cord or leash and have a muzzle securely fixed on its mouth in such a manner as will prevent it from biting any person or animal.

**Exemptions**

**If the dog is taken by or on behalf of the owner to any property on which the dog is to be kept temporarily (e.g. vet or boarding kennel), the owner must ensure:-**

- the dog is under the effective control of some competent person by means of an adequate chain, cord or leash; or

- the dog is otherwise under effective control so as to prevent it from attacking any person or animal and one or more signs are displayed on the property.
- 6 The owner must inform any new owner of the declaration on or before a change of ownership and of the requirements applicable to comply with the declaration.
  - 7 The dog must not be sold to any person under the age of 18 years..
  - 8 The Council of the area, where the dog is ordinarily kept, must be notified:-
    - if the dog has attacked or injured any person - notification be given within 24 hours after the attack or injury;
    - if the dog cannot be found within 24 hours of absence of dog noticed;
    - if the dog has died;
    - within 24 hours of change of ownership;
    - if the dog is no longer being kept in the Council area;
    - if the dog is being kept at another address within the Council area.
  - 9 If the owner intends to keep the dog in the area of a Council that is not the area in which the dog is ordinarily kept, the owner must notify the Council of his or her intention.

Based on the complaints and investigation by Council's Ranger, it is considered that a Dangerous Dog Declaration should be made.

2002. 828

**RESOLVED:**

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

**That Council declare the black/tan German Shepherd cross dog ordinarily kept at 26 Fern Tree Close, South West Rocks to be dangerous under the provisions of the Companion Animals Act.**

**DES 12      FIXING OF COUNCIL'S SEAL RELEASE OF  
TRANSMISSION EASEMENT  
FILE LA 17736 AJC      {Folio No. 242927}**

**SUMMARY:**

Reporting on proposal to extinguish the existing electricity transmission easement 20 metres wide created in deposited plan 590894 and affecting existing lot 27 DP 777344.




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**Applicant:** Mr A B Hughes c/- Donovan Oates and Hannaford, Solicitors.

**Subject Land:** Lot 27 DP 777344, 87 Everinghams Lane, Frederickton.

**Proposal**

The proposal is to cancel the existing easement for transmission of electricity over the lot 27 DP 777344 as shown in the plan and 88B instrument attached to this report as ([Appendix 'O'](#)).

Kempsey Shire Council has been named in the instrument as the benefiting authority.

The applicant's solicitor has advised Council that CountryEnergy has provided a Cancellation for this easement, however Land and Property Information NSW advises that Kempsey Shire Council has the benefit of the easement and must agree to extinguish the easement.

A Council officer has inspected the site and all the existing electricity transmission lines are wholly located within the present Everinghams Lane road reserve and not within the subject land.

There is no objection to this proposal for the following reasons: -

- a) Council has no interest in remaining the benefiting authority for an easement to accommodate transmission of electricity; and
- b) There is a current application to subdivide lot 27 DP777344 and part of that approval requires the applicant to make satisfactory arrangements with CountryEnergy for the provision of electricity to the new lots. This will ensure compliance with Countryenergy requirements for the supply of electricity to this site.

2002. 829

**RESOLVED:**

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

**That Council sign and affix its Seal to the Cancellation or Extinguishment of Easement form 20ECE supplied by the applicant's solicitor.**

<b>DES 13</b>	<b>PROPOSED WHALE WATCHING TOWER – CRESCENT HEAD FILE T6-02-466 JR</b>	<b>{Folio No. 242928}</b>
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Item DES 13 was dealt with earlier in the meeting following the public forum.

<b>DES 14</b>	<b>PROPOSED SPLIT LEVEL DWELLING</b>
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**SUMMARY:**

Reporting that Council has received an application to build a split-level dwelling on an allotment for which objections have been received.



Applicant: Turpin and Burton Architects  
Subject Land: Lot 324 DP 754441  
No 4 Dulconghi Street, Crescent Head  
Zone: Residential 2(a)

**Proposed Development**

The proposal is to demolish the existing residence to construct a new split-level dwelling on the subject allotment. The existing college is approximately thirty (30) years old.

**Siting**

The site is situated on the eastern side of Dulconghi Street. The land falls steeply from the rear to the front of the allotment with approximately 10m fall over the depth of the allotment.

**Heads of Considerations**

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 may be defined as a “dwelling house” and is permissible with consent in the 2(v) (village zone) under Kempsey Local Environmental Plan 1987. The proposal is not contrary to any State Environmental Planning or North Coast Regional Environmental Plan 1998.

**Development Control Plan No 22 Assessment**

Standard	Required	Proposed	Complies Y/N
DENSITY	Low 400m <sup>2</sup>	615m <sup>2</sup>	Yes
LANDSCAPING	130m <sup>2</sup>	Available area 7130m <sup>2</sup>	Yes
SETBACKS SIDE - North Elevation - - South Elevation	1.5m two storey 900mm single storey 900mm single storey	1.8m  0.9mm	Yes  Yes
HEIGHT	6.2 metres	<6.2m	Yes
LONG WALL CUT/FILL	20 metres 1.5 metres	<20 metres 1.58 metres	Yes No

**Issues arising with DCP No 22**

1 Site cut exceeds 1.5m

**Comment**

The development in terms of building height is sympathetic with the slope of the land and the development is layered up the slope. The site cuts will be obscured by the building. It is concluded that the minor departure from DCP 22 in respect to cut depth is warranted and should be supported in this instance.

**Advertising**

The proposal was advertised in accordance with Councils Policy with one (1) submission received. [\(Appendix 'V'\)](#)

The submission may be summarised as follows.

**Submission**

**Planning Comment**

1 Loss of visual privacy.  
  
Persons on deck bed 1 will have direct line of site into bed 2/bed 3 and our pavilion living area.

1 The applicant has provided photo's of the existing trees along boundary [\(Appendix 'W'\)](#). These plantings at approximately 1.5m centres of Banksia will provide a screen of 5m

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2 Front verandah will allow direct vision into dining, kitchen, family, bedroom and deck area.

2

height when mature.

[\(Appendix 'X'\)](#)

The applicant modified the plans and now provides for a 1.8m setback to the boundary instead of 0.9mm as initially proposed. The increased setback will allow for additional planting. A landscape plan has been provided for the development Coastal Tea trees at close centres have been provided along the boundary adjacent to bed 1. [\(Appendix 'Y'\)](#)

Given the density of existing and proposed shrubs and trees, effective screening between the properties should be able to be achieved.

The deck to bedroom 1 is not considered a high use recreational/entertaining area. As apposed to large deck from living/dining room.

The front deck will be 1.5m in front of adjoining residence. However, because the deck is at a higher level and that the objectors' decks are roofed, the chance of overlooking would be unlikely.

The bedroom with its wall to the south has no windows in that elevation.

[\(Appendix 'Z'\)](#)

The kitchen/dining

3 Loss of amenity  
The position of the visitor's car park close to family/bedroom 4 raises issues of headlight glare.

4 The large front deck being 3m away from our dwelling will cause a loss of amenity with noise being an issue. The position of the front and side deck will impact upon our highlight bathroom window.

rooms all have roofs over the adjoining decks, maximising privacy.

3 The building setback has been increased to 1.8m, which will allow for additional planting to be provided to enable effective screening. Any headlight glare would be onto the deck area only. The time required to enter and leave the premises would be minimal (outside Council control).

Not considered to be of significance.

4 The applicant has increased side boundary setback to 1.8m to comply with DCP 22. The southern elevation of the adjoining residences is approximately 4.5m away and constructed of brick without window openings adjacent to the deck.

The main entertaining areas of each of the dwellings are approximately 13.5m apart.

It is considered under normal use the noise from the deck would be no greater than that from the adjoining premises.

A check of the approved plans for the redevelopment of the adjoining premises failed to indicate the

		<p>location of the highlight bathroom window. As the additions have not commenced consideration should be given to obscure glass in the highlight window if privacy is considered an issue.</p>
5	<p>Side boundary setback.</p> <p>Not in accordance with DCP 22.</p>	<p>5 The applicant was requested to look at the side boundary setback. Amended Plans (20 September 2002) have been received moving the dwelling so as to comply with 1.8m setback requirements.</p>
6	<p>Front boundary setback.</p> <p>The living area of the dwelling extends within the 5m building alignment. We were required to ensure that our living area (deck) be kept back 5m from the front boundary.</p>	<p>6 It is proposed to extend an open deck to 3.5m from the front boundary, which conforms with Councils minimum distance for open structures (not roofed).</p> <p>It should be noted that Council at its meeting 8 June 1999 approved an open carport to the front boundary with an open entertaining deck to 3.5m for the adjoining premises (objection) T6-99-220.</p> <p>Approval plans for the redevelopment of the site T6-01-412 allowed for a set back of 4.5m to boundary because the deck was now to be roofed (enclosed structure) (encroachment of 500mm approved).</p>
7	<p>Landscaping.</p> <p>It does not appear that a landscaping plan has been</p>	<p>7 A detailed landscaping plan has been submitted with details of suitable plantings</p>

submitted.

adjacent to boundaries.

[\(Appendix 'A1'\)](#)

### Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act 1979, DCP 22 and the submissions received, it will be recommended that the development application be approved subject to conditions.

2002. 830

### RESOLVED:

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

That the application be approved subject to compliance with the following conditions.

#### GENERAL

- 1 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
- 2 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.

#### 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.

- 3 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;

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- (b) all steel reinforcement prior to the pouring of concrete;
- (c) completion of wall and roof framing prior to wall sheeting being fixed;
- (d) wet area floor and wall surfacing prior to tiling;

**PRESCRIBED CONDITIONS**

- 4 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.

- 5 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.
- 6 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

- a Structural Engineer's Details for footings 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

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installation indicating compliance with the requirements of AS1288 and AS2047.

- e Should the verandah, patio or landing exceed 1 metre in height above the ground then a suitable balustrade is to be provided to the verandah, patio or landing and steps for safety and convenience. Such balustrade to conform with the requirements of

- (1) D2.16
- (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. (Wind speed site WA1.)
- 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 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.

- j All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.

**SIZE, SHAPE, BULK, APPEARANCE AND SITING OF BUILDING**

7 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:

Walls	R2 batts
Roof	Foil/batts
Roof	Light colour
Ceiling	R 3.5 batts
Hotwater	Solar or gas

**ACCESS TRAFFIC AND PARKING**

8 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.

**PUBLIC UTILITIES (including Stormwater)**

9 Roofwaters are to be directed by means of sealed pipes to the street gutter.

**EROSION CONTROL/GEOTECHNICAL REQUIREMENTS**

10 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.

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**DES 15**

**PROPOSED TWO STOREY BUILDING ADDITIONS  
LOT 21 SEC 12 41 SKYLINE CRESCENT, CRESCENT  
HEAD**

**FILE T6-02-418, LA 9692 JR**

**{Folio No. 242931}**

**SUMMARY:**

Reporting that Council has received an application to build two-story additions, which will require a variation to Council's Local Housing Strategy, DCP 22.



Applicant: R N Dennis  
Subject Land Lot 21 Sec12 41 Skyline Crescent,  
Crescent Head  
Zone: Residential 2(a)

**Proposed Development**

The proposal is to widen the existing dwelling towards the western boundary. The additions will comprise both single and two-storey components.

[\(Appendix 'A2'\)](#)

The lower level provides for the increase to the size of bedroom 3 and to provide a walk-in robe, whilst the upper level provides for an extension to the bathroom and provision of a walk-in robe to bedroom 1.

**Siting**

The additions are proposed to the western side of the property (total site area 1100m<sup>2</sup>) the land falls steeply from the road to the rear. The property boundary runs at an angle. The proposed additions have been designed to extend out parallel to the boundary line.

The proposal is to enlarge existing building spaces such as bedrooms and bathrooms and doesn't seek to create new living spaces.

Development to the rear of the dwelling is limited due to slope and an existing tennis court.

**Heads of Consideration**

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

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- The proposal may be defined as “dwelling additions” which is permissible with consent in the 2(a) Residential Zone under KLEP 1987.
- The proposal is not contrary to any State Environmental Planning or North Coast Regional Environmental Plan 1988.

**Local Housing Strategy (DCP 22)**

The proposal is required to comply with DCP-22, an assessment of the proposal against the relevant standards of DCP-22 is provided.

Standard	Required	Proposed	Complies Y/N
DENSITY	Remains unchanged	-	Yes
SETBACKS SIDE - West (single storey) - Wall - Eave gutter - West (two storey)	0.9mm 0.675mm 1.5 metres 0.675mm	1m 0.69mm 1 metre 0.69mm	Yes Yes No Yes
HEIGHT	6.2 metres	<6.2 metres	Yes
LONG WALL CUT/FILL	20 metres <1.5 metres	4 metres (broken) <1.5 metres	Yes Yes

**Two storey wall setback**

As indicated by the above table, the proposal complies with DCP 22 except that the wall of the two storey component is setback 1 metre where DCP 22 requires a minimum 1.5 metre setback.

**Comment**

The applicant has provided a submission which indicates that the variation meets the overall performance objectives of the two-storey set requirement of DCP 22.

The submission is summarised below:

- 1 The existing neighbours dwelling is located 7.8m away from common western boundary. See [\(Appendix 'A3'\)](#)

**Comment - Given the distance to the adjoining building and orientation of proposed additions overshadowing will not be a problem.**

- 2 The two-storey section of the additions, that will be located less than 1.65m from the boundary, is small in area of only 2m<sup>2</sup>.

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**Comment**

The length of the two-storey wall which will encroach onto the 1.5m setback is only 5.5m in length. [\(Appendix 'A4'\)](#) The 5.5m wall length is broken by 1.5m return in the external wall.

3 The new external wall will have an interesting shape.

**Comment**

**As the allotment falls steeply from the road the impact upon the streetscape will remain unchanged.**

4 The additions will be beneficial to the neighbours by providing them with more privacy. The existing window in bedroom 1 and the bathroom, which now overlook the neighbours deck will be removed and/or reorientated.

**Comment**

**Visual privacy under DCP 22 relates to the overlooking of living spaces of an adjoining residence, from living spaces of another residence. A living space is a high use living area such as living room, rumpus or dining room. Bedrooms and bathrooms are low use areas. The impact of privacy will remain unaltered.**

5 The residential density in the area is very low.

**Comment**

**DCP 22 density map indicate that the site is low density, a four (4) bedroom home requires a lot size 500m<sup>2</sup> minimum. The existing allotment size is 1100m<sup>2</sup>.**

**Advertising**

The proposal was advertised in accordance with Councils Policy with no submissions received.

**Conclusion**

Having considered the relevant matters under Section 79C of the Environmental Planning and Assessment Act, 1979 and DCP 22 performance objectives and the submission provided by the applicant in support of the proposal, it is recommended that the application be approved subject to standard building conditions.

2002. 831

**RESOLVED:**

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

**That the application be approved subject to compliance with the following conditions.**

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## **GENERAL**

- 1 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**
- 2 The additions 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.**

## **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.**

- 3 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) completion of wall and roof framing prior to wall sheeting being fixed;**
- (c) wet area floor and wall surfacing prior to tiling;**

## **PRESCRIBED CONDITIONS**

- 4 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.**
- 5 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.**

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- a 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.
- b 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.
- c Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- d **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.
- e 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.

**PUBLIC UTILITIES (including Stormwater)**

- 6 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.

<b>DES 16</b>	<b>TWO STOREY DUAL OCCUPANCY, SOUTH WEST ROCKS</b>	<b>FILE T6-02-367 AD</b>	<b>{Folio No. 242932}</b>
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**SUMMARY:**

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Reporting that Council has received an application for a two storey dual occupancy on a designated "single dwelling only" area for which an objection has been received.



Applicant: Trial Bay Videos and DVD Pty Ltd c/- Hadlow Design Services  
Subject Land: Lot 55 DP 1037721 Goorie Place, South West Rocks  
Zoning: 2(a) Residential  
Proposal: Dual Occupancy

**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.

**Development Control Plan No 22 – Local Housing Strategy (DCP 22)**

The proposal is located in a designated "low density area" that stipulates (Section 7 of the DCP) that "Development within areas identified on the DCP maps as being restricted to "low density" shall be restricted to single dwellings per existing allotment only unless it can be demonstrated that all of the relevant development standards specified in Section 4 of this plan have been met".

The reason behind the designation of low density in New Entrance is the steepness of the terrain.

The applicant has demonstrated compliance with all elements of Section 4 of the DCP, although this may be considered marginal when it is recognised that:

- The driveway specified on the plan, whilst exceeding the recommended gradient (20%) in Australian Standard 2890.1 "Off Street Carparking" in places, can be eased to an overall gradient of 18.35% to comply with the standard. It must also be noted that whilst technically compliant, concern is raised over the ability of vehicles to exit the lot in a forward direction, and that the driveways, turning areas and parking areas on the lot will be catering for two dwellings rather than one. The ability to exit in a forward direction is considered to be particularly important in this instance due to the slope of the driveway.

The plans initially submitted with the application provided for extensive terracing in order to provide useable courtyards. The applicant has now amended the application to substantially reduce the amount of excavation by utilizing decks and paved courtyards.

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**MAYOR**

**Public Exhibition**

The application was advertised in accordance with Council’s Policy with one (1) objection having been received which may be summarised as follows:  
[\(Appendix ‘A5’\)](#)

Objection	Planning Comment
1 The proposed development will add extra noise due to two dwellings on the one lot.	1 No evidence exists to support this – the area is zoned 2(a) and as such, normal levels of noise created by a residential area should be anticipated.
2 The height of the development may block views.	2 Council has no policy relating to views, however the DCP specifies a maximum height of 6.2 metres for dwellings, which has been met by excavating into the slope.
3 A colourbond roof, if not of a neutral colour, can cause excessive sun reflection/glare.	3 A condition could be applied to address this matter.
4 Two dwellings on the one lot will be too congested/no dual occupancy developments.	4 The applicant complies with the DCP’s requirements relating to designated low density areas, therefore making it permissible for two dwellings on the one lot. (Refer to Heads of Consideration).
5 The development is in close proximity to the rear of the objectors lot.	5 The development complies with the relevant setbacks and no unacceptable loss of privacy is expected.

2002. 832

**RESOLVED:**

*Moved: Cl. Sowter*

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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 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 accrediter certifier.
- 3 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 4 The dwellings are not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.
- 5 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.
- 6 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.
- 7 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) all steel reinforcement prior to the pouring of concrete;
  
  - (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
  
  - (d) wet area floor and wall surfacing prior to tiling;
  
  - (e) completion of stormwater systems prior to backfilling.
  
  - (f) 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.
- 8 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.**
- 9 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.**
- 10 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**
- 11 If the soil conditions require it:-**
- (a) retaining walls or other approved methods of preventing movement of the soil must be provided; and
  
  - (b) adequate provision must be made for drainage.
- 12 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:**
- Walls }
  - Roof }
  - Landscaping } **As specified in NatHERS**

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Roof } Reports Supplied  
Ceiling }  
Seals }

- 13 The hours of construction of the dwellings 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.
- 14 Building materials are not to be stored within the road reserve or any other public place.
- 15 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.
- 16 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.
- 17 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.
- 18 An interception drain is to be provided at the boundary of the property to collect all stormwater runoff from paved areas, piped then discharged through the kerb via a standard convertor, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development.
- 19 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated 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).

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**Note:**

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
  - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 20 Submission of a report prepared by a suitably qualified engineer certifying that all footings have been designed to withstand expected loadings, having regard to the conditions of the site, AS 2870 and AS 3798 and supporting documents prior to release of the required Construction Certificate.
- 21 Detailed engineering plans providing for an onsite stormwater drainage system to convey all existing and proposed flows through this development pursuant to Australian Rainfall and Runoff 1987 and to be submitted with the plans for the required Construction Certificate.
- 22 The plans for the required Construction Certificate are to provide for stormwater from this site to be piped and conveyed to Council stormwater drainage system in Goorie Place Pit 28 in accordance with Council's Engineering Guidelines for subdivision and development.

**CONTRIBUTIONS**

- 23 The applicant is to pay a contribution towards the embellishment of outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$1,758 per additional dwelling unit, i.e. \$1,758 x 1 = \$1,758 (Total for 2002/2003 Indexed).

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

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

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

- a Payment of a contribution towards district water supply at the rate of \$1,130 per equivalent tenement, i.e \$1,130 x 1 E.T = \$1,130 (Total for 2002/2003 Indexed).
  - b Payment of a contribution towards water supply headworks at the rate of \$2,839 per equivalent tenement, i.e \$2,839 x 1 E.T = \$2,839 (Total for 2002/2003 Indexed).
  - c Payment of a contribution towards the augmentation of sewerage headworks at the rate of \$3,111 per equivalent tenement, i.e \$3,111 x 1 E.T = \$3,111 (Total for 2002/2003 Indexed).
- 25 The plans for the required Construction Certificate are to be provided for either of the following:-
- a relocation of the manhole WH/5 and sewer main clear of the proposed driveway; or
  - b lowering of sewer manhole WH/5 to match the design level of the proposed driveway.
- All design is to be undertaken in strict accordance with Council's Engineering Guidelines for Subdivision and Development.
- 26 Both dwellings are to be separately metered for water supply purposes.
- 27 Both dwellings are to be separately connected to a new sewer junction.
- 28 The external finish of the roof shall be of a non-reflective colour.

<b>DES 17</b>	<b>BUILDING AND DEVELOPMENT</b>
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**SUMMARY:**

Reporting that the following applications have been approved:



**APPROVALS**

Local Development (LD) [\(Appendix 'A6'\)](#)

Construction Certificates (CB) [\(Appendix 'A7'\)](#)

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The following comparisons are provided in respect to the Local Development Application received for the first quarter of the financial year.

	<b>1.7.01-30.9.01</b>	<b>1.7.02-30.9.02</b>
Applications received	180	199
Value	\$10,862,516	\$14,130,722
Approvals issued	177	203
Median approval time	22 days	26 days
% approved in 30 days	71%	59%

There has been an increase in the number of applications and approvals, however the median approval time has increased.

2002. 833

**RESOLVED:**

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

**That the information be noted.**



## **DIRECTOR ENGINEERING REPORT**

<b>DE 1</b>	<b>SIGNAGE - ARAKOON</b>	<b>{Folio No. 242933}</b>
	<b>FILE: R8-20 KJF (NRN)</b>	

### **SUMMARY:**

Reporting on a petition received regarding the Waste Transfer Station sign at Arakoon.



A petition with 79 signatures has been received objecting to the newly erected Waste Transfer Station sign at the corner of Phillip Drive and Russell Street, Arakoon. The objectors believe the sign size is excessive, is incompatible with adjacent signs and has a negative impact on the scenic values of the local environment.

The petition requests that Council

- Remove the sign immediately
- Replace the sign with a sign of the same size, colour and appearance of adjacent street signs
- Ensure the replacement sign indicates both the direction and distance to the waste transfer station
- Repaint and re-erect the existing sign welcoming visitors to the village of Arakoon.

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A number of letters have also been separately received objecting to the sign.

The sign was erected in early August, in line with a number of other signs at the other Waste Transfer Stations at Stuarts Point and Bellbrook. The signs are in corporate colours.

Council will be aware that landfills have been closed and Transfer Station facilities provided at a number of sites. In an effort to clearly identify these sites and reinforce the use of the facility, the signs were erected.

Discussions with Council's recycling contractor indicate that many people use those sites for disposal of wastes that should go to the transfer station.

Council is proud of the current standard of waste management provided within the Shire and is keen to assist ratepayers and visitors alike to find and use the facilities, thereby ensuring the environment is maintained as pristine as possible.

It is proposed that the sign not be removed but that other signage at the intersection be reviewed and enhanced. This would be done as part of normal sign maintenance.

Council should note that the Arakoon locality sign has recently been erected on Phillip Drive just past the German Bridge.

***Financial Implication***

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

**Director Engineering Recommendation:**

**That the Waste Transfer Station sign at Arakoon be retained.**

**MOVED:**

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

**That the Director Engineering Recommendation be adopted.**

**An Amendment was MOVED:**

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

**That the Waste Transfer Station sign at Arakoon be retained but moved to the other side of the road.**

**The AMENDMENT was PUT to the Meeting and was LOST.**

2002. 834

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

<b>DE 2</b>	<b>BIENNIAL NOXIOUS WEEDS CONFERENCE</b>
<b>FILE: C18-25</b>	<b>KJF (NRN) {Folio No. 242934}</b>

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**SUMMARY:**

Reporting on the 12<sup>th</sup> NSW Agriculture Biennial Noxious Weeds Conference.



The 12<sup>th</sup> NSW Agriculture Biennial Noxious Weeds Conference is scheduled for July 1<sup>st</sup> – 3<sup>rd</sup>, 2003, in Taree. The conference theme is “Weeds – Solutions to Success” and a wide range of presentations, concurrent technical sessions, interesting field trips and state of the art trade displays and demonstrations will be featured. The conference is being hosted by Greater Taree City Council and will be structured to give delegates a wide range of choices as well as time to network with peers and optimise the benefits of sharing experiences.

Any Councillor interested in attending can obtain more details from the Director Engineering. Council may like to nominate Councillor delegates to the conference.

The cost of delegate registration is \$396 and accommodation is expected to cost in the order of \$100/night.

**Financial Implication**

*The financial implications of the following recommendation would be expenditure of \$600/Councillor delegate drawn from the vote for Councillors expenses.*

2002. 835

**RESOLVED:**

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

That Councillor delegates to the Biennial Noxious Weeds Conference be determined.

2002. 836

**RESOLVED:**

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

That Councillor Sowter be nominated to attend the Conference with Councillor Bowen as the alternate delegate.

**DE 3 ROAD CLOSURE – PARKES STREET, ARAKOOON  
FILE: LA20190, LA20189 KJF {Folio No. 242935}**

Item DE 3 was withdrawn at the request of the Director Engineering as further consultation was required on this matter.

**DE 4 LOWER MACLEAY LEVEE PROJECT  
FILE: FM331 APV COPY APC (NRN) {Folio No. 242936}**

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MAYOR

**SUMMARY:**

Reporting on the determination of total costs for the Lower Macleay Levee Project.



At its meeting on 9<sup>th</sup> October 2001, Council considered a report on the progress of the Levee Project. Council resolved

*“That a further report be provided on the estimated cost of any alterations required to the control structures.”*

Detailed designs have now been completed for the alterations to the Flood Control Structures. At Belmore Control Structure the work will involve the fabrication and fitting of extensions to the steel gates and the raising, by 350mm, of the adjoining reinforced concrete walls. At Kinchela Creek Left Bank structure and Right Bank structure, the work will involve the fabrication and fitting of extensions to the steel gates, alterations to the existing steel superstructure and upgrading of the electric motors.

The estimated cost for the proposed works are:

i)	Belmore Control Structure	\$25,000
ii)	Kinchela Control Structures	\$34,000

The preliminary estimates for the work, as provided in the report of 9<sup>th</sup> October 2001, were \$50,000 and \$30,000 respectively. It is proposed that this work be undertaken as part of the 2002/2003 program.

Work has been completed on the raising of the Left Bank and Right Bank of Kinchela Creek along the roadways. The raising of the remaining sections of earth levee, through private property, will be undertaken in October 2002, with funding from the 2001/2002 program.

Work has been completed in raising the low section on the left bank of the Belmore River. Expenditure is in line with the estimates provided to Council on 9<sup>th</sup> October 2001.

Following survey work undertaken of the Macleay River banks between Smithtown and Rainbow Reach an accurate estimate can now be provided for the raising of low sections of the main Macleay River levee system.

It should be noted that, both now in preparing these estimates and previously, when preliminary estimates were provided, the extent of the work proposed is that required to construct the levees to ensure protection up to the ‘bank full’ level (5.18m at the Kempsey Traffic Bridge).

*The original Macleay River scheme was designed for a bank full flood up to 5.18m (17ft) at the Kempsey Traffic Bridge, which graded down to a level of 1.42m at the Jerseyville Bridge and 1.15m at the Suez Road/Rainbow Reach Road intersection. The flood profile for this scenario is shown in [\(Appendix C\)](#)*

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*The estimated cost of the work proposed to raise the levees along the Macleay River to the bank full design is \$386,000. Details of the work proposed and a plan showing the location of the work is in the Appendix. The estimated cost for this work, as reported to Council on 9<sup>th</sup> October 2001, was \$440,000.*

Council should be aware that in 1997/1998, in submissions and discussions of the Kinchela Creek Levee Raising project, residents of the Rainbow Reach area requested reassurance that they would not be adversely affected by the proposal and requested protection from a flood similar to the event of May 1996. This flood reached 5.1m at Kempsey but was accompanied by a very high tide and an elevated ocean level, which peaked at 1.2m AHD. Even without the flood, such a tide could have overtopped some levee areas and roads. The residents had claimed that the May 1996 flood, as a result of the combination of floodwaters and high ocean level, reached higher than the level of the 1963 flood.

Under the section Design Parameters of the Review of Environmental Factors for the project, it states that: "Design of the Rainbow Reach levee will be targeted at ensuring that there will be no overflow for a flood approaching 5.18m at Kempsey Traffic Bridge in conjunction with a tide equivalent to that recorded in May 1996". However, other sections of the document only refer to the 'design bank full level', without specifying whether this should or should not include the effects caused by elevated tides. It should also be noted that, in the minutes of the Flood Plain Management Committee meeting held on the 19<sup>th</sup> November 1997, the following is recorded: "Mr Des Brady raised the matter of tidal effects which caused the flooding of the Rainbow Reach area in May, 1996. Dr Webb advised that this was a unique combination of high tide and flood peak coinciding, which had a very low probability and was extremely unlikely to occur again."

*In analysing and reporting on the impacts of raising the Kinchela Creek Levees, and to allay concerns of Rainbow Reach residents, Webb has studied a range of flood levels and tides. He suggests, in an appendix to the Kinchela Creek REF, that the new levee raising will raise water levels at Rainbow Reach by only 20mm but that the Rainbow Reach levees would need to be set between 1.56m AHD and 1.30m AHD (extrapolated to the actual ends of the work) if the full tidal effect of 1996 is to be accounted for (see Flood Profile in Appendix). If the extreme tidal effect of May 1996 is disregarded, the levels required are only 1.27m and 0.96m respectively. Thus the elevated tidal effects add 300mm to 430mm to the levels required for bank full protection.*

*On the 10<sup>th</sup> February 1998, following exhibition of the REF for the Raising of Kinchela Creek Levees and Associated Work, Council considered submissions from the public including Rainbow Reach residents and resolved that: "Survey and investigation along both banks of the Macleay River downstream of Kempsey be carried out to identify low spots, and they be corrected to the design "bank full" level."*

*In discussions with Lower Macleay residents it was suggested that protection from a flood such as the May 1996 event with the coincident tide could be provided. However Council has made no firm commitment to do so and it would appear*

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*unreasonable to allow for a tide and an elevated ocean level above the average. In determining the issue Council has consistently spoken of equity of protection for the entire flood plain, and it would appear to not be equitable to raise this road or levee significantly above the bank full profile.*

*In order to ensure no overflow for a flood approaching 5.18m at Kempsey Traffic Bridge in conjunction with an elevated tide, additional work would need to be undertaken: (note that the effects are greatest towards the mouth of the river and are minimal at Kinchela and further upstream). The preliminary additional estimated cost for this work is \$535,000. Further detailed survey would need to be undertaken if Council were to proceed with this proposal. Details of the additional work and a plan are provided in the appendix. The total cost, therefore, to construct levees to provide protection from a flood of 5.18m at Kempsey Traffic Bridge in conjunction with an elevated tide is \$921,000.*

*It should be noted that, in order to ensure the integrity of the flood mitigation scheme and the protection it provides, major refurbishing of the floodgate structures at Slaughterhouse Drain and Schoolhouse Drain on Kinchela Creek and McCabes Drain and Dews Drain on the left bank of the Macleay River are required. The estimated cost of this work is \$390,000. This amount has not been included in either of the estimates for the levee raising work. Whilst these structures are the responsibility of individual drainage unions, Council needs to consider the ramifications if no repair work is undertaken on the structures and the floodgate subsequently fails during a flood event. This issue will be further pursued.*

*Previous resolutions by Council did not specify the extent of protection to be afforded to Lower Macleay residents. The resolutions referred only to 'design bank full level' and not whether the possible effects of a coinciding elevated tide should or should not be included.*

*Council should now confirm its intention that the work proposed to be undertaken will be the raising of low sections of the levees along the Macleay River to ensure no overflow for a flood approaching 5.18m at Kempsey Traffic Bridge ie. design bank full level with effects of an elevated tide not included.*

*The estimated final cost of the Levee project is \$2,051,000.*

#### **Financial Implication**

**Funds in the amount of \$300,000 have been provided for this project in 2002/2003. A further \$91,000 will need to be provided in the 2003/2004 budget for finalisation of this project.**

2002. 837

**RESOLVED:**

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

- 1. That raising of the low sections of the levees along the Macleay River be undertaken at an estimated cost of \$386,000 to ensure no overflow for a flood approaching 5.18m at the Kempsey Traffic Bridge and with the effects of an elevated tide not included.**

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2. That modifications to the flood control structures on Kinchela Creek and Belmore River be undertaken at an estimated cost of \$59,000.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DE 5	TRAFFIC FACILITIES FILE: R8-19(242119), R8-101(242121) NJT (NRN) COPY: APC {Folio No. 242937}
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**SUMMARY:**

Reporting on Traffic Facility Funding for 2002/2003.



Council has received additional advice from the RTA relating to Council's Road Related Works Program Funding for 2002/2003. The Traffic Facility component has been reviewed and total funding has been increased from \$85,000 to \$116,000 for the 2002/2003 financial year.

Council has, over recent years, placed a great deal of additional traffic facility infrastructure that that has been fully funded from the RTA (50kph Urban Speed Zones, additional School Zone signage, speed zone patches and other signs). This additional funding provides for the additional maintenance liabilities as a result of these new facilities.

Council has also received funding of \$28,600 under the 2002/2003 Safety around Schools Program to complete the upgrading of School Zone signs in Kempsey Shire. This is to ensure that there are two signs on each approach to the school (one sign on the left and one sign of the right side of the road facing oncoming traffic). All signs will now display the new standard times of 8.00-9.30am, 2.30-4.00pm schooldays.

***Financial Implication***

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

2002. 838

**RESOLVED:**

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

That the information be noted.

DE 6	HORSESHOE BAY RESERVE, SOUTH WEST ROCKS FILE: R3-21 GJW (NRN) {Folio No. 242939}
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**SUMMARY:**

Reporting on proposals for of play equipment at Horseshoe Bay Reserve.

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Some of the existing play equipment on Horseshoe Bay Reserve has been removed as it no longer met the required standards and was considered dangerous.

It is proposed to install a set of play equipment, designed specifically for use by toddlers and pre-school aged children, adjacent to the remaining facilities. However no Council funds have been provided for such equipment.

As this is new equipment and not merely maintenance of existing playground equipment, funding can be sourced from Section 94 Contributions. Some \$400,000 is available within this fund.

**Financial Implication**

**The financial implication of the following recommendation would be a cost of \$13,500 funded from Section 94, Contributions. Ongoing maintenance would be funded from Council's existing Maintenance Budget.**

2002. 839

**RESOLVED:**

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

**That new play equipment be installed at Horseshoe Bay with funds drawn from Section 94 Contributions.**

**DE 7                      QUESTIONS WITHOUT NOTICE**  
**FILE: C18-28      JC (NRN)                                      {Folio No. 242940}**

**SUMMARY:**

Reporting on Questions Without Notice from the Council meetings of the 20<sup>th</sup> March 2001, 14<sup>th</sup> May 2002, 11<sup>th</sup> June 2002, 9<sup>th</sup> July 2002, 13<sup>th</sup> August 2002 and 10<sup>th</sup> September 2002.



**Responses to Councillors Questions Without Notice are listed for information.**

**Meeting of 20<sup>th</sup> March 2001**

**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.

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***The RTA has finally responded following the inspection on the 11<sup>th</sup> December 2001 and is seeking Council's assistance with diversion of stormwater to the northern side of the Bridge – design options are being reviewed.***

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**Meeting of 14<sup>th</sup> May 2002**

**Councillor B R Sowter**

**File: R8-2**

**{Folio No. 234526}**

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

***Details 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.***

**Meeting of 11<sup>th</sup> June 2002**

**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 sight distance.

***Options being reviewed. Discussions re-instigated with RTA on plans for intersection improvements.***

**Meeting of 13<sup>th</sup> August 2002**

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**Councillor J H Bowell**

**File: C13-2**

**{Folio No.239935 }**

That the Director Engineering would investigate the condition of vegetation within the Reserve on the south side of Skyline Crescent, Crescent Head.

***Discussed with FCO and raised at RFS Executive Committee meeting – to be referred to Bushfire Management Committee.***

***Councillor J Sproule***

**File: R8-19A**

**{Folio No. 239941}**

That the Roads and Traffic Authority would be requested to remove the dilapidated road safety banners erected on the Highway and replace them at the expense of the Roads and Traffic Authority.

***Banners removed.***

**File: B1-2**

**{Folio No. 239942}**

That the Director Engineering would investigate the possibility of the usage of signage to depict prevailing surfing conditions – eg. left or right hand point break.

***Options being investigated.***

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**Meeting of 10<sup>th</sup> September 2002**

**Councillor J Sproule**

**File: LA3005**

**{Folio No. 241572}**

That the Director Engineering would investigate the excess water used at Wigay Park and would report back to Council.

***Details being compiled***

**Councillor N Joukhadar**

**File: R FISHERMANS**

**{Folio No. 241574}**

That the Director Engineering would investigate potholes needing repair at the corner of Fishermans Reach Road and Serrata Lane.

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***Instructions have been issued for maintenance***

**File: R ROGERS**

**{Folio No. 241575}**

That the Director Engineering would investigate the poor surface condition of Rogers Lane, Stuarts Point.

***Situation being reviewed***

**Councillor R Bowen**

**File: LA19874**

**{Folio No. 241579}**

That the Director Engineering would check on the use of Betts Quarry at Frederickton, which had recently been purchased by Council.

***Existing use rights have allowed Council to do some work within the existing quarry. This has involved a general clean up and some excavation to check the gravel quality. When expansion of the quarry is required, a Development Application will be submitted.***

**File: F5**

**{Folio No. 241900}**

*That the Director Engineering was investigating the flood levels and related road levels in the vicinity of Mr Neville Johnson's property at Summer Island Road, Smithtown.*

**On-site meeting scheduled for Wednesday 2<sup>nd</sup> October 2002**

**Councillor J Bowell**

**File: R MIDDLETON ST**

**{Folio No. 241586}**

That the Director Engineering would investigate the matter of guide posts being broken off and left in Middleton Street, South Kempsey.

***Instruction issued to replace damaged bollards.***

**2002. 840**

**RESOLVED:**

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

That the information be noted.

**DE 8**

**WORKS IN PROGRESS**

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

**{Folio No. 242942}**

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**SUMMARY:**

Reporting on Works in progress.



**ROADS**

**Regional Roads**

Pavement strengthening of MR75 – Armidale Road at chainage 38.22 – 38.71 has been completed.

Guardrail replacement work at Hickeys Creek Bridge on MR75 has been completed.

**Gravel Resheeting**

The gravel resheeting of a section of Seale Road has been completed.

Point Plomer Road is currently being resheeted. Thereafter the crew will move to resheeting on Beranghi Road.

The resheeting and widening of Beranghi Road has been suspended pending a resolution of issues regarding tree removal. Council resolved at their last meeting that the work continue and work is to recommence 30<sup>th</sup> September 2002.

A section of Chain-O-Ponds Road has been widened and resheeted.

Old Station Road is currently being resheeted from Verges Creek Road towards Gladstone.

The widening of a narrow section of Inches Road has been postponed in order to resolve issues relating to adjoining land.

**Maintenance Grading**

**Work Completed**

*Extract from the previous report:-*

*‘Welcome rain received in past week has eased the dry and dusty conditions of the unsealed rural roads and have made life easier for the maintenance crews. However, the rain has only brought temporary relief and suspension of the maintenance program may once again be considered if no follow up rain is received.’*

*The aforementioned is still the case and roads not in urgent need of grading are only being potholed.*

The following roads and sections were graded in the past month;

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Turners Flat Road	Lawrences Road	Corangula Road
Maineys Road	Fishers Road	Anembo Lane
Mooneba Road	Mikes Road	Mungay Road
Dennis Road	Mungay Flat Road	West End Road
Sandy Creek Road	Kemps Access	Spooners Avenue
Saleyards Road	Quarry Road	Raymonds Lane
McCarthys Lane	Jew Bite Road	

The 'SHIRE WEST' maintenance crew is currently in the Mungay Area (Area West 6) and will soon continue in a westerly direction to commence grading in the Millbank Area (Area West 7).

The 'SHIRE EAST' maintenance crew is currently in the Aldavilla Area (Area East 5). The crew will thereafter move to the South Kempsey/Yessabah Area (Area East 6).

**TOWN AND VILLAGE WORKS**

**Kempsey Town Improvement Program**

A turnaround in Dudley Lane and improvements of Durrington Lane has been completed .

York Lane is to be upgraded with works to start once the design has been finalised. The drainage and road rehabilitation work is scheduled to commence at the end of September.

Footpath work is scheduled for late September in Bissett Street.

Drainage, kerb and gutter and road works is to commence shortly in York Lane as part of the Roads to Recovery Program. The works will include a new turnaround in Forth Street at the river.

Footpath and beautification works on the southern side of Belgrave Street is planned for October and November as part of the Kempsey Master Plan Program. The design is currently being finalised and work will commence on 14<sup>th</sup> October 2002.

***Stuarts Point Town Improvement Program***

The continuation of the cycleway in Ocean Street is currently in progress from in front of the Workers Club towards the Grassy Head Road.

***Frederickton Town Improvement Program***

The Town Improvement Program for the current financial year has been completed.

***South West Rocks Town improvement Program***

Drainage, kerb and gutter, and road works are in progress in Arthur Street with completion scheduled for the end of September or early October.

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The footpath/cycleway in Horsehoe Bay will commence shortly, as a joint venture between Council and the Lions Club.

The footpath in lower Paragon Avenue has been completed to compliment Masterplan works undertaken earlier this year. The footpath was constructed with an exposed aggregate finish.

#### ***Hat Head Town Improvement Program***

Extensive drainage works have commenced in Straight Street. The first phase will include drainage along Straight Street in the vicinity of Vine Street and minor drainage works in Myrtle Street.

The second phase extends in the vicinity of the Fern Street intersection and, funds permitting, will follow phase one.

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

No work is planned for the period September/October.

#### **FLOOD MITIGATION**

*General Maintenance and repair of the floodgates at Kinchela and Belmore River flood structures is currently in progress.*

*Bank Protection of Killick Creek, Ryan's Cut and Euroka has been completed.*

#### **Bridge Specific Maintenance and Repairs**

Schmidts and Mitchells Bridge on the Nulla Nulla Road are currently undergoing specific maintenance.

#### **HORTICULTURE**

- Audit of safety, amenities and usage of sporting fields complete.
- Review of Horticultural, Land Care and Noxious Weeds Policies underway.
- Review of Council owned reserves and vacant land at Stuarts Point, South West Rocks and Frederickton continuing.
- Belgrave Street median (opposite pool) redevelopment about to begin.
- Tree removal in RSL carpark commenced.
- Job Safety Assessments 75% complete.
- Playground installation at Dock Flat, East Kempsey, complete.
- Playground installation at Crescent Head underway.

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- Coastal Weeds Rehabilitation Programme – meeting held on 25<sup>th</sup> September 2002, to decide on allocation of funding.

The allocation was decided as follows –

Crescent Head/Goolawah - Aerial spraying of Bitou Bush, Fauna and Flora study of Delicate Island.

Hat Head – Hand spraying of Bitou Bush and Gloriosa Lilly.

South West Rocks – Hand spraying of Bitou Bush and Gloriosa Lilly.

Stuarts Point – Aerial and handspraying of Bitou Bush.

- Littoral Rainforest Rehabilitation Programme – Approximately 50% of project completed on sites at Shark Island and Racecourse Headland. The main focus to this stage has been on weed control.

### **SPORTING HIGHLIGHTS**

- Oxley Soccer Association Grand Finals held at Kemp Street.
- A round of State Baseball held at Kemp Street.
- Macleay Valley Rangers arranging a match with Fijian National Team (scheduled for November).
- Grassy Head Beach, Horsehoe Bay and Main Beach at South West Rocks and Main Beach at Crescent Head have been entered in the Keep Australia Beautiful Clean Beaches Competition.

### **NOXIOUS WEEDS**

- Annual Noxious Weeds Grant returns being completed including expenditure, local and regional weed control, operational and coordination.
- Attended a meeting of the Macleay Valley Coastal Working Group.
- Attended a meeting of the Mid North Coast Advisory Committee at Gloucester.
- Attended a one-day training seminar for CivicView Weed Mapping Programme, with representatives from Maitland, Hastings, Manning, Bellingen and Pristine Waters Councils.
- Sprayed Water Hyacinth and Salvinia at top end of Belmore River.

### **BUILDING SERVICES**

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

- Ongoing maintenance and repair to public toilets, sporting facilities and amenities.
- Realign pavers in public areas.
- Miscellaneous repairs to locks and cupboards, Aged Care units.
- Repairs to Railway footbridge planking.
- SWR Pool - repair leaking return water line.
- Stuarts Point Library/Hall – repair vandalised wall sheeting.
- Environmental Services – refurbish foyer, replace carpet.
- Crescent Head Rotunda – Replace vandalised plaques.

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

- Emergency Management Centre – provide roof to storage container.
- Civic Centre office restructure – provide shelving to Administration Section.
- Office modifications to Environmental Services new front counter.
- Unit 14, Leith Street Aged Units - construction of hardstand area. Provision of hardstand and picnic table for resident use.
- Manufacture of timber bollards – now outsourced, 100 units have been ordered. 78 units in stock.
- Kempsey Pool – replace skylights.
- Thompson Street – post and rail fence from Kemp Street to Showground rear entrance.
- Thompson Street Depot – EPA Works/Waste Management requirements – work progressing, approximately 60% complete. Anticipated completion end October 2002.
- Awning to small plant shed, Thompson Street Depot, 80% complete – roof installed, gutter and downpipe to complete.
- Economic Development Officer, 37 Forth Street – office fit out and establishment – minor additions to kitchen area and signage to complete.
- South Kempsey Museum Toilets – Repair vandalised glass block wall.

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- Gladstone Community Hall – internal/external painting and electrical upgrade. Work scheduled for September/October school holidays.

***Financial Implication***

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

2002. 841

**RESOLVED:**

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

That the information be noted.

<b>DE 9</b>	<b>COMPLIMENTS RECEIVED BY ENGINEERING STAFF</b>
	<b>FILE: S10-2 JC (NRN)</b>

**SUMMARY**

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



Roy Craggs - Thanking the workers for drainage works in Gladstone – staff very polite and hardworking.

***Financial Implication***

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

2002. 842

**RESOLVED:**

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

That the information be noted.



**DIRECTOR ENGINEERING SUPPLEMENTARY REPORT**

8<sup>th</sup> October 2002

<b>DE 1</b>	<b>TENDER NO. 648 – 2002/2003 BITUMEN SEALING</b>
	<b>TENDER</b>
	<b>FILE: C15-648 AJP</b>

**SUMMARY:**

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Reporting on tenders received for the 2002/2003 Bitumen Sealing Program.



Tenders for the 2002/2003 Bitumen Sealing Program closed at 10.00am on Tuesday, 1<sup>st</sup> October 2002. The following tenders were received:

Pioneer Road Services Pty Ltd	\$664,700
CSR Emoleum Road Services	\$900,300

The aforementioned totals exclude 10% GST.

The lowest tenderer, Pioneer Road Services Pty Ltd, has a depot in Kempsey and have performed the work very capably in the past.

Attached at [\(Appendix A\)](#) is a spreadsheet which shows the unit rates tendered by each tenderer. The total amount is calculated using the estimated quantity of product required by the programme.

**Financial Implication**

**There are no financial implications from the following recommendation as the funds are already allocated in the current budget.**

2002. 843

**RESOLVED:**

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

**That the tender of Pioneer Road Services Pty Ltd in the amount of \$664,700 for the 2002/2003 Bitumen Sealing Program be accepted.**

<b>DE 2</b>	<b>TENDER – SUPPLY OF PRECAST REINFORCED CONCRETE BRIDGE UNITS FILE: C15-649 JM</b>
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**SUMMARY:**

Reporting on tenders received for the Supply of Precast Reinforced Concrete Bridge Units for Toorooka Bridge.



Tenders for the Supply Of Precast Reinforced Concrete Bridge Units for Toorooka Bridge closed at 10.00am on Tuesday, 1<sup>st</sup> October 2002.

Tenders were received from Dutton Engineering Excellence, Humes/CSR, Rocla, and, Waeger Constructions Pty. Ltd.

The Tender Bridge Units was divided into four (4) separable portions as indicated below:

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- SP1 – Provision of reinforced concrete deck units
- SP2 – Provision of reinforced concrete headstocks (including abutments)
- SP3 – Provision of reinforced concrete piers.
- SP4 – Provision of additional design in accordance with the specification.

Each Tender provided prices for the above separable portions (including those priced as “no bid”) and the tendered prices have been included in Table 1 below under Item A. For the items that were priced by the Tenderer as a “no bid”, an estimate for the “no-bid separable portion” has been prepared by Council and included under Item B. Also a nominal cost for the construction of bridge by Council day labour is included under Item C, the sum total of Items ‘A’ through ‘C’ being an indicative cost for the bridge construction. This construction cost is the Offer Price used in the assessment of all tenders (Table 2).

Please note however that the CONSTRUCTION COST provided below is indicative only and is used for the purpose of tender assessment and may not be an exact representation of the project costs to complete of Toorooka Bridge.

**TABLE 1: CONSTRUCTION COSTS**

	Waeger <sup>1</sup>	Rocla	Humes	DEX
<b>Item A: Separable Portions as priced in Tender C15-649</b>				
Provision of Deck Units	\$147,023	\$189,265	\$189,783	\$193,083
Provision of Headstocks	\$39,000	\$20,500	NO BID	NO BID
Provision of Piers	NO BID	\$21,000	NO BID	NO BID
Provision of Design	NO BID	\$15,000	NO BID	\$13,200
<b>Subtotal For Item A</b>	<b>\$186,023</b>	<b>\$245,765</b>	<b>\$189,783</b>	<b>\$206,283</b>
<b>Item B: KSC estimate for each Separable Portion priced as “NO BID” in Tender C15-649.</b>				
Construct Deck Units <sup>2</sup>	AS TENDERED	AS TENDERED	AS TENDERED	AS TENDERED
Construct Headstocks	AS TENDERED	AS TENDERED	\$136,302	\$136,302
Construction of Piers <sup>3,4</sup>	\$144,640	\$125,000	\$111,043	\$111,043
Design Services <sup>5</sup>	\$10,360	AS TENDERED	\$10,000	AS TENDERED
<b>Subtotal For Item B</b>	<b>\$155,000</b>	<b>\$125,000</b>	<b>\$257,345</b>	<b>\$247,345</b>
<b>Item C: Nominal KSC Day Labour Costs to complete Toorooka Bridge..</b>				
<b>Subtotal For Item C</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>	<b>\$100,000</b>
<b>CONSTRUCTION COST</b>	<b>\$441,022</b>	<b>\$470,765</b>	<b>\$547,128</b>	<b>\$553,628</b>

NOTES

1. Waeger Constructions tendered costs adjusted to exclude GST.

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2. The costs to construct kerb is assumed to be included in supply price for Humes and DEX.
3. Estimate provided to cast insitu reinforced concrete piers for Waeger, Humes and DEX.
4. Estimates provided to bore and stand piers for ROCLA.
5. Design services for Waeger quoted Separately, Design services for Humes estimated by KSC Design Section.

Assessment of the tenders was undertaken by Council's Engineering Department.

All tenders were assessed under the 6 attributes set out in Section A9 of the tender documents. These attributes were given a point score between 0 and 5, and given a percentage weighting as follows:

**TABLE 2: TENDER ASSESSMENT ATTRIBUTE TABLE**

ATTRIBUTE	WEIGHTING
Offer Price	30%
Warranty	10%
Quality	15%
Design	20%
Track Record/Reputation	15%
Enhancement of Capabilities of Local Business	10%
	100%

As a result of this assessment, the preferred tenderer is Waeger Constructions. This tender generally conforms to the requirements set out in Council's tender specifications and this was confirmed by way of an meeting held between Council and Waeger Constructions at Council's Civic Centre.

The other tenderers were ranked in order of preference as follows – Rocla, Humes, and Dutton Engineering Services.

***Financial Implication***

***The sum of \$550,000 is available for capital works expenditure in 2002/03 for Toorooka Road.***

***In addition to the tender price Council will incur additional costs in relation to this project, these items are identified in the table as Items B and C respectively.***

***The tender price to supply precast reinforced concrete, decks, headstocks and abutments is \$186,023 (excl. GST).***

2002. 844

**RESOLVED:**

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

**That the tender of \$186,023 (excl. GST) submitted by Waeger Constructions for the Supply Of Precast Reinforced Concrete Deck units, headstocks and abutments for Toorooka Bridge be accepted.**

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## DIRECTOR CORPORATE & COMMUNITY SERVICES REPORT

<b>DCCS 1</b>	<b>INVITATION TO INSPECT SHOWGROUND BY MINISTER FOR FAIR TRADING AND MINISTER FOR LAND AND WATER CONSERVATION</b>	<b>FILE: LA2942</b>	<b>TIH</b>	<b>{Folio No. 242945}</b>
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### SUMMARY:

Reporting that Council's invitation to the Minister to inspect the Showground has not been accepted.



Council will recall that an invitation be extended to the Minister for Land and Water Conservation to inspect the Kempsey Showground with a view to drawing his attention to the pressing need to upgrade the facilities.

Attached at [\(Appendix A\)](#) is a copy of the Minister's reply.

It is encouraging that in the second last paragraph the Minister will consider financial assistance to the Showground Trustees to prepare a Plan of Management (POM) for the entire showground. It is up to the Showground Trustees to prepare the POM and it is anticipated that immediate steps will be taken to start the process.

### *Financial Implication*

*There will be no financial implications arising from this report.*

2002. 845

### RESOLVED:

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

That the information be noted and a copy of the letter be sent to the Showground Trust and Macleay Valley Community Projects sponsors of the Slim Dusty Heritage Museum project.

<b>DCCS 2</b>	<b>PROPOSED NEW CEMETERY, CROTTYS LANE, YARRAVEL</b>	<b>FILE: C4-13</b>	<b>MLB</b>	<b>(NRN)</b>	<b>{Folio No. 242946}</b>
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### SUMMARY:

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Reporting on the progress for the preparation of the Development Application for a new Cemetery at Crottys Lane, Yarravel



At Council's meeting of the 10<sup>th</sup> September 2002 Council in Questions Without Notice was advised:-

"That the contract for preparation of the development application for the Cemetery at Crotty's Lane had been awarded to GeoLINK with an expected time frame of 18 weeks."

On Wednesday, 11<sup>th</sup> September 2002, a meeting was held with representatives from GeoLINK who are undertaking the study and Council staff to discuss the various matters concerning the proposed development. This meeting marked the beginning of the expected 18 week process.

As part of the preparation of the Development Application there will be a Public Workshop to discuss the various aspects of the application. This public workshop will be held towards the end of the process.

**Financial Implication**

***This report is for information only.***

2002. 846

**RESOLVED:**

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

**That the information be noted.**

<b>DCCS 3</b>	<b>COUNCIL MEETING DATES</b>		
	<b>FILE: C18-22</b>	<b>PJH (NRN)</b>	<b>{Folio No. 242947}</b>

**SUMMARY:**

Reporting on proposed schedule of meeting dates for 2002/2003.



Following Council's decision to hold Ordinary Council meetings on the second Tuesday of each month, commencing at 9.00am, a schedule of meeting dates has been prepared for 2002/2003.

The schedule is based on present arrangements and may be changed at any time by Notice of Motion.

The proposed meeting dates for 2002/2003 are as follows: -

Tuesday	8 <sup>th</sup> October 2002	Ordinary Meeting
Tuesday	12 <sup>th</sup> November 2002	Ordinary Meeting

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Tuesday	10 <sup>th</sup> December 2002	Ordinary Meeting
Tuesday	14 <sup>th</sup> January 2003	Ordinary Meeting
Tuesday	11 <sup>th</sup> February 2003	Ordinary Meeting
Tuesday	11 <sup>th</sup> March 2003	Ordinary Meeting
Tuesday	8 <sup>th</sup> April 2003	Ordinary Meeting
Tuesday	15 <sup>th</sup> April 2003	Estimates Meeting
Tuesday	13 <sup>th</sup> May 2003	Ordinary Meeting
Tuesday	10 <sup>th</sup> June 2003	Ordinary Meeting
Tuesday	8 <sup>th</sup> July 2003	Ordinary Meeting
Tuesday	12 <sup>th</sup> August 2003	Ordinary Meeting
Tuesday	9 <sup>th</sup> September 2003	Ordinary Meeting
Saturday	13 <sup>th</sup> September 2003	Local Government Elections
Tuesday	23 <sup>rd</sup> September 2003	Mayoral Election

**Financial Implication**

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

2002. 847

**RESOLVED:**

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

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

<b>DCCS 4</b>	<b>AFFIXING OF COUNCIL'S SEAL</b>		
	<b>FILE: C9-6, LA18522</b>	<b>PJH</b>	<b>{Folio No. 242949}</b>

**SUMMARY:**

Reporting on the need for Council to affix its seal to documents.



The Local Government (Meetings) Regulation requires Council to authorise the affixing of the Council seal to any document. The resolution of Council must specifically refer to the document.

<b>Licence to Vodafone for use of Rudder Park for a telecommunications structure – Assignment of the licence.</b>
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At its meeting of 12<sup>th</sup> March 2002 Council agreed to an assignment of a Licence Agreement to Vodafone (for its base station) which was for 10 years from 1<sup>st</sup> July 1996 to 30<sup>th</sup> June 2006. The assignment was to Crown Castle Australia Pty Ltd who is to manage all Vodafone structures. It has now been brought to Council's attention that there is a second structure (signal tower) in addition to the base station, which is subject to a separate Licence agreement for 10 years from 16<sup>th</sup> August 1994 to 31<sup>st</sup> August 2004 and will also need to

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be assigned to Crown Castle. Council receives a licence fee of \$1,000 per annum for this licence.

The Assignment deed is required to be signed by Council under seal.

**Purchase of Council land and road closure at Stuart Street, Kempsey.**

At its meeting of 15<sup>th</sup> May 2001 Council resolved to endorse the sale of Lots 1 & 2 DP741219 plus an unformed laneway at Stuart Street, Kempsey to an adjoining owner. The sale was based on a valuation of \$15,000 for the land involved.

Council is required to sign the survey plan to be forwarded for registration, which incorporates the consolidation of Lots 1 & 2 and the identification of the road to be closed.

All legal costs and road closure costs are to be paid for by the purchaser.

**Mid North Coast Weight of Loads Group**

Council is a party to the Mid North Coast Weight of Loads Group. A new Inspector (Mr Ronald Cranfield) and Relief Inspector (Mr Mark Warwick) have recently been appointed and Council is asked to provide relevant agreements and authorities to be signed under Council seal.

***Financial Implications***

***Council receives \$1,000 per annum for this Vodafone licence and also \$7,246 per annum for the second Vodafone licence for the base station at Rudder Park.***

***Council will receive the proceeds of the land sale in relation to the Stuart Street land.***

**Director Corporate and Community Services Recommendation:**

- 1 That Council authorises the affixing of the seal to the Assignment of the Licence Agreement, which commenced on 16<sup>th</sup> August 1994 and terminates on 31<sup>st</sup> August 2004, from Vodafone to Crown Castle Pty Ltd relating to use of Rudder Park for a telecommunications tower.
- 2 That Council authorises the affixing of the seal to the plan of registration and transfer documents relating the sale of Lots 1 & 2 DP 741219 plus road to be closed at Stuart Street, Kempsey.
- 3 That Council authorises the affixing of the seal to the agreements and authorities relating the appointment of Inspector and Relief Inspector of the Mid North Coast Weight of Loads Group.

2002. 848

**RESOLVED:**

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

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That the Director Corporate and Community Services Recommendation be adopted with the addition of:-

- 4 That Director Engineering prepare a report on the operations of the Mid North Coast Weight of Loads Group.

<b>DCCS 5</b>	<b>LOAN LIABILITY AS AT 30 JUNE 2002</b>
<b>FILE: L6-2</b>	<b>APC</b> {Folio No. 242951}

**SUMMARY:**

Reporting on Council's loan liability as at 30 June 2002.



Council at its meeting of 10<sup>th</sup> September 2002 requested that a report be prepared outlining Council's loan liability.

The total loan liability as at 30 June 2002 is as follows:

General Fund	\$8,184,260
Water Fund	\$12,836,853
Sewer Fund	\$5,331,028
Total	\$26,352,141

A Schedule detailing individual loan balances by loan number and function is set out on [\(Appendix B\)](#).

**Financial Implications**

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

**Director Corporate and Community Services Recommendation:**

That the information be noted.

2002. 849

**RESOLVED:**

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

That the report be deferred to the next meeting of council.

<b>DCCS 6</b>	<b>STATEMENT OF INVESTMENTS HELD AS AT 30 SEPTEMBER 2002</b>
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**SUMMARY:**

Submitting the Statement of Investments as at 30 September 2002.

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

[\(Appendix C\)](#)

**Financial Implications**

*There are no financial implications relating to this recommendation.*

2002. 850

**RESOLVED:**

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

That the information be noted.

**DCCS 7 STATEMENT OF BANK BALANCES AS AT 30 SEPTEMBER 2002**

**SUMMARY:**

Submitting the Statement of Bank Balances as at 30 September 2002.



[\(Appendix D\)](#)

**Financial Implications**

*There are no financial implications relating to this recommendation.*

2002. 851

**RESOLVED:**

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

That the information be noted.

**DCCS 8 AIR-CONDITIONING WARDS, KEMPSEY DISTRICT HOSPITAL  
FILE: H2-10 TIH (NRN) {Folio No. 242952}**

**SUMMARY:**

Reporting on a reply to Council's enquiry concerning Air-conditioning the wards at Kempsey District Hospital.



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Attached at [\(Appendix E\)](#) is a copy of the reply concerning Air-conditioning the wards at Kempsey District Hospital.

In essence Air-conditioning cannot be met from existing recurrent funds allocated to the Mid North Coast Area Health Service without affecting current service provision.

***Financial Implications:***

***The financial implications of this report is nil.***

**Director Corporate and Community Services Recommendation:**

The information be noted.

2002. 852

**RESOLVED:**

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

**That the matter of air conditioning for the surgical and medical wards at Kempsey District Hospital be included in the submission to the Minister for Health, the Honourable Craig Knowles and that the Mid North Coast Area Health Service be requested to monitor the present situation over the coming months.**

**DCCS 9      REVIEW OF SECTION 355 COMMITTEES  
FILE: D2-6 COPY C18-23 PJH (NRN) {Folio No. 242954}**

**SUMMARY:**

To update Council on the current situation with the review of section 355 committees.



As reported to Council at its meeting of 13<sup>th</sup> August 2002 a survey was forwarded to all Section 355 committees (68 in number) to ascertain whether each is still active and obtain information relating to their:-

- activity and committee members
- insurance coverage
- equipment used to carry out functions

The survey information is being collated as they are returned and a copy of the preliminary results so far are attached at [\(Appendix F\)](#)

Surveys have been returned by 38 committees.

Withdrawal of Delegations - Kempsey Riverbank Beautification Committee and South West Rocks Golf Course and Tennis Club Committee

Advice was received back from the Kempsey Riverbank Beautification Committee that their committee has been disbanded, therefore Council should withdraw the delegation.

Also the delegation to the South West Rocks Golf Course and Tennis Club Committee can also be withdrawn as these lands are now under a formal 20 year lease from Council (as Reserve Trust Manager) to the South West Rocks Country Club.

A final report detailing the results of the questionnaire should be able to be submitted to the November or December 2002 Council meetings.

To meet its requirements under new O H & S legislation Council will need to conduct a number of job safety analysis of the activities undertaken by its 355 committees and issue them with safe operating procedures.

**Financial Implication**

***There are no direct costs resulting from this report. Staff time has been/will be significant in collating the relevant information and meeting with a number of the 355 committees who have requested clarification of insurance and OH & S issues.***

2002. 853

**RESOLVED:**

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

- 1 That the information be noted.
- 2 That the 355 delegations to the Kempsey Beautification Committee and the South West Rocks Golf Course and Tennis Club Committee be withdrawn.

<b>DCCS 10</b>	<b>NSW PREMIERS DEPARTMENT KEMPSEY COMMUNITY SOLUTION PROGRAM</b>
<b>FILE: I2-2</b>	<b>TIH (NRN) {Folio No. 242957}</b>

**SUMMARY:**

Report on the NSW Premiers Department, Community Solutions Program Kempsey.



**Background:**

The NSW Premiers Department, recently announced funding of \$1.1 million Kempsey Shire Council will receive \$625,000.00 from Kempsey Community Solutions Program. See attachment Kempsey Community Solutions Plan, Summary of Strategies. [\(Appendix G\)](#).

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These funds make contributions towards expenditure on capital works (strategies 1.1, 1.2, 1.4, 1.5, 2.2 & 2.3) and have implications for staff involved in crime prevention, (strategies 1.3) cultural development (strategy 2.4) and youth work (strategy 3.1, 3.2,3.4 & 4.4).

At a meeting of the Premiers Department and Council's Aboriginal Liaison and Community Safety Committees on 25 September 2002 the management, reporting and monitoring requirements of the funding agreement were discussed. See attached minutes. [\(Appendix H\)](#)

The management, monitoring and reporting requirements of the funding agreement requires coordination, but by who? The following provides some suggestions.

### **Grant Management, Crime Prevention and Cultural Development.**

#### **Current situation:**

Council's Grants Advisor / Crime Prevention Officer currently has the following duties:-

- \* Grants Advisor
- \* Crime Prevention Officer
- \* Drink Driver Prevention Officer

Council currently funds the grants advisor position 3 days a week. The Crime Prevention Officers position 1day a week. The Drink Driver Prevention Officer position is fully funded by the RTA.

The Grants Advisor / Crime Prevention Officer also facilitates the Arts and Cultural Development Committee out of working hours.

Current cost to Council \$41,845.00 pa, including on costs.

The provision of this grant funding will require specific responsibilities and Council could consider:-

#### **Option 1**

That a new position of Kempsey Community Solutions Coordinator be created. The duties to include:-

- \* Coordination of the Kempsey Community Solutions Plan
- \* Development of a New Kempsey Crime Prevention Plan.
- \* Development of a Cultural and Recreational Services Map/Plan.

This position to be totally funded for two years only from the Community Solutions Funding approximate cost \$45,271.00.

#### **Option 2**

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A reallocation of the present Grants Advisor / Crime Prevention Officer role to retain all of the present responsibilities but to also employ a clerical assistant for two years to work specifically on these roles.

Approximate costs to upgrade the present position = \$3,500.00p.a.  
Approximate cost of employing a clerical assistant = \$32,000.00p.a.

### **Youth Work**

Youth Work activities under the Community Solutions Plan include \$50,000.00 of project funds over two years. It is recommended that funds be provided to allow the Youth Worker's contract to be extended from 23/12/02 to cover these projects and that the position be extended to 30/06/04.

### **Financial implications**

**The Community Solutions grant will cover Councils costs of expanding the role of the Grants Advisor/Crime Prevention officer and Research and Clerical support. The expanded role of the Youth Development Officer's position will require some contribution from Council.**

2002. 854

**RESOLVED:**

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

1. That Council ratifies the recommendation of the Community Safety Council and Aboriginal Liaison committees.

*"That a sub committee of the Community Services Committee be established to oversee the implementation of the Kempsey Community Solutions projects. That this committee report to the Community Services Committee, Community Safety Council and Council".*

2. That Council expands the role of the existing Grants Advisor/Crime Prevention Officer for a period of two years to include that of Community Solutions Coordinator, and provide funds to employ a Research/ Clerical Support Officer for two years (as per option 2 above) to assist the former in the expanded role with the additional costs of the positions to be funded from the Kempsey Community Solutions Program Grant.
3. That funds from the Kempsey Community Solutions Program be provided to allow existing Youth Worker's position to be extended from 23/12/02 to 30/06/04 when the position will be re-evaluated.

<b>DCCS 11</b>	<b>FINANCIAL STATEMENTS FOR THE TWELVE (12) MONTHS TO 30 JUNE 2002</b>
<b>FILE: A2-21</b>	<b>APC (NRN) {Folio No. 242959}</b>

### **SUMMARY:**

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Reporting on the requirements in relation to the preparation and audit of the Financial Statements to 30 June 2002.



Council's Financial Statements for the twelve (12) months to 30 June 2002 have been completed and are currently being audited.

The Local Government Act 1993 requires that in respect of its Financial Statement, Council must by resolution prepare a statement indicating:-

- 1 *Whether or not the Council's annual financial reports have been drawn up in accordance with:-*
  - the act and the regulations; and
  - the Local Government Code of Accounting Practice and Financial Reporting; and
  - the Local Government Asset Accounting Manual; and
  - the Australian Accounting Standards; and
- 2 Whether or not those reports present fairly the Council's financial position and operating result for the year; and
- 3 Whether or not those reports accord with the Council's accounting and other records; and
- 4 Whether or not the signatories know of anything that would make those reports false or misleading in any way.

Council's financial reports have been prepared in accordance with the above requirements.

The Local Government Act provides that Council's financial reports must be prepared and audited within four months after the end of the year, i.e. by 31<sup>st</sup> October 2002. Council's auditors will conduct the audit in the week commencing 14 October 2002.

Attached at [\(Appendix D\)](#) are copies of the Statement of Financial Performance and Financial Position for the year ended 30 June 2002. In comparison with the previous year:-

- Operating Revenue increased by 10.32% to \$31.4m
- Operating expenses increased by 10.26% to \$34.2m
- Total equity increased by .64% to \$355m

The Auditor's report will be represented to Council upon its receipt.

***Financial Implications***

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

2002. 855

**RESOLVED:**

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

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That pursuant to Section 413(2)(c) of the Local Government Act 1993 Council declare that in its opinion:-

- a) the financial reports fairly represent the financial position of Kempsey Shire Council as at 30 June 2002; and
- b) the financial reports have been prepared in accordance with the requirements of the Local Government Act 1993, the Local Government Regulations 1993, the Local Government Code of Accounting Practice and Financial Reporting, the Local Government Asset Accounting Manual and the Australian Accounting Standards; and
- c) the financial reports are in accord with Council's accounting and other records; and
- d) Council is not aware at this time of any circumstances, which would render any particulars included in the financial report to be misleading or inaccurate.



## DIRECTOR BUSINESS ENTERPRISES REPORT

<b>DBE 1</b>	<b>TENDER - DESIGN AND CONSTRUCTION OF ROOF AT KEMPSEY REGIONAL SALEYARDS</b>
<b>FILE: C15-647</b>	<b>GBS {Folio No. 242961}</b>

**SUMMARY:**

Reporting on the assessment of tenders for the design and construction of roof structure at Kempsey Regional Saleyards.



Tenders for the design and construction of a roof over the selling complex at the Saleyards closed at 4.00pm on Tuesday, 4<sup>th</sup> September 2002.

Tenders were received from –

Tenderer	Apparent Tender Price (Excl GST)	Adjusted Tender Price (Excl GST)
1. Glenwood Building Systems	\$ 72,700	\$ 72,700
2. Williams River Steel	\$ 82,392	\$ 82,392
3. Tri Steel	\$ 99,350	\$ 99,350

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4.	North Coast Shed Market	\$110,749	\$110,749
5.	Dutton Engineering	\$134,640	\$130,140
6.	Ewe Beaut Products	\$141,054	\$127,417
7.	Mitre 10 Home and Trade	\$145,700	\$132,064
8.	Barry Clark Construction P/L	\$180,455	\$180,455
9.	Sedcan Constructions P/L	\$220,000	\$220,000

NOTE: The "Adjusted Tender Price" represents the Tender Price (excl. GST) with adjustments made to delete any optional extras so that a fairer comparison of "like against like" can be made.

Assessment of the tenders was undertaken by Council staff in conjunction with a Sub-Committee of the Saleyards Committee.

The tender submitted by Glenwood Building Systems did not adequately address the specifications. The tenders submitted by Barry Clarke Construction Pty Ltd and Sedcan Constructions Pty Ltd were eliminated on the basis of unacceptable price.

The other six (6) tenders were assessed under the 6 attributes set out in the tender specifications. These attributes were given a point score between 0 and 5, and given a percentage weighting as follows:

ATTRIBUTE	WEIGHTING
Offer Price	30%
Warranty	10%
Quality	15%
Design	20%
Track Record/Reputation	15%
Enhancement of Capabilities of Local Business	10%
	100%

As a result of this assessment, the preferred tenderer is Williams River Steel. Their tender and design concepts generally conform to the requirements set out in Council's tender specifications and this was confirmed by way of an on-site briefing.

The proposed structure provides a free standing clear span roof over the top of all existing infrastructure (fences, buildings, etc) and as such is compatible with and will enable Council to continue on in future years, as funds permit, with upgrading of facilities in accordance with works identified in the proposed Capital Works Program for the Saleyards ie. grandstand, canteen, amenities block, etc.

The other tenderers were ranked in order of preference as follows – Dutton Engineering, Tri Steel, Mitre 10, North Coast Shed Markets, and Ewe Beaut Products.

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Having selected the Williams River Steel tender, it is proposed to include the option for "Purline Insulated" roof sheeting at a cost of \$13,174 in the contract. This material was used in the West Kempsey Primary School's covered assembly area and is reported to provide a good result in noise reduction.

**Financial Implication**

**The sum of \$212,475 (\$150,000 plus \$62,475 revote) is available for capital works expenditure in 2002/03 at the Saleyards.**

**In addition to the tender price Council will incur additional costs in relation to this project for items such as Council's DA and Construction Certificate fees; disposal of roofwater; electrical fit out; display signs; etc.**

**The tender price for the roof over the selling complex is \$82,392 plus \$13,174 for insulated roofing, making a total of \$95,566 (excl. GST).**

2002. 856

**RESOLVED:**

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

**That Council accept the tender of \$95,566 (excl. GST) submitted by Williams River Steel for the design and construction of the roof over the selling complex at Kempsey Regional Saleyards.**

<b>DBE 2</b>	<b>INTERRUPTION TO WATER SUPPLY</b>
<b>FILE: W1-14</b>	<b>GBS (NRN) {Folio No. 242963}</b>

**SUMMARY:**

Reporting on claims for compensation arising from interruption to water supply.



On Tuesday, 30<sup>th</sup> July 2002, there was an interruption to the water supply affecting areas to the east of the South West Rocks Country Club, that is the Phillip Drive and Arakoon areas.

There was an urgent need to relocate the water mains adjacent to the new clubhouse building works. The work had to be scheduled in co-operation with the building contractors so as to minimise supply interruption in the future. Given the urgent nature of the works, there was a limited period available for Council to advertise the proposed interruption. In an effort to reach as many people as possible, advertisements and community announcements were placed with the three local radio stations to air on the Monday afternoon and the Tuesday morning prior to the impending supply interruption.

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Unfortunately with the short lead time a number of customers did not receive sufficient notice and some businesses have now submitted claims to Council for compensation for loss of income.

A copy of the claims received is attached at [\(Appendix A\)](#)

Council issued an apology by way of community announcements and a letter to affected customers. In future planned interruption will be scheduled with sufficient lead time to allow a letter-box drop to all affected customers.

The matter of providing compensation for existing and potential claims was considered at the MANEX meeting on 29<sup>th</sup> August 2002 and referred to Council for a decision.

Whilst the claims for compensation in this instance are fairly insignificant and could easily be met on the basis of a commercial decision in the best interest of Council's public relations, to do so would create a precedent for all areas of Council activity for the future.

#### **Financial Implication**

**Any compensation to be paid by Council would represent a charge against the Working Funds account in the Water Fund.**

#### **Director Business Enterprises Recommendation:**

1. That any future planned interruption to water supply services be scheduled so that at least three (3) days advance notice can be given to all affected consumers.
2. That Council advise those people who have lodged a claim for compensation for damages occasioned due to interruption of water supply on 30<sup>th</sup> July 2002, that such claims are denied.

2002. 857

**RESOLVED:**

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

**That the Director Business Enterprises Recommendation be adopted subject to part 1 being amended to read "seven (7) days in lieu of three (3) days".**

<b>DBE 3</b>	<b>11<sup>th</sup> ANNUAL COMMUNITY ECONOMIC DEVELOPMENT CONFERENCE</b>
<b>FILE: C11-2</b>	<b>TCB (NRN) {Folio No. 242964}</b>

#### **SUMMARY:**

Reporting on attendance of the Economic Development Manager at the 11th Annual Community Economic Development Conference held at Orange between 8<sup>th</sup> –10<sup>th</sup> September 2002.

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As part of my role as Economic Development Manager I attended the conference accompanied by Steve Read, Tourism Manager, and Jenny Kelly, Chair of Macleay Development and Promotion.

The conference was a mixture of plenary sessions, parallel sessions, workshops, a field trip and evening networking functions. Conference papers will appear on the website: [www.regionalcommunities.nsw.gov.au](http://www.regionalcommunities.nsw.gov.au).

The aim of the conference was to share information on community economic development practices, what works, what are the problems and building networks. Community economic development is about helping the community to help itself to create jobs, cultural events and to build capacity and teamwork to achieve great things. Often for smaller communities this could be translated to, "we're as mad as hell and we're not going to take it any more" and then seeing that energy translate into real outcomes to provide a brighter future.

The key underlying assumption, that is that local and community driven action, can make a difference.

*The attached report, see [\(Appendix B\)](#), summarises the plenary sessions, parallel sessions and workshops that I attended. Each of the session and speakers raise important points that can provide an information base for translation to practical use in the Shire.*

**Financial Implication**

**Nil. Costs have been assigned to the 2002-03 promotional budget for economic development.**

2002.858

**RESOLVED:** *Moved: Cl. Sowter*

*Seconded: Cl. Parkinson*

**That the report be noted.**

**DBE 4      ECONOMIC DEVELOPMENT ACTION PLAN  
FILE: S10-13, I2-20      TCB (NRN) {Folio No. 242966}**

**SUMMARY:**

Reporting on the Workplan produced for Economic Development, which establishes tasks and priorities.



One of the adopted General Manager's outputs for 2002-03 was to, "Establish an Economic Development & Tourism Committee comprising Council and

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**MAYOR**

Community representatives that operates within an approved action plan with specific performance measures.”

Council appointed six business community members to a committee providing oversight of its economic development and tourism functions. The Mayor, two Councillors, and the General Manager are permanent members of the committee. The committee has resolved to be known as “*Macleay Development and Promotion*” (MDAP). Jenny Kelly has been elected as Chair and Brian Irvine as Deputy Chair.

The MDAP Committee will act as a Board providing review and endorsement of strategic direction, implementation plans, specific projects and promotions. MDAP will also provide input to the development of strategic direction, implementation plans, specific projects and promotions. Where economic development and tourism grant funding is to be applied for, Council will be the proponent. MDAP may form the steering committee for the grant or agree to set up a sub-committee to undertake this role, with or without representation from outside of MDAP.

The Committee, in conjunction with the Economic Development Manager, has developed a Workplan for 2002-2005. This document sets out the objectives, key tasks, implementation, performance and reporting mechanisms for the Economic Development Manager.

*A copy of the Workplan is attached at [\(Appendix C\)](#). Any changes to the document will be referred back to the Committee. The Committee will review and report on progress towards implementation on a regular basis.*

#### **Financial Implication**

**The resources required to implement the Workplan will generally be funded from annual budget allocations (salaries, printing etc.) and grant funding.**

2002. 859

**RESOLVED:**

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

**That the Workplan for the Economic Development Manager be adopted.**

<b>DBE 5</b>	<b>BRANDING OF KEMPSEY SHIRE “MACLEAY VALLEY COAST”</b>
<b>FILE: I2-20</b>	<b>TCB (NRN) {Folio No. 242967}</b>

#### **SUMMARY:**

Reporting on the proposal by the newly formed Macleay Development and Promotion (MDAP) Committee to brand Kempsey Shire as Macleay Valley Coast.



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*The MDAP Committee believes that there are problems with the current branding of Kempsey Shire – or lack of. There was a widely advertised survey and request for suggestions carried out in 2001. After reviewing these and other suggestions the key brand of “Macleay Valley Coast” was decided upon.*

*Secondary branding and tag lines can then be applied after the key brand depending on the type of use (eg. tourism, retirees, business attraction). Macleay Valley Coast was first suggested some three or four years ago.*

The MDAP Committee have recommended adoption of the brand by Kempsey Shire Council. MDAP felt that Macleay Valley Coast is a strong key brand for the following reasons:

1. It is strongly locational and geographically based, unlike a made up name.
2. It sends the message we have valley, river and coast (our three key natural geographical assets). This provides an additional attraction above the Coffs Coast brand to the north (and a point of distinction).
3. It satisfies residents and business operators in the Macleay Valley and on the Coast. It is inclusive and does not exclude any town or any part of the shire.
4. It is short and sends a clear message that we have a diversity of locations. This implies that we have activities to suit a range of people such as surfers, swimmers, fishers, bushwalkers and nature lovers.
5. It builds upon the Macleay Valley branding that has been used in recent years.
6. It provides a “future proof” brand that is not tied to transitory brands such as “Australia’s Holiday Coast.”
7. There is the opportunity for towns such as Kempsey, South West Rocks, Crescent Head and Bellbrook to use Macleay Valley Coast as co-branding (or to sub-brand under it) when they are doing their own town specific promotions. This further reinforces the brand and provides a valuable link in people's mind to location. Confirmation of location can be further enhanced in accompanying promotional ideas and layouts – eg. pictures, maps, use of sub branding or over branding and etc.
8. Secondary branding lines could include our existing and additional lines such as:
  - Natures Wonderland
  - Living alternatives within reach
  - The land that stress forgot
  - Unmask the magic
  - Surprise yourself
  - Natures Retreat

### ***Financial Implication***

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*If the brand is adopted and implemented gradually through replacement of signage, printed and other material there is no significant financial implication. The financial benefit to tourism operators through the application of a brand, which includes the word "coast" may be considerable.*

**Director Business Enterprises Recommendation:**

That the "Macleay Valley Coast" brand be adopted and implemented gradually through replacement of signage, printed and other material, and more immediately during advertising.

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

That Council not accept the brand of "Macleay Valley Coast" for the Kempsey Shire area.

At this stage a further motion was foreshadowed.

The MOTION was PUT to the MEETING and was LOST.

2002. 860 **RESOLVED:** *Moved: Cl. Sproule  
Seconded: Cl. Howell*

That the Director Business Enterprises Recommendation be adopted.

Councillor Parkinson recorded his vote against the foregoing Resolution.



**LATE BUSINESS – EXTRA-ORDINARY COUNCIL MEETING 9<sup>TH</sup>  
OCTOBER 2002**

2002. 861 **RESOLVED:** *Moved: Cl. Howell  
Seconded: Cl. Sproule*

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

2002. 862 **RESOLVED:** *Moved: Cl. Howell  
Seconded: Cl. Sproule*

That the extra-ordinary Council meeting scheduled for Wednesday 9<sup>th</sup> October 2002 be deferred to a date to be determined and that the reports for the meeting relating to future caravan park management be considered at today's meeting.



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At this stage 2.06 p.m. the Meeting adjourned for Luncheon and upon resumption at 3.22 p.m. all present at the adjournment were in attendance with the exception of Councillor Mainey who apologised for non-attendance at the remainder of the meeting.



**DBE 6**

**BUSINESS SURVEY**

**FILE: I2-20 TCB (NRN)**

**{Folio No. 242968}**

**SUMMARY:**

Reporting on the proposal to conduct a business survey of the Shire. The proposed introductory letter and survey are attached.



***Why conduct the survey?***

*There are many reasons to conduct a business survey of the Macleay Valley Coast. Most of all the Economic Development Manager wants to get the views of business operators on the advantages and disadvantages of conducting business in the Shire and what can be done to make it an even better place to do business. Gauging the nature and size of the industries present, via the survey, will help to better direct our efforts to help business.*

*This is the chance of business operators to have a say, after all if we don't know what the issues are we may not consider them when developing our plans to assist economic development of the area.*

*A copy of the proposed survey is attached at [\(Appendix D\)](#). It has been approved by Macleay Development and Promotion Committee and printed in readiness for distribution at the launch of the new Macleay Development and Promotion offices on Wednesday 9<sup>th</sup> October.*

***The survey is confidential***

All survey results are confidential and will not be passed on to any third parties. Nor will survey forms be passed on to any other government departments or arms of Council outside of economic development.

All information will be aggregated into a set of statistics and descriptions of issues and possible solutions based upon the survey results.

No business specific information will be reported in a form that enables specific information to be identified with a particular business.

***How the results will be used***

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The survey results will be aggregated and developed into a report outlining the nature and scale of industries in the Shire, analysis of the advantages and disadvantages of conducting business in the Shire, and consideration of what might be done to enhance industries present.

*It is also intended to compare and contrast information with the results of the 1996 Enterprise Register Business Survey conducted in the area.*

*The results will be presented to a business forum for further discussion, analysis and agreement with respect to possible actions to assist industries in the Shire.*

**Financial Implication**

**The cost of the survey would be met from the 2002-03 budget allocation for promotion.**

2002. 863

**RESOLVED:**

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

1. That the Conduct of the business survey be noted.
2. That a business forum be held to discuss and analyse issue revealed from the survey.

<b>DBE 7</b>	<b>FILM AND TELEVISION PRODUCTION IN KEMPSEY SHIRE</b>
	<b>FILE: R5-2, T3-2 TCB (NRN) {Folio No. 242969}</b>

**SUMMARY:**

Policy and guidelines for filming in Kempsey Shire.



Kempsey Shire Council, along with Coffs Harbour, Nambucca, Hastings and Greater Taree Councils and the State and Federal Government, have agreed to fund Film Mid-North Coast. Film Mid-North Coast is a local film commission established to attract film and commercial production to the area.

An important feature of attracting film production is a clear set of policies and charges that the film company can receive and consider when searching for filming locations. Film Mid-North Coast has prepared the attached Policy and Guidelines which replicate the Local Government Filming Protocol, NSW Department of Local Government, September, 2000. It is intended that each of the LGAs adopt these, which enables a uniform approach and enhances our ability to attract filming.

Locations within Kempsey Shire have already been submitted to film producers by Film Mid-North Coast and it is anticipated that we may be successful in having productions here within the next year. Film Mid-North Coast has already been successful in attracting two films and two

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commercials to the region. These productions have had large short term benefits to local retailers, accommodation providers and trades people. Fees are collected by the Council to reflect the effort in assessing, processing and administering a film proposal.

*A review of the draft Policy reveals the following amendments are needed:*

1. Conditions 25-28 of the Conditions of Approval – Filming Conditions should be dot points under Conditions 24
2. Conditions 32 and 33 of the Conditions of Approval need to be amended to refer to the current Act of legislation.

The Draft Policy and Guidelines is quite a lengthy document and accordingly a copy has been distributed to Councillors under separate cover. A copy of the document will be available for inspection by the general public upon request.

**Financial Implication**

***If the Policy and Guidelines are adopted the Council will have the right to charge a fee for each application to film within the Shire (external film crews only). This could provide a financial benefit to the Council and a boost to the local economy during each production.***

2002. 864

**RESOLVED:**

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

**That the draft Film and Television Production Policy and Guidelines, as amended, be adopted and that the Economic Development Manager be the Council's nominated production liaison officer.**

<b>DBE 8</b>	<b>MASTER-DEDUCT WATER SERVICES</b>	
	<b>FILE: W1-5 GRP (NRN)</b>	<b>{Folio No. 242970}</b>

**SUMMARY:**

Reporting on the circumstances surrounding the master-deduct water services supplying properties in the vicinity of Sutherlands Lane and the cost of works required to resolve problems with the system.



Councillors Sowter and Bowen have recently requested an investigation of the possibility of extending the town water supply mains to serve properties in the Syd Sutherlands Lane area.

Water supply to several farms in the vicinity of Sutherlands Lane and Syd Sutherlands Lane is delivered via master-deduct (or piggy-back) systems. These systems comprise a master water meter at the start of the service line and then slave meters to measure water taken from the master pipeline to other properties along the way. Council has received a petition from some of

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these property owners to extend Council's water mains so each property can have direct access to town water via a separate service connection.

Some of these properties are more than 2.5km from Council's main.

Council has fifteen of these master-deduct systems within the Shire. These systems usually involve very long rural services, usually of polyethylene pipe, which run considerable distances through paddocks and bush. This consequently makes them prone to damage and makes it difficult to detect leaks until an excess water account is served. This results in a close inspection of the pipeline and repairs are undertaken.

For charging purposes, the owner of each off-take service pays the amount measured by their slave meter. These amounts are then deducted from the reading of the master meter and the owner of the master meter pays the difference.

The problems arise when there is a leak in the master service line, which results in an excess water bill. This is borne fully by the owner of the master meter since it is that meter which registers the lost water. The owner of the master pipeline is also fully responsible for maintenance and repair of this pipeline even though others benefit from it. Obviously this invokes disharmony amongst the users from time-to-time and complaints to Council are common.

In the case of the Sutherlands Lane system, Council owns the master meter and, therefore the master pipeline of approximately 800m. It is unclear how this happened or why but the fact remains that Council has somehow wound up owning a very sub-standard system. This has been the cause of considerable cost in lost water due to long-standing leaks, consequent repairs and the payment for the resultant excess water accounts. This system only supplies water troughs for cattle. There are no houses in the vicinity and never will be due to proneness to flooding.

Water Services Section has investigated options for resolving the situation and has identified a preferred option, which would resolve current problems in the area at the minimum cost to Council and the affected consumers. The cost of this option is estimated to be \$130,000 and involves

- a) laying 1,930m of 50mm polypipe in Syd Sutherlands Lane, and
- b) laying 1,620m of 50mm polypipe in McCarthy's Lane, together with gravelling the lane to 4m formation.

The signatories of the petition have not indicated whether they would be willing to contribute to the system upgrade. Since each individual would gain different benefits from the upgrading of the system it is difficult to establish how much contribution could be reasonably expected. Since some are not disadvantaged by the current system it is probable that they would not be willing to contribute at all. As such, it is likely that Council would have to fully fund the work. This would still be of benefit to Council in the long term through reductions in repair costs and reductions in loss of water costs.

In addressing this matter Council should duly consider the issues of –

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**SUMMARY:**

Reporting on production of the Macleay Valley Visitor Guide 2002/03.



The sale of advertising spots in the third edition of the Macleay Valley visitor Guide has been finalised. In previous years Cartoscope Pty Ltd, as contractors for the production of the guide, have employed an advertising sales person to sell spots in the guide.

The 2001/02 edition struggled to gain participant advertisers and as such the Kempsey Visitor Information Centre contributed \$3,000 to ensure the guide was economically feasible. The Tourism Manager and the Visitor Centre Manager undertook to sell the guide this year in an attempt to increase operator involvement and reduce costs for the reproduction of the guide.

The Visitor Guide is the major collateral piece for tourism promotions and is distributed throughout NSW and interstate in Visitor Centres as well as all holiday and travel shows and promotions throughout the year. Responses to marketing campaigns are mailed the guide in information kits.

Tourism industry operator support for this years guide rose to \$53,400 from \$38,500 last year. This level of cooperative marketing support from the industry is very encouraging; it ensures the ongoing viability of this, our major tourism publication and shows a willingness by industry operators to contribute to worthwhile promotional opportunities.

**Financial implication**

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

2002. 866

**RESOLVED:**

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

That the information be noted.

<b>DBE 10</b>	<b>COMMUNITY ECONOMIC DEVELOPMENT CONFERENCE – ORANGE – 8-10 SEPTEMBER 2002 FILE: C11-2      SJR (NRN)      {Folio No. 242972}</b>
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**SUMMARY:**

Reporting that the Tourism Manager, Steve Read accompanied the Economic Development Manager, Terry Bates and the chair of MDAP Jenny Kelly to the Community Economic Development Conference hosted by the Department of State and Regional Development.



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**MAYOR**

The Economic Development Manager has reported on the plenary sessions. Various workshops & field trips were available and attended by representatives of our group. The workshops that I attended are detailed below.

1. Determining the Economic Value of Events, Anne Pitchers DSRD

This workshop sought to devise ways to measure the local contribution of events. The Bureau of Tourism Research publishes estimates of daily visitor expenditure. These estimates are very broad based and often inaccurate. Methods suggested to better gauge specific impacts were:

- a. Access local TAFE or university students to conduct visitor surveys and break up demographics of visitors.
- b. Measure withdrawals from ATM's and compare with normal period. The excess could be assumed to have been spent locally.
- c. Calculate attendance levels through either ticket sales, head counts, car counts, increases in garbage and sewerage loads.

A CDROM titled 'Making Dollars and Sense out of Community Events' was obtained and will be a valuable resource for business owners and event organisers.

2. Developing off season tourism

Items discussed included targeting promotions to increase shoulder visitation, as this is where most benefits will be gained. Accept that quiet times do happen and that in mid winter visitors do not want a beach holiday but rather a snow holiday. Develop special events in shoulder and off-season periods when there is ample accommodation capacity and greatest benefit to the area.

Be wary of massive discounts to attract visitors, consider value adding attractions, restaurants and complimentary sponsored items.

Develop tourism product, which is adaptable and slightly removed from your major drawcard attraction.

3. Getting the media working for you, John Newton, Food & Wine writer SMH

Well written media releases that grab attention instantly. State who, what, where, when & why in the opening paragraph. Use embargoes wisely. Include photo's (low resolution) with media releases.

Conduct familiarisation tours, keep families simple and do not pack too much in to the day. Figure out quickly if individual representatives want to be led or given free reign, if there is something special they want from the family try to give it to them.

Identify new, unusual, interesting, quirky stories, as these are more likely to attract media coverage.

4. Is tourism right for your town? Jenny Rand & Associates

Tourism is a growth industry; it is clean, sustainable and generates additional dollars for local economies. It can bring negative changes, character and lifestyle to a community. It is a 365 day a year industry and will change the retail mix and may lead to crowding.

There is no point attracting tourists if the community is not supportive. Local workshops can identify what is the unique selling point of a community, what is working in tourism and what needs to happen to develop this success.

Work closely with your Council, tourism industry and service clubs to ensure that all derive benefits from tourism

5. Going to the movies; establishing a community cinema

Tumut & Glenn Innes have established community cinemas and recounted lessons they had learnt along the way including:

- High cost of equipment
  - Need for skilled projectionist
  - 80% of patrons are teenagers
  - Need ticketing strategies
  - Volunteers require for success
  - Weekend screenings with early & late sessions.
  - Don't run 1<sup>st</sup> release movies but rather wait until the movie is a few weeks old and the returns are higher
  - Publicise future screening so patrons know the movie is coming and wont go to larger centres to see 1<sup>st</sup> release
- Tumut began operating in an old disused cinema following their local council renting the site on their behalf. The cinema was very successful and eventually the group received grant funding from the Ministry for the Arts to purchase the building, which they have donated, back to Council.

In Gunnedah on Saturday 2 November the Film & Television Office are staging a 'Flicks in the Sticks' workshop for groups keen to pursue community cinema.

**FIELD TRIP:**

Cudal Food & Wine Centre and small town initiatives

This field trip visited the small village of Cudal (pop 420) within the Cabonne Council. Due to the large range of food products grown in the area they market as Cabonne Country, Australia's Food Basket. Farming includes venison, beef, lamb, grapes, apples, berries, stone fruits, nuts and fish farming. Produce from the region carries a distinct logo and signage within the region reinforces this brand.

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The field trip visited Barton Creek Wines and inspected several Small Towns initiatives in the township of Cudal.

These initiatives included the old doctors residence which has been refurbished as a medical centre, the Cudal Cyber Café which brings internet and computer access to the community, and finally the Cudal Food and Wine Centre. This centre is in a 100 year old store and has been restored by the community to showcase produce from the area with tasting and sales as well as visitor information.

**CONCLUSION:**

Attendance at the conference was most beneficial and provided the opportunity to gather worthwhile information on successful initiatives in other regions, which could be replicated or enhanced within the Macleay Valley.

Papers distributed at the conference and outcomes published to the DSRD web site will be made available to interested persons.

***Financial Implication***

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

2002. 867

**RESOLVED:**

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

1. That the information be noted
2. That Kempsey Shire pursue the opportunity to host future Community Economic Development Conferences

<b>DBE 11</b>	<b>2002 NEW SOUTH WALES TOURISM SEMINAR</b>
<b>FILE: C11-13</b>	<b>SJR (NRN) {Folio No. 242973}</b>

**SUMMARY:**

Reporting on attendance at the 2002 New South Wales Tourism Seminar in Sydney on 3 September.



Councillor Nadim Joukhadar and the Tourism Manager, Mr. Steve Read, represented Council at the New South Wales Tourism Seminar.

The Annual General Meeting of the NSW Council of Tourist Associations preceded the conference on 2nd September 2002 and was attended by the Tourism Manager.

The Annual Conference featured informative presentations on industry relevant topics and provided valuable opportunities for informal networking with tourism industry peers.

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The Hon Sandra Nori, MP, Minister for Tourism and Small Business, who spoke of Tourism New South Wales (TNSW) campaigns including 'Feel Free' and 'Coast to Coast' in the UK and New Zealand opened the seminar. The importance of the website [www.visitnsw.com.au](http://www.visitnsw.com.au) which currently generates 120,000 hits per month was also discussed.

Presenters included:

- **Chris Brown Tourism Task Force**

Chris spoke of the impact on the tourism industry over the past twelve months following the events of September 11, 2001. He considered it was time for governments to realise that the industry requires assistance, as did the dairy, sugar and automotive industries in the past.

- **Maurice Newman – Chairman TNSW**

Spoke of a vision for growth of tourism and the importance of regional tourism working to review strategies and stimulate growth.

- **Tony Thirlwell – Chief Executive and General Manager TNSW**

Tony spoke of future directions of TNSW following a restructure of departments and directors. They are looking to strengthen partnerships with industry and key players including local government and regional tourism organisations. TNSW will be taking a more commercial approach.

Three key strategic directions for the future centre on marketing, industry development and government coordination.

- **Richard Neville – Media Commentator**

Richard was the first keynote speaker and presented his views on the seven key trends in tourism.

1. The evolution of Eco Travel and the possibility that tourists could love a destination to death.
2. Youth Creep whereby the aging population are seeking varying tourism experiences.
3. Power Tourism, which represents cash rich workaholics seeking short, sharp, intense relaxation.
4. Health and Personal Pampering Tourism
5. 'Ever Further off the Beaten Track'. Tourists are seeking challenges and expanding the boundaries of their tourism experience and needing either escorted adventures or concise information to self-guide.

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6. 'Learning to combine the three E's'. A trend to incorporating education, entertainment and experiences on a holiday experience and ways to capitalize on this trend.
7. The emergence of Backpackers, Grey Nomads, and Feisty Independent Travellers

Richard commented on an emerging trend toward spiritual travel whereby tourists touch feel and experience the world including starry skies, dreamtime, waves and sand dunes etc.

- **Ross Honeywill – Centre for Customer Strategy in Australia**

Ross was the second keynote speaker and spoke of neo-consumer trends and the implications for tourism in New South Wales.

His speech concentrated on the need to keep pace with changes in the industry and always concentrate on yield ahead of 'profitless volume' to future proof the industry.

Neo consumers represent 25% of the total economy yet represent 48% of discretionary spending power. These consumers are:

- Much more likely to purchase over the internet
- Three times more likely to travel for leisure
- Six times more likely to travel for business
- Ten times more likely to travel frequently over the next twelve months.

These consumers should be targeted via marketing in BRW magazine, the Financial Review and other professional publications.

Open discussion sessions were held on a range of topics including how Blue Mountains Tourism overcame media reporting problems associated with bushfires over the previous Christmas holidays, the Denilquin 'Ute Muster', a film festival in Newcastle and a recovery plan for the Australian Reptile Park following destruction by fire.

- **Presentations by Media Panel**

A media panel comprising representatives from Travel Week, The Sunday Telegraph, the Brisbane Courier Mail, and the Nine Networks 'Getaway' program. These journalists and producers imparted tips on attracting media coverage and ways to obtain the most benefit. Following discussions over lunch with John Wright from the Brisbane Courier Mail we will be hosting him in the near future to write stories on scuba diving in South West Rocks.

Seminar delegates split into working groups to discuss key issues of significance. The session on tourist signposting was selected, as up to date information on signposting was required particularly in relation to the 'Slim

Dusty Way'. A revised policy manual is in the final stages of production and will be available in the near future.

An informal networking function was held following the seminar.

Notes and handouts from the seminar will be made available to interested tourism industry operators.

**Financial implication**

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

2002. 868

**RESOLVED:**

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

That the information be noted

<b>DBE 12</b>	<b>FLEET MANAGEMENT</b>
<b>FILE: P6-3</b>	<b>MW (NRN)</b>

**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 September 2002.

Date	Dealership	New P/No.	New Vehicle	Cost Price \$
15.08.02	Kempstar Nissan	V2020	Nissan Navara Dualcab (SES)	\$32,514

**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. 869

**RESOLVED:**

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

That the information be noted.

<b>DBE 13</b>	<b>WORKS IN PROGRESS</b>	
<b>FILE: W1-2</b>	<b>PH (NRN)</b>	<b>{Folio No. 242975}</b>

**SUMMARY:**

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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. Watermain - Bestic Street, Polwood to Tabrett Street – 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. Clean Greenhill Reservoir – deferred until dam back on line/drought.
5. Belgrave Falls rising main – continuing.
6. Valve Replacement Program – continuing.
7. Upgrade/replace safety equipment – continuing.
8. Watermain replacement – Broughton Street (Bestic to Cochrane Street) – commenced.
9. Service oxy/gear.
10. Repair leaks at Potters Hill Reservoir.

## **MONTHLY WATER CONSUMPTION**

	<b>September 2002 Kilotres</b>
<b>Belgrave Falls</b>	0
<i>Bellbrook</i>	1,064
<i>Crescent Head</i>	16,328
<i>Hat Head</i>	5,717
<i>Sherwood – Line Plant</i>	270,232
<i>South West Rocks</i>	12,949

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<i>Stuarts Point</i>	12,638
<i>Willawarrin</i>	1,159
<b>Total Consumption</b>	<b>320,087</b>

**Kilolitres to Financial Year to Date:** 320,087 KI

**Connections for September – 26**

### **SEWERAGE**

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

#### **Works Completed during last 4 weeks**

1. Repair faults found by Smoke Testing – continuing (South Kempsey).
2. Crescent Head Pump Station refurbishment – C2 complete, C1 complete.

#### **Works Proposed for next 4 weeks**

1. Manhole maintenance at Crescent Head – continuing
2. Sewerage Pump Station upgrades at South West Rocks – continuing.
3. De sludge small lagoon, South West Rocks – continuing.
4. House service defect correspondence and inspections – continuing.
5. Commence sewer mains rehabilitation.

### **SALEYARDS**

#### **Works Completed during last 4 weeks**

1. Normal maintenance and operation.
2. Tenders for design and construction of complex roofing assessed.

#### **Works Proposed for next 4 weeks**

1. Normal maintenance and operation.
2. Completion of Business Plan.
3. Purchase equipment for steel fabrication and security lock-up for gear.
4. Commence steel fencing at ring and northern end perimeter.

### **AIRPORT**

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**Works Completed during last 4 weeks**

1. Normal maintenance and operation.
2. Annual safety inspection.

**Works proposed for next 4 weeks**

1. Normal maintenance and operation.
2. Upgrade of data collection equipment.
3. Repair/Replacement of illuminated wind indicator.
4. Repair boundary fencing.
5. Investigation and repair of electrical main loop (runway) and runway lighting.
6. Sweeping of tarmac near bowsers.
7. Repair drain/grass area adjacent to bowsers.
8. Upgrade grassed landing strip.

**CARAVAN PARKS**

**Works Completed during last 4 weeks**

1. Normal operation and maintenance.

**Works proposed for next 4 weeks**

1. Normal operation and maintenance.
2. Redesign of Crescent Head Caravan Park to meet legislative requirements.
3. Replacement of 3 McLeans Cabins at Crescent Head.
4. Assess viability of Killick Waters development.

**WASTE SERVICES**

**Works Completed during last 4 weeks**

1. Normal operation and maintenance.
2. Weighbridge software upgrade at Kempsey Waste Retrieval and Disposal Facility.

3. Irrigation pump installed at Kempsey Waste Retrieval and Disposal Facility.

**Works proposed for next 4 weeks**

1. Commission new garbage truck.
2. Commence capping of South West Rocks Transfer Station.

**Financial Implication**

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

2002. 870

**RESOLVED:**

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

**That the information be noted.**



## **DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY REPORT**

<b>DBE 1</b>	<b>WATER RESTRICTIONS</b>
	<b>FILE: W1-2 GRP</b>

**SUMMARY:**

Reporting on the current status of Council's water sources and the likelihood of requirement for more stringent water restrictions.



We are still experiencing drought conditions. Lack of rain has resulted in diminishing source waters available for harvest to supply consumers. Forecasts into the next few months are indicating that the situation will deteriorate. This has meant that water restrictions be imposed and it is likely that these restrictions will need to be tightened if conditions don't improve.

The levels of the aquifers used to source the majority of our water are currently adequate but becoming stressed and the flow in the Macleay River is dropping quickly. The dam is still off-line due to continuing presence of algae although the levels of algae are relatively low at the moment.

The river flow rate is the trigger which governs the amount of water we are permitted to harvest for our major system, the Kempsey – Lower Macleay Supply. Macleay River flow at Turners Flat for the week ending 27/9/02 was 81 megalitres per day. This is below the 95<sup>th</sup> percentile level flow for September.

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At Council's August 2002 meeting it was resolved to adopt the following protocols for the introduction of water restrictions whilst the dam is off-line:

- If the flow in the river falls to 150 ML/day, Stage 1 restrictions are introduced. Pump as required up to 14 ML/day.
- If the river flow drops to 70 ML/day or the public demand increases to more than 14 ML/day, Stage 2 restrictions are introduced.
- If the river flow drops to 43 ML/day (95<sup>th</sup> percentile for Decembers), Stage 3 restrictions are introduced and/or consider using dam water if it did not pose a health risk, the decision resting with the Mayor and General Manager.

Since the river is dropping towards 70 ML/day, introduction of Stage 2 Restrictions should be considered. However, Council now has a License from DLWC to test-run the Hat Head Road emergency bores. Water Services staff are currently undertaking preliminary works to facilitate this. It is hoped that this significant amount of water can be pumped into Council's supply system to consumers. If completely successful, these bores could supply up to 40% of the demand on the Kempsey-Lower Macleay system. Even if only partially successful, these pumping tests could provide enough water to alleviate stress on the Sherwood borefield water source.

From this viewpoint it is proposed that Stage 1 water restrictions be maintained whilst the Hat Head emergency system is test-run. It is planned to maintain this operational scenario whilst the volumetric extraction rate required from Sherwood borefield remains less than the volumetric demand required to maintain the whole of the Kempsey-Macleay system under Stage 2 Restrictions.

***Financial Implication***

***There is no financial implication of the following recommendation.***

2002. 871

**RESOLVED:**

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

That the information be noted.

<b>DBE 2</b>	<b>BEST PRACTICE DEVELOPER CHARGES AND PRICING WORKSHOPS</b>
	<b>FILE: W1-2 GRP</b>

**SUMMARY:**

Reporting on proposed Regional DLWC Best Practice workshops on Section 64 Developer Charges and Water, Sewerage and Trade Waste Pricing Guidelines.



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The DLWC is conducting a series of regional 2-day best-practice workshops to brief Councils on new guidelines for:

1. Section 64 Developer Charges Guidelines for Water, sewerage and Stormwater.
2. Water Supply, Sewerage and Trade Waste Pricing Guidelines.

These guidelines are to be issued by the Minister for Land and Water Conservation in the near future. In addition to providing Councils with an insight on the guidelines, the workshops will:

- Provide a strategic briefing for General Managers and Councillors on key issues and requirements for compliance with these guidelines.
- Provide training and worked examples for Council's senior management, engineering and financial staff in calculating charges and tariff structures in accordance with the pricing guidelines.

The workshops for this region are to be held in Port Macquarie on the 20<sup>th</sup> & 21<sup>st</sup> November 2002. The morning session of Day 1 (20/11/02) is free of charge and will be a strategic session for briefing Councillors and General Managers on the key issues involved and the requirements for complying with the new guidelines. The afternoon sessions are aimed at providing Council staff with training to calculate charges and tariff structures.

The costs for the full-day sessions of the workshops are set out below:

<b>Workshop Codes</b>			
<b>A</b>	Full Workshop	Days 1 & 2	<b>\$490</b>
<b>B</b>	Developer Charges	Day 1	<b>\$320</b>
<b>C</b>	Pricing	Day 2, morning Day 1	<b>\$320</b>
<b>D</b>	Strategic Briefing	Day 1 morning	<b>No Charge</b>

It is proposed that appropriate staff will attend the full 2-day workshops. It is recommended by DLWC that Councillors and General Managers attend the strategic session on the morning of 20<sup>th</sup> November 2002.

***Financial Implication***

***There is no financial implication of the following recommendation.***

2002. 872

**RESOLVED:**

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

1. **That the information be noted.**

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2. That Councillors interested in attending the strategic session notify the Director Business Enterprises so registration can be arranged.



## GENERAL MANAGER'S REPORT

<b>GM 1</b>	<b>HALF DAY HOLIDAYS FOR 2003</b>	
	<b>FILE: P12-9 MAM (NRN)</b>	<b>{Folio No. 242976}</b>

Item GM 1 was dealt with earlier in the meeting following the public forum.

<b>GM 2</b>	<b>OUTSTANDING COUNCIL RESOLUTIONS</b>	
	<b>FILE: C18-2 AVB (NRN)</b>	<b>{Folio No. 242977}</b>

### SUMMARY:

Reporting on outstanding Council resolutions on matters raised up to the last meeting of Council.



#### Director Environmental Services

DES 12 11.6.02	Application to subdivide Lot 24 DP253030 into Two Lots File T6-02-135	Consent issued
DES 3 13.8.02	Proposed Youth Club, South Kempsey File T6-00-611	To be issued and Draft completed.

#### Director Corporate and Community Services

DCCS 4 11.6.02	Review of Section 355 Committees File D2-6 Copy C18-23	Preliminary report to October meeting.
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#### Director Business Enterprises

DBE 10 14.5.02	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 6	Drum Muster Program	Negotiations with Agsafe on

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13.8.02	File G1-20	proposed drum muster service agreement not yet entered into.
SUPP-2 DBE 1  13.8.02	Water Supply – Emergency Bores	DLWC are supportive of commencing a test pumping regime to monitor and assess aquifer draw down. Application made to DLWC for licence to test pump from bores. Pumping likely to commence mid-September.
D 1  13.8.02	State Assembly of Local Government 2002	To be investigated in September and referred to the Macleay Development and Promotion Committee.

2002. 873

**RESOLVED:**

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

**That the information be noted.**



**QUESTIONS WITHOUT NOTICE**

Councillor J Bowell

Councillor Bowell was advised:-

- 1 That the Director Engineering would investigate the road surface in the carpark in Stuart Street, Kempsey behind the Coastline Credit Union which is damaged by semi-trailers particularly in hot weather.
- 2 That the work along the riverbank from the Traffic Bridge to Forth Street was flood damage work funded by the flood damage grant.
- 3 That the Director Environmental Services would investigate the property in Akubra Place being used to store derelict cars which had previously been the subject of investigations.
- 4 That the Director Engineering would investigate and advise on the spending of \$30,000 allocated in the 2001/2002 budget for work on minor roads.
- 5 That the Director Environmental Services would arrange for a meeting of the Land Release Strategy Committee so as to discuss rural residential land releases.
- 6 That the Director Environmental Services would investigate the powers of the parking officer in relation to littering laws as mentioned in a recent Lgov Circular.

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- 7 That the Director Business Enterprises would consider a submission in regard to the Country Town Water Supply and Sewerage Program as detailed in a recent Lgov Circular.
- 8 That the Director Engineering would investigate the hazards created by the condition of the steel tree surrounds in the Clyde Street Mall.
- 9 That the issue relating to the protesters at the Beranghi Road work site had been resolved.

Councillor R Bowen

Councillor Bowen was advised:-

- 1 That the consideration of having 70kph speed restriction signs along Kinchela Creek Right Bank Road, in the vicinity of the school, would be referred to the Traffic Committee.
- 2 That the Director Engineering had arranged repairs to the Kinchela Creek flood gate following vandal damage but had not taken any action to relocate the gate at this stage.
- 3 That the Director Engineering would investigate the need for repairs to the road surface along Syd Sutherlands Lane, from Sutherlands Lane.

Councillor P Parkinson

Councillor Parkinson was advised:-

- 1 That the Director Environmental Services could make available information on composting toilets to those landowners still using pit toilets, provided details can be obtained on who these landowners are.
- 2 That the Director Engineering would make enquiries about a study of 40 rivers in relation to flooding mentioned on ABC radio on Tuesday morning 8<sup>th</sup> October to determine if the Macleary River was included.
- 3 That the Director Engineering would make enquiries about whether there was a possibility of the water towers at the Crescent Head Golf Course being used for whale watching shelters.
- 4 That the Director Environmental Services would investigate the dumping of rubbish at the quarry on Old Coast Road.
- 5 That the Director Environmental Services was aware of some issues with the conditions of consent relating to the New Entrance Tavern but such issues were not major.
- 6 That it would be correct protocol for Councillor Parkinson to make direct contact with the Kempsey Rugby Union Club in regard to introducing a new sporting achievement award.

Councillor B Sowter

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Councillor Sowter was advised:-

- 1 That the General Manager would make a determination regarding the best use of the land purchased at South West Rocks for new sports fields prior to them being developed.
- 2 That centre line markings along Gowings Hill Road were not continued for the full length due to the narrow width of the road.

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the General Manager would contact the members of the Women in Local Government Committee to set a date for a meeting.

Councillor J Hayes

Councillor Hayes advised the meeting:-

- 1 That Mr Bruce Mercer from the Department of Corrective Services had issued an invitation to all Councillors to come and witness the viewing platform at the new correctional center and advised that the Department have issued similar invitations to all residents of Aldavilla.

Councillor Hayes was advised:-

- 2 That cattle grazing on various areas of Goolawah Reserve, resulting in damage to trees and the work of the Goolawah Dune Care Group, were difficult to impound and it was also difficult to determine the ownership of the animals responsible.



## MOTION FOR COMMITTEE

2002. 874

**RESOLVED:**

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

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.



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**THIS IS PAGE 132 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 8<sup>TH</sup> OCTOBER 2002**

.....  
**MAYOR**

**DIRECTOR ENVIRONMENTAL SERVICES CONFIDENTIAL  
REPORT**

<b>DES 1</b>	<b>CONTINUED USE OF A BUILDING AS A DWELLING, BELMORE RIVER FILE T6-02-373 RBP</b>	<b>{Folio No. 242978}</b>
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**SUMMARY:**

Reporting that Council has received an application to formalise the use of a building as a dwelling which does not comply with Council's Floodplain Management Strategy Policy.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is considered on a confidential basis as it contains personnel matters concerning particular individuals (Local Government Act 1993, Section 10A(2) (e)).



**RECOMMENDED:**

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

**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 The building is to be lifted and placed on suitable foundations so as to achieve a minimum floor level of 4.7 metres AHD (.i.e. an additional 0.74 metres).**
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.**
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**

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.....  
**MAYOR**

5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council

6 The 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;

7 The plans for the required Construction Certificate are to provide for suitable landings, steps and balustrades at all external openings in accordance with Clause 3.9.1.3(h) and 3.9.2.3 of the Building Code of Australia.

8 Provision of smoke detectors connected to the 240 Volt electricity supply in accordance with the Building Code of Australia.

9 Payment of a cash contribution towards the upgrading and maintenance of Right Bank Road, Belmore River in accordance with Councils Section 94 Plan for Rural Roads.

A copy of the plan may be inspected at Council's Offices, corner of Elbow and Tozer Streets, West Kempsey.

B That the amount of the contribution required by condition 9 be determined under delegated authority by the General Manager in accordance with Council's Section 94 Rural Roads Contribution Plan.

C That the applicants be invited to submit a schedule for compliance with all conditions as described in the above report within 30 days of notification.



## DIRECTOR ENGINEERING CONFIDENTIAL REPORT

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.....  
MAYOR

**DE 1**

**PURCHASE OF LAND – WEST KEMPSEY**

**FILE: LA944**

**KJF**

**(NRN)**

**{Folio No. 242979}**

**SUMMARY:**

Reporting on further information received regarding land for purchase in West Kempsey.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it is information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



**RECOMMENDED:**

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

1. That the General Manager be authorised to finalise the purchase of the land, with funds drawn from Section 94 Contribution and Working Funds, and that Council’s seal be affixed to any documents pertaining to the purchase.
2. That the land be classified as Operational Land.



**GENERAL MANAGER’S CONFIDENTIAL REPORT**

**GM 1**

**SOUTH WEST ROCKS**

**FILE: P12-2**

**AVB**

**(NRN)**

**{Folio No. 242980}**

**SUMMARY:**

Proposing that an assessment of the development potential of car parking lands be undertaken.

**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. Bowell  
Seconded: Cl. Sowter*

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**MAYOR**

That an assessment of the potential of the properties outlined in the report be undertaken.

<b>GM 2</b>	<b>LEGAL MATTERS</b>		
	<b>FILE: L3-1</b>	<b>AVB (NRN)</b>	<b>{Folio No. 242981}</b>

**SUMMARY:**

Reporting on the current position regarding legal matters.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

**RECOMMENDED:**

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

That the information be noted.



The following reports GM 1 and DBE 1 were scheduled for Council's Extra-ordinary Meeting on 9<sup>th</sup> October 2002 but were brought forward to this meeting following Council's deferral of the Extra-ordinary Meeting.

**RECOMMENDED:**

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

That the following reports GM 1 and DBE 1 be dealt with at this meeting as it is deemed by the Mayor to be a matter of great urgency.

<b>GM 1</b>	<b>FUTURE OF CARAVAN PARKS</b>		
	<b>FILE:</b>	<b>C1- 2</b>	<b>AVB</b>

**SUMMARY:**

To compare different options for the Management of the 4 Shore Caravan Parks from July 2003.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

This report is submitted on a confidential basis as the information would, if disclosed, confer a commercial advantage on a person with whom the

.....  
MAYOR

Council is conducting business or proposes to conduct business (Local Government Act 1993, section 10A(2)(D)(ii).



**General Manager's Recommendation:**

1. That Council due to the extenuating circumstance of not being able to finish the compliance works prior to 30<sup>th</sup> June 2003 defer the invitation to Tender for the management of the 4 Shore Caravan Parks.
2. That discussions be held with Beach Holidays for the continued Contract Management of the 4 Shore Caravan Parks until the 30<sup>th</sup> June 2004.

At this stage 5.05p.m. Councillor Sowter retired from the chambers and apologised for non-attendance at the remainder of the meeting.

**RECOMMENDED:**

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

That Council call for tenders for the contract management of its four caravan parks for a period of two years from 1<sup>st</sup> July 2003.

**RECOMMENDED:**

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

That Council apply to the caravan park levy committee for a loan of \$600,000 to undertake compliance works on the foreshore caravan parks.



**DIRECTOR BUSINESS ENTERPRISES  
SUPPLEMENTARY REPORT**

<b>DBE 1</b>	<b>FUTURE MANAGEMENT OF COUNCIL'S TOURIST PARKS FILE: C1-2 GBS</b>
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**SUMMARY:**

Reporting on the options for future management of Council's four (4) Tourist Parks.

**REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS**

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.....  
**MAYOR**

This report is submitted on a confidential basis as the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business or proposes to conduct business (Local Government Act 1993, section 10A(2)(D)(ii)).



**RECOMMENDED:**

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

That the information be noted.



**ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE**

2002. 875

**RESOLVED:**

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

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 5.30 p.m.

