



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 10TH September 2002 commencing at 9:03 am.

PRESENT:

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

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



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH AUGUST 2002

2002. 670

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 13th August 2002, be adopted.

MINUTES OF THE EXTRA-ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 16TH AUGUST 2002

2002. 671

RESOLVED:

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

That the Minutes of the Extra-Ordinary Meeting of Kempsey Shire Council dated 16th August 2002, be adopted.

PUBLIC FORUM

- 1 Mr Gordon Rossiter addressed Council in regard to proposed gravel re-sheeting of Beranghi Road DE 6.
- 2 Mr Stanley Duckett addressed Council in regard to proposed double garage at 130 Sherwood Road, Aldavilla DES 6.
- 3 Mr George McKiernan addressed Council in regard to application for a garage in Kempsey Floodway DES 17.

**THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 10TH SEPTEMBER 2002**

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MAYOR

CONSIDERATION OF LATE REPORTS

2002. 672

RESOLVED:

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

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

CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DE 6, DES 6 and DES 17.

DE 6	WORKS PROGRAMME 2002-2003	
	FILE: R Beranghi Rd MGR (NRN)	{Folio No. 241158}

SUMMARY:

Reporting on the proposed gravel re-sheeting of Beranghi Road as part of the adopted Works Programme for the 2002-2003 financial year.



Council, at its meeting of 9th July 2002, adopted the 2002–2005 Transportation Infrastructure Strategic Plan. Included in this Plan was the Gravel Resheeting Programme for the 2002–2003 financial year.

Resheeting works can include clearing and widening the road to improve the alignment and the safety for the road user. Ideally there should be sufficient pavement width to allow two (2) vehicles to pass without having to leave the pavement. This was certainly not the case with this section of Beranghi Road. Beranghi Road was allocated \$45,000 from this programme and an additional \$4,611 is available from subdividers contributions, making a total of \$49,611 available. Beranghi Road was included in the programme due to safety concerns that have been raised over the past few years. The works proposed involved improvements to three (3) bad corners at chainages 4.40, 4.60, and 5.50 kilometres from Crescent Head Road. Also included was the section from chainage 6.50 kilometres heading south, where the road meandered through the trees. As at 29th August 2002, Council has expended \$9,090 on the first three corners and some clearing of the section from chainage 6.50 south.

Clearing works in the section from 6.50 kilometres heading south commenced on the morning of Tuesday, 20th August. After a number of phone calls from residents of Beranghi Road to council staff, and some Councillors, a decision was made to suspend the clearing works and to hold an on-site meeting with residents and council representatives.

This meeting was held on the afternoon of the 20th and was attended by concerned residents, council staff and Councillor Sproule. At this meeting it was agreed that council would seek comments from the residents who live south of this section of road.

It was inferred at this meeting, by a number of the attendees, that the works being undertaken was occurring as a result of a proposed application to subdivide land in the vicinity of the works. This proposal has not been approved by Council and the gravel resheeting programme was developed independently of the proposal.

Council's records show that there are twenty-two (22) properties that gain access off Beranghi Road after chainage 6.00. Comments have been received from residents of seventeen (17) of these properties (some properties returned two (2) comment sheets). The comments returned were divided fairly evenly between being in favour of, and being against, the tree removals.

Following the reaction from some of the residents, procedures will be developed whereby residents adjacent to proposed significant roadworks will be advised in advance. Trees for removal will be marked.

Council would recognise that tree removal is avoided if possible, due to the cost of falling and disposal. The preference is to concentrate funds into the road surface. However, at the bottom end of Beranghi Road, due to the winding alignment and the narrow width of road, tree felling is advised.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That the re-sheeting of Beranghi Road as part of the adopted programme, be completed.

MOVED:

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

That the funding for the re-sheeting of the Beranghi Road be re-allocated towards the correction of the alignment problem on Warbro Brook Road.

An Amendment was MOVED:

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

That the Director Engineering recommendation be adopted.

At this stage a further amendment was foreshadowed.

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

An Amendment was MOVED:

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

That the recommendation of the residents of Beranghi Road being:-

1 – Continue the re-sheeting of the Beranghi Road to funding levels allocated.

2 – That No trees be removed past the 7 kilometre mark, and

3 – A slow 40 kilometre speed sign be erected, with a “caution – narrow winding road” sign at the 7 kilometre mark, be adopted.

The AMENDMENT was put to the meeting and was LOST.

2002. 673

The MOTION was PUT to the MEETING and was CARRIED.

DES 6	PROPOSED DOUBLE GARAGE T6-02-400 (LA 11715) LOT 25 DP 246475 NO 130 SHERWOOD ROAD, ALDAVILLA FILE T6-02-400 SNB	{Folio No. 241132}
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SUMMARY:

Reporting that a Development Application has been received seeking approval to erect a detached double garage that will reduce the amount of reserve area for on-site effluent disposal.



Applicant: S Duckett
Subject Land: Lot 25 DP 246475 No 130 Sherwood Road, Aldavilla

Mr S Duckett has submitted an application to erect a detached, 8 metre x 6 metre two bay wide garage, that is proposed to be located at the south-eastern (rear) corner of the property.

The subject property is one of the small allotments on Sherwood Road that have been determined to be too small for the proper disposal of on-site effluent. All of these properties have inadequate disposal areas, and the small allotment sizes preclude any of them from ever being able to provide an adequate on-site disposal area that will both function properly and comply with the current requirements.

The proposed garage is a problem in respect to on-site effluent disposal because it will reduce the available, albeit, inadequate reserve area for on-site effluent disposal. Thus if the present absorption trench dramatically failed in the short term, the proposed garage would reduce the ability to provide an immediate alternative on-site absorption trench.

In the past Council has approved similar structures on adjacent properties. The adjoining property (128 Sherwood Road) has a similar garage which was approved on 24 September 2001. However, there is a need to consider the impact of development on existing on-site effluent disposal areas. Before any such development is approved on any of these small Aldavilla area allotments

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MAYOR

in Sherwood Road and similar unsewered allotments in Greenhills/Aldavilla area, the matter of effluent disposal needs to be addressed.

Director Environmental Services Recommendation:

That the application be refused, and that the applicant be advised of the need to address effluent disposal from the premises before any further development can be considered.

2002. 674

RESOLVED:

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

That this matter be deferred to allow the applicant to give consideration to reducing the size of the garage.

DES 17	APPLICATION FOR GARAGE IN KEMPSEY LOCAL FLOODWAY NO 1	
	FILE T6-02-290 KJW	{Folio No. 241149}

SUMMARY:

Reporting that amended plans have been submitted for a proposed garage.



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

Description of Proposal

An amended application was submitted on 28th August 2002 for a 7 x 6.6 metre garage.

History

A proposal was considered by Council at its meeting 9th July 2002.

It was resolved:

- A *That the applicant be requested to submit an amended application providing for a garage complying with Council's Flood Plain Management Strategy Policy.*

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

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MAYOR

At Council meeting 13th August 2002 a rescission motion was considered and was unsuccessful.

At the same meeting Council resolved:

“That further investigations be conducted to determine the legal status of the lean to when an amended application is submitted”.

Additional information has been submitted by the owner indicating that the lean at the rear of the garage was there in 1995. [\(Appendix 'A2'\)](#)

A check of Council's applications register cannot locate an approval for building work at 6 Regent Street, Council's sewer plans prepared in the 1940's indicates only a small building approximately 2 x 1 metre at the rear of a single garage. [\(Appendix 'A3'\)](#)

As no approval can be located for the lean to than this application should be determined by:

Existing shed	16.5m ²
10% Increase on existing dwelling and garage area	<u>13.6m²</u>
	30.1m ²

Mr McKiernan's consultant Dutton Engineering has indicated the lean to was formerly the outside toilet, before sewer was connected. [\(Appendix 'A4'\)](#)

This may have been the case for some of the lean to area, but not all of the area. The proposal if approved would represent an increase in area of 22% while Council's policy allows 10%.

As previously reported the site is within the Kempsey Local Floodway No1 with high velocity and deep flood water flows. Whilst understanding the owners desires to enlarge his storage capabilities floodway sites should not be utilised for such purposes. The 10% increase permitted is considered to be ample in the circumstances.

Director Environmental Services Recommendation:

A That the applicant be requested to resubmit an amended application providing for a garage with a maximum floor area of 30.1m².

B That unless a suitable amended application is submitted within fourteen (14) days of notice being given, that the application be refused for the following reasons:

- 1 That the proposed garage is not in accordance with Council's Flood Plain Management Strategy Policy.**
- 2 Unacceptable risk.**

Councillor **Bowell** declared an interest in discussion on this item that related to the netball club building in Belgrave Street Kempsey for the reason that his wife is the Treasurer of the Kempsey Netball Club and retired from the Chamber.

MOVED:

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

That the application be approved in accordance with the amended plans submitted by the applicant.

Councillor **Bowell** returned to the Chamber.

An Amendment was **MOVED:**

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

That the Director's Recommendation be adopted.

2002. 675 The **AMENDMENT** was **PUT** to the **MEETING** and was **CARRIED**, became the **MOTION** and was **CARRIED**.

ADOPTION OF AGENDA ORDER OF BUSINESS

2002. 676 **RESOLVED:**

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

That the Agenda Order of Business be adopted.

MAYORAL MINUTE

M1	MEETINGS IN SYDNEY		
	C11-7	JLM	{Folio No. 241113}

SUMMARY:

To advise Council of the results of attending the Country Mayors Association and the Australian Water Association NSW Branch meeting.



The General Manager and I attended both the Australian Water Association Branch meeting and the Country Mayors Association meeting in Sydney on the 22nd and 23rd August.

The Country Mayors Association meeting was addressed by: -

- Mr John Robinson Manager – Special Projects Registry of Co-operatives who outlined the Co-operative and Regional Development Strategy which seeks to identify opportunities in regional areas where a co-operative arrangement may enable a local community to achieve its economic or social aspirations. Co-operatives in the Macleay, Hastings and Nambucca were given as examples of successful co-operatives.

- Councillor Mike Montgomery – President of the Shires Association of NSW who spoke on the acceptance of the new logo, the next Road Conference to be held in Kalgoorlie on the 29-30th June 2003 and Water Catchment areas.
- Councillor Peter Woods – President of the Local Government Association of NSW who, in conjunction with Mr Joe Woodward Acting Director General of the EPA spoke on the future funding of Stormwater infrastructure.

The Stormwater funding issue generated some lively debate. Currently funding is made available through the Stormwater Trust but the Tenure of the Trust expires in June 2003. Council has received substantial funding from the Trust for Crescent Head and South West Rocks Stormwater works. A committee comprising Clr. Woods, and officers from the EPA and the Department of Local Government are making recommendations on future funding options. There is a fear that the State Government will withdraw from providing funds with Councils picking up the costs. If this transpires suggestions for funding coming from the Country Mayors meeting included an Environmental Levy as a special rate variation, a drainage charge not affected by rate pegging or the funding of stormwater works from water and sewerage funds (this would not assist metropolitan Councils).

Another area that created intense interest at the meeting was Local Governments exposure to the HIH collapse. Apparently State Wide's (Councils Public Liability Insurance Pool) exposure is \$24 million and individual Council exposure has been reassessed since it was last reported to Council. The General Manager has since learnt that Kempsey's exposure has increased from \$212,000 to \$334,342.27. It was reported to Country Mayors that the Auditors Association have directed their members to ensure that the liability be bought to account in the 2001/2002 accounts. At this stage Council has not received any direction from its auditors. The view of Country Mayors is to not bring the liability to account and to have the accounts qualified as it is feared that by bringing the exposure to account Councils will unwittingly accept liability for that exposure and the State Government will not pursue any rescue package.

The next meeting of the Association will be addressed by: -

- Dr Kerry Phelps
- Police Commissioner Ken Maroney
- Minister for Local Government The Hon. Harry Woods.
- Federal Minister for Local Government the Hon. Wilson Tuckey MP

By attending the Australian Water Association NSW Branch meeting we had the opportunity of meeting with the Hon. John Aquilina Minister for Land and Water Conservation, Mr Kelvin Thomson Federal Shadow Minister for the Environment and Heritage and Dr Sharman Stone Parliamentary Secretary to Dr David Kemp Federal Minister for the Environment and Heritage on Thursday evening 22nd August. We spoke with Minister Aquilina for a short time on a number of issues.

On the Friday afternoon 23rd August there were a number of professional sessions such as Terrorist attack on water infrastructure, Hazard Analysis Management, Fire and Water Quality and Public Private Participation. Although these were very interesting the value we received was from the

delegates that we met. We introduced ourselves to Dr Daniel Deere from the Sydney Catchment Authority to discuss the Algae problem in the Steuart McIntyre Dam. He in turn introduced us to Professor Gary Jones from the Catchment Research Centre for Freshwater Ecology who examined data that we had with us on the dam. He identified the major problem as the taste and odours as all new dams in his opinion have algae problem for the first four or so years of their life. He was surprised that DLWC had not informed us of that. He has suggested that we contact Vivendi Water Australia a large worldwide water supply company and discuss the problem with them. Glenn Pearson is following the matter up.

Financial Implications

There are no financial implications arising from this report.

Mayoral Recommendation:

That Council not bring to account the HIH liability in the 2001/2002 accounts and have a qualified account for that year.

2002. 677

RESOLVED:

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

- 1 That the information be noted.
- 2 That this issue of the algae at the Steuart McIntyre Dam be referred to the Water and Sewerage Steering Committee and that a Report be brought back to Council.

M2	MAYORAL ENGAGEMENTS FOR AUGUST/SEPTEMBER FILE: C18-25 JLM	{Folio No. 241114}
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SUMMARY:

Reporting on the Mayoral Engagements since the ordinary meeting of Council on the 13th August.



Wednesday 14th August

- Inaugural meeting of the Macleay Business Promotion Committee
- Meeting with Herb Simms regarding the Kinchela Boys Home reunion

Thursday 15th August

- Community Services Meeting
- Launch of 'Grand Friends' at Aldavilla School

Friday 16th August

- General Managers Performance Review

Tuesday 20th August

- Resource NSW meeting in Sydney
- Meeting with EPA Board and Director General Lisa Corbyn

Wednesday 21st August

- Presentation to the Silver Band

Thursday 22nd August

- Meeting with ratepayer
- Naturalisation Ceremony
- Attended 'Hand Made on the Hastings' at Port Macquarie
- Fly to Sydney
- Cocktails evening - Australian Water Association

Friday 23rd August

- Australian Water Association Conference
- Country Mayors Association Meeting

Wednesday 28th August

- Macleay River Business Network Breakfast
- Local Traffic Committee Meeting
- Meeting with David Miller – DLWC

Tuesday 3rd September

- Community Safety Meeting

Wednesday 4th September

- Meeting with Fisheries re: Fishing in the Macleay River
- Civic Reception for the Kinchela Boys Home Group

Financial Implications

There are no financial implications arising from this report.

2002. 678

RESOLVED:

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

That the information be noted.

M3

LIBRARY FUNDING

FILE: L4-2 (239831)

JLM

{Folio No. 241115}

SUMMARY:

Council has received a request from the Country Public Libraries Association of NSW to support a drive to the State Government to increase the level of funding on a per caput basis to match that of Queensland and Victoria.



The Association met with the Premier earlier this year, well prior to the state budget, and the Premier indicated his support for the concept. Reassured by this apparent acceptance of the fairness and equity of their proposal, the CPLA forwarded a written submission to the Premier. This submission would have increased the funding from \$3.18 to \$6.00 per caput and in total would have increased library expenditure by \$19.33 million.

It was a great disappointment for the CPLA, when reading the budget, to find that the increase for ALL public libraries in NSW was a mere \$1.25 million.

The following statistics reveal the lamentable underfunding by the State Government.

YEAR	STATE GOVERNMENT EXPENDITURE	LOCAL GOVERNMENT EXPENDITURE
1980	\$8.5m {23.6%}	\$27.5m {73.4%}
1990	\$13.1m {12.6%}	\$90.9m {87.4%}
1998/99	\$16.7m {8.1%}	\$191.8m {91.9%}
2001/02	\$19.7m {8.9%}	\$200.0m {91.1%}

Thus while State Government has increased to 2.3 times the 1980 funding, Local Government has increased by 7.2 times. This would appear to be an area where there exists a serious shortfall of funds. This results in a serious diminution of resources being directed to public education. All public libraries have high levels of use for education and training (functioning as an additional arm of the compulsory and further education infrastructure). Over 50% of the State Library's clients are students involved in formal education.

Financial Implications

There are no financial implications arising from this report.

Mayoral Recommendation:

That this Council write to the NSW Government expressing support for the proposal tendered by the Country Public Libraries Association of New South Wales so that voters and their children are not disadvantaged in the provision of library facilities vis-a-vis their counterparts in Queensland and Victoria.

2002. 679

RESOLVED:

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

That this Council write to the NSW Government and the Local Government and Shires Association and the candidates for the seat of Oxley at the upcoming State Election expressing support for the proposal tendered by the Country Public Libraries Association of New South Wales so that voters and their children are not disadvantaged in the provision of library facilities vis-a-vis their counterparts in Queensland and Victoria.

MAYOR'S ANNUAL REPORT

The Mayoral Report was distributed as a separate report with the Business Paper.

2002. 680

RESOLVED:

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

That the Mayoral Annual Report be received and the Mayor be commended on the quality of the Report.

GENERAL MANAGER'S EXTRA-ORDINARY REPORT

GM 1	ELECTION OF MAYOR
	FILE: C18-15 AVB

SUMMARY:

The Local Government Act 1993 provides that the election of the Mayor shall be held within three (3) weeks of election day, and in the intervening years between Council elections the election of Mayor is to be held during the month of September.

The 2002/2003 Mayoral allowance has been fixed at \$25,605 per annum and a motor vehicle is provided for "business use" with "private use" on a user pays basis.

Nominations

Clause 2 Schedule 3 Local Government (Elections) Regulation provides that nominations for Mayor must be in writing, signed by two (2) Councillors (one of whom **may** be the nominee), and the nominee must consent in writing to the nomination.

Nominations are to be "delivered or sent to the returning officer", that is the General Manager, who shall announce the names of the nominees at the council meeting at which the election is to be held.

A nomination form for both Mayor and Deputy Mayor is provided to Councillors.

Method of election

Where only one (1) Councillor is nominated, that Councillor is declared elected.

Where more than one (1) Councillor is nominated, the Council is to resolve whether the election is to proceed:-

- ◆ by preferential ballot;
- ◆ by ordinary ballot; or
- ◆ by open voting

Preferential ballot and ordinary ballot are secret ballots, whereas open voting means by a show of hands or similar means.

Preferential Ballot

The ballot-papers are to contain the names of all the candidates. Councillors are to mark their votes by placing the number "1", "2" and so on against the various names so as to indicate the order of their preference for the candidates.

Ordinary Ballot

Under ordinary ballot, the General Manager is to decide the manner in which votes are to be marked on the ballot-papers.

Counting

The counting process is virtually the same for both preferential ballot and ordinary ballot where there are only two (2) candidates, (i.e. the candidate with the higher number of votes is elected).

However where there are three (3) or more candidates the counting process for:-

- (i) ordinary ballot requires the one with the lowest number of votes to be excluded and further votes taken until such time as only two (2) candidates remain;
- (ii) preferential ballot requires the successful candidates to secure an "absolute majority" of votes (i.e. a number more than one-half the number of formal unexhausted ballot papers). If an absolute majority is not obtained on first preference votes, the candidate with the lowest number of votes is excluded and the second preferences on those ballot papers are transferred to the remaining candidates.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the lowest number of votes and transferring the votes in order of the voters preference is repeated until one candidate has received an absolute majority of votes.

The General Manager (as Returning Officer) advised that one (1) nomination had been received for the Position of Mayor, that being Councillor Janet Hayes.

The General Manager declared Councillor Janet Hayes elected to the position of Mayor for the ensuing twelve (12) months.



GM 3 FIXING OF DATE, TIME AND PLACE OF ORDINARY MEETINGS
FILE: C18-22 AVB

SUMMARY:

Section 9 provides that “a council must give notice to the public of the times and places of its meetings”.

Section 365 requires that Council “meet at least 10 times each year, each time in a different month”.

The present practice is to hold Ordinary meetings of Council at the Civic Centre, West Kempsey, on the second Tuesday of each month commencing at 9.00 am.

2002. 684

RESOLVED:

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

That Ordinary Meetings of Council be held on the second Tuesday of each month commencing at 9:00 am.

GM 4 FIXING THE TIME AND MANNER OF GIVING NOTICE OF ORDINARY AND EXTRA-ORDINARY MEETINGS
FILE: C18-22 AVB

SUMMARY:

Section 367 provides that “the General Manager of a council must send to each Councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which the meeting is to be held and the business proposed to be transacted at the meeting. Notice of less than 3 days may be given of an extraordinary meeting called in an emergency”.

The following resolution would be appropriate if the present arrangements are to continue:-

“That the period of notice to be given in respect of Ordinary and Extraordinary meetings be at least 72 hours, and in respect of Estimates Meetings, seven days clear notice, however, if an Extraordinary meeting of the Council needs to be held at short notice, notice of such Extraordinary Meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.”

2002. 685

RESOLVED:

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

That the period of notice to be given in respect of Ordinary and Extraordinary meetings be at least 72 hours, and in respect of Estimates Meetings, seven days clear notice, however, if an Extraordinary meeting of the Council needs to be held at short notice, notice of such Extraordinary Meeting must be given either verbally or in writing by the General Manager as circumstances warrant and the period of notice shall be entirely at the discretion of the Mayor.

GM 5 STANDING AND SPECIAL COMMITTEES
FILE: C18-13 AVB

SUMMARY:

Clause 29 Local Government (Meetings) Regulation provides that:-

“A council may appoint or elect such committees as it considers necessary, and that council decides the number of councillors to comprise the committee, and the functions of the committee.”

In previous years Council has appointed a Works Committee and the following resolution would be appropriate if the present arrangements are to continue.

“That a Works Committee comprising the whole of the Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Committee has delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee Meetings and Inspections be held on a needs basis as determined by Council or the Mayor.”

2002. 686

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Sowter

That a Works Committee comprising the whole of the Council be appointed for the purpose of carrying out inspections of any matters affecting the functions of Council, and that the Committee has delegated authority to determine matters provided that the quorum for any meeting of seven (7) members is present, and that Works Committee Meetings and Inspections be held on a needs basis as determined by Council or the Mayor.

GM 6 APPOINTMENT OF DELEGATES TO COMMITTEES
FILE: C18-22 AVB

SUMMARY:

To appoint delegates and committee members to committees for the 2002/2003 year.

At the August meeting of Council it was resolved:

1. *That the General Manager submit a report to the September 2002 meeting of Council to be considered in conjunction with the appointment of Committees on the staff required to service both Council and Community Committees.*
2. *That the Directors review the Committee structure under their control and recommend areas where reductions can be made by possible amalgamation of Committees.*
3. *That at the September meeting of Council when Delegates are appointed to Committees that Directors give a brief summary of the functions of the relevant committee and ongoing financial commitments of that committee.*

A list of Committees involving Councillor members is outlined in this report. The list has been updated with details of staff involvement and frequency of meetings. The cost of servicing each individual committee is not costed separately, but a guide would be \$30 per hour on average for a staff member. Staff members as well as attending Committee meetings are responsible for implementing the committed decisions.

Each Director has examined the Committees serviced by their Departments. Two Committees – Macleay Tourism Network and Kempsey Centenary of Federation can be deleted as those functions are no longer operating. Other committees that could be deleted are:

- Airport Committee – there is no benefit in a 12 man committee to oversee maintenance budget of \$50,000.
- Upriver Camping and Picnic Area Committee – meetings are very irregular and the area could be managed Administratively.

Council's role is a policy and regulatory role and the staff's role is to advise and implement the decisions of Council within the policy framework adopted by Council. Management Plans, (Policy Documents) are in place in respect of Caravan Parks and Plant yet Council still sees the need to get involved in operations that are already covered by policy. There is no need to have a Plant or Caravan Parks Committee. The allocation of resources in a particular financial year or contractual matters could be dealt with by full Council on an as required basis. If additional Management Plans were developed for other Committee areas of responsibility then those Committees also could be deleted.

The major impediment to deleting or amalgamation Committees is that there are different community representatives on the Committees. Council has a major commitment to consultation. Reducing the number of committees will disenfranchise community members and Council's level of consultation will be reduced. Council's image has been greatly enhanced by active participation in the community.

Council is seen to be listening to community concerns and responding.

From a staff perspective scheduling a number of meetings on the one day is not productive. Scheduling the times of meetings is difficult as you don't know how long they will go and staff resources have to be harnessed to produce agendas and implement resolutions at the one time instead of being spread over an extended period.

David Millar from The Department of Land and Water Conservation has met with the Mayor and I to discuss the possible amalgamation of the Coastal Estuary Management Committee and reference groups, the Macleay Floodplain Project, The Flood Risk Committee and The Macleay Acid Soil Local Action Groups. Mr Miller is to liaise with Council staff to discuss the issues involved. This process couldn't be completed in time for this meeting so the Department is asking for the appointment of Council delegates to these Committees to be postponed to the October meeting.

Currently Committees that require the appointment of Council delegates are:

General Manager's Recommendation:

1. That Council review it's Committees for the 2002/2003 year and appoint delegates to it's Committees.
2. That appointment of delegates to the Coastal Estuary Management Committee, the Macleay Floodplain Project and Macleay Flood Risk Management Committee be deferred to the October meeting.

2002. 687

RESOLVED:

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

That Council review it's Committees for the 2002/2003 year and appoint delegates and/or representatives to it's Committees.

<p align="center">ABORIGINAL LIAISON COMMITTEE FILE: C18-13 TIH</p>

The former Council Delegates were Councillors Hayes, Mainey and Sproule. Also involves 2 staff and community members. Meetings are held monthly.

2002. 688

RESOLVED:

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

That Councillors Sproule and Parkinson be elected as Council's Delegates to the Aboriginal Liaison Committee.

<p align="center">AGED CARE SOUTH WEST ROCKS FILE: C18-13 TIH</p>

The former Council Delegate was Councillor Bowell. Councillor Sproule was the alternate Delegate. Also involves 1 staff member. Meetings held as required.

MOVED:

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

That no delegate be appointed to the Aged Care South West Rocks Committee for the time being.

The MOTION was put to the meeting and was LOST.

2002. 689

RESOLVED:

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

That Councillor Bowell be elected as Council's Delegate to the Aged Care South West Rocks Committee and that Councillor Sproule be the alternative Delegate.

<p style="text-align: center;">AIRPORT COMMITTEE FILE: C18-13 GBS</p>

The former Council Delegate was Councillor Bowell. Also involves 2 staff and community members held quarterly.

MOVED:

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

That this Committee be deleted.

An Amendment was MOVED:

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

That this matter be deferred until the November Council Meeting.

2002. 690

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

<p style="text-align: center;">AUSTRALIA DAY COMMITTEE (SECTION 355 COMMITTEE) FILE: C18-13 TIH</p>

The former Delegates were Councillors Mainey and Hunt. Also involves 3 staff and a community member. Meetings are held twice a year.

2002. 691

RESOLVED:

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

That Councillors Mainey and Hunt be elected as Council's Delegates to the Australia Day Committee.

<p style="text-align: center;">BUSH FIRE MANAGEMENT COMMITTEE FILE: C18-13 KJF</p>
--

The former delegate on the Bush Fire Management Committee was Councillor Hunt. Councillor Sowter was the alternate delegate. Also involves one staff member and meetings are held four times a year.

2002. 692 **RESOLVED:**

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

That Councillor Hunt be elected as Council's Delegate to the Bush Fire Management Committee and that Councillor Sowter be the alternative Delegate.

CARAVAN PARK COMMITTEE FILE: C18-13 GBS
--

The former Council Delegates were Councillors Howell and Hunt. Also involved three staff. Meetings are held every two months.

2002. 693 **RESOLVED:**

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

That the Caravan Park Committee be disbanded.

COASTAL AND ESTUARY MANAGEMENT COMMITTEE FILE: C18-13 KJF
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The former Council Delegates were Councillors Howell and Parkinson. Also involves 2 staff and community members. Meetings are monthly and are considered important.

2002. 694 **RESOLVED:**

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

That current delegates continue until a review in November 2002 of the Coastal and Estuary Management Committee.

COMMUNITY SERVICES COMMITTEE / COMMUNITY SAFETY COMMITTEE FILE: C18-13 TIH

The former Council Delegates were Councillors Hayes and Sproule. Also involves 4 staff and community members. Meetings are held bimonthly but there are subcommittees that meet regularly and commit staff resources.

2002. 695 **RESOLVED:**

*Moved: Cl. Bowen
Seconded: Cl. Hunt*

That Councillor Sproule be elected as Council's Delegate to the Community Services Committee / Community Safety Committee.

COMMUNITY TENANCY ASSOCIATION FILE: C18-13 TIH

The former delegate was Councillor Hayes. Also involves 1 staff member and community members. Meetings are held every four months.

2002. 696

RESOLVED:

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

That Councillor Hayes be elected as Council's Delegate to the Community Tenancy Association.

DEVELOPMENT ASSISTANCE COMMITTEE
FILE: C18-13 BWC

The former Council Delegates were all Councillors. Also involves Senior Staff on an as required basis.

2002. 697

RESOLVED:

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

That the Development Assistance Committee be disbanded.

GENERAL MANAGER'S PERFORMANCE REVIEW COMMITTEE
FILE: C18-13 AVB

The former Council Delegates were Councillors Mainey, Bowell, Hunt, Joukhadar and Hayes.

2002. 698

RESOLVED:

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

That Councillors Bowen, Hunt and Joukhadar be elected as Council's Delegates to the General Manager's Performance Review Committee.

HAT HEAD SEWERAGE LIAISON COMMITTEE
FILE: C18-13 KJF

The former Council Delegates were Councillors Bowell and Mainey. Councillor Sowter was the alternate Delegate. Also involves 2 staff and community representatives. Meetings held monthly and are considered important.

2002. 699

RESOLVED:

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

That Councillors Bowell and Sowter be elected as Council's Delegates to the Hat Head Sewerage Liaison Committee.

HOSPITAL ACTION GROUP
FILE: C18-13 TIH

The former Council Delegate was Councillor Bowell.

2002. 700

RESOLVED:

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

That Councillor Bowell be elected as Council's representative to the Hospital Action Group.

**KEMPSEY ASSISTANCE PATROL ADVISORY
MANAGEMENT COMMITTEE**
FILE: C18-13 TIH

The former Council Delegate was Councillor Hunt. Also involves 4 staff and community members. Meetings held on a monthly basis.

2002. 701 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Parkinson

That Councillor Hunt be elected as Council's Delegate to the Kempsey Assistance Patrol Advisory Management Committee.

**KEMPSEY CENTENARY OF FEDERATION
COMMITTEE**
FILE: C18-13 TIH

The former Council Delegates were Councillors Hunt and Sproule.

2002. 702 **RESOLVED:** *Moved: Cl. Joukhadar*
Seconded: Cl. Sproule

That the Kempsey Centenary of Federation Committee be deleted.

KEMPSEY DISTRICT SILVER BAND COMMITTEE
(SECTION 355 COMMITTEE)
FILE: C18-13 TIH

Council's former Delegate was Councillor Bowell.

2002. 703 **RESOLVED:** *Moved: Cl. Joukhadar*
Seconded: Cl. Sproule

That Councillor Bowell be elected as Council's Delegate to the Kempsey District Silver Band Committee.

**KEMPSEY LOCAL RANKING COMMITTEE (AREA
ASSISTANCE SCHEME)**
FILE: C-18 TIH

The former Council Delegates were Councillors Bowell and Hayes, plus the Strategic Planner Mark Innes, Aboriginal Liaison Officer, Debra Morris and Youth Worker.

2002. 704 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Hunt

That Councillor Sproule be elected as Council's Delegate to the Kempsey Local Ranking Committee.

MOVED:

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

That the Aboriginal Liaison Officer not be part of the Kempsey Local Ranking Committee.

An Amendment was MOVED:

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

That the position of Aboriginal Liaison Officer on the Committee be replaced with “a member of the Local Aboriginal Community”.

2002. 705

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

**KEMPSEY MASTERPLAN IMPLEMENTATION
COMMITTEE**

FILE: T4-49 BWC

The former Council Delegates were Councillors Bowell, Hayes, Hunt and Sproule. Also involves 2 staff and community representatives. Meetings are quarterly and are considered important.

2002. 706

RESOLVED:

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

That Councillors Hunt and Sproule be elected as Council’s Delegates to the Kempsey MasterPlan Implementation Committee.

LAND RELEASE TASK FORCE COMMITTEE

FILE: C18-13 BWC

The former Council Delegates were Councillors Sowter , Bowell and Bowen. Also involves 2 staff and community representatives. Meetings are held as required and are considered important.

2002. 707

RESOLVED:

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

That Councillor Sowter, Bowell and Bowen be elected as Council’s Delegates to the Land Release Task Force Committee.

LOCAL EMERGENCY MANAGEMENT COMMITTEE

FILE: E8-8, Copy C18-13 KJF

The former Council Delegate was Councillor Mainey. Also involves two staff and community representatives. Four meetings are held each year.

2002. 708

RESOLVED:

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

That no delegate be appointed to the Local Emergency Management Committee.

LOCAL HERITAGE COMMITTEE
FILE: C18-13 MEI

The former Council Delegate was Councillor Sproule. Also involves one staff and community representatives. Meetings are held bimonthly.

2002. 709

RESOLVED:

Moved: Cl. Sproule
Seconded: Cl. Bowell

That Councillor Sproule be elected as Council's Delegate to the Local Heritage Committee.

MACLEAY DEVELOPMENT AND PROMOTION
FILE: C18-13 GBS

The former Council Delegates were Councillors Hunt and Joukhadar. Councillor Bowell was the alternate Delegate. Also involves three staff. Meetings are held monthly and are considered important.

Councillors Hunt and Joukhadar are elected as Council's Delegates to the Macleay Development and Promotion Committee with Councillor Bowell as the alternative Delegate for the remainder of the term of this Council.

MACLEAY DISTRICT SPORTS COUNCIL
FILE: C18-13 TIH

The former Council Delegates were Councillors Bowell and Joukhadar. Also involves 2 staff and community representatives. Meetings held quarterly and are considered important.

2002. 710

RESOLVED:

Moved: Cl. Bowell
Seconded: Cl. Joukhadar

That Councillors Bowell and Bowen be elected as Council's Delegate to the Macleay District Sports Council Committee.

MACLEAY FLOODPLAIN PROJECT
FILE: C18-13 BWC

The former Council Delegates were Councillors Bowell, Hayes and Sowter. Also involves 2 staff and community representatives. Meetings are bimonthly and are considered important.

2002. 711

RESOLVED:

Moved: Cl. Mainey
Seconded: Cl. Sproule

That current delegates continue until a review in November 2002 of the Macleay Floodplain Project Committee.

MACLEAY FLOOD RISK MANAGEMENT COMMITTEE
FILE: C18-13 KJF

The former Council Delegates were Councillors Mainey, Bowell, Sproule and Joukhadar. Also involves 2 staff. Meetings are held every four months and are considered important.

2002. 712 **RESOLVED:** *Moved: Cl. Mainey*
Seconded: Cl. Sproule

That current delegates continue until a review in November 2002 of the Macleay Flood Risk Management Committee.

MACLEAY RIVER HISTORICAL SOCIETY
(SECTION 355 COMMITTEE)
FILE: C18-13 TIH

Council's former Delegate was Councillor Sproule.

2002. 713 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Bowen

That Councillor Sproule be elected as Council's Delegate to the Macleay River Historical Committee.

MACLEAY TOURISM NETWORK
FILE: C18-13 GBS

The former Council Delegate was Councillor Bowell.

2002. 714 **RESOLVED:** *Moved: Cl. Joukhadar*
Seconded: Cl. Bowell

Resolved that the Macleay Tourism Network Committee be deleted.

MELVILLE COMMUNITY CENTRE MANAGEMENT COMMITTEE (SECTION 355 COMMITTEE)
FILE: C18-13 TIH

Council's former Delegate was Councillor Sproule.

2002. 715 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Bowell

That Councillor Sproule be elected as Council's Delegate to the Melville Community Centre Management Committee.

MEN'S ACCOMMODATION AND RESOURCE CENTRE COMMITTEE
FILE: W3-5, Copy C18-13 TIH

The former Council Delegate was Councillor Bowell. Also involves 1 staff member and community representatives. Meetings held bimonthly.

2002. 716

RESOLVED:

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

That Councillor Bowell be elected as Council's Delegate to the Men's Accommodation and Resource Centre Committee.

**MID NORTH COAST CO-OPERATIVE LIBRARY
SERVICE
FILE: C18-13 TIH**

At the September 2001 meeting it was resolved:

"That when meetings are proposed by the Mid North Coast Co-operative Library Service that a report be submitted to Council seeking the appointment of a Councillor representative."

There are no Council delegates at this time. The Director feels that a similar resolution would be appropriate again this year.

2002. 717

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Hayes*

That the Mid North Coast Co-operative Library Service be deleted.

**MID NORTH COAST REGIONAL ARTS BOARD
FILE: C18-13 TIH**

The former Council Delegate was Councillor Sproule.

2002. 718

RESOLVED:

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

That Councillor Sproule be elected as Council's Delegate to the Mid North Coast Regional Arts Board Committee.

**PCYC COMMITTEE
FILE: C18-13 KJF**

The former Council Delegates were Councillors Bowell and Mainey. Also involves 2 staff and community members. Meetings held on a monthly basis.

2002. 719

RESOLVED:

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

That Councillors Bowell be elected as Council's representative to the PCYC Committee.

**PLANT COMMITTEE
FILE: C18-13 KJF**

The former Council Delegates were Councillors Mainey, Bowell, Hunt, Sproule, Bowen and Sowter. Also involves 2 staff. Meetings held quarterly.

2002. 720

RESOLVED:

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

That the current membership remain until the Management Plan has been reviewed.

<p style="text-align: center;">REGIONAL HEALTH SERVICES COMMITTEE FILE: C18-13 TIH</p>
--

The former Council Delegate was Councillor Bowell.

2002. 721

RESOLVED:

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

That the Regional Health Services Committee be deleted.

<p style="text-align: center;">SALEYARDS ADVISORY COMMITTEE FILE: C18-13 GBS</p>
--

The former Council Delegates were Councillors Mainey, Sowter Parkinson and Bowell. Also involves 2 staff and community representatives. Meetings held every 2 months.

2002. 722

RESOLVED:

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

That Councillors Mainey, Sowter, Bowen and Bowell be elected as Council's Delegates to the Saleyards Advisory Committee.

<p style="text-align: center;">SOUTH KEMPSEY NEIGHBOURHOOD IMPROVEMENT PROGRAM COMMITTEE FILE: C18-13 TIH</p>

The former Council Delegates were Councillors Hayes and Sproule.

2002. 723

RESOLVED:

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

That the South Kempsey Neighbourhood Improvement Program Committee be deleted.

<p style="text-align: center;">SOUTH WEST ROCKS CBD MASTERPLAN IMPLEMENTATION COMMITTEE FILE: T4-20 BWC</p>

The former Council Delegates were Councillor Joukhadar and Bowen. Also involves three staff and community representatives. Meetings are generally held bimonthly and are considered important.

MOVED:

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

That the South West Rocks CBD Master Plan Implementation Committee be combined with the Kempsey Master Plan Implementation Committee.

The MOTION was PUT to the Meeting and was LOST.

2002. 724

RESOLVED:

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

That Councillors Bowen and Bowell be elected as Council's Delegates to the South West Rocks CBD MasterPlan Implementation Committee.

<p style="text-align: center;">TRAFFIC COMMITTEE FILE: C18-13 KJF</p>

SUMMARY:

The Traffic Committee comprises the Mayor or his/her representative, Mr Andrew Stoner MP or his representative, representatives of the Police Department and the Roads and Traffic Authority. Also involves three staff members.

2002. 725

RESOLVED:

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

That Council's representative on the Traffic Committee be the Mayor or her representative.

<p style="text-align: center;">UP-RIVER CAMPING AND PICNIC AREA COMMITTEE (SECTION 355 COMMITTEE) FILE: C18-13 KJF</p>
--

The former Council Delegates were Councillors Hayes and Parkinson. Also involves 2 staff and community members. Meetings held as required.

2002. 726

RESOLVED:

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

That Councillor Parkinson be elected as Council's Delegate to the Up-River Camping and Picnic Area Committee.

<p style="text-align: center;">WATER AND SEWERAGE STEERING COMMITTEE FILE: C18-13 GBS</p>

The former Council Delegates were Councillors Bowell and Mainey. Also involves 3 staff and project managers. Meetings are held as required.

2002. 727

RESOLVED:

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

That Councillors Bowell and Mainey be elected as Council's Delegates to the Water and Sewerage Steering Committee.

Council's current solicitors are Howard Sheridan Cooney Harvey Lawyers and they have sought re-appointment for a further 12 month term.

This firm has served Council well for twelve (12) years and over this time has gained much experience and expertise on local government issues.

The terms of appointment sought are the same as those agreed to for the previous 12 months and are detailed below for the information of Council:-

- a) Charge to remain at \$200.00 per hour plus GST for general advices and court matters (below their normal commercial rate).
- b) In relation to conveyancing matters propose to continue to use the discontinued Conveyancing Act General Order which applied before deregulation. This will continue to result in the application of a fee structure which has not been increased for some 7 years.
- c) Generally receive several calls or requests from Council staff each week enquiring about legal issues and seeking advice on isolated matters for reports or documents they are preparing. Where such advices and attendances have not necessitated the creation of a file or the provision of formal written advice Council has not been charged. They propose to continue this arrangement.
- d) All disbursements incurred on Council's behalf such as title office registration fees, Court filing fees, searches, and service fees are passed on to Council at cost with no "mark-up". Office disbursements such as photocopying would be passed on at the Supreme Court rate as amended from time to time by that Court. Office disbursements such as telephone, postage, facsimiles and online research and enquiries would be passed on at actual cost with no "mark-up". Barrister fees will also be passed on as received at no "mark-up" to Council.
- e) All fees and disbursements quoted or where relevant do not include GST.
- f) Council to be advised when there is a potential conflict of interest in relation to any clients of the firm and the opportunity to be given to Council to seek other legal representation.

Financial Implication

The cost of legal services is provided for in Council's budget allocations for legal expenses.

2002. 731

RESOLVED:

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

That Howard Sheridan Cooney Harvey, Lawyers be re-appointed as Council's solicitors for the next 12 month term.

Councillor Joukhadar recorded his vote against the foregoing Resolution.

NOTICE OF MOTION - 1

File: L6-2

APC (NRN)

{Folio No. 241116}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10th September 2002.

2002. 732

RESOLVED:

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

That a report be prepared which shows our current Loan Liabilities, information to be included be in the following format:

PRINCIPAL ACTIVITY	COST CENTRE	ORIGINAL LOAN DATE	ORIGINAL LOAN AMOUNT	BALANCE OWING ON 30/6/02	DUE FINALISATION DATE
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NOTICE OF MOTION - 2

File: C18-2

AVB (NRN)

{Folio No. 241118}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10 September 2002.

2002. 733

RESOLVED:

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

That interested Councillors be provided with a list of the Agenda items for the following meetings: -

- Country Mayors Association
- Mid North Coast Group of Councils

NOTE

There may be an item listed on an Agenda which a Councillor may have a particular interest in and having knowledge of such item would allow the Councillors to have input to the Mayor and/or General Manager prior to meeting.

NOTICE OF MOTION - 3

File: H2-10

TIH

{Folio No. 241120}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10 September 2002.

2002. 734

RESOLVED:

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

That the Mid North Coast Area Health Service be requested to advise if the Wards at Kempsey District Hospital will be provided with air conditioning following the implementation of security measures at the Hospital.

NOTICE OF MOTION - 4

File: R8-9 KJF (NRN) {Folio No. 241121}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10 September 2002.

2002. 735

RESOLVED:

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

That Council review its Policy on Street Naming, with particular reference to Streets of Honour, and contact the Kempsey/Macleay Sub-Branch of the RSL for its input into such review.

NOTE:

The policy has not been reviewed since 1992.

NOTICE OF MOTION - 5

File: A3-6 GBS (NRN) {Folio No. 241122}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 10th September 2002.

1. **That Council acquire DLWC Software which provides analysis of pricing options for water, sewerage and trade waste to the community.**
2. **That Council resolves to investigate ways to reduce the costs to low-use users.**

Notice of Motion 5 was withdrawn at the request of Councillor Joukhadar.

DELEGATE'S REPORT

D 1	COUNCILLOR BOWELL'S DELEGATES REPORT
FILE: C18-2	JLM (NRN) {Folio No. 241124}

SUMMARY:

Reporting on matters of interest to Council.



.....
MAYOR

1. Kempsey District Silver Band

The annual meeting was held on Monday 5 August 2002 when the following officers were elected for the 2002/2003 year: -

President	-	Ian Jones
Vice President	-	Leo Smith
Secretary	-	Pat Wheeldon
Treasurer	-	Ian Jones
Bandmaster	-	Radu Boros

The Band entertained the community at 22 functions during 2001/2.

On Saturday 10 August a concert was conducted at the Kempsey RSL Club when Mr Richard Blight was recognised for fifty (50) years association with the Band.

2002. 736

RESOLVED:

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

That the Kempsey District Silver Band be congratulated on the continued service to the community.

2. Association of Civilian Widows

The annual meeting was held on Monday 12 August 2002 when Mrs Joyce Thurgood was elected as President.

I represented the Mayor, Clr. Janet Hayes, at the function.

The Association donated \$406 to the Captain of the South West Rocks Fire Brigade.

2002. 737

RESOLVED:

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

That the information be noted.

3. North Coast Academy of Sport

On Friday 30 August 2002 the Academy conducted a Sport-Smart program at Port Macquarie.

This was one of five workshops held between Kingscliff and Port Macquarie for the benefit of Year 11 students.

A number of High Schools including St. Paul's in Kempsey were represented with 38 students attending.

Instruction was given in: -

- Types of Training
- Energy Systems, and
- Plyometrics

The aim of the workshops was to enhance the HSC PD/H/PE curriculum.

That the information be noted.

DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES 1	DRAFT LOCAL ENVIRONMENTAL PLAN NO 61 – NEW ENTRANCE FILE T5-61 MEI	{Folio No. 241126}
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SUMMARY:

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



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 Drive down to Spencers Creek. [\(Appendix 'C'\)](#)

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.**

MOVED:

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

That the Director's Recommendation be adopted.

The MOTION was PUT to the MEETING and was LOST.

2002. 739

RESOLVED:

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

That Council not proceed with the rezoning application.

MOTION FOR COMMITTEE

2002. 740

RESOLVED:

*Moved: Cl. Hayes
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 decision in relation to Item DES 1 as discussions need to be on a confidential basis on the grounds of legal professional privilege (Local Government Act 1993, Section 10A(2)(G)).

Upon resumption of open Council, Councillor Hayes lodged a rescission motion in relation to Council's Resolution on Item DES 1 Draft Local Environmental Plan No 61 – New Entrance.



At this stage 12:58 p.m. the Meeting adjourned for Lunch and upon resumption at 2.01 p.m. all present at the adjournment were in attendance, with the exception of Councillor Sowter who apologised for non-attendance at the remainder of the meeting.

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: [\(Appendix 'D'\)](#)

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 Waianbar 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.

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 Waiabar 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.
- 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.

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

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.

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

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.**

MOVED:

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

That the Director's recommendation be adopted.

An Amendment was MOVED.

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

That no action be taken until a full report on the chemical contamination from the former Caltex site and surrounding land, and Council can be assured of no liability from the chemical exposure.

The AMENDMENT was PUT to the Meeting and was LOST.

2002. 741

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Parkinson recorded his vote against the foregoing Resolution.

Councillor Hunt lodged a rescission motion in regard to the foregoing Resolution.

DES 3

LEP AMENDMENT TO PERMIT USE OF SEVENTH DAY ADVENTIST SCHOOL FOR COMMUNITY PURPOSES

FILE LA 13583 MEI

{Folio No. 241128}

SUMMARY:

Reporting that Council has received an application from the Department of Housing to amend Kempsey Local Environmental Plan 1897 to permit the use of the current Seventh Day Adventist Primary School property for community purposes.



Subject Land: Lots 1, 2, 12, 13 DP 759080, Corner of Queen and Yarravel Streets, South Kempsey
[\(Appendix 'G'\)](#)

Owner: NSW Conference, Seventh Day Adventist Church

Current Land Use Zones: Lots 1 and 2: 4(a) Industrial
Lots 12 and 13: 2(a) Residential

As Council is aware the Seventh Day Adventist Primary School is moving from its current location in South Kempsey to the site of the new church and meeting hall facility on the Crescent Head Road. The Department of Housing intends using the current school site and buildings to provide a range of community services for the people of South Kempsey. It is intended to be used by a number of (unspecified) agencies as an outpost for the delivery of services and to provide a meeting area, training venue, supported playgroup, drop in centre, internet café, office accommodation etc.

The current zonings of the property (residential and industrial) do not permit the proposed use, which is defined in the Environmental Planning and Assessment Model Provisions as a "public building". This is a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a Council or an organisation established for public purposes. It will therefore be necessary to amend Kempsey Local Environmental Plan 1987 to permit the proposed use on the subject land. This will not change the zoning of the subject land but will allow Council to determine a development application for the proposed use on the land.

All the necessary infrastructure and services are available at the site, with enough land to provide for off-street carparking if required. Given the current use of the site as a primary school the proposed uses are unlikely to result in any reduction in local amenity from traffic generation or noise from activities on site, although this will be dependent on hours of operation. Council may wish to impose restrictions on the hours the centre will operate in any consent for a development application to ensure that impacts are no greater than those currently experienced.

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MAYOR

That a draft Local Environmental Plan be prepared to amend Kempsey Local Environmental Plan 1987 to permit the use of the subject land as a public building.

DES 4	TWO STOREY DUAL OCCUPANCY, SOUTH WEST ROCKS FILE T6-02-367 AD	{Folio No. 241130}
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SUMMARY:

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.

In order to provide usable courtyards and practical access, extensive terracing and filling is proposed.

- Concern is raised over the methods used to meet the requirements of the DCP in relation to cut and fill on the lot. The DCP specifies cut and fill to be no greater than 1.5 metres. Whilst the applicant has demonstrated technical compliance, extensive retaining walls and battering will be required to achieve this. If battering was not used, the cut and fill requirements of the proposal would not comply with the DCP. [\(Appendix 'H'\)](#)
- Concern is raised over the practicalities of these measures and that walls in excess of 1.5 metres will ultimately be constructed. In addition, the overall impact of the extensive amount of terracing is considered to be contrary to performance objective 3.2 which seeks to minimise the amount of cut and fill. This is particularly pertinent in this instance as the geotechnical report submitted with the subdivision identified an inherent slope instability.

In this instance, virtually all of the land is required to be cut or filled.

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: [\(Appendix 'I'\)](#)

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.

.....
MAYOR

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.

Planning Comment

Having regard for the issues relating to the marginal compliance of the development outlined in the heads of consideration, Council should be mindful of any potential precedent set in allowing the proposed development to proceed. Whilst allowances are made within DCP 22 to permit multiple dwellings on the designated low density/single dwelling lots, the terrain of each individual lot will ultimately determine the development that proceeds.

Concern is also raised as to the practicality of allowing the development to proceed. As part of the engineering requirements of the development, the applicant will have to relocate a section of Council's sewer line to retain access for maintenance purposes, as well as, in this instance, difficulties posed relating to the acceptable drainage of stormwater.

Note: At the time the application was submitted, the applicant was requested in writing to justify the development in accordance with the requirements of DCP 22. Although long sections and cross sections were provided, no written submission justifying the development has been provided.

Item DES 4 was withdrawn on advice from the Director Environmental Services that the applicant had lodged an amended application.

DES 5	SOLAR KILNS – KEMPSEY FILE T6-02-412 AD	{Folio No. 241131}
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SUMMARY:

Reporting that Council has received an application for Solar Kilns at an existing timber mill for which an objection has been received.



Applicant: Australian Solar Timbers
 Subject Land: Lot 8 DP 8379, LOT 1 DP 870291
 Proposal: Solar Kilns
 Zone: 1(A1) Rural

Heads of Consideration:

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

The proposal is permissible with consent under Kempsey Local Environmental Plan 1987 in zone 1(A1) "Rural".

No increase in production is proposed and the development therefore would not trigger the requirement for an EIS. The kilns are to "allow an upgrade to the latest drying technology which will result in a speedier throughput of sawn boards into tongue and groove flooring". The old solar kilns are less efficient and create larger than desired stock piles of boards for kiln drying.

Public Exhibition

The application was advertised in accordance with Council's Policy with only one (1) objection having been received which may be summarised as follows:

Objection	Planning Comment
1 Increase of noise from the present level due to the proposed development.	1 No increase in production is proposed. Refer to Heads of Consideration for purpose of proposal.
2 The proposed developments buffer zone may increase over neighbouring properties due to the proposed development.	2 No increase of the buffer zone surrounding the sawmill is proposed is warranted.

Planning Comment

Given that no increase in production is planned, and that the proposed kilns are to eventually replace the existing kilns, it can be expected that noise levels will remain at current levels, however, a condition should be imposed upon the development application requiring noise monitoring.

2002. 743

RESOLVED:

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

.....
 MAYOR

A That the development be approved subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.**
- 3 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 4 All building work must be carried out in accordance with the provisions of the Building Code of Australia.**
- 5 Noise monitoring is required to be carried out from time to time as may be directed by the Director of Environmental Services. In the event such monitoring indicates exceedence of EPA guidelines at any adjoining property, noise attention as may be required to reduce noise levels to within Environmental Protection Authority Guidelines are to be unemployed.**

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

DES 6	PROPOSED DOUBLE GARAGE T6-02-400 (LA 11715) LOT 25 DP 246475 NO 130 SHERWOOD ROAD, ALDAVILLA FILE T6-02-400 SNB	{Folio No. 241132}
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SUMMARY:

Reporting that a Development Application has been received seeking approval to erect a detached double garage that will reduce the amount of reserve area for on-site effluent disposal.

Item DES 6 was dealt with earlier in the meeting after the public forum.

DES 7	DEVELOPMENT APPLICATION T6-02-359 (LA 5840) TWO STOREY DUAL OCCUPANCY, SOUTH WEST ROCKS FILE T6-02-359 AD	{Folio No. 241133}
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SUMMARY:

Reporting that Council has received an application for a two storey dual occupancy which does not comply with Council's Development Control Plan No 22 – Local Housing Strategy.



Applicant: Gregory John Tyler c/- Hadlow Design Services
 Subject Land: Lot 8 DP 261375 No 28 Simpson Street, South West Rocks
 Zone: 2(b1) Residential "B1"

Description of the Development

The development is for a two storey attached dual occupancy containing three (3) bedrooms per dwelling at 28 Simpson Street in South West Rocks. Three x two bedroom attached units exist on the lot, and the lot size is 1,681m².

Heads of Consideration:

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

The proposal is permissible within zone 2(b1) with consent under Kempsey Local Environmental Plan 1987.

The proposal is not contrary to any SEPPs or North Coast Regional Environmental Plan 1988.

Local Housing Strategy (DCP 22)

Standard	Required	Proposed	Complies Y/N
DENSITY • Medium Density, 2 x 3 bedroom occupancies	3 bedroom 330m ² x 2 = 660m ²	2 x 3 bedroom: 168m ² (inclusive of existing units)	Yes

.....
MAYOR

SETBACKS - To Simpson Street - Side Setback - Rear setback (2 storey) - Rear setback (1 storey)	5 metres 1.5 m/0.9 m 5 metres 5 metres	47 metres 2.6 m/1.4 m 5 metres 5 metres	Yes Yes Yes Yes
CARPARKING	2 Covered Spaces 1 Visitor Space	2 Covered Spaces 1 Visitor Space	Yes Yes
PRIVATE OPEN SPACE	25m ² per occupancy	>25m ² per occupancy	No*
LANDSCAPING	115m ² x 2 = 230m ²	Adequate	Yes
BUILDING HEIGHT	Max 6.2 metres	5.4 metres	Yes
SOLAR ACCESS	Adequate	Not Adequate	No*
PRIVACY	Adequate	Adequate	Yes
CUT AND FILL	<1.5 metres	<1.5 metres	Yes
EROSION/SEDIMENT CONTROL	To be conditioned	To be conditioned	Yes

* See Planning Comment

Planning Comment

Private yards do not comply with Section 4.7.1 of the Development Control Plan – which requires no part of “primary private open space or landscaped open space, be overshadowed for more than two (2) hours between 9.00am and 3.00pm on 22 June.” [\(Appendix ‘J’\)](#)

Applicant’s Submission

The applicant has submitted that the variation to the Development Control Plan is justified by stating:

- “1 The southern boundary offset of 5 metres is in excess of the minimum DCP requirement and this was provided to allow maximum sun exposure to the private yard.
- 2 Unit 4 has 47.5m² of private open space to the south of the unit. Unit 5 has 52.5m² of private open space to the south of the unit. Both areas are directly accessible from the family room and well in excess of the required 25m².

Applicant: M Ryder
Subject Land: Lot 167 DP 744400 No 1 Stewart Street, Crescent Head
Zone: 2(a) Residential

Description of the Proposal

The proposal is to convert an existing residential flat building containing four units to three units and renovate the existing building by provision of a pitched roof, concrete rendered walls and additions to existing verandahs.

Heads of Consideration:

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

The proposal is permissible in the 2(a) zone under Kempsey Local Environmental Plan 1987.

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

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

The existing residential flat building was erected in the late 60s. Although the existing building does not comply with DCP 22, DCP 22 applies to the additions.

Front Setback

In addition to encroachments into the side setbacks requirements resulting from the proposed deck extension, the applicant proposes to erect a large carport within the front setback only 0.2 metres from the front boundary where Council's Policy requires a minimum setback of 5 metres.

Height

The maximum height of the existing building is 6.25 metres where Council's current maximum is 6.2 metres, thereby virtually complying.

The maximum height of the proposed additions as a result of a proposed roof over an extensive deck addition is 7.25 metres.

Applicant's Submission

In support of the variations, the applicant has made the following submission:

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

- 1 Height is exaggerated by the slope of the land.
- 2 Existing uncovered parking area is proposed to be covered with no change to access arrangements.

- 3 Placement of a roof over the parking area will improve the appearance of the building.
- 4 Access of Killick Lane is not preferred being a narrow lane already congested by parking.
- 5 Density of development will be reduced.
- 6 The existing flat roof is unappealing. Proposed roof would fit with adjoining buildings.
- 7 Roof over deck will provide protection and is in keeping with other building in Crescent Head.
- 8 Renovations will improve the appearance of the area.

Planning Comment

- 1 As the existing building virtually complies with Council’s current height limit, it is considered that the proposed roof over the upper deck, which would result in non compliance, is unjustified and likely to result in an undesirable precedent thereby eroding the effectiveness of Council’s height limitations.

No objection is raised to the upper deck extensions provided the proposed roof is deleted. It is suggested that the applicant could give consideration to a non-rigid sail-type awning which would reduce the height and bulkiness of the building. [\(Appendix ‘L’\)](#)

- 2 No objection is raised to the variation to the front setback requirement in this instance for the following reasons:

- a The existing building was approved with no covered carparking. The area proposed to be covered is the existing concrete area utilised for parking for the units.

- b The proposed curved roof structure would enhance the existing drab appearance of the southern elevation facing Stewart Street.

- c There is no other practical location to provide covered parking which is a requirement of DCP 22:

[\(Appendix ‘M’\)](#)

Public Exhibition

The proposal was advertised with two objections, one of which did not specify any grounds for objection, having been received which may be summarised as follows: [\(Appendix ‘N’\)](#)

Objection

Planning Comment

- 1 Roof will block views by up to 50%.

- 1 The proposed roof will result in the loss of views currently enjoyed by the objectors dwelling. In the circumstances, this impact can be significantly reduced by

re-pitching, the roof at 90° to that currently proposed without any apparent difficulty or increased costs. (See Appendix 'M').

In addition to deleting the roof over the proposed deck, it is considered reasonable to request the applicant to also amend the roof as described. Such an amendment would not result in any adverse impacts on any other dwellings.

2002. 744

RESOLVED:

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

- A That the applicant be advised that Council is prepared to vary the front setback requirement to allow the proposed carport and to vary the side setback requirements to allow the proposed extension of the deck subject to submission of amended plans providing for the deletion of the roof over the upper deck area and repitching the roof so that the ridge will have a north/south orientation.
- B That the objectors be advised of Council's decision.

DES 9	DEVELOPMENT APPLICATION T6-02-474 (LA 15080) DOG GROOMING AND WASHING SERVICE, SOUTH WEST ROCKS FILE T6-02-474 AD	{Folio No. 241141}
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SUMMARY:

Reporting that Council has received an application to run a dog grooming and washing service for which one (1) objection has been received.



Applicant: L Cagnacci
Subject Land: Lot 106 DP 814776 No 53 Gilbert Corey Street,
South West Rocks
Zone: 2(A) Residential "A"

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.

Noise

Concern has been raised regarding noise from the activity. The applicant is prepared to only have two (2) dogs on the land for the purposes of washing (exclusive of pets), with a maximum of seven (7) dogs washed per day to be incorporated in any conditions of consent.

Public Exhibition

The proposal was exhibited in accordance with Council's Policy with one (1) objection having been received which may be summarised as follows:-

Objection	Planning Comment
1 Will there be more than one (1) dog held on the premises at any given time (Noise).	1 The applicant has undertaken to keep no more than two (2) dogs on the land for the purposes of the consent (aside from pets), with one dog undergoing grooming, and the other being stored in a holding pen inside the applicant's garage.
2 Will the service be conducted in conjunction with existing dog obedience training classes held on premises (Noise).	2 A condition will be imposed stating that the grooming service is the only use permitted on the land. Any dog obedience courses are subject to separate development application.
3 Pyrethrin and waste disposals – its effect on surrounding properties.	3 It is likely that the concentration will be well within acceptable waste levels for disposal to Council's sewerage system and Trade Waste application is required.

That:

A 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 is for a period of 12 months only from the date of this consent. The activity shall cease at the expiration of the specified period unless Council has given its written agreement to extend the period of consent. Council will not agree to any extension unless a written request is submitted not less than 30 days prior to the expiration date. Any consideration of such request will be contingent upon no justified complaints being received and compliance with all conditions of consent.
- 3** The hours of operation of the activity are to be confined to 7.00am to 6.00pm, Monday to Fridays, and 7.00am to 12 noon, Saturdays.
- 4** The activity is only to be conducted by residents of the dwelling located on the subject land, and by not more than one non-resident employee.
- 5** All loading and unloading in connection with the use of the subject premises shall be carried out wholly within the subject property.
- 6** A maximum of two (2) dogs are to be kept on site at any one time, with a maximum of seven (7) dogs to be washed per day.
- 7** Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following:-
 - a** Disposing of waste into a sewer of the Council.
- 8** This consent permits the use of the land for the purposes specified in the plans only. Any dog training/obedience classes held on the land are subject to separate development application.

B The objectors be advised of Council's decision.

SUMMARY:

Reporting that a Development Application has been received for approval to erect a dwelling that does not comply with Council's Development Control Plan No 22 in respect to the length of wall and driveway with a steeper gradient.



Applicant: Perry Homes (Aust) Pty Ltd
Owner: C L Hughes and C M Knowles
Subject Land Lot 8 DP 833901 No 21 Hilton Trotter Place,
West Kempsey
Proposal: Dwelling

Perry Homes have submitted an application to erect a dwelling that incorporates a long wall to a side boundary that exceeds the maximum length permitted under Clause 4.2.3 of DCP 22. Under the provisions of DCP the maximum length of a long wall shall not exceed 20 metres. The western wall of the proposed dwelling is 20.56 metres, ie. 560 mm more than is allowed under DCP 22. A site plan is appended to this report. [\(Appendix 'O'\)](#)

The subject long all has an offset of 600mm at approximately the mid-point of wall. However, under the provisions of Clause 4.2.3 of DCP 22 external walls need to be offset by more than one metre to be considered as separate walls. A floor plan is appended to this report. [\(Appendix 'O'\)](#)

In support of the application, the owner, Ms Hughes has made a written submission indicating the grounds upon which a variation to the DCP is sought. This submission is attached to the report. [\(Appendix 'P'\)](#)

An assessment of the plans and site confirm that the length of the long wall at 20.56 metres is a minor departure from the DCP and that an offset of 600mm has been provided which would tend to help minimise the visual impact of the wall. In the addition, the wall faces the rear yards of adjoining properties in Cochrane Street with existing paling fences on the rear boundaries. The site levels have necessitate a cut and fill to provide a level platform for erection of the building. This will have the effect of substantially lowering the height of the rear half of the wall with respect to natural ground surface levels, and further minimising the visual impact of the wall.

As the gradient of the driveway is steeper than that which is required by AS 2890.1 this can be overcome by lowering the floor of the garage to reduce the grade of the driveway.

In view of the minor extent of the departure from the DCP, and the overall minimal impact of the development on the amenity of the area, the proposal

can be supported for the long wall with a condition imposed to reduce the level of the garage.

2002. 746

RESOLVED:

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

That the application be approved subject to the following conditions:

- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2** This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3** 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
- 4** The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

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

- 5** The 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)** all steel reinforcement prior to the pouring of concrete;
 - (b)** completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
 - (c)** wet area floor and wall surfacing prior to tiling;
- 6** 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.

7 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.

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

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

9 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.

10 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 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 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.

c 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.

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

- e 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.
- f **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.
- g Glazing of all windows and doors is to be in accordance with the requirements of B1 of the Building Code of Australia.
- h 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.
- i The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
- j The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
- k Building materials are not to be stored within the road reserve or any other public place.
- l Excavated material from the site is not to be placed within the road reserve or any other public place.

ACCESS TRAFFIC AND PARKING

- 11 Construction of a vehicular access to be in accordance with AS 2890-1-1993. To obtain this the floor level of the garage is to be lowered and correct rollovers at the road and at the crest entering the garage are to be provided.

PUBLIC UTILITIES (including Stormwater)

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

EROSION CONTROL/GEOTECHNICAL REQUIREMENTS

- 13 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 upslope 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.

DES 11	PROPOSED CULTURAL CENTRE, SOUTH KEMPSEY
FILE T6-00-407 RBP	{Folio No. 241143}

SUMMARY:

Reporting that Council has received a request to assist in the preparation of a traffic study and construction of carparking required for a proposed Aboriginal Cultural Centre in South Kempsey.



Applicant: Mary-Lou Buck
Subject Land: South Kempsey Park, Corner Lachlan and Middleton Streets, Kempsey
Proposed Development: Aboriginal Cultural Centre

.....
MAYOR

Background

On the 5th May 2000, Council received an application to construct a multi-functional cultural centre comprising an Aboriginal Arts Display Centre, Museum, Craft Centre, Meeting Place, Restaurant, Administration and associated car parking.

At its meeting of 16th May 2000, Council considered a request to waive development application fees and headworks charges. Council subsequently resolved not to waive the fees and charges.

At its meeting of 11th June 2002, Council resolved to require the applicant to either provide a traffic study which justifies the proposed parking or to amend the application to provide for a minimum of 76 carparking spaces within a minimum of 90 days (ie. 24th September 2002) and that Council would offer to assist in the process within its capacity to do so.

In reply to Council's resolution, the applicant has advised that they intend meeting with the Roads and Traffic Authority to discuss traffic issues and have requested Council to further assist in the traffic study and their amendments as part of their commitment to WUTUMA. [\(Appendix 'Q'\)](#)

Planning Comment

The traffic study is only required should the applicant wish to seek to justify the provision of only 23 carparking spaces where Council's code requires a minimum of 76 spaces. Whether Council wishes to contribute towards the cost of such a study (no estimate has been provided) is a matter for Council to determine.

If the applicant wishes to amend their application providing for construction of a minimum of 76 carparking spaces, most of which would be on the adjoining recreation reserve, Council may wish to contribute towards the cost of constructing such carparking having regard to the benefits derived to the adjoining recreation reserve. A preliminary estimate is that such carparking would cost in excess of \$50,000 (excluding any drainage or kerb and guttering).

It is considered that until such time as the applicant indicates whether they intend justifying proposed parking by submission of a traffic study or to amend their application to provide for the additional parking, that Council is not in a position to consider the request.

2002. 747

RESOLVED:

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

That the applicant be advised that in accordance with Council's resolution of the 11th June 2002, that the applicant is required to either provide a traffic study justifying proposed parking, or to amend the application to include a minimum of 76 carparking spaces, or to withdraw their application by 24th September 2002.

SUMMARY:

Reporting that Council has received an application to erect a carport, which requires a variation to Council's Development Control Plan No 22 Local Housing Strategy.



Applicant: Mr G and Mrs M Brown
Subject Land: Lot 58 DP 260720 No 5 Kevin Hogan Place,
South West Rocks
Zone: 2(a) Residential Zone

Proposed Development

The proposal is to erect a carport over an existing hard stand area servicing a B&B and studio. The proposed carport stands 2.8 metres and 5 metres from the primary street frontage. [\(Appendix 'R'\)](#)

Siting

The site is situated on the western side of Kevin Hogan Place which is a cul-de-sac leading from Quarry Street. The dwelling is set back on a splay of 7.8 metres and 13.7 metres approximately from the primary street frontage, the land falls to the street and has a street frontage of 21 metres approximately.

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 and Housing Strategy DCP 22 with the following matters considered to be of particular relevance to the proposal.

DCP No 22 – Local Housing Strategy

The proposal is required to comply with the following requirements of DCP No 22:-

Primary Street Frontage

The proposal complies with DCP 22 except in respect to the proposed primary street frontage.

Comment

A minimum primary street frontage setback of 3.5 metres is required for carport structures. The applicant proposes a primary street frontage setback of 2.8m. This is considered satisfactory for the following reasons:

- 1 The proposed 2.8 metres as shown on the drawings is a point encroachment at the southern column increasing to 5 metres on the northern column.
- 2 The proposed carport roof has been designed to match the existing dwelling.
- 3 The proposed carport will have no adverse impact on the street scape or adjoining neighbourhood.
- 4 No objections have been received.

A justification letter has been submitted. [\(Appendix 'S'\)](#)

CONCLUSION

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 and DCP 22 Performance Objectives and the circumstances of the case, it is recommended that the development application be approved. It is considered reasonable for Council to permit the carport to be erected 2.8 metres from the primary street frontage due to the circumstances outlined in the body of the report.

2002. 748

RESOLVED:

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

That Development Application T6-02-403 be approved 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 **No portion of the carport is enclosed without prior written approval obtained from Council.**
- 3 **Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council**
- 4 **The carport is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
- 5 **Roofwaters are to be directed by means of sealed pipes to the street gutter.**

SUMMARY:

Reporting that Council has received an application to erect a new dwelling and retain an existing dwelling as a rural workers dwelling that requires support of a SEPP 1 objection.

Council was advised that the owners of the subject land were Kenneth and Margaret Ward.



Applicant: M Ward
Subject Land: Lot 2 DP 1012922 No 168 Euroka Road, Euroka
Zone: 1(A3) Agricultural Protection

Description of the Proposal

The proposal is to erect a four bedroom dwelling on the subject land with an existing farmhouse to be retained as a rural workers dwelling.

Heads of Consideration:

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

Kempsey Local Environmental Plan 1987

Clause 17(4) of KLEP 1987 allows for the erection of one additional dwelling house on land zoned 1(a3) provided:

- a Council is satisfied that the dwelling will be occupied by a person engaged by the owner of the land in the pursuit of agriculture;
- b The needs of the existing agriculture require the person to reside on the site;
- c The land on which the dwelling is to be erected is consolidated with the land on which the first dwelling house is erected.

The proposal requires a support of an objection pursuant to State Environmental Planning Policy No 1 as the area of the land is only 37.12 hectares where Clause 17(4) requires a minimum allotment size of 40 hectares. As the variation is within 10% of the 40 hectare standard, Council may assume the concurrence of the Director-General of Planning NSW should it resolve to support the proposal.

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

State Environmental Planning Policy No 1 Objection (SEPP 1)

The applicant has submitted that the development standard contained in Clause 17(4) of 40 hectares is unreasonable and unnecessary in the circumstances for the following reasons, which may be summarised as follows: [\(Appendix 'T'\)](#)

- 1 The 40 hectare standard is inappropriate in respect to the intensive management of the property.
- 2 The proposed rural workers dwelling provides an opportunity to further agricultural enterprises.
- 3 The workers dwelling complies with the objectives of the agricultural protection zone as it will promote the agricultural potential of the land.
- 4 The proposed rural workers dwelling will have a positive social and economic effect on agricultural viability of the area.
- 5 The existing property is a bonafide viable agricultural enterprise for which a substantial investment for irrigation has been made.
- 6 The rural workers dwelling and proposed dwelling are to be located on the same lot.

By way of justification of the need for a rural worker to reside on the land, the applicant has submitted that:

- a Two thirds of the property is deep free draining alluvial soil suitable for lucerne production with the dwellings to be located on a flood free hill adjacent to Euroka Road.
- b The property holds a current irrigation license from the Department of Land and Water Conservation which provides for substantial capacity to irrigate.
- c Extensive pumping and irrigation equipment has been installed including pumps, piping and irrigators.
- d During dry periods it is necessary to move the walking irrigator up to three times a day and at night time in order to operate on off peak electricity.
- e The production of lucerne requires the cutting for hay or silage approximately eight times a year and every 28 days during summer.
- f The property currently carries 120 head of cattle which require expensive management relating to marking, drenching, control and marketing.
- g The property is cell grazed in up to 18 paddocks which are required to be rotated every three to four weeks with electric fences required to be moved on a daily basis.
- h Constant monitoring of soil moisture is required due to the free draining nature of the soil in order to maximise the efficiency of the irrigation including constant monitoring of the operation of the irrigation system.

- i The enterprise requires ongoing sowing, fertilising and maintenance of pastures including control of pests and weeds.
- j In addition to the above matters, constant maintenance of equipment and machinery is required to be undertaken.

Planning Comment

It is considered that having regard for the intensity of agricultural pursuits and the productivity of the land, the applicant has demonstrated that the requirements of Clause 17(4) of KLEP have been met as the intensive nature of the irrigated pasture production and lucerne growing would be benefited substantially by the employment of an on-site manager. Any consent should include a condition specifying that the dwelling is to be occupied by a person actively engaged in agricultural pursuits on the property.

As Council has a limited capacity to enforce such conditions in the event management of the land was to change in the future, it is also considered reasonable to require registration of a Caveat to alert any future purchaser of this requirement.

Contributions

As Euroka Road has been funded solely from grant, a contribution towards the ongoing of Euroka Road only is required in accordance with Council's Section 94 for Rural Roads.

Contributions towards water headworks and open space are also payable.

2002. 749

RESOLVED:

*Moved: Cl. Bowen
Seconded: Cl. Hunt*

That Council assume concurrence of the Director General of Planning NSW to the use of SEPP 1 to approve the proposed dwelling and retention of existing dwelling as a rural workers dwelling 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 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**
- 3 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.

- 4 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) all steel reinforcement prior to the pouring of concrete;
- (b) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;
- (c) wet area floor and wall surfacing prior to tiling;

- 5 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.

- 6 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.
- 7 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation is required on site throughout the entire building operation.

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

- 8 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 slab 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 Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site. Windspeed at site W41.
- 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.
- f The door to all fully enclosed sanitary compartments must open outwards, or slide, or be readily removable from the outside, in accordance with the requirements of the Building Code of Australia.
- 9 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Rural Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 10 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- a Installing, constructing or altering a waste treatment device or a human waste storage facility or a drain connected to any such device or facility.
- b Effluent disposal.
- 11 Submission of an Energy Scorecard indicating that the proposed dwelling will achieve a minimum SEDA 3.5 star energy rating.

- 12 A Survey Certificate is to be submitted upon completion of the formwork for the slab to ensure that the finished floor level is at or above 12.41 metres A.H.D.
- 13 The applicant is to pay a contribution towards maintenance of Euroka Road for dwellings on lots for which contributions have not been previously paid in accordance with Council's Section 94 Plan for Rural Roads. The contribution is to be paid prior to the release of the Construction Certificate of the rate prevailing at that time. The current rate is \$206 per lot/dwelling.

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

- 14 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 water supply headworks at the rate of \$1,130 per equivalent tenement, i.e \$1,130 x 1 E.T = \$1,130. (Indexed 2002/2003)
- 15 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate/Subdivision Certificate, at the rate prevailing at that time. The current rate is \$363 per additional dwelling unit, i.e. \$363.
- A copy of Council's Section 94 Plan may be inspected at Council's offices, Corner Elbow and Tozer Streets, West Kempsey.
- 16 The existing rural workers dwelling is to be either demolished or rendered uninhabitable in the even the dwelling is not occupied by a person engaged in agricultural pursuits on the land as described on the approved development plans.
- 17 Creation of an appropriate Restriction-as-to-User nominating Kempsey Shire Council as the sole party to vary, providing that the rural workers dwelling is to be demolished or rendered uninhabitable unless it is occupied as a rural workers dwelling in accordance with KLEP 1987, including the terms of this development consent. Such restriction shall be registered prior to occupation of the proposed dwelling.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DES 14	SUBDIVISION OF LOT 1 SECTION 1 DP 617040 KINCHELA STREET, GLADSTONE FILE T6-02-456 AJC	{Folio No. 241146}
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SUMMARY:

Reporting on an existing development standard which if applied would prohibit the proposed subdivision.

Applicant: Mr R Barnett, 10 Kinchela Street, Gladstone
Owner: RAS Australia Pty Ltd
Subject Land: Lot 1 DP 617040 No 10 Kinchela Street, Gladstone
Zone: 2(V) Village or Township



Background

The land in question contains the old post office building and the associated detached dwelling. It was built in circa 1921. These buildings have weathered all the floods and been continuously occupied since that date. The buildings were restored and repainted in 1984/1985. Freehold title was acquired from the Commonwealth and the land parcel sold in 1985.

The existing floor level of the dwelling is at 5.4 m AHD and the floor level of the existing Antiques Shop is 5.09 m AHD, which is only 0.29 metres above the 1 in 100 year flood level of 4.8 metres AHD.

The previous owner applied to council to subdivide the subject property into two lots. Approval for this was given in August 1993. The owner did not act and the subdivision consent lapsed.

Council in September 1993 approved a change of use for the post office building to an Antiques Shop.

Amendment 30 of Kempsey Local Environmental Plan 1987 was gazetted on the 1 July 1994 creating the current clause 12 in respect to flooding. This clause if applied would now prohibit the subdivision of the subject land parcel.

Proposal

The proposal is to separate the business from the residence as shown on the attached plan of application, appended to this report as ([Appendix 'U'](#)). Both buildings are recognised as having existing use rights.

Council could approve this State Environmental Planning Policy No 1 application under the assumed concurrence provisions of State Environmental Planning Policy No. 1.

Discussion

Clause 12(1)(a) & (c) of Kempsey Local Environmental Plan 1987(KLEP1987) would prohibit the subdivision as the subject land parcel is part floodprone. Clause 12(1) states; *that council must not consent to the subdivision of land in this zone unless council is satisfied that: -*

[a] *The land is outside the limit of the 1 in 100 year flood and is not subject to an unacceptable risk from localised flooding during a 1 in 20 year storm event; or*

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

This land parcel has an area less than 20% of the total area of the lot that is at or above the 1 in 100 year flood level of 4.8 metres on Australian Height Datum (1999), located at the rear of the lot. The average depth of flooding at this site is approximately 300mm.

Alterations to clause 12 of KLEP 1987 were first suggested at a council meeting of the 17 May 1993. The intent behind the imposition of clause 12 of KLEP 1987 was to limit expansion of development in flood liable areas such as Gladstone to land, which was above the 1 in 100 year flood event and was obviously not meant to prohibit subdivision of land where the land parcel was already fully developed.

This proposal is not in conflict with the NSW Flood Plain Manual nor Council's Flood Plain Management Strategy Policy as it will not increase danger levels to persons or property nor will it limit nor remove the current use of the subject flood liable land.

In conclusion it is apparent that in this particular case subdividing the subject property will not lead to increased development of flood liable land. Further, the proposal meets the intention of the development standard contained in clause 12 of KLEP 1987 to restrict expansion of development on flood liable land.

2002. 750 **RESOLVED:**

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

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 Plan No 12851-01 and as modified by any conditions of this consent.**
- 2 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be**

obtained from Council upon application being made or from an accredited certifier.

- 3 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
- 4 The proposed right of way is to be created for the exclusive use of proposed lot 2 in the subdivision. The owners of benefiting lot 12 to be able to maintain the existing gravel carriageway with the right of way at any time.

5 Applicant is to submit with the application for Subdivision Certificate, copies of any instruments under Section 88B of the Conveyancing Act 1919 relevant to any restrictive covenants, easements or rights of way created by or affected by this subdivision.

6 Submission of an application for Subdivision Certificate pursuant to Part 4A of the Environmental Planning and Assessment Act 1979, which authorises the registration of the plan of subdivision

INFORMATION TO BE SUBMITTED WITH THE CONSTRUCTION CERTIFICATE

- 7 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 Subdivision Certificate/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 Each of the proposed lots in the subdivision are to be separately metered for water supply purposes. Applicants are to make application to Council's Business Enterprise Unit, Sewer and Water Directorate for separately metered water services to service proposed lots 11 and 12, at full cost to the applicant.
- b Each of the proposed lots in the subdivision are to have separate connection to the existing sewer junction, located on Council sewer reticulation main in Kinchela Street. A detailed plan is to be submitted with the application for Construction Certificate.
- c All public utility service lines which serve proposed Lot 12 (the existing dwelling) existing and proposed are to be located in a private drainage easement. Applicant is to

liaise with Council's Environmental Services Department prior to marking the same on the plan of subdivision.

- 8 All stormwater drainage from proposed lots 11 and 12 to be piped and discharged to Council's stormwater drainage system in Kinchela Street. Detailed plans to accompany an application for Construction Certificate.

**DES 15 SIGNAGE ON COUNCIL PROPERTY
FILE A4-2 BWC**

{Folio No. 241147}

SUMMARY:

Reporting on signage on Council property.



This report is presented in respect to the signage, with particular reference to signs at South West Rocks and a request for signage in Forth Street, Kempsey.

• **Lindsay Noonan Avenue, South West Rocks**

As Councillors would be aware from recent Works Inspections there has been some concern expressed at the number and appearance of signage on the corner of Lindsay Noonan Avenue and Gregory Street, South West Rocks. Photographs of the signs are attached. [\(Appendix 'V'\)](#)

Letters have been sent to owners of land in the Industrial Estate regarding the unauthorised and unsightly nature of the existing signage.

The owners were requested to make comments, if they wished regarding replacing the current signs. Three (3) letters were received. In summary these letters suggested:

- 1 *Only one sign indicating the industrial area is necessary.*
- 2 *Agree that it is an eyesore – suggests simply a street name type sign.*
- 3 *Current signage is unsightly and does nothing to promote individual businesses – suggestion:*
 - *Signage position be relocated to Frederick Kelly Street*
 - *That heritage signage similar to street signs be made.*
 - *Signs be listed in street number order.*

It is assumed that the last suggestion is related to erecting a new sign, such as that at the Industrial area, South Kempsey. [\(Appendix 'W'\)](#)

The sign at South Kempsey was organised and erected by the previous Economic Development Trust not Council. Any sign of a similar nature should be organised by the likely users or their representative and seek Council approval.

It will be recommended that Council remove all signs from the corner of Lindsay Noonan Avenue and Gregory Street and erect a single sign indicating "Industrial Area".

- **Markets – South West Rocks**

A letter has been received expressing concern that the monthly markets are being adversely impacted upon as temporary signage cannot be displayed on roads leading into South West Rocks. A similar situation occurs in respect to the Kempsey Markets from time to time.

- **Request for Signage Forth/Hopetoun Streets, Kempsey**

A request has been received from Patterson Glass Works for an Industrial Estate Sign at the corner of Forth and Hopetoun Streets, Kempsey. The request follows a letter to Mr Patterson requesting that an unauthorised fingerboard sign on the corner of Forth and Hopetoun Streets be removed.

A copy of Mr Patterson's letter is attached. [\(Appendix 'X'\)](#)

Comments

There appears to be a growing desire to utilise public lands for placement/erection of commercial advertising signs.

There also appears to be an expectation that such signs should be permitted within/on public land.

Apart from the examples listed earlier in this report there are other areas that might consider that additional signage on Council property is a necessary means to advertise their business. Areas that may be in that situation are small industrial areas at Verge Street, Kempsey and Crescent Head Road, Kempsey.

In considering signage on Council property other issues could relate to signage (for sponsors) on sporting fields. Currently under Council's Development Control Plan approval for such signage is not required where the advertisement is not visible from outside the property. However in recent days there has been suggestions as to likely naming rights, with additional signage on roads and reserves indicating where these "Sponsored" facilities exist. It is possible that the directional signs could be considered as Traffic Management signs, Council may, if consideration is to be given to such signs on roads and reserves establish design criteria. Under the provisions of SEPP 64 – Advertising and Signage there are limitations as to the size of the name or log on signs of that nature.

Council's should be aware of the reason for signage and the need or otherwise to display signs, particularly those relating to business activities and situated on public land. The assessment criteria under the provision of SEPP 64 are attached for information. [\(Appendix 'Y'\)](#)

It should be noted that one of the criteria relates to safety.

Currently under Council's Development Control Plan (DCP) certain signs are exempt. Should Council wish to vary the exemption list the DCP would need approval from planning NSW to ensure compliance with SEPP 64. It is doubtful that the Department would concur to any proposal that would be attempting to exempt situations that are prohibited under SEPP 64.

Director Environmental Services Recommendation:

- 1 All private signs attached to the existing industrial estate sign at South West Rocks be removed.
- 2 A new sign indicating INDUSTRIAL AREA in Council colours, without provision for individual advertising panels be erected.
- 3 Mr Patterson be advised that Council will provide a fingerboard sign with the wording INDUSTRIAL AREA at the corner of Forth and Hopetoun Streets.
- 4 Council determine what matters, if any need to be considered in respect to amendments to the Development Control Plan No. 25.

2002. 751

RESOLVED:

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

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

- 5 That Council invite the business owners of the INDUSTRIAL AREA to contribute to a proposed sign similar to that at South Kempsey.

DES 16	SETTLERS RIDGE RESIDENTIAL ESTATE, SOUTH WEST ROCKS FOR A B AND J E DOYLE	{Folio No. 241148}
	FILE S15-97-27 AJC	

SUMMARY:

Reporting on a proposal to vary Section 4.1 Subdivision design – Urban Residential areas, Battleaxe Allotments of council's Development Control Plan 36 Engineering Guidelines for Subdivision and Development.



Applicant: A B and J E Doyle
Owner: A B and J E Doyle
Subject Land: Lot 2252 DP 616771 No 229-253 Gregory Street,
South West Rocks
Zone: 2(a) Residential

Proposal

The applicant wishes to modify stage 3 of the residential subdivision by deleting the proposed road number 3 off Trevor Judd Avenue and installing two [2] battleaxe lots as shown on the plan attached to this report as *(Appendix 'Z')*. The overall effect will be a reduction in lots created from 4 to 2. However the applicant wishes to create 2 dwellings on proposed lot 9 and 3 on lot 8, a total of five.

The original approved layout plan showing road 3 is appended to this report as *(Appendix 'A1')*.

Councils Development Control Plan 36 Section 4.1 states in respect to creation of battleaxe allotments the following: -

Generally Council does not encourage the formation of battleaxe allotments within a development. However where they cannot be avoided and council agrees to their creation the following criteria shall apply:-

- (i) The access corridor servicing any allotment shall front a dedicated public road and form part of the battleaxe allotment in question.*
- (ii) The lot(s) shall have frontage to a public reserve.*
- (iii) The access corridor shall have a minimum width of four (4) metres for single vehicular access, and be constructed in concrete a minimum of 3 metres wide.*
- (iv) **Combined access** corridors shall serve no more than two allotments and shall have a reservation width of no less than 5 metres, and concrete pavement of 3 metres complete with adequate drainage, as required to Council requirements.*
- (v) The absolute maximum longitudinal grading is 16%, within the access corridor, easing to values shown in table D9.1 over the footway area within the street reservation.*

There may be a circumstance where council may consider a submission from the applicants Engineer to incorporate steep grades over very short lengths in special circumstances.

- (vi) With combined access corridors reciprocal right-of-way in favour of the affected allotment is to be granted over the full length of the access corridor.*

The applicants Consultant Engineer has lodged a submission in support of deleting proposed road number 3 and creating 2 lots with provision for 5 dwellings. The following is a précis of the consultants submission; -

1. The proposed lots 8 and 9 are well over the minimum size for this residential zone at 1430m² and 2007m² respectively.
2. The access handle width is 7 metres with reciprocal access rights and will be concreted and kerbed.
3. Beech Close in the previous stage incurred over \$80,000 in rock excavation and removal.
4. Lot 8 is to be restricted to a maximum of 3 dwellings and lot 9 to 2 dwellings, using a suitable restriction as to user pursuant to 88b of the Conveyancing Act 1919. *“There is demand for large single dwelling lots and there is a good chance lots 8 and 9 will each be developed as one large single dwelling each.”*
5. Lots 7,8,9 and 10 could be consolidated and council’s DCP 22 applied to extract 8 dwellings on revised lot 8 and 5 dwellings on lot 9.
6. This is an instance where these proposed battleaxe lots, due to their large size, might not have a need to front a public reserve. However the consultant recognises that this standard should continue to be applied and not be changed and that this proposal fits into the “special case category. “

Comment

The proposal does not comply with the following aspects of the current council policy: -

1. The proposed lots do not have frontage to a public reserve; and
2. The combined access corridor with reservation width of 5 metres and concrete driveway of 3 metres was to serve no more than two allotments with associated single dwellings. The proposal seeks to have 5 dwellings and serve these within a 7 metres wide corridor.

The proposed allotments have a sufficient area and potential to allow multiple dwellings on each of the proposed lots 8 and 9 in this residential zoned land under the current planning provisions, as shown in the consultant engineers submission to council. The applicant’s consultant also pointed out the need to place a restriction on the number of dwellings to a maximum of 5 even though he thought a greater number could be attained under the current planning provisions, using a restriction as to user created in accordance with Section 88B of the Conveyancing Act 1919. This restriction on the use of the land would at the time of purchase flag to the new owner that there was a limit to the number of dwellings that could be accommodated on each lot.

The nature of the site with its slopes averaging 20%, proximity of proposed lots 7 and 10 with respect to the proposed vehicular access corridor(privacy and traffic issues) and coupled with possible slope instability and the economics of building in an locality where granite boulders are just below the surface, physically constrain development.

Marginal widening of the corridor will not diminish the physical constraints imposed by the land parcel.

The developer's consultant recognises this by stating the following, *"There is demand for large single dwelling lots and there is a good chance lots 8 and 9 will each be developed as one large single dwelling each."*

3. The existing natural surface has a slope ranging from 18% on the lower slopes to 25% on the upper slopes. This exceeds the maximum permissible grade of 16%.

Evaluating this proposal on a merits based approach, it would seem not unreasonable to allow the variation for the following reasons; -

- a The lot sizes are very large for battleaxe lots at 1430 and 2007m² respectively. Although the proposal does not wholly offset the benefits of having frontage to a public reserve the combination of sloping ground (giving aspect other than the neighbours dwelling), the larger lot size and restriction to construction of a single dwelling on each lot would in this instance only, and given the merits of the case, be acceptable.
- b Vehicular access to the site is to be via an access corridor 7 metres wide in which a concrete drive is to be constructed. To allow any more dwellings other than 2 total to be served would cause a nuisance and privacy issues to neighbouring lots 7 and 10 owing to the close proximity of the proposed access corridor and slope, with the additional traffic.
- c A contour plan of the area shows that the natural slope along the length of the proposed access corridor is approximately 18%. As long as this corridor is only servicing a maximum of 2 dwellings then a concrete drive could be constructed in accordance with AS 2890.1 Off Street Parking, meeting minimum private vehicular access requirements.
- d The natural slope of the proposed lots averages approximately 20%. The occurrence of granite boulders, the steep nature of the site, issues of slope stability and economies of building could physically restrict placing multiple dwellings on each proposed lot. If council is to accept this variation to its development control plan then a suitable restriction should be placed on the title of proposed lots 8 and 9 limiting development of these lots to the erection of a single dwelling.

The abovementioned reasons for supporting this application on its merits is based upon the premise that there will only be a maximum of 1 dwelling on each of the proposed lots 8 and 9 and this can be achieved by placing a restriction on the use of the land (lots 8 and 9) in accordance with section 88b of the Conveyancing act 1919. Council would be nominated as the sole party to vary, modify and or extinguish this restriction. The placement of such a restriction will

ensure that intending purchasers of the relatively large lots are aware of the restrictions as to use of the land.

Options

Council has the following options: -

- [a] Refuse the application to vary clause 4.1 of Councils Development Control Plan 36 in respect of battleaxe allotments.
- [b] Approve the application on the condition that the applicant agree to place a suitable restriction as to user over the title of proposed lot 8 and 9 limiting development to erection of a single dwelling on each lot and adhere to the other recommendations made by the applicants consultant engineer.
- [c] Approve the application without any limitation to the number of dwellings per allotment being specified.

2002. 752

RESOLVED:

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

That Council approve the variation subject to the applicant agreeing to a suitable restriction as to user being placed on the title of proposed lots 8 and 9 limiting development to a single dwelling, subject to consent, on each lot, and other works as outlined in the submission.

DES 17	APPLICATION FOR GARAGE IN KEMPSEY LOCAL FLOODWAY NO 1	FILE T6-02-290 KJW	{Folio No. 241149}
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SUMMARY:

Reporting that amended plans have been submitted for a proposed garage.

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

DES 18	COMPLIMENTS RECEIVED BY ENVIRONMENTAL SERVICES STAFF	FILE S10-2 BWC (NRN)	{Folio No. }
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SUMMARY:

Reporting on compliments received by the Environmental Services Department.



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MAYOR

The following comments have been received since the last report to Council:

- *5 weeks turn around as suggested on lodgement. Cooperation in explanation of Smart House Criteria appreciated.*
- *Mr Tony Castle was most helpful.*
- *In particular I would like to thank Ken Ward who showed great patience and understanding while dealing with me on this matter.*

2002. 753

RESOLVED:

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

That the information be noted.

DES 19 BUILDING AND DEVELOPMENT

SUMMARY:

Reporting that the following applications have been approved.



APPROVALS

Local Development (LD) [\(Appendix 'A5'\)](#)

Construction Certificates (CB) [\(Appendix 'A6'\)](#)

2002. 754

RESOLVED:

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

That the information be noted.

**DIRECTOR ENVIRONMENTAL SERVICES AMENDED
SUPPLEMENTARY REPORT**

**DES 1 SUBDIVISION - SPENCERVILLE
FILE T6-01-376 RBP**

SUMMARY:

Reporting on a request to stage a proposed subdivision at Spencerville.



Applicant: Eric Norman Developments Pty Ltd
Subject Land: Lot 51 DP 1025337 via Belle O'Connor Street,
South West Rocks
Zoning: 2(a) Residential

*THIS IS PAGE 78 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 10TH SEPTEMBER 2002*

.....
MAYOR

Background

Council would be aware of its ongoing considerations of a proposed 52 lot subdivision and the need for a Species Impact Statement having regard for potential impacts on identified threatened species.

At its meeting of the 9th July 2002, Council resolved:

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

2 That the applicant be invited to complete the Species Impact Statement or lodge a Staged Development Application for the proposal".

This resolution was reaffirmed by Council at its meeting of the 13th August 2002.

An amended application was lodged on the 19th July 2002, copies of which were forwarded to the NSW Coastal Council, Planning NSW and the National Parks and Wildlife Service by the developer's consultant.

The amended application is to stage the development as follows:

Stage 1 – 8 Lots
Stage 2 – 22 Lots
Stage 3 – 22 Lots

Total: 52 Lots [\(Appendix 'A'\)](#)

The applicant has advised that they are proceeding with the preparation of a Species Impact Statement for Stages 2 and 3 and a Bushfire Assessment for all three stages.

Copies of the respective Department's comments to the amended proposal may be summarised as follows: [\(Appendix 'B'\)](#)

Planning NSW

The Department reaffirm it's previous advice that Council needs to satisfy itself that it has sufficient information to allow for a thorough assessment of the application, including a Staged Development.

Coastal Council of NSW

The Coastal Council have advised that the support the preparation of a Species Impact Statement.

Statutory Requirements

For the purposes of assessing the application under the relevant provisions of the Environmental Planning and Assessment Act, Section 5A requires

THIS IS PAGE 79 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH SEPTEMBER 2002

.....
MAYOR

Council to determine whether there is likely to be any significant effect on threatened species.

Section 78A provides that any application for a development which is likely to significantly affect any threatened species, populations or ecological communities must be accompanied by a Species Impact Statement prepared in accordance with the Threatened Species Conservation Act.

Although wishing to develop the subdivision in stages, as submitted, the "development" still relates to a 52 lot residential subdivision.

Whilst Council may conclude that Stage 1 of the development being for eight lots will not have any significant impact on any identified threatened species, it is considered that a Species Impact Statement would need to be provided unless Council restricts its considerations to Stage 1 only.

If Council considers that Stage 1 will not result in any significant impact on any threatened species, and having regard for its previous resolutions relating to the need for an SIS for the overall subdivision, pursuant to Section 80(5) a condition should be imposed on any consent requiring submission of a separate development application for any further subdivision of the residual lot.

Note: This requirement has been discussed with the applicant's consultant who is agreeable to the imposition of such a condition should Council resolve to approve of the amended application.

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

Flora and Fauna

In response to the applicant's amended application, by email of 22nd July 2002, the applicant was requested to submit a report prepared by the developer's Ecological Consultant which addresses the requirements of Section 5A of the Environmental Planning and Assessment Act. In addition, the applicant was requested to provide an assessment having regard for the requirements of the Rural Fire Services Planning for Bushfire Protection Guidelines for Stage 1. The requested information was provided on the 3rd September 2002 which may be summarised as follows: [\(Appendix 'D'\)](#)

- 1 All lots in Stage 1 front Belle O'Connor Street which has already been formed with some widening and kerb and guttering required.
- 2 The lots in Stage 1 do not contain any hollow trees and the area has been underscrubbed in the past.
- 3 Stage 1 will not disturb the proposed reserve with the exception of a Fire Access Trail.
- 4 Habitat linkages to the west will be maintained in preparation of a SIS to determine what linkages will be required for the broader development.

- 5 It is unlikely that the land affected by Stage 1 would be required for attention in respect of the requirements of any subsequent Species Impact Statement.
- 6 Finch's land to the south is separated from Stage 1 by Belle O'Connor Street. No details of future development of Finch's land are available. Future linkages across Belle O'Connor by selected species planting may achieve future linkages, including provision of traffic calming devices to limit impacts on Squirrel Gliders and Brush Tail Phascogales.

Planning Comment

In considering whether Stage 1 is likely to result in an adverse impact on any threatened species, Council must consider the effect of Stage 1 in both the context of the 52 lot subdivision of the subject land and the approved subdivision of the adjoining land which relies on the subject land for retention of foraging habitat.

It is considered that in both cases Council may reasonably conclude that Stage 1 being for eight lots only, will not result in any significant impact on any threatened species for the following reasons:

- 1 Although the linkages to the west from the identified habitat trees on the adjoining Divall subdivision has not been determined and will be the subject of a future SIS, Council previously agreed to subdivision of the adjoining land without the need for an SIS on the basis that habitat on the subject land required for foraging would be maintained. The proposed subdivision will result in the loss of only approximately 5% of the foraging habitat located on the subject land. Based on information previously provided on Stage 1 this represents an even smaller percentage of the overall foraging habitat of the identified threatened species on the adjoining subdivision.
- 2 Any approval for Stage 1 should require enhancement placement within the Belle O'Connor road reserve and provision of traffic calming devices as referred to in order to provide linkages to other undeveloped land and minimise impacts from motor vehicles.

Director Environmental Services Recommendation:

A That consent be granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development Plan No 50035-0 Amendment "A" and as modified by any conditions of this consent.**
- 2 Pursuant to Section 80(4) of the Environmental Planning and Assessment Act 1979, this consent allows construction of Stage 1 only as indicated on the approved development plans being an eight lot subdivision. Any additional subdivision or engineering works within the**

residual allotment will be subject to a separate development consent.

- 3 This consent relates to and permits construction of Stage 1 only.
- 4 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
- 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 Submission with the final plan of subdivision, copies of any instruments under Section 88B or E of the Conveyancing Act 1919, relevant to any restrictive covenants, easements, rights of way created or affected by this development.
- 7 The Fire Access trail and cleared area on proposed road No 2 identified in the Ecological Supplementary Report for Stage 1 (dated 2/9/02) is to be created for the exclusive use of Lots 51 to 56.

All the owners of the benefiting lots (51 to 56) are to be able to reconstruct and maintain the fire trail and cleared area on road No 2 at any time.

A restriction on the use of this land is to be created for the fire trail and cleared area on road No 2 and is to nominate Council as the sole party to modify, vary and/or extinguish trail restriction and be clearly marked on the plan of subdivision.
- 8 Creation of an appropriate Restriction-as-to-user providing that any future dwelling on each proposed allotment shall be designed and located so as to comply with the requirements of AS 3959 without the need to carry out additional clearing as identified by the Ecological Supply Report (2/9/02) prepared by M J O'Neil, except clearing of the understorey required to maintain fuel loadings. The means proposed to comply with AS 3959 are to be provided prior to release of the required Construction Certificate.
- 9 Submission of an appropriate restriction as to user to be placed over the title of the residue lot preventing clearing of trees without Council consent.

This restriction is to be clearly marked on the plan of subdivision.

Kempsey Shire Council is to be nominated as the sole party to vary, modify and/or extinguish this restriction.

A copy of the restriction is to be lodged for approval with the application for Subdivision Certificate.

- 10 Submission of an application for Subdivision Certificate pursuant to Part 4A of the Environmental Planning and Assessment Act 1979, which authorizes the registration of the plan of subdivision.

PUBLIC UTILITIES

- 11 The applicant shall make satisfactory arrangements with Telstra Australia for the provision of underground telephone plant to each lot. A letter from Telstra stating that satisfactory arrangements have been made for the provision of underground telephone plant is to be lodged with Council prior to issue of the Subdivision Certificate.
- 12 The applicant is to make satisfactory arrangements with CountryEnergy for the supply of electricity to each lot. A letter from CountryEnergy stating that satisfactory arrangements have been made for the provision of underground electricity supply to this development is to be lodged with Council to the prior issue of the Subdivision Certificate.
- 13 Any necessary alterations to or relocations of public utility services are to be carried out at no cost to Council.

CONTRIBUTIONS

- 14 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 Subdivision 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 the augmentation of sewerage headworks at the rate of \$1,519 per equivalent tenement, i.e \$1,519 x 8 E.T = \$12,152 total for 2002/2003 (Indexed).

- b Payment of a contribution towards district water supply at the rate of \$1,130 per equivalent tenement, i.e $\$1,130 \times 8 \text{ E.T} = \$9,040$ total for 2002/2003 (Indexed).
- c Extension of the town water supply main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval prior to commencing work.
- d Extension of the town sewer main(s) is necessary to serve the proposed development, at full cost to the applicant. Detailed plans are to be submitted for approval prior to commencing work.

15 The applicant is to pay a contribution towards upgrading Belle O'Connor Street for each additional building entitlement created. The contribution to be paid will be the rate prevailing at the time of having the plan of subdivision released. The current rate is \$1,184 per additional building entitlement created, i.e. $\$1,184 \times 8 = \$9,472$ total for 2002/2003 (Indexed).

16 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Subdivision Certificate, at the rate prevailing at that time. The current rate is \$1,758 per additional dwelling unit, i.e. $\$1,758 \times 8 = \$14,064$ 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.

LANDSCAPING

17 No trees to be lopped or removed except in accordance with Council's Policy on Tree Preservation, and with the written consent of Council.

INFORMATION TO BE SUBMITTED WITH THE CONSTRUCTION CERTIFICATE

18 Submission of detailed Engineering Plans providing for all the following civil works associated with Stage 1 of this development within the subject property as shown in the plan of application (50035-0, Amendment 'A') in strict compliance with Council's *Engineering Guidelines for Subdivision and Development*:-

STORMWATER DRAINAGE

- 19 Provision of an urban stormwater drainage system to convey all existing and proposed flows through stage 1 of the development in accordance with Australian Rainfall and Runoff 1987, without flows intruding upon the proposed lots within this stage of the development.**
- 20 Submission of a Stormwater Management Plan proposed using Landcom publication "Managing Urban Stormwater, Soils and Construction" and approved by the Department of Land and Water Conservation.**
- 21 Provision of a temporary open catch drain for the full length of the proposed fire trail (Lots 51 to 56) ending in the interim onsite detention pond. The catch drain to be designed to cater for a 1 in100 year flood from the local catchment.**
- 22 Provision of a temporary onsite detention pond located on the cleared section of Road No 2 to limit flows from Stage 1 to pre-development flows.**

ROADS

- 23 Belle O'Connor Street shall be constructed as a type 5 arterial road (Table D1.5 DCP 36) with concrete kerb and gutter, grassed nature strip a minimum of 3.5 metres fronting each lot in this stage of the development and dedicated to Council as public road. The applicant is to submit detailed plans for half width construction of Belle O'Connor Street.**

ANCILLARY WORKS

- 24 Details on the method(s) to be employed by the Contractor to dispose of cleared vegetation shall be lodged with Council for approval prior to Council issuing the Construction Certificate. Council will not approve of disposal by burning off onsite.**
- 25 The section of Road No 2 to the west of lot 56 to be cleared for bushfire protection purposes as identified in the Ecological Supplementary report of 2 September 2002.**
- 26 Construction of a fire trail 8 metres wide, links the cleared section of road No 2 and the Settler's Ridge subdivision as identified in the Ecological Supplementary report of 2 September 2002.**

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.

- 27** 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.

All inspection and testing of civil works associated with this stage of the development is to be carried out in accordance with Section 5.3 of Council's Development Control Plan No 36 Engineering Guidelines for Subdivision and Development.

Note:

If deferment of contributions are required, a written request accompanied by a copy of the relevant title deeds must be lodged with Council.

When deferring payment the subdivider will be required to enter into a deed with Council, at the owner's expense. The agreement will require a Caveat to be endorsed on the allotment Title and will make provision for Council to be paid the upgrading contribution when the allotment is sold. The amount of contribution to be paid will be the rate per allotment fixed by Council for the year in which the transfer takes place. The linen will be released once the Deed and Caveat have been registered.

- B** That the applicant be advised that in respect to Council's consideration of any future subdivision of the residual allotment, that it will be necessary to submit a Species Impact Statement prepared in accordance with the requirements of the Threatened Species Conservation Act.

2002. 755

RESOLVED:

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

That the Director's Recommendation be adopted with the inclusion of the following in Condition 23:-

That Council require enhancement placement within the Belle O'Connor road reserve and provision of traffic calming devices as referred to in order to provide linkages to other undeveloped land and minimise impacts from motor vehicles.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DIRECTOR ENGINEERING REPORT

DE 1	POINT PLOMER ROAD FILE: R Point Plomer	KJF (NRN) {Folio No. 241151}
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SUMMARY:

Reporting on the reconstruction and sealing of Point Plomer Road.



At Council's meeting of 13th August 2002, during Questions Without Notice, Councillor Parkinson was advised:

"That the Director Engineering would advise how Point Plomer Road was placed on the road to recovery program and into the Management Plan."

The proposal to seal some sections of Point Plomer Road has been presented to Council on a number of occasions.

At its meeting of 9th October 2001, within a report on a Road Asset Acquisition Policy, Council was advised of the following:

"Initial sealing of unsealed local roads"

The question needs to be asked, "is it cheaper to seal than to maintain a section of road as unsealed?" Council needs to also recognise that once a road is sealed, it may lead to increased traffic volumes, and possibly create additional environmental concerns.

Australia wide studies of Councils

It is often felt that sealing gravel roads will save the ongoing costs of maintenance grading and gravel re-sheeting. That is, the more kilometres sealed the greater the savings. It is also felt that not only can roads be maintained and service levels increased, but funds are then freed up to spend on other items as well.

Council needs to be aware that there are significant costs involved in maintaining new sealed roads. They have to be patched, repaired, resealed and rehabilitated over their lifetime.

Recent studies have been carried out, based on returns to the State Grants Commissions, which indicate that, on average, Councils spend \$1,400/km per year to maintain gravel roads. These same studies show that over a lifetime of a road, the average cost of maintaining a sealed road is \$5,400/km per year.

The study also goes on to say that although Councils may save \$1,400, by not having a gravel road to maintain, \$5,400 has to be found to maintain the sealed road, resulting in a net increase of \$4,000. So, sealing roads provides some short-term breathing space, but it does so at a very large cost.

In addition to the extra expenditure needed, neglecting to maintain a sealed road carried more liability for Council than neglecting to maintain a gravel road. Potholes are dangerous, whereas a lack of gravel just results in uncomfortable driving.

Kempsey Shire Council

A long-term financial forecast needs to be developed to outline Council's future financial requirements, based on all information relating to asset acquisition, maintenance, and renewal/rehabilitation. Present funding allocations can be used in the calculations, but as previously advised to Council, Sealed roads are significantly under funded.

Present funding shows that it is uneconomic to seal a road if it is maintenance graded less than 3 times per year, and gravel resheeted on a 10 year cycle.

Other factors may need to be considered beyond the economic benefit of sealing an unsealed section of road, as listed below:

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

No discrete Policy is proposed but rather a general principle that, prior to acquisition of additional road length, justification and long-term financial impacts are fully reported to Council."

In Questions Without Notice, at Council's Meeting on 12th June 2001, Councillor Parkinson was advised:

"That the Director Operational Services would investigate the feasibility of not constructing any more tar roads and implementing a policy of constructing good standard gravel roads."

It is recommended that no new sealed roads be constructed, the possible exception being Point Plomer Road which may be more economical to seal, as it is presently graded 4 or 5 times per year. Point Plomer Road has significant traffic volumes and an insufficient depth of gravel, requiring constant maintenance. A separate report would need to be submitted for Council to consider, prior to any future inclusion into the Budget under the Capital Works Program."

At its meeting of February 2002, when considering the proposed Roads to Recovery Programme, Council was advised:

“Point Plomer Road – Road construction

As stated in the report to Council on 9th October 2001, regarding a Road Acquisition Policy, Point Plomer Road is presently graded 4 or 5 times per year. Point Plomer Road has significant traffic volumes with average daily traffic volumes of 260 vehicles/day at off-peak times, to an average volume of 1,100 vehicles/day, and peaking at 1,375 vehicles/day, during the 2001 Christmas Week. This, together with an insufficient depth of gravel, equates to constant maintenance and above-average gravel loss.

It is recommended that Council seal the next 2 kilometres (1.2 – 3.2km) from the Crescent Head end. This section of road is winding and narrow and not adequately drained, and widening and sealing this section of road would improve the safety of the road enormously. This section of road can be reconstructed in two stages of equal length.

It is recommended that \$120,000 be provided from the Roads to Recovery Program for 2003 to reconstruct and seal the next 1km (1.2 – 2.2km) section of Point Plomer Road from the end of the existing seal.

A number of additional projects have been listed for consideration in future years. These projects could also be considered as part of the 2002/2003 Draft Estimates.”

Council determined to adopt the proposed Roads to Recovery Programme without Point Plomer Road and include John Lane Road.

As noted in the report of 12th February 2002, the remaining projects were then listed for consideration as part of the 2002-2003 Draft Estimates.

During the 2002/2003 Estimates considerations funds were allocated for a 1km extension of the seal on Point Plomer Road. This funding was clearly identified in Council’s Draft Budget. Also, within the Draft Management Plan, on page 81, Statement of Proposed Borrowings, \$100,000 is indicated for Point Plomer Road.

It is felt that this is more than sufficient public notification.

Councillor’s discussions during the budget considerations included extensive debate on the Point Plomer Road project.

Council adopted the Budget on 28th June 2002.

Attached at [\(Appendix A\)](#) for Councillors information, are two letters recently received on this subject.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That the information be noted.

MOVED:

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

- 1 That a moratorium be placed on the extension of the sealed road network in the Kempsey Shire.
- 2 That the \$120,000 allocated for the 2002/2003 for the Point Plomer Road be used for gravel sheeting and other works to make the road safer.

An Amendment was MOVED:

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

- 1 That consideration of sealing Point Plomer Road be deferred until consideration of the Budget for 2003/2004.
- 2 That the \$120,000 allocated for the 2002/2003 Budget for the Point Plomer Road be used for gravel sheeting and other works to make the road safer.

The AMENDMENT was PUT to the Meeting and was LOST.

An Amendment was MOVED:

*Moved: Cl. Bowen
Seconded: Cl. Hayes*

- 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 the 2002/2003 for the Point Plomer Road to be used for gravel sheeting and other works to make the road safer.

2002. 756 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

2002. 757 **RESOLVED:**

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

That Standing Orders be suspended to allow a Question Without Notice from Councillor Parkinson to be dealt with.



QUESTIONS WITHOUT NOTICE

Councillor P J Parkinson

Councillor Parkinson was advised:-

1. That weed spraying of Gloriosa Lily in the South West Rocks and Hat Head areas will involve spot spraying only.



At this stage, 3:24 pm Councillor Parkinson retired from the Chamber and apologised for non-attendance at the remainder of the meeting.

DE 2	COUNCIL POLICIES	
	FILE: P9 KJF (NRN)	{Folio No. 241152}
	COPY: H2-8, E8-8	

SUMMARY:

Reporting on review of two (2) Council Policies.



Two Council Policies, Chemical Sensitivity C22:1 and Disaster Events C22:4 have been reviewed and minor adjustments made to cater for Council's new Corporate Structure.

The existing and amended policies are shown at [\(Appendix B\)](#)

The Policies have been reviewed by MANEX and now referred to Council for adoption.

Financial Implication

There are no financial implications from the following recommendation.

RECOMMENDATION:

That Amended Policy C22:1 Chemical Sensitivity and C22:4 Disaster Events be adopted.

2002. 758

RESOLVED:

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

That Amended Policy C22:1 Chemical Sensitivity and C22:4 Disaster Events be adopted.

SUMMARY:

Reporting on the recommendations from the Macleay District Sports Council.



The recent meeting of the Macleay District Sports Council on 22nd July 2002, made recommendations on projects for this financial year, in priority order, for the various User Groups across the Shire. The Sports Council also recommended the funding source, with expenditure of some funding from the Sports Facility Fund and some Section 94 Contribution funds. Details are shown in the following table:

Location	Project	Value	Funded By
1. Verge St	Lighting Verge II	\$5,000	Sports Facility Fund
2. Verge St Stadium	Amenities/Storage Block	\$60,000	Section 94 (50% Regional/District)
3. Stuarts Point	(i) Shot Put & Discus Facility	\$5,000	Section 94
	(ii) Car Parking	\$15,000	Section 94
	(iii) Skate Park *	\$36,000	Section 94
4. Kemp St	(i) Shower Block upgrade	\$5,000	Section 94
	(ii) Bench Seating	\$4,000	Section 94
5. Smithtown	(i) Bench Seating	\$5,000	Section 94
	(ii) Lighting	\$5,000	Section 94
6. Willawarrin	(i) Lighting	\$5,000	Sports Facility Fund
	(ii) Amenities/Canteen *	\$60,000	Revenue/Grant
7. Gladstone	(i) Fencing (Barnard St)	\$5,000	Sports Facility Fund
	(ii) Irrigation System *	\$12,000	Revenue/Grant
8. Frederickton	(i) Lighting	\$6,200	50/50 Section 94 (Sports Facility Fund)
9. Crescent Head	Disabled Ramp for Pool	\$20,000	Section 94
* Initial planning and application for Grants during this year.			

The Sports Facility Vote has some \$7,000 unexpended from 01/02 and a further \$20,000 from 02/03. Once projects identified have been completed the distribution of remaining funds will be determined by the Sports Council.

All projects will involve User Group contributions of labour and/or materials, except for Bench seating where Council's staff will be utilised to ensure correct standards. Such contributions would count as Council contributions

for future Section 94 calculations. A process has also been introduced to ensure all capital works are recorded for future calculations.

Council is asked to approve the proposed funding.

Financial Implication

The financial implication of the following recommendation would be expenditure of some \$13,100 from the Sports Facility Vote and some \$158,100 of Section 94 Contributions.

Director Engineering Recommendation:

That the funding of the Sports Council Programme of Works, as listed, be approved.

MOVED:

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

That the Director Engineering Recommendation be adopted.

An Amendment was MOVED:

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

That the funding of the Sports Council Programme of Works, as listed, be approved and that the items as listed below proceed when grant funds are forthcoming:

**Skate Park, Stuarts Point
Amenities Canteen, Willawarrin
Irrigation System, Gladstone.**

2002. 759

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

DE 4	LIFEGUARD SERVICES
	FILE: B1-4 KJF (NRN) COPY: APC {Folio No. 241155}

SUMMARY:

Reporting on the implications for Council on providing beach patrols in the Shire.



At Council's meeting of 11th December 2001, Council considered a report on lifeguard services and resolved, in part:

“That a report be prepared on the implications for Council on providing beach patrols in the Shire.”

There are no statutory requirements for Council to provide beach patrols.

Council's current practice is that Beach Inspectors are employed by Council to patrol 5 beaches within the Shire during the Summer, Autumn and Spring school holidays at times the Surf Clubs do not provide patrols. Surf Clubs usually finish their patrols at 4.00pm. During the Autumn and Spring holidays beaches are patrolled between 10.00am and 2.00pm only.

Council's ongoing commitment to providing Beach Patrols on Shire beaches will be subject to the ongoing maintenance and provision of equipment and to support from all Surf Lifesaving Clubs.

Currently Council donates some \$14,700 to the Surf Clubs.

The provision of beach patrols over Summer has needed to be extended to Saturdays at Hat Head and Crescent Head, as the volunteers at the Surf Clubs were not in sufficient numbers to cover these patrols. This is the second season this has happened at Crescent Head and has resulted in requests for additional funding to cover the costs.

The organising of competency testing, advertising for expression of interest, Child Protection Act checks, supply of shirts, hats, sunscreens, shelters (at beaches where none available) log books, first aid kits and Two Way radios (for Horseshoe and Main Beach, South West Rocks), now lies with Council.

Some equipment will require replacement this year and some new equipment will be required (eg. mobile 'phones, all weather shelters etc.).

Supervision and management also lies with Council and costs for this will only continue to increase.

Surf Lifesaving NSW Inc is managing the provision of Beach patrols in other Local Government areas and details as to costs for Kempsey Shire Council are being pursued. Once details are known, a further report will come to Council.

For the Spring School Holidays, advertisements have been placed and engagement of lifeguards will continue normally.

In past years, some difficulty has been found in finding suitably qualified and experienced people to cover the task.

The expenditure in 01/02 together with the vote provided for 02/03, is shown below:

	Original Budget	Actual Expenditure	Vote provided
	01/02	01/02	02/03
Crescent Head	\$13,200	\$ 9,091	\$12,500
Hat Head	\$13,200	\$10,630	\$14,600
South West Rocks (include Main Beach & Horseshoe Bay)	\$32,670	\$32,870	\$31,600
Grassy Head	\$23,650	\$21,103	\$22,700
TOTAL	\$82,720	\$73,694	\$81,400

The issue of Waverley Council and Bondi Beach will go to appeal. Therefore, the full impacts of liability to Kempsey Shire Council will not be known for some time.

Similarly with the case involving Coffs Harbour Council.

Council needs to determine if it needs to provide this service at all. If not provided by Council, what will the impacts be? It is anticipated that people will still attend the beaches and will still go swimming.

Expenditure would reduce, as would Council's liability.

However, the impacts on Council's image may not be as positive. Certainly visitors, residents and business, who have become used to the provision of this service, may feel they have a cause to complain.

It is recommended that Council continue to provide beach patrols. If additional funds are required to extend a service, a request will be forwarded to Council.

Financial Implication

There are no financial implications from the following recommendation as a vote has been provided in the 02/03 Estimates.

2002. 760

RESOLVED:

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

That beach patrols continue to be provided within the Shire.

DE 5	CARRAI PLATEAU		
	FILE: R Carrai	KJF (NRN)	{Folio No. 241157}

SUMMARY:

Reporting on proposals for road maintenance for the Carrai Road.



In March 2000, Council considered a report on road maintenance for the Carrai Road and resolved, in part, to take over the 5km section of the Carrai Road from McIvers grid to the State Forest Boundary and to maintain the road to a 4WD standard.

However, the road beyond this point, within the State Forest, within the National Park and, in some parts, within private property is in need of an upgrade and regular maintenance.

In September 2000, Council advised Armidale Dumaresq Council that Kempsey Shire Council does not support a boundary adjustment to bring the Carrai plateau within the Kempsey Local Government Area.

.....
MAYOR

On 30th August 2002 a meeting involving representatives from the 3 local Councils, Kempsey, Walcha and Armidale Dumaresq, the two National Parks and Wildlife Service Regions and State Forests reviewed the issues. Richard Torbay, MP, Member for Northern Tablelands, also attended the meeting and agreed to approach the State Government for support.

The group was advised of the requests for assistance, from the properties along the route and at the end of the road, to bring the road up to 4WD dry weather standard. The current road is overgrown in parts and requires extensive gravel re-sheeting to provide a lasting surface. It is estimated that the cost to construct the road to this standard is initially \$200,000 with approximately \$25,000/yr for ongoing maintenance. It was agreed that a 3 staged approach be adopted: -

1. That approaches be made to the State Government for one-off grant funding to bring the road up to an acceptable 4WD standard.
2. That each agency contribute towards a pool fund for maintenance.

It is felt that the most appropriate way to determine the contribution from each Local Government area was a proportion of rates drawn from the area served, Kempsey Shire Council's contribution could come from the vote for Road Maintenance.

3. That the Pool funds be managed by a Steering Committee comprising one representative from each of State Forests, National Parks and Wildlife Service and Local Government. It is proposed that a Memorandum of Understanding be prepared for endorsement of all concerned.

Should this scenario not come to fruition, the fallback position would be to maintain the road the limit of funds available.

Council is asked to agree to enter into an agreement to maintain the Carrai Road.

Financial Implication

There are no financial implications from the following recommendation.

2002. 761

RESOLVED:

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

1. That the proposal to enter into an agreement to maintain the Carrai Road be endorsed.
2. That the firm details be referred back for final adoption.

DE 6

WORKS PROGRAMME 2002-2003

FILE: R Beranghi Rd MGR (NRN)

{Folio No. 241158}

SUMMARY:

Reporting on the proposed gravel re-sheeting of Beranghi Road as part of the adopted Works Programme for the 2002-2003 financial year.

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

DE 7

RAILWAY OVERBRIDGE AT THIRD LANE, KEMPSEY

File B6-2 APV (NRN)

{Folio No. 241159}

SUMMARY:

Reporting on the current position regarding the Railway Overbridge at Third Lane, Kempsey.



At Council's meeting on 13th August 2002, Councillor Sowter was advised that the Director Engineering would advise the current position of the Railway Bridge over Third Lane.

The railway bridge at Third Lane has been temporarily closed to all traffic since September 2001. The bridge had been closed due to defects in the timber structure.

Initial verbal discussions with representatives of Rail Infrastructure Corporation (RIC) indicated that temporary repairs would be affected prior to determining the future of the structure. Subsequently a letter was received advising that, in view of the consequently reduced role of this railway overbridge and its current condition requiring considerable expenditure of public funds, RIC is proposing to demolish the structure.

Following ongoing representations by Council and members of the community, Council has recently received a copy of a letter addressed to Andrew Stoner, MP, (copy of letter attached at [\(Appendix C\)](#)) The letter recommends carrying out minor upgrading to open this bridge for pedestrian access only. Following further discussions between representatives of Council and RIC, RIC has indicated that they would be prepared to upgrade the bridge for the movement of cattle as well as pedestrians.

It would be difficult to justify the expenditure involved in upgrading the overbridge to permit vehicular traffic. This upgrading would only be to the bridges original load design and would still result in a load limit being imposed, which would prevent buses and laden trucks from using the bridge.

Minor upgrading of the bridge, as proposed by RIC, would allow:

- i) children access to catch the school bus,
- ii) recreational walkers to use the bridge and
- iii) adjacent landholders to move stock on foot across the bridge.

It is felt that Council should support this proposal and indicate its approval to allow the work to proceed.

Financial Implication

There are no financial implications from the following recommendation as all costs for any works will be borne by the Railway Infrastructure Corporation.

2002. 762

RESOLVED:

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

That the proposal to reopen the Railway Bridge at Third Lane to pedestrians and stock be approved.

DE 8	QUESTIONS WITHOUT NOTICE	
FILE: C18-28	KJF (NRN)	{Folio No. 241161}

SUMMARY:

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



Responses to Councillors Questions Without Notice are listed for information.

Meeting of 20th 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.

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

Meeting of 14th 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 11th 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 site distance.

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

Meeting of 9th July 2002

Councillor R J Bowen

File: FIR BELGRAVE ST

{Folio No. 237926}

That the Director Engineering would investigate the situation regarding wire being strung across the centre median of Belgrave Street, Kempsey, and possible insurance implications.

Investigations are being carried out.

Meeting of 13th August 2002

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 F.C.O and raised at RFS Executive Committee meeting – to be referred to Bushfire Management Committee meeting.

Councillor J Sproule

File:T7

{Folio No. 239938}

That the Traffic Committee would be requested to investigate the installation of a pedestrian crossing at the entrance to the carpark off Clyde Street, Kempsey, opposite Brambly Hedges Café.

Referred to the Local Traffic Committee 28/8/02. See Minutes of Local Traffic Committee.

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.

Difficulties experienced in finding safe removal procedures.

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.

File: T7

{Folio No. 239943}

That the Traffic Committee would be requested to investigate the danger posed by large trucks parking on the Highway in front of Caltex Station and Southside Cellars in South Kempsey.

Referred to the Local Traffic Committee 28/8/02. See Minutes of Local Traffic Committee.

Councillor B R Sowter

File: LA6936

{Folio No. 239947}

That the Director Engineering would investigate the fire risk of the overgrown land at the old wireless station at Smithtown.

An inspection revealed relatively recent boundary slashing. The matter was pursued with Opus International Consultants Ltd to eliminate any hazard.

Councillor J A C Hayes

File: T7

{Folio No. 239961}

That a report had been received from Gutteridge Haskins & Davey Pty Ltd regarding the second crossing of the Macleay River advising that a brief had been prepared and estimates received.

Discussions with RTA representatives confirmed approval to complete further geotechnical investigations on the northern riverbank. Work commenced, Monday, 26th August 2002.

2002. 763

RESOLVED:

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

That the information be noted.

DE 9	WORKS IN PROGRESS
	FILE: R8-2 KJF (NRN)

SUMMARY:

Reporting on Works in progress.



ROADS

Regional Roads

Pavement strengthening of MR75 – Armidale Road at chainage 38.22 – 38.71 is in progress and the works should be completed in the next week or two.

Guardrail replacement work is currently in progress at Hickeys Creek Bridge on MR75. The bridge crew is assisting with this work.

Gravel Resheeting

The gravel resheeting of a section of Maria River Road has been completed and resheeting of a section of Seale Road is in progress.

The resheeting and widening of Beranghi Road has been suspended pending resolution of issues regarding tree removal.

Tanban Forest Road, off Collombatti Road, has been upgraded and resheeted as part of private works for the State Rail Authority

A section of Collombatti Road has also been resheeted and a small section of Chain-O-Ponds Road is currently being widened and resheeted.

Future resheeting is planned for Old Station Road and the widening of a narrow section on Inches Road.

Maintenance Grading

Work Completed

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 following roads and sections were graded in the past month;

Toorumbree Road
Willi Willi Road
Moparrabah Road
Tanban Road
Toorooka Road
Chain-O-Ponds and Turners Flat Road
Mainey's Road
Lovelocks Creek Road

The 'SHIRE WEST' maintenance crew is currently in the Temagog Area (Area West 5) and will soon cross the Macleay River from the southern side to commence grading in the Mungay Area (Area West 6). Roads that require urgent attention in this area are Mooneba Road, Lawrence Road, Anembo Lane, Corangula Road and Fishers Road.

The 'SHIRE EAST' maintenance crew is currently in the Collombatti/Frederickton Area (Area East 4) and is grading the following roads; Collombatti Road, Spooners Avenue, Kemps Access, Quarry Road, Raymonds Lane and Saleyards Road.

The crew will thereafter move to the Aldavilla Area (Area East 5).

TOWN AND VILLAGE WORKS

Kempsey Town Improvement Program

The Kerb and Gutter works in Geoffrey Debenham Street has been completed. A turnaround in Durrington Lane is scheduled for September.

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.

Stuarts Point Town Improvement Program

The continuation of the cycleway in Ocean Street is due to start early in September. The path extends from in front of the Workers Club towards the Grassy Head Road.

Frederickton Town Improvement Program

The drainage, kerb and gutter and road works in Great North Road have 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.

The footpath in Gordon Young Drive has been completed and 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 is currently being constructed to compliment Masterplan works undertaken earlier this year. The footpath will be constructed with an exposed aggregate finish.

Hat Head Town Improvement Program

Extensive drainage works are to commence shortly 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 repairs of the flood structures is currently in progress.

Bank protection works have been completed at Big Hill. Bank Protection of Killick Creek and Ryan’s Cut will be completed in September/October.

Bridge Specific Maintenance and Repairs

Mclvers Bridge and McKenzies Creek Bridge have been completed.

The crew is currently assisting with guardrail replacement (refer Regional Roads) and, once finished, will commence work on Schmidts Bridge on Nulla Nulla Road.

HORTICULTURE

- Safety audit of sporting fields complete – process introduced to reassess each oval on an ongoing basis, every 4 weeks.

- Asset audit of sporting fields – 90% complete.
- Usage audit of sporting fields – 50% complete.
- Dock Flat and Crescent Head playgrounds under construction.
- Tree Maintenance Programme underway.
- Management Plans for Horseshoe Bay and Verge Street Ovals in progress.
- Job Safety Analysis programme complete.
- Currently advertising for Summer season usage of sporting facilities.

NOXIOUS PLANTS

- Paul Leddy conducted a Training Seminar for 12 TAFE Students who are in the process of completing their Chemcert Certificate.
- Paul Leddy conducted a joint inspection for Groundsel Bush along the railway line at Shire Boundary with Paul O'Connor from Hastings.
- Met with Cath Ireland from National Parks to inspect Glory Lilly and Asparagus Fern in Arakoon State Recreation Reserve, which was logged with GPS and downloaded into CivicView Programme - hope to implement a Spraying Programme there this season.
- Inspected Bitou Bush on Middle Head, Grassy Head Beach, Grassy Head Headland, Stuarts Point Beach for assessment for Spraying Programme this season using CoastCare and Council funding.
- Attended a Conference meeting at Taree, and
- Attended quarterly meeting of the Macleay Valley Coastal Working Group to finalise Grant Funding Programme for 2002/2003.
- Attended a further CivicView User Group Weed Mapping Programme Training Day.
- Commenced work on the Annual Grant Returns.

BUILDING SERVICES

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.
- Kempsey pool – unisex disabled amenities.
- Civic Centre office restructure (Records)
- Crescent Head Road Landfill Site
- Replace concrete floor to store shed
- Provide structural support to doors of implement shed
- Kempsey Traffic Bridge – erect pedestrian fencing
- Village pools – Annual Maintenance Programme
- Stuarts Point Sportsfield Amenities – Repair vandal damage to toilet pans, skylights and doors.

Work proposed next 4 weeks

- Emergency Management Centre – Prepare and seal access. Provide roof to storage container.
- Civic Centre office restructure – provide shelving to photocopying room.
- Office modifications to Environmental Services including replacement of air conditioners, floor coverings and supply of 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.
- 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 40% complete. Anticipated completion 16th 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.
- 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. 764

RESOLVED:

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

That the information be noted.

DE 10	COMPLIMENTS RECEIVED BY ENGINEERING STAFF
FILE: S10-2	JC (NRN) {Folio No. 241163}

SUMMARY

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



- L M Searle - Thanking the Council for placing a 'No Through Road' sign at Carrai Street after my request by letter.
- Kenneth Robinson - Thanking Council for grading of Collombatti Road.
- Anonymous - Thank you for the new linemarking at the intersection of Great North Road and Collombatti Road.
- North Coast Institute of TAFE - Thanks to Paul Leddy for the lecture on Pest Control
- Syd Warrington - Thanking Council staff for footpath/cycle way construction in South West Rocks.

Financial Implication

There are no financial implications from the following recommendation.

2002. 765

RESOLVED:

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

That the information be noted.

DIRECTOR ENGINEERING SUPPLEMENTARY REPORT

DE 1	SES FUNDING
FILE: E8-5	KJF

SUMMARY:

Reporting on funding for the new SES vehicle.



Within Council's 02/03 budget, provision was made for a new SES vehicle. This vehicle, mentioned within the report on Fleet Management, DBE 2, p J-2 was to be allocated to Kempsey to allow the existing Nissan Dual-cab to be allocated to the South West Rocks Unit. Council provided \$15,000, with the SES to provide the remaining funds. The price of the vehicle selected is \$32,514.64.

Council has recently received advice that the SES Director General has approved a vehicle subsidy of \$17,514.64 to assist in the purchase of a new vehicle. However, as all funds in the current financial year have been allocated, the subsidy will be available in the 03/04 financial year.

The Kempsey SES are very keen to acquire this new vehicle to allow the South West Rocks Unit to become fully functional. It is felt important to support the SES volunteers in this way. Council is asked to approve the purchase now, effectively bankrolling the SES until the subsidy is collected in the 03/04 year.

A letter has been forwarded to the Director General, expressing Council's disappointment with this situation and seeking a firm commitment for inclusion of vote in next years budget for a further vehicle for Crescent Head Unit, as provided in Council's proposals for 03/04.

Financial Implication

The financial implication of the following recommendation would be expenditure in line with the budget allocation with the SES contribution being an outstanding debt until the next financial year.

2002. 766

RESOLVED:

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

That the purchase of the SES vehicle be approved.

SUMMARY:

Reporting on the NSW Rural Fire Fighting Fund allocations.



Details of the approved allocations for the 2002/2003 Rural Fire Fighting Fund have finally been provided to Council. The total cost of the service is \$940,777.91 with Council's contribution being \$125,123.46. The budget adopted by Council set a contribution of \$95,138.

The variation is caused by the major increase in "Statewide Programme expenditure". A copy of the Commissioners notification together with the Summary sheet and the breakdown of programs is attached at [\(Appendix A\)](#)

As can be seen from the fourth paragraph of the letter of notification, Council can seek a reimbursement, in Kempsey Shire Council's case for \$37,420.04, in the next financial year.

The Local Government and Shires Association had not been made aware of the allocations. They have previously advised Council's to pay only increases in line with rate pegging. However, Kempsey Shire Council's contribution last year was \$128,559. The Local Government and Shires Association are reviewing details and have yet to determine a course of action. More details may be available on the day of the Council meeting.

For Council to try to reduce expenditure within the Rural Fire Service programme, the only option would be to not agree to the purchase of one, or both, replacement vehicles sought. This would have a major impact on volunteers and is not recommended. Council, in its bid in November 2001, agreed to the purchase of replacement vehicles, in its ongoing bid to upgrade its Rural Fire Service fleet, and is virtually obliged to proceed with the programme. The program, for which Council bid, has basically been approved which would seem to be the point of the process. The new vehicles will take some time to acquire.

Council can also elect to reduce, or defer, expenditure in another sphere of Council's budget to cover this issue.

It is recommended that Council receive, with reservation, the approved allocation and join in the action determined by the Local Government and Shire Association. Strong representations to the Commissioner and the Minister should be focussed on ensuring the budgetary procedure, requested by them, is complied with and that the allocations be made in February to ensure Council's can confirm the budget and management plan in accord with the Local Government Act.

Financial Implication

The financial implication of the following recommendation would be expenditure beyond the budget allocation but recoverable within the next financial year.

Director Engineering Recommendation:

1. That letters of protest be forwarded to the Commissioner of the Rural Fire Service and the Minister for Engineering Services regarding the delays in approving Rural Fire Fighting Fund allocations and the extent of programme charges.
2. That a letter be forwarded to the Minister for Local Government seeking his assistance in ensuring the Rural Fire Service allocation is forwarded to Local Government Authorities in sufficient time to allow correct consideration with the Budget and Management Plan prior to adoption in June of each year.

2002. 767

RESOLVED:

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

1. That letters of great disappointment be forwarded to the Commissioner of the Rural Fire Service and the Minister for Emergency Services regarding the delays in approving Rural Fire Fighting Fund allocations and the extent of programme charges, both of these matters have caused disruption to the good governance of the local RFS.
2. That a letter be forwarded to the Minister for Local Government seeking his assistance in ensuring the Rural Fire Service allocation is forwarded to Local Government Authorities in sufficient time to allow timely consideration with the Budget and Management Plan prior to adoption in June of each year.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS 1	MACLEAY VALLEY ARTS COUNCIL FILE: C20 – 2 (238759) MLB (NRN) {Folio No. 241164}
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SUMMARY:

Reporting on a thank you letter received from the Macleay Valley Arts Council.



Each year Council as part of its support of the Arts and Culture in the shire supports the Macleay Valley Arts Council.

The Arts Council has forwarded a letter (reproduced below):-

“On behalf of the Macleay Valley Arts Council I thank you and the Kempsey Shire Council for the generous support of \$2500.

As I am sure you are aware, financial concerns are always a serious consideration for us and with the added responsibility of the Odd Fellows Hall we have been forced to put our minds to the burden of fund raising schemes. Your gesture has gone a long way towards easing that burden for us.

Financial support is very welcome. However it is the recognition of our contribution to the community that such supports represents that is most encouraging.

With a membership in excess of 250, a record of 13 major events and 70 group meetings in 2001 we are indeed becoming a substantial representative body.

We look forward to continued close links with the Shire Council and are eager to offer the benefit of our expertise in all areas of the arts.”

Financial Implication

The financial implication of this report is \$2500 allocated in the budget.

2002. 768

RESOLVED:

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

That the information be noted.

DCCS 2 STATEMENT OF BANK BALANCES AS AT 31ST AUGUST 2002 APC

SUMMARY:

Submitting the Statement of Bank Balances as at 31st August 2002.



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2002. 769

RESOLVED:

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

That the information be noted.

**DCCS 3 STATEMENT OF INVESTMENTS AS AT 31st AUGUST
2002
APC**

SUMMARY:

Submitting the Statement of Investments as at 31st August 2002.



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

Attached at [\(Appendix B\)](#) is that Statement of Investments.

Financial Implication

There are no financial implications arising from this report.

2002. 770

RESOLVED:

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

That the information be noted.

**DCCS 4 MACLEAY HASTINGS SAFE COMMUNITIES
FREE RESUSCITATION LESSONS
FILE: H2-2 TIH (NRN) {Folio No. 241165}**

SUMMARY:

Reporting on Council's further involvement in the Macleay Hastings Safe Communities Free resuscitation lessons recently held in the Kempsey Shire.



Kempsey Shire Council, Macleay Hastings Safe Communities and the Royal Life Saving conducted free resuscitation lessons at the following venues from 6:00 pm to 8:00 pm:-

- ◆ South West Rocks Surf Club, 22nd August
- ◆ Hat Head Surf Club, Tuesday 27th August
- ◆ Crescent Head Surf Club, Wednesday, 28th August
- ◆ Kempsey Community Care Centre, Wednesday, 11th September

The aim of the project is to increase the level of residents who have resuscitation skills in the Kempsey local government area. The response from residents in the Shire has been one of gratitude and classes were booked out with the exception of Hat Head.

It is proposed to flag the project to become an annual event (ie September / October 2003).

Financial Implication

The financial implication of the following recommendation would be Nil.

2002. 771

RESOLVED:

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

That the information be noted.

DCCS 5	AUSTRALIA DAY 2003	
	FILE: P12-3 MLB (227783)	{Folio No. 241166}

SUMMARY:

Reporting on proposals for Australia Day 2003.



At Council's meeting of the 15th January 2002 Councillor Parkinson was advised:-

"That the Director Corporate and Community Services would refer the matter of conducting the Australia Day 2003 function as a Family Day at Riverside Park, Kempsey to the Australia Day Committee."

The Australia Day Committee met on the 21st August 2002 to discuss the proposed activities for 2003.

If Council was to conduct 2003 Australia Day celebrations as a Family Day it is suggested that a more appropriate venue be the Kempsey Racecourse. This would accommodate changes in weather with covered facilities for either rain or extreme heat.

Suggested activities would include:-

- Sack Race
- Egg and Spoon Race
- Damper Competition
- Billy Tea Competition
- Three (3) legged Race
- Jumping Castle and other rides
- Gum Leaf / Bush poets competition
- Rolling pin and Gumboot throwing competition and
- Music from various bands

The committee had some concerns over the holding of a Family Day as the event and therefore is requesting further input from Council. As such below are some Pros and Cons for each event.

Family Day – Kempsey Racecourse

Pros	Cons
A more family orientated event	Risk of liability on Council for proposed activities
Potential for increased celebrations in the Macleay (increased public enjoyment of the day).	Similar activities already being undertaken in other villages eg: Crescent Head and could result in participation being low as people may go to Crescent Head to also go to the beach.
Potential for community organisations to have food stalls as fundraisers.	More involvement of Council's staffs time and resources
Staff commitment to pull off event.	This year falls on a Sunday and participation is likely to be low.
	Similar events held in 1993 / 1994 before being moved to the RSL.
	Weather will be restrictive to events.
	Will budget be enough to run event of a good quality.
	Catering for event may be difficult. Will be reliant on volunteers.

Award Ceremony – Kempsey RSL Club

Pros	Cons
Risk of event known	Event not family and child orientated.
Known event that recognises the formal side of Australia Day	Predictable event for regular attendees
Has had great attendance since being held at the RSL Club	
Organisation by staff has been established (eg: roles well known.)	
All weather venue	
Catering is easily arranged.	

In 2002 the Crescent Head and other communities held locally based activities with Crescent Head Lions holding a breakfast and some of the activities suggested above. The event then concluded at 10.00am to allow participants to attend Council's Official Function.

Options

Council has a number of options regarding the running of the day's event. These are as follows:-

1. Family Day

Council can hold a Family Day at the Racecourse with the above activities undertaken but ensure it doesn't coincide with other Australia Day Celebrations.

2. Award Ceremony – Kempsey RSL Club

Council can continue to hold its awards presentations at the Kempsey RSL Club and retain the status quo.

3. Council coordinating Community Events and Award Ceremony

Council's Australia Day Committee can continue to hold its awards presentation ceremony and make this the formal Australia Day activities of the Shire.

Support can then be offered to other organisations that wish to hold any Australia Day activities. This support can be in the form of in-kind and limited financial assistance. Community groups and organisations that wish to conduct Australia Day activities can also provide details of their events to council with the view of producing a centre fold lift out in the Argus, which can show people where they can go to participate in Australia Day.

Financial Implication

The financial implication of the following recommendation would be \$6,000 available from Council's Entertainment vote.

Director Corporate and Community Services

For determination of Council.

2002. 772

RESOLVED:

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

That Council co-ordinate Community Events and the Award Ceremony to be held at the Kempsey RSL Club as detailed in Option 3 in the Director's Report.

DCCS 6	SOCIAL PLAN UPDATE	
	FILE: C10-9 HR (NRN)	{Folio No. 241167}

SUMMARY:

Reporting on the Kempsey Shire Council Social Plan that has been updated.



The Social Plan is a working document and as such is updated on an ongoing basis.

The August 2002 update includes the 2001 Census figures. The Social Plan has been forwarded to Councillors under separate cover.

Financial Implication

The financial implication of the following recommendation would be Nil.

2002. 773

RESOLVED:

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

That the information be noted.

DCCS 7	REVIEW OF RATING. MACLEAY REGIONAL SHOOTING COMPLEX INC.
FILE: LA21015 WMS	{Folio No. 241168}

SUMMARY:

Report to Council on the precedence of granting a donation of \$1,000.00 to the Macleay Regional Shooting Complex Inc.



Council at its meeting of the 9 July 2002 considered a report in respect of the rating of land comprising the rifle range situated off Crescent Head Road, the lease is held by the Macleay Regional Shooting Complex Inc,

Prior to the 1 December 1998 the rifle range property was held by the Crown (Department of Defence) and was exempt from the payment of rates in accordance with Section 555 of the Local Government Act 1993. The land became rateable upon its lease to the then Kempsey Macleay RSL Rifle Club Inc., the current lease is held by the Macleay Valley Regional Shooting Complex Inc.

In accordance with the criteria set out under the Local Government Act 1993 the property is categorised as business and rated accordingly. The 2002/03 rates are \$1,678.54.

The Macleay Valley Regional Shooting Complex In. have written to Council seeking relief from the rates, as previously advised such relief would take the form of a donation from Council,

The precedent created by such action may well result in similar applications from other sporting groups within the Shire who are the holders of rateable properties, these include:

Sporting Body	2002/03 Ordinary Rate	2002/03 Other Charges
Kempsey Clay Target Club (Armidale Road)	\$642	
Macleay District Motorcycle Club (Greenhill).	\$685	\$412
Kempsey Greyhound Club (East Street, Kempsey).	\$635	\$524

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In addition to the above sporting groups rates are levied on numerous golf and bowling clubs in the shire, which are supported by, licensed premises.

Council currently provides the following community organizations with rate-based donations:

Bellbrook Hall Committee	100% Ordinary rate	\$145.96
Crescent Head Surf Club	100% Rates and Charges	\$1736.20
Frederickton School of Arts	100% Ordinary rate	\$227.70
Gladstone Hall Committee	100% Ordinary rate	\$423.28
Gladstone Racecourse Trust	50% Ordinary rate	\$528.88
Kempsey RSL Sub branch	100% rates and charges	\$1512.15
CWA Kempsey	50% Ordinary rate	\$252.52
CWA Willawarrin	50% Ordinary rate	\$14.60
CWA South West Rocks	50% Ordinary rate	\$766.29
Smithtown Literary Institute	100% Ordinary rate	\$361.98
Lower Macleay Preschool	100% Ordinary rate	\$235.00
SWR RSL sub branch	100% Ordinary rate	\$1345.75
SWR School of Arts	100% Ordinary rate	\$972.09
SWR Surf Lifesaving Club	100% rates and charges	\$5571.38
Upper Macleay Preschool	100% Ordinary rate	\$131.36
Warwick Park Racecourse Trust	50% Ordinary rate	\$650.25
Willawarrin Public Hall	100% Ordinary rate	\$175.15

Total donation 2002/2003 rates and charges **\$15,050.54**

It is noted that Council at its meeting of 14 June 1994 resolved to reduce its exposure to loss of income from donations and subsidies by the phasing out of sewerage charge concessions provided to Kempsey Children's Services Co-op Ltd (John Street Pre-school), Cedar Place and Vincent Court Hostels.

If Council considers that the Macleay Regional Shooting Complex Inc. should be afforded rate relief via the payment of a donation, it is recommended that the basis for determining the donation should reflect Council's philosophy in agreeing to the donation i.e. rate relief. Any precedent set is therefore limited to other rateable community based sporting groups. The following options are provided for Council's consideration:

1. Donation is based as a percentage of the rate, say 25%. The donation would therefore be \$671.
2. Donation based upon the monetary differential between the business and lower Residential Non-Urban rate i.e. \$734 for the 2002/03 year.
3. Incorporating a "sunset" clause whereby the subsidy would reduce by 20% per annum. This would provide immediate assistance to the Macleay Regional Shooting Complex Inc. but would deter them from becoming permanently financially dependent on Council's subsidy and afford them time to budget for the additional expense in regards to there rate payments.

Should Council provide a donation in this instance it would be anticipated that other rateable sporting groups may also seek rate relief, the additional cost to Council in 2002/03 based upon the options outlined above is estimated at \$491 and \$459 respectively.

Financial Implication

Should Council provide a donation in line with the options outlined within the report the cost to Council in 2002/03 would be either \$671 or \$734. Council may receive additional requests for donations from organizations subject to ordinary rates.

Director Corporate and Community Services

1. That Council determine if a donation is to be provided.
2. Any donation as determined by Council incorporate a sunset clause.

2002. 774

RESOLVED:

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

That Council make a donation to Macleay Regional Shooting Complex Inc based upon the monetary differential between the business and lower Residential Non-Urban rate i.e. \$734 for the 2002/03 year and that the percentage be 50% for ongoing donations in ensuing years.

At this stage, 4:15 pm, Councillor Mainey retired from the Chamber and apologised for non-attendance for the remainder of the meeting.

DCCS 8	APPLICATION FOR THE REVOTE OF FUNDS FROM 2001 / 2002		
	FILE: A2-22	APC	(NRN)
			{Folio No. 241169}

SUMMARY:

Reporting on the application to revote unexpended revenue funded items from the 2002/02 year.



Reporting on the application to revote unexpended revenue funded items from the 2001/02-year.

Council at its meeting of the 13 August 2002 when considering the application to revote unexpended funds from the 2001/02 year, resolved that a further report be prepared in respect of the unexpended revenue funds providing details and reasons in support of the application.

A schedule detailing the request for revenue funded revotes together with supporting comments is attached [\(Appendix C\)](#).

In reviewing the revote requests, the application for a revote of \$10,000 for a crisis management review has been withdrawn.

The application for revenue funded revotes is summarized below:

General Fund	\$899,260
Water Fund	\$411,354
Sewer Fund	\$140,394

Financial Implication

The financial implication of the following recommendation would be that Council's working funds as at 30 June 2002 would be reduced in line with the revotes approved, General Fund \$899,260, Water Fund \$411,354 and Sewer Fund \$140,394.

Director Corporate and Community Services Recommendation:

That the application for the revoting of unexpended revenue funded programs from the 2001/02 year be approved.

2002. 775 RESOLVED: *Moved: Cl Joukhadar
Seconded: Cl. Bowen*

That the \$10,000 for the Great Eastland Walking Track as listed in the revote of funds from 2001/2002 be not revoted.

At this stage, 4:22 pm, Councillor Sproule retired from the Chamber.

2002. 776 RESOLVED: *Moved: Cl. Joukhadar
Seconded: Cl. Bowell*

That the \$2,960 for the Art Exhibition as listed in the revote of funds from 2001/2002 be not re-voted.

Councillor Sproule returned to the Chamber.

2002. 777 RESOLVED: *Moved: Cl. Joukhadar
Seconded: Cl. Hunt*

That \$2000 for information days Councillors and Staff as listed in the revote of funds from 2001/2002 not be re-voted.

2002. 778 RESOLVED: *Moved: Cl. Hunt
Seconded: Cl. Joukhadar*

That the application for revoting of the balance of unexpended revenue funded programs from the 2001/2002 year be approved.

DIRECTOR BUSINESS ENTERPRISES REPORT

DBE 1

CABINS FOR CRESCENT HEAD TOURIST PARK

FILE: C1-3 GBS (NRN)

{Folio No. 241170}

SUMMARY:

Reporting on the investigation of previous Council resolutions regarding the installation of new cabins at Crescent Head Tourist Park.



At Council's meeting of 13th August 2002, Councillor Parkinson advised that he was of the opinion that there was a previous Council resolution which generally stated that there were to be no new cabins installed on Crescent Head Tourist Park, including replacements.

A search of Council files, and minutes of Council/Committee meetings since 1998 has failed to locate such a resolution.

It should be noted that this issue was not raised when Council installed five (5) new cabins in April 2001, nor previously when five (5) new cabins were installed in December 1999.

The Management Plan for the 4 Shore Holiday Parks, which was prepared in June 1998, indicated that up to 10 new cabins could be added to the cabin precinct in Oceanside, to take the total number of cabins on the Crescent Head Park to 27.

The Management Plan also provided for the upgrading of the 6 older cabins on Lakeside.

Financial Implication

Cabins are vital to the ongoing viability of the Park. In the 2001/02 financial year income from cabins (\$483,557) represented approximately 45% of total income from the Crescent Head Tourist Park.

2002. 779

RESOLVED:

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

That the information be noted.

At this stage 4.41pm Councillor Joukhadar retired from the chamber.

SUMMARY:

Reporting on Fleet Management matters.



The meeting of the Plant Committee held on Wednesday, 21st August 2002, was not completed due to there being a lack of a quorum.

Reports in relation to the following matters are referred to Council for decision:

- Item 4.3 - SES Vehicle
- Item 4.4 - Purchase of Water Services Tipper Trucks
- Item 4.9 - Greener Motoring
- Item 4.10 - Changeover of Administration Vehicles
- Item 4.11 - Hire of Small Plant to Public

Other items on the Plant Committee agenda were "For Information" or were for further consideration when determining the 2002/03 Plant Replacement Program.

A copy of the reports for Items 4.3, 4.4, 4.9, 4.10 and 4.11 are attached at

[\(Appendix A\)](#)

Financial Implication

For financial implications see reports to Plant Committee at [\(Appendix A\)](#)

2002. 780

RESOLVED:

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

1. a) That a Nissan Navara Dual Cab with towing capacity of 3,000kg be purchased for SES.
b) That the unsuccessful dealers be advised.
c) That the SES Controller for Kempsey be advised of Councils contribution and required funds from SES to purchase.
2. a) That two (2) Toyota Dyna 200 Cab Chassis Trucks be purchased and fitted with Obeico Tipper Body for the cost of \$30,895.82 each (GST exc) from Skinner Motors, Coffs Harbour.
b) That one (1) Mitsubishi Canter 647 with air conditioning be purchased for the cost of \$42,632.00 (GST exc).
3. a) That the Fleet Performance and Logistics Advisor develop a Strategic Plan on the future direction of Councils fleet

- that brings Kempsey Shire Council into the forefront of greener motoring.
- b) That the Strategic Plan be submitted to the next meeting of the Plant Committee.
4. That, subject to the availability of sufficient funds, the purchase and replacement of administration vehicles be generally in accordance with the following –
- replacement period – maximum of 2 years or 40,000km
 - purchase at State Government Contract price through local dealers, and wherever possible using Bulk Ordering (3 months in advance)
 - disposal of vehicles by auction, or to dealer at price greater than assessed auction price, or by public advertisement at price greater than assessed auction price
 - preference to be generally given to Commodore/Falcon.
5. That Council cease the hiring of small plant items to the general public.

DBE 3 CONSTRUCTION OF WATER TREATMENT PLANT AT SOUTH WEST ROCKS
FILE: W1-28 GRP (NRN) {Folio No. 241172}

SUMMARY:

Reporting on the progress of the proposed Water Treatment Plant augmentation to improve water quality supplied to South West Rocks.



Council adopted a recommendation at it's February 2002 meeting to proceed with the installation of a membrane filtration plant to overcome water quality problems with the South West Rocks Water Supply System.

Provision of improved water treatment facilities involves several steps. To date Council has upgraded the aeration system and acquired land in the Industrial Estate for establishment of a filtration plant. Now Council has finalised the preparation of the Specification documentation to allow advertising of the "Design and Construct" Contract for the construction of the filtration plant.

It is proposed to advertise for tenders in September with tenders closing in November and subsequent tender assessment before Christmas this year. This would put Council in a position to accept a tender with a view to having the plant operational by the end of 2003.

Financial Implication

The total estimated cost of the project is \$2.85 million of which part has already been spent on the aeration system, purchase of land and preparation of documentation.

That the information be noted.

**DBE 4 CAPACITY OF HAT HEAD SEWERAGE SYSTEM
FILE: S8-24 GRP (NRN) {Folio No. 241173}**

SUMMARY:

Reporting on proposals to increase the capacity of the Hat Head Sewerage System.



A report was presented to the August Council Meeting informing of the limitations of the capacity of the sewerage system being constructed at Hat Head. Part of the resolution from that report required that a quotation for the upgrade of the plant to 2500EP be obtained and a report submitted to the next meeting of Council.

The sewerage system being constructed at Hat Head with government subsidy under the Small Towns Sewerage Schemes is sized to cater for 1550EP (equivalent persons) and is designed so it can be augmented to 2500EP.

Council has, through the Project Manager (DPWS), requested the Contractors to provide costs of the upgrading work. However, at this stage it is not a clear-cut option and will interfere with some facets of the existing Contract, making it difficult for the Contractors to fulfill existing obligations. Also, there are many parts of the system which are being built as Stage one which are sized for ultimate capacity. If Council wishes to change the scope of the works at this stage to include the upgrade it is likely that DLWC, who are partly funding the project, will require Council to fund this extra sizing because it will form part of the upgrade.

The Contractors have not submitted any quote or estimate of costs of the upgrade at this time. Consideration is still being given to the ramifications of this request before they give an answer.

At this time it is considered likely that it would be more prudent to construct Stage 1 of the work as required under the current contract and look at upgrading the plant after this current work has been commissioned. There may be some scope to arrange supply-only of some aspects of plant and equipment required for the upgrade so that Council could proceed with the installation work with relatively short lead times.

However it should be noted, if the upgrade is commenced in the short-term after commissioning of the Stage 1 work it will effect the Contractors defects liabilities and plant operation obligations under the current contract. That is, it will probably void Council's 12-month guarantee of the work.

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Financial Implication

The cost of upgrading Hat Head Sewerage Scheme will not be recognised for subsidy, and accordingly Council will be required to provide the necessary funding – at least in the short term. A Section 64 Contribution Plan can be introduced to re-coup some of this cost.

2002. 782

RESOLVED:

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

1. That Council continue to investigate the ramifications of upgrading the Hat Head sewerage works under the existing Contracts.
2. That the Director Business Enterprises submit a further report to Council when these investigations are complete.

Councillor Joukhadar returned to the Chamber.

DBE 5

SEWERAGE LIAISON COMMITTEES

FILE: S8-2 GRP (NRN)

{Folio No. 241174}

SUMMARY:

Reporting on the proposed establishment of Sewerage Liaison Committees for the towns of Stuarts Point and Willawarrin.



Council recently re-advertised seeking expressions of interest from members of the community to join Sewerage Liaison Committees in these towns.

Council received a total of three expressions of interest from Willawarrin and three from Stuarts Point.

The three interested people from each town would be sufficient to warrant establishing a Committee with additional members from Council.

The expressions of interest were received from:

- a) Stuarts Point: Chris Nelson, Bruce Haigh and Ian Tolson
- b) Willawarrin: David Wilkinson, David Horsburgh and Geoff Gill

The existing Sewerage Liaison Committee at Hat Head has four Council representatives comprising Councillors Sowter and Howell, Director Business Enterprises and Manager Water Services.

Since the schemes for Stuarts Point and Willawarrin are in their early investigative phases, it is proposed that a format of one Councillor, one Council Officer and three Community representatives be adopted for the Committees, as follows:

Stuarts Point: One Councillor – to be nominated by Council.
Manager Water Services
Chris Nelson
Bruce Haigh
Ian Tolson

Willawarrin: One Councillor – to be nominated by Council.
Environmental Strategy Officer
David Wilkinson
David Horsburgh
Geoff Gill

Financial Implication

There is minimal financial implication of the following recommendation.

Director Business Enterprises Recommendation:

1. That the formation of Sewerage Liaison Committees for Stuarts Point and Willawarrin proceed in the format proposed in the Directors Report.
2. That Council nominate a representative for each Committee.

2002. 783

RESOLVED:

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

1. That the formation of Sewerage Liaison Committees for Stuarts Point and Willawarrin proceed in the format proposed in the Directors Report.
2. That Councillor Bowen be nominated for the Stuarts Point Sewerage Liaison Committee.
3. That Councillor Hunt be nominated for the Willawarrin Sewerage Liaison Committee.

DBE 6	2000/01 NSW WATER SUPPLY AND SEWERAGE PERFORMANCE COMPARISONS FILE: W1-2 GRP (NRN)	{Folio No. 241175}
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SUMMARY:

Reporting on the performance of Kempsey Shire Council in comparison to the results of the 2000/01 Performance Monitoring Reports, which benchmark performance of non-urban Councils throughout NSW.



The Department of Land and Water Conservation produces an annual benchmarking report which compares performance indicator figures from each non-urban Council in NSW for water supply and sewerage activities. The report for 2000/01 has just been released. This report is to provide Council with a broad overview of this Council's

THIS IS PAGE 124 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH SEPTEMBER 2002

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performance in relation to the top 20%, the median and the lowest 20% of other Councils. The 2-page Summary Report for Kempsey and the Overview pamphlet is attached as [\(Appendix B\)](#) for information.

The full Comparisons Report giving fine detail is available for inspection on request to the Manager Water Services.

Financial Implication

There is no financial implication of the following recommendation.

2002. 784

RESOLVED:

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

That the information be noted.

DBE 7	TOURISM COOPERATIVE MARKETING
FILE: T3-5 SJR (NRN)	{Folio No. 241176}

SUMMARY:

Reporting on cooperative advertising in the Hunter Valley.



Kempsey and the Macleay Valley were featured in the Newcastle Herald and the Newcastle Post publications on Friday, 16th August and Wednesday, 21st August 2002.

The Tourism Manager coordinated a two-page feature, supported by editorial and backed up by paid advertisers from within the tourism industry in the Macleay. The timing of the feature sought to grow visitation in the shoulder season and filter through to the summer peaks.

Financial contributions to the feature via paid advertisements from industry operators were in the order of \$4,500.

This level of support for cooperative marketing initiatives from industry operators assists in promoting the destination Macleay Valley throughout the Hunter Valley and beyond.

Financial implication

There are no financial implications arising from the following recommendation.

2002. 785

RESOLVED:

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

That the information be noted

SUMMARY:

Reporting on presentation of the Tourism Marketing Plan 2002/2003.



The Tourism Marketing Plan for 2002/2003 has been prepared and the document has been distributed to Councillors.

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

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

Financial implication***The Tourism Marketing Plan is fully funded as follows:***

◆	<i>Advertising and Promotion</i>	-	<i>\$47,000</i>
◆	<i>Printing and Literature</i>	-	<i>\$ 9,000</i>
◆	<i>Display photographs</i>	-	<i>\$ 1,500</i>
◆	<i>Professional Development</i>	-	<i>\$ 700</i>
◆	<i>Volunteer Training and Familiarisation Tours</i>	-	<i>\$ 1,500</i>

2002. 786

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

That the Tourism Marketing Plan for 2002/2003 be adopted.

SUMMARY:

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



There have been no acquisitions for the month of August 2002.

Financial Implications

There are no financial implications arising from this report.

2002. 787

RESOLVED:

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

That the information be noted.

DBE 10	QUESTIONS WITHOUT NOTICE		
	FILE: C18-28	JC (NRN)	{Folio No. 241179}

SUMMARY:

Reporting on Questions Without Notice from Council meetings of the 13th August 2002.



Responses to Councillors Questions Without Notice from the Council meeting of the 13th August 2002 are listed for information.

QUESTIONS WITHOUT NOTICE

Councillor J H Bowell

File: G1-16

{Folio No. 239931}

That the Director Business Enterprises would investigate the introduction of a policy for the replacement of damaged/destroyed mobile garbage bins.

As part of the Waste Collection Service Charter approved by Council the repair of bins damaged by the waste collection truck is Council's responsibility. Similarly, bins which are vandalised or stolen (subject to Police Report) will be replaced by Council.

Councillor J Sproule

File: LA10844

{Folio No. 239939}

That the Director Business Enterprises would investigate the possibility of replacing Mrs Ruth Battle's of 35 Macleay Street, Frederickton, garbage bin which has been damaged by Council workers.

Instruction to replace the bin issued to staff on 13th August 2002.

Councillor B R Sowter

File: W1-2

{Folio No. 239944}

That the Director Business Enterprises would investigate the possibility of extending the town water supply down Sid Sutherlands Lane.

Council staff are investigating the issues involved in extending Council's water mains to supply water for stock in rural areas. This investigation will include a review of Council Policies, and cover areas additional to Sid Sutherlands Lane.

Councillor R J Bowen

File: A5-2

{Folio No. 239929}

That the Director Business Enterprise would investigate the possibility of drought affected farmers bailing grass at the Airport.

Negotiations being held with stock feed contractors. Council's Airport staff would need to be on hand to supervise the activities.

2002. 788

RESOLVED:

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

That the information be noted.

DBE 11	WORKS IN PROGRESS		
	FILE: W1-2	PH (NRN)	{Folio No. 241180}

SUMMARY:

Reporting on works in progress.



WATER SUPPLY

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

Works completed during last 4 weeks

1. Roofing SWR Collection Tank, roofing of Willawarrin and Bellbrook Reservoirs – complete. Some handrail and platform work not complete.
2. Service safety equipment.

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. Watermain - Bestic Street, Polwood to Tabrett Street – 85% complete.
5. Clean Greenhill Reservoir – deferred until dam back on line/drought.

6. Belgrave Falls rising main – continuing.
7. Valve Replacement Program – continuing.
8. Upgrade/replace safety equipment.
9. Watermain replacement – Broughton Street (Bestic to Cochrane Street) – commenced.

MONTHLY WATER CONSUMPTION

	August 2002 Kilolitres
Belgrave Falls	0
<i>Bellbrook</i>	1,450
<i>Crescent Head</i>	19,255
<i>Hat Head</i>	6,860
<i>Sherwood – Line Plant</i>	304,736
<i>South West Rocks</i>	54,431
<i>Stuarts Point</i>	16,910
<i>Willawarrin</i>	1,375
Total Consumption	405,017

Kilolitres to Financial Year to Date: 711,701 KI

Connections for August – 15

SEWERAGE

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

Works Completed during last 4 weeks

1. Defect inspection at South Kempsey.
2. De-sludge small lagoon, West Kempsey.
3. De-sludge small lagoon, South Kempsey.

Works Proposed for next 4 weeks

1. Repair faults found by Smoke Testing – continuing (South Kempsey).
2. Crescent Head Pump Station refurbishment – C2 complete, C1 95% complete.
3. Manhole maintenance at Crescent Head – continuing
4. Sewerage Pump Station upgrades at South West Rocks – continuing.
5. De sludge small lagoon, South West Rocks.

6. Commence house service defect correspondence and inspections – continuing.

SALEYARDS

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Tenders invited for design and construction of complex roofing.

Works Proposed for next 4 weeks

1. Normal maintenance and operation.
2. Completion of Business Plan.
3. Let tender for design and construction of roofing.

AIRPORT

Works Completed during last 4 weeks

1. Normal maintenance and operation.
2. Kangaroo cull.
3. Obstacle survey (towers).

Works proposed for next 4 weeks

1. Normal maintenance and operation.
2. Upgrade of data collection equipment.
3. Painting of airstrip markings.
4. Repair/Replacement of illuminated wind indicator.
5. Repair boundary fencing.
6. Investigation and repair of electrical main loop (runway) and runway lighting.
7. Sweeping of tarmac near bowsers.
8. Review markings on grassed parking area and apron.

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.

WASTE SERVICES

Works Completed during last 4 weeks

1. Submission of Development Application for Receptacle Pit and recycling shed.
2. Tidy up of areas for metal separation at South West Rocks and Stuarts Point.
3. Resubmission of revised Landfill Closure Plan for South West Rocks to EPA.
4. Completion of security system at landfill.
5. Revision and review of collection routes.

Works proposed for next 4 weeks

1. Recycling of metal from Bellbrook.
7. Shredding of greens etc at South West Rocks.

Financial Implication

There are no financial implications from the following recommendation.

2002. 789

RESOLVED:

*Moved: Cl. Hunt
Seconded: Cl. Bowen*

That the information be noted.

DBE 12

**COMPLIMENTS RECEIVED BY BUSINESS
ENTERPRISES STAFF**

FILE: S10-2

JC

(NRN)

{Folio No. 241181}

SUMMARY

Reporting on compliments received by Business Enterprises staff for the month of August.



Kempsey Local Aboriginal Land
Council

- Thank you for the help with
excess water concerns.

Financial Implication

There are no financial implications from the following recommendation.

2002. 790

RESOLVED:

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

That the information be noted.

GENERAL MANAGER'S REPORT

GM1

LOCAL GOVERNMENT ASSOCIATION CONFERENCE

FILE: C11-4

AVB

(NRN)

{Folio No. 241182}

SUMMARY:

To elect delegates to the Local Government Conference to be held in Broken Hill from 27th to 30th October 2002.



At its last meeting Council resolved that the appointment of delegates to the Conference be deferred to the September Council meeting. Council is entitled to three voting delegates and the Association requires the names of the delegates no later than Tuesday 8th October 2002. Councillors attending the Conference are Hayes, Bowen, Joukhadar, Parkinson and Sproule.

Advice has been received that the nominations to host the 2004 Annual Conference are Armidale Dumaresq, Coffs Harbour and Hastings. A ballot will be held on Tuesday 29th October at the 2002 Conference in Broken Hill to select the 2004 Host.

Financial Implications

There are no financial implications arising from this report.

THIS IS PAGE 132 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 10TH SEPTEMBER 2002

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2002. 791

RESOLVED:

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

That Council appoint the three voting delegates to the Local Government Association Conference.

2002. 792

RESOLVED:

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

That the Mayor, Councillors Bowen and Sproule be appointed as voting delegates to the Local Government Association Conference.

GM2	GENERAL MANAGERS OUTCOMES 2002/2003		
	FILE: S10-13	AVB (NRN)	{Folio No. 241183}

SUMMARY:

To agree on outcomes for the 2002/2003 year for performance appraisal purposes.



Council has a Corporate Strategic Plan and my outcomes should reflect the strategies of that plan. The strategies are: -

- To promote Sustainable Economic Development in the Shire
- To ensure that Kempsey Town is a viable and vibrant economic hub for the Shire
- To build civic pride and foster effective community relations in the Shire
- To adequately plan and fund the Shires social and infrastructure needs
- To position Kempsey Shire to reap the benefits of its attributes
- To provide value for money serviced in the Kempsey Shire

I would propose the following outcomes as a basis for my performance for the 2002/2003 year.

- Effective community relations have been established that build on the Shire’s positive image and civic pride.
- Opportunities have been investigated and implemented that ensure that Council’s limited resources are maximised and equitably allocated.
- Management of the Economic Growth of the Shire is generating wealth and employment.
- The Shire’s natural attributes are enhanced through the delivery of environmental projects.
- Management systems are in place that provide value for money resourcing of budget allocations.

Outputs have been developed for the above outcomes (Appendix “**”).

Some of those outputs relate to the preparation of a 5 year Financial Plan and the development of Stage 2 of the Corporate Strategic Plan. Once the 5 year Financial Plan is developed we will then move on to the next stage and develop a further five years to make it a 10 year financial plan that corresponds with the Corporate Strategic Plan.

It is important that Council forward plan. There are many obstacles ahead of us that are going to influence service provision in the future. Rate pegging is here to stay say both the Government and the Opposition. Alternative income sources need to be investigated and hard decisions need to be made regarding the services that we will provide. Outside requirements such as EPA Licensing and WorkCover requirements will impact on the finances available for capital works.

Currently there are a number of individual plans that project future expenditure but these have been developed in isolation and without any reference to total budget consideration. They are useless other than identifying works that need to be done as they can't be financed in the time frame indicated when considered in a full budget content.

Council needs to get its forward planning right based on the community's ability to pay so that both Council and the community are aware of the direction being taken. The 5 year Financial Plan is in its final stages of development and Council needs to set a date to consider and discuss the draft document sometime in October.

Financial Implications

There are no financial implications arising from this report.

General Manager's Recommendation:

- 1. That Council adopt the outcomes and outputs 2002/2003 as set out in this report and appendices.**
- 2. That a date be set in October to consider the draft 5 year financial plan.**

2002. 793

RESOLVED:

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

- 1 That Council adopt the outcomes and outputs 2002/2003 as set out in this report and appendices with the addition of:-**
 - a The preparation and review of the Water Supply Strategic Plan.**
 - b Identification of the requirements to provide financial sustainability of Council's Water and Sewerage businesses.**
- 2 That the meeting to consider the draft 5 year financial plan be held on Wednesday 9th October 2002.**

GM 3 2002-03 FINANCIAL ASSISTANCE GRANT

FILE: G10-5 JCC (NRN) COPY: APC

{Folio No. 241184}

SUMMARY:

Reporting that the level of funding to Council via the 2002-03 Financial Assistance Grant has been approved.



In considering its 2002-03 Draft Management Plan, Council was advised that preliminary advice had been received that Council's grant for the financial year would be \$3,560,456.

Advice has now been received from the Local Government Grants Commission that the actual level of grant funding to Council will be \$3,641,868, **an additional \$81,412 above that budgeted.**

Council has, since 1st July, 2002 approved revenue variations to the original budget, and the effect of those variations plus the additional financial assistance grant income is shown in the following summary.

Adopted General Fund Budget		80776	surplus
Result			
Plus:	Additional Financial Grant Funding	81412	
13.8.02	Gross Receipts from auction of surplus goods	27951	
13.8.02	Grant Income – Community Heritage Study	8500	
13.8.02	Grant Income – Coastcare Rehabilitation Project	31145	
Less:	Increased expenditure allocations	229784	
9.7.02	Footpaths / Cycleways	35000	
13.8.02	Sale of plant at auction (to plant reserve)	7813	
13.8.02	Auction costs	4555	
13.8.02	Investigation costs – second crossing of Macleay	26000	
13.8.02	Workplace Safety (Gen Fund Prop'n only)	75000	
13.8.02	Community Heritage Study	17000	
13.8.02	Coastcare Rehabilitation Project	31145	
13.8.02	Additional Staffing Requirements – Environmental Services		
-	salaries	67000	
-	computer	5000	
-	equipment	5000	273513
-	furniture / office equipment		
	Revised Estimated Results for 2002/03 as at 30.8.02	43729	Deficit

Financial Implication

The financial implication of this report is that the General Fund Working Funds Balance as at 30th June, 2003 would be \$504073, calculated as follows:

Estimated Working Funds Balance as at 30.6.02 547802 surplus
(Note: This figure is dependent on Council's approval of revenue funded revotes from 2001/02)

Less: Estimated Result for 2002/03 43729 deficit

Estimated Working Funds Balance as at 30th June, 2003 504073 surplus

2002. 794

RESOLVED:

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

That the information be noted.

GM 4 SUCCESSION PLANNING
FILE: S10-41 AVB (NRN) {Folio No. 241185}

SUMMARY:

To inform Council of discussions being held with TAFE and the University of Western Sydney to provide tertiary education facilities in Kempsey.



Council is aware of the need to have a succession or career pathing plan for the organisation.

Council experiences labour turnover of around 20% per annum. We currently have 20 staff in management positions and in the next 5 to 10 years more than half of that team of 20 will likely retire. An urgent plan is needed to capture and transfer that knowledge to other resources in the organisation and to identify and prepare some current staff for future leadership positions within Council.

Discussions have taken place with TAFE, and the University of Western Sydney in regards to them delivering a part-time MBA course in Kempsey. Commencing next year with a three year Diploma in Management, followed by a one year elective Post Graduate Certificate, then a one year Post Graduate Diploma, (these three combined are equal to a degree), followed by a one year Masters (MDA). This will be an excellent course for people interested in furthering their management potential and has special prerequisite admission requirements for people whose corporation supports the application.

Entry to the course will not be limited to Council employees but will be available to any employee working within the Shire. The census indicates that the percentage of tertiary qualified people in our Shire and the percentage of residents studying towards a tertiary qualification are both more

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MAYOR

than 10 times less than the national average. To kick off this Degree Level study in Kempsey TAFE, and the UWS, need a minimum of 15 enrolments. TAFE and UWS staff are contacting other businesses in the Shire.

Study commitment will be attending TAFE two nights per week and a considerable commitment of other personal time.

The annual enrolment costs per student are: -

Stage 1

Diploma in Business Management (3 year course) \$3,200 (NSW TAFE Qualification)

Stage 2

Graduate Certificate in Management (1 year course) \$4950 (University Qualification)

Stage 3

Graduate Diploma in Management (1 year course) \$5,200 (University Qualifications)

Stage 4

Masters in Business Administration (1 year course) \$5,200 (University Qualifications)

These fees are very competitive compared with other MBA and Degree Level courses and come without HECS liabilities. However unless our staff are given considerable financial support to study this course it is unlikely that enough Council employees will enrol. Those people who do enrol can potentially have an MBA by the end of 2008 and a lot more leadership skills would enable them to compete with external candidates for future leadership roles in Council.

Council needs to provide an incentive and I would suggest that discussions with staff be on the basis that Council will fund 50% of the course fees up front each year and on attainment of the MBA the remaining 50% of fees be paid to the student. Enquiries are being made as to whether Council can apply for any grants designed to improve the skills of its areas workforce.

TAFE and UWS would like to jointly launch this course in Kempsey, with Council support, initially to interested Council, Government and Local Industry staff, one afternoon in the week commencing October 21, in anticipation of getting the required 15 enrolments.

The skill shortages for Urban Planners, Civil Engineers, Environmental Professionals, Librarians, IT Professionals and Business Professionals has become critical in Local Government and our Shire is particularly exposed in the next few years in regards to these shortages.

Sponsoring nominated local students through university degrees, (cadetships) is a possible solution to the problem. Cadetships would cost Council approximately \$25,000 per annum per student and in return Council would receive 6 to 8 weeks work/work experience per annum, the benefits of assigned project and work and the opportunity of having qualified, locally, and

organisationally, bonded people available at the end of their study. Council would then employ those people in any capacity until an opening in their profession came up. Should we offer designated Aboriginal cadetships total funding for those cadetships would be available.

Financial Implications

To fund 50% of 15 students undertaking the MBA Course would cost Council \$24,000 in 2002/2003. A cadetship would cost approximately \$25,000 per annum. Costs of both schemes would need to be funded from working funds in 2002/2003.

General Manager’s Recommendation:

1. That Council offer to pay 50% of the Course fees for students undertaking the MBA Course with the remaining 50% to be paid on attaining the MBA .
2. That Council sponsor 1 paid cadetship and 2 unpaid cadetships in Civil Engineering and Environmental Services.

2002. 795

RESOLVED:

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

1. That Council offer to pay 50% of the Course fees for students undertaking the MBA Course with the remaining 50% of each year’s fees to be paid on successfully completing each year of the course and consideration be given to bonding arrangements that ensure continued employment after reaching the degree stage.
2. That Council sponsor 1 paid cadetship and 2 unpaid cadetships in Civil Engineering and Environmental Services.
3. That the Human Resources Manager be congratulated on the initiative of this proposal.

GM 5 OUTSTANDING COUNCIL RESOLUTIONS
 FILE: C18-2 AVB (NRN) {Folio No. 241186}

SUMMARY:

Reporting on outstanding Council resolutions on matters raised up to the last meeting of Council.

Director Environmental Services

DES 12 June 2002	Application to subdivide Lot 24 DP253030 into Two Lots File T6-02-135	Information on septic received.
DES 2	Application for Garage in	Further report meeting 10 th

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	Kempsey Local Floodway No. 1 File T6-02-290	September 2002.
DES 3	Proposed Youth Club, South Kempsey File T6-00-611	To be issued and Draft completed.
DES 18	Hat Head Sewerage Scheme File: S8-24	Property notation done.

Director Corporate and Community Services

DCCS 4 June 2002	Review of Section 355 Committees File D2-6 Copy C18-23	Responses to be obtained from Sporting Clubs regarding insurance charges
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Director Business Enterprises

DBE 10 May 2002	Stuarts Point Aquifer Water Sharing Plan File W1-15	Community Meeting yet to be held to discuss implications of Stuarts Point Aquifer Water Sharing Plan
DBE 6	Drum Muster Program File G1-20	Negotiations with Agsafe on proposed drum muster service agreement not yet entered into.
SUPP-2 DBE 1	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 August 2002	State Assembly of Local Government 2002	To be investigated in September and referred to the Macleay Development and Promotion Committee.

2002. 796

RESOLVED:

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

That the information be noted.

CARAVAN PARK COMMITTEE

FILE: C1-2 GBS (NRN) {Folio No. 241187}
REPORT OF THE CARAVAN PARK COMMITTEE HELD ON 19TH AUGUST
2002.

2002. 797

RESOLVED:

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

That the report of the Caravan Park Committee meeting held on 19th
August 2002 be adopted with the exception of Item 6 (Future
Management of Caravan Parks) and that Item 6 be considered at the

meeting to be held on 9th October 2002 to consider the 5 Year Financial Plan.

PLANT COMMITTEE

FILE: P6-2 GBS (NRN)

{Folio No. 241188}

REPORT OF THE PLANT COMMITTEE MEETING HELD ON 21ST AUGUST 2002.

2002. 798

RESOLVED:

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

That the report of the Plant Committee meeting held on 21ST August 2002 be adopted.

LOCAL TRAFFIC COMMITTEE

FILE: T7 KJF

REPORT OF THE LOCAL TRAFFIC COMMITTEE HELD ON 28TH AUGUST 2002.

2002. 799

RESOLVED:

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

That the report of the Traffic Committee meeting held on 28th August 2002 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the Director Engineering would investigate the excess water used at Wigay Park and would report back to Council.
- 2 That the value of the sales of the old fire trucks in the recent auction was in the vicinity of \$20,000.

Councillor N Joukhadar

Councillor Joukhadar was advised:-

- 1 That the Director Engineering would investigate potholes needing repair at the corner of Fishermans Reach Road and Serrata Lane.
- 2 That the Director Engineering would investigate the poor surface condition of Rogers Lane, Stuarts Point.
- 3 That the Mayor is expecting a visit from the Minister for Land & Water Conservation in the near future but it would be unlikely that the Minister

would be available to meet with Stuarts Point residents regarding their water supply and the Mayor would discuss this issue with the Minister.

Councillor T Hunt

Councillor Hunt was advised:-

- 1 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.
- 2 That Council had lodged a submission to the Standing Committee on Transport Services regarding commercial air services in regional Australia and a copy would be provided to Councillor Hunt.

Councillor R Bowen

Councillor Bowen was advised:-

- 1 That the Director Engineering would check on the use of Betts Quarry at Frederickton, which had recently been purchased by Council.
- 2 That some non-compliant quarries in the shire could still operate under conditions of the State Environmental Planning Policy.
- 3 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.
- 4 That the Director Engineering would follow up a reply to Mr VanderJagt regarding Mungay Creek Road.
- 5 That the Director Business Enterprises advised that a letter was received with 12 / 13 signatures regarding Sid Sutherland's Lane regarding water supply upgrade and this would involve major works and an information letter would be sent to the land owners involved.

Councillor J Bowell

Councillor Bowell was advised:-

- 1 That the Director Environmental Services is preparing a draft submission regarding the Macleay River and a copy will be sent to the participants of the recent meeting on this matter.
- 2 That the Director Environmental Services is negotiating with a landowner at Marlin Crescent, Hat Head on certain issues related to a development matter.
- 3 That the Mayor would make contact with Andrew Stoner MP regarding his availability to meet with Council on a regular basis.
- 4 That the Director Engineering would investigate the matter of guide posts being broken off and left in Middleton Street, South Kempsey.

Councillor J Hayes

Councillor Hayes was advised:-

- 1 That the Director Engineering had arranged for all dangerous play equipment and fencing to be removed from Andrew Pacey Park.



MOTION FOR COMMITTEE

2002. 800

RESOLVED:

*Moved: Cl. Sproule
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.

DIRECTOR ENVIRONMENTAL SERVICES CONFIDENTIAL REPORT

DES 1	ANIMAL BOARDING AND BREEDING ESTABLISHMENT – MUNGAY CREEK
	FILE T6-01-112 AD
	{Folio No. 241189}

SUMMARY:

Reporting that Council has received a request to extend the period of consent to operate dog kennels for which objections have been received.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

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

RECOMMENDED:

That:-

- A The applicant be advised that all conditions of consent are to be complied with within 60 days of the notice being given, including**

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reducing the number of dogs to not more than 30 at any one time.

B The applicant be advised if all conditions are not met within the specified period, Council will formally refuse the request for an extension and require cessation of the use.

C The objectors be advised of Council's decision.

RECOMMENDED:

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

That:-

A The applicant be advised that all conditions of consent are to be complied with within 30 days of the notice being given, including reducing the number of dogs to not more than 30 at any one time.

B The applicant be advised if all conditions are not met within the specified period, Council will formally refuse the request for an extension and require cessation of the use.

C The objectors be advised of Council's decision.

DIRECTOR ENGINEERING CONFIDENTIAL REPORT

DE 1	ACCESS TO LAND	
	FILE: LA6198 KJF	{Folio No. 241190}

SUMMARY:

Reporting on access to private property at Crescent Head.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involved advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

RECOMMENDED:

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

That the response included with the report be approved.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM 1	LEGAL MATTERS			
	FILE: L3-1	AVB	(NRN)	{Folio No. 241191}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

RECOMMENDED:

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

That the information be noted.

GM 2	PUBLIC LIABILITY EXPOSURE			
	FILE: I3-2	AVB	(NRN)	{Folio No. 241192}

SUMMARY:

To outline the financial position of Statewide Mutual Councils Public Liability Insurance Mutual.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

RECOMMENDED:

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

That the information be noted.

ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2002. 801

RESOLVED:

*Moved: Cl. Joukhadar
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 5:58 p.m.

