



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 15TH January 2002 commencing at 9:00 am.

PRESENT:

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

General Manager, A V Burgess; Director Engineering, K J Finnie; Director Environmental Services, B W Casselden; Director Corporate and Community Services, T I Hannam; Director Business Enterprises, G B Snape, Mal Walsh and Jennifer Colling.

ASSESSMENT OF ITEMS LISTED IN CONFIDENTIAL BUSINESS PAPER

MOVED:

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

That item DBE 1 Confidential Report – Hat Head Sewerage be moved to Open Council with the deletion of the last sentence in paragraph 3 of the Report.

The Motion was PUT to the MEETING and was LOST.

MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 11th DECEMBER 2001

2002. 1

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 11th December 2001, be adopted with the exception of:-

- 1 Item 4 on Page 47 Question Without Notice - Meeting with Fire Control Officer should read *regarding the 2002.2003 Funding Submission and the purchase of vehicles.*
- 2 On Page 49 in the last paragraph should read "incentive" vouchers.

SUSPENSION OF STANDING ORDERS

2002. 2

RESOLVED:

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

*THIS IS PAGE 1 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY
SHIRE COUNCIL HELD ON TUESDAY 15TH JANUARY 2002*

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MAYOR

That Standing Orders be suspended to allow the consideration of:-

- 1 That item GM 8 be dealt with after Public Forum.
- 2 That item GM 3 be dealt with after Morning Tea to enter into a Workshop to consider the Code of Meeting Practice.

PUBLIC FORUM

- 1 Mrs Patricia Holmes **withdrew** her address to Council in regard to the proposed development at Cyrus Saul Circuit, Frederickton.
File T6-01-481
- 2 Mr Ivor Gamblyn **withdrew** his address to Council also in regard to proposed units at Cyrus Saul Circuit Frederickton.
File T6-01-481
- 3 Ms Lindy Brown, Regional Landcare Facilitator for Land & Water Conservation, addressed Council in regard to Goolawah Reserve.
File C1-6. DES 12

CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – DES 12.

DES 12	GOOLAWAH RESERVE	
	FILE C1-6 BWC	{Folio No. 227435}

SUMMARY:

Reporting on a request for funding for a flora and fauna survey of Goolawah Reserve.



Ms Lindy Brown, North Coast Landcare Facilitator has written regarding work being undertaken by Conservation Volunteers Australia (CVA) at the Goolawah Reserve. It is understood that a copy of the letter [\(Appendix O\)](#) has been forwarded to each Councillor.

The CVA team has carried out wide ranging flora and fauna surveys which are to be collated so that a meaningful and useful report can be prepared. Current funding is inadequate to provide a full reimbursement for time required to prepare the final report.

The Goolawah Dune Care group, who successfully applied for a CVA team, have an amount of \$1000 available towards the cost of preparing the report. This leaves an estimated shortfall of \$4,600.

A report which relates to a comprehensive survey of the reserve would be a worthwhile document, not only for future planning, but also as a directory of

flora and fauna within the reserve. The members of the team are to be congratulated for the time and effort they have put into the project.

Unfortunately there has been no allocation in the Reserves operating funds to cover such a request.

Financial Implications

There are no financial implications from the recommendation. Should Council wish to contribute all or part of the \$4,600 requested, it would need to be from working funds.

Director Environmental Services Recommendation:

That Council advise that it is regrettably unable to assist financially with the funding of the project.

MOVED:

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

That Council make available \$4600 from Working Funds to fund the flora and fauna survey of Goolawah Reserve from this year's Budget.

An Amendment was MOVED:

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

That \$4600 be listed for consideration in the Budget for 2002/2003 for the funding for a flora and fauna survey of Goolawah Reserve.

2002.3

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

GM8	RESIGNATION OF COUNCILLOR
FILE: C18-2	AVB (NRN) {Folio No. 227471}

SUMMARY:

To advise Council of the procedures that will be put in place to fill the vacancy caused by the resignation of Max Armour.



Max Armour submitted his resignation as a Councillor of Kempsey Shire Council to the Acting General Manager on the 21st December 2001. The reasons for the resignation were ill health and his decision to move to Port Macquarie. The resignation is effective from the 21st December and the Electoral Commissioner, the Department of Local Government and the Local Government and Shires Associations have been notified.

The election to fill the vacancy will be conducted by the Electoral Commissioner for NSW but the cost of the election will be borne by Council. I have contacted the electoral office and have been advised the following:

- Date of Election 16th March 2002
- Returning Officer Patricia Baker

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MAYOR

- Rolls Close 4th February
- Nominations Open 4th February
- Nominations Close 13th February

Council needs to give notice at least twice prior to the 4th February that the roll closes on that date.

The cost of conducting the election will be in the vicinity of \$70 000. Council has established an election reserve to fund the 2003 election and the balance of that reserve is \$40,000. These funds could be used for this election with the balance being funded from working funds but Council will need to replenish the reserve by making provision of \$60,000 in the 2002/2003 budget.

Clr. Armour was elected as Deputy Mayor for the 2001/2002 year. The office of Deputy Mayor is therefore currently vacant. Section 231 of the Local Government Act stipulates that Councillors may elect a person from among their number to be the Deputy Mayor. The Local Government (Elections) Regulation 1998 states that if a deputy mayor is to be elected by the Councillors of an area the election is to be in accordance with Schedule 3. viz: -

Returning Officer

1. The general manager (or person appointed by the general manager) is the returning officer.

Nomination

2. (1) A councillor may be nominated without notice for election as mayor or deputy mayor.
 - (2) The nomination is to be made in writing by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
 - (3) The nomination is to be delivered or sent to the returning officer.
 - (4) The returning officer is to announce the names of the nominees at the council meeting at which the election is to be held.

Election

3. (1) If only one councillor is nominated, that councillor is elected.
 - (2) If more than one councillor is nominated, the council is to resolve whether the election is to proceed by preferential ballot, by ordinary ballot or by open voting.
 - (3) The election is to be held at the council meeting at which the council resolves on the method of voting.

Financial Implication

The cost of the extra ordinary election will be approximately \$70 000.

General Manager's Recommendation:

1. That the information be noted.
2. That the By-Election be funded from the Election Reserve and Working Funds.
3. That \$60 000 transfer to the Election Reserve be included in the 2002/2003 draft budget for consideration.
4. That Council determine whether it wishes to elect a Councillor to the position of Deputy Mayor and if so when that election is to take place.

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MAYOR

MOVED:

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

- 1 That the information be noted.
- 2 That the By-Election be funded from the Election Reserve and Working Funds.
- 3 That \$60 000 transfer to the Election Reserve be included in the 2002/2003 draft budget for consideration.
- 4 That Council elect a Councillor to the position of Deputy Mayor today.

An Amendment was MOVED:

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

- 1 That the information be noted.
- 2 That the By-Election be funded from the Election Reserve and Working Funds.
- 3 That \$60 000 transfer to the Election Reserve be included in the 2002/2003 draft budget for consideration.
- 4 That Council elect a Councillor to the position of Deputy Mayor after the By-Election.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.4

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Parkinson recorded his vote against the foregoing Resolution.

LATE BUSINESS THANKYOU TO MAX ARMOUR

Councillor Parkinson and the Mayor Councillor Hayes addressed Council in regard to the services of Max Armour as Councillor to Kempsey Shire Council and wished him and his wife all the best for the future.

BALLOT OF DEPUTY MAYOR

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

There being no further nominations, the General Manager declared Councillor Nadim Joukhadar elected as Deputy Mayor for the ensuing nine (9) months.

CONSIDERATION OF LATE REPORTS

2002. 5

RESOLVED:

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

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

THIS IS PAGE 5 OF THE FULL TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 15TH JANUARY 2002

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MAYOR

MAYORAL MINUTE

M1

KEMPSEY HIGH SCHOOL STUDY TRIP TO FRANCE

FILE: C18-25 Mayor

{Folio No. 227410}

SUMMARY:

A request has been received from Kempsey High School to sponsor a student study trip to France in April 2002.



The following is an extract from Kempsey High School's French and English teacher, Susan Crouch:

"Kempsey High School's Year 9 French class have been planning a three week study trip in April 2002 to two schools in France, for the past year. Communication has been established between Kempsey High and schools in Mortagne and Obernai and each of them has agreed to host our students for a period of 7 days, greatly contributing to the consolidation of our students' French language skills.

This is the first visit of its kind by students of Kempsey High and the first lengthy visit by any Kempsey school group to schools in an overseas country. Our students will be Australian ambassadors, representing not only their school and their town but also their country. They will be happy to present an account of their experience, on their return, to a meeting of the Council.

The Year 9 French students and their parents have been actively fundraising since the beginning of the year (2001). It is anticipated that SLSOCS funding by the Department of Education will assist students, however the gap will still be considerable.

We are hoping that the generosity of organisations like the Kempsey Shire Council will assist these dedicated students who wish to enhance their learning, understanding and experience of the world."

Financial Implication

A donation of \$1,000 would be a reasonable amount to assist with expenses.

Mayoral Recommendation:

For the determination of Council.

2002. 6

RESOLVED:

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

That no action be taken.

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MAYOR

SUMMARY:

Reporting on the Mayors engagements since Councils meeting on the 11th December 2001.

**WEDNESDAY 12TH DECEMBER**

- Opening of Moparabah Bridge

THURSDAY 13TH DECEMBER

- Meeting with the Assistant Commissioner, NSW Police Service, regarding Youth affairs in particularly the Young Offenders Act.
- Judging of the Christmas Lights Competition

TUESDAY 18TH DECEMBER

- Presentation at Kempsey East Public School Assembly
- Judging of the Christmas Lights Competition

WEDNESDAY 19TH DECEMBER

- Official Opening of the new premises for the Kempsey Workpool Inc
- Presentation night for Kempsey High School

THURSDAY 20TH DECEMBER

- Presentation of the Christmas Lights Competition Prizes
- Mayor's Christmas Party

MONDAY 24TH DECEMBER – MONDAY 4TH JANUARY

- Daily contact with emergency services concerning the local fires.

THURSDAY 3RD JANUARY

- Meeting with Ratepayer concerning storm water drains.

FRIDAY 4TH JANUARY

- Meeting with Ratepayer concerning condition of particular roads in the Shire.

TUESDAY 8TH JANUARY

- Mayoral Inspection of the Caravan Parks

As well as day to day functions of the position e.g. Liaisoned with the media, phone calls etc.

2002. 7

RESOLVED:

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

That the information be noted.

NOTICE OF MOTION - 1

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MAYOR

File No: C18-25 AVB (NRN) {Folio No. 227412}

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

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

That Councils meetings start with the Committee Section of our Business Papers.

The Motion was PUT to the MEETING and was LOST.

NOTICE OF MOTION - 2

File No: A2-10 MGR (NRN) {Folio No. 227413}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

NOTE:

The saving during the current year was, in monetary terms, \$36,000. It would be extremely difficult to measure the environmental damage during the same period due to the waste that has been conveyed via the gutters to the waterways.

2002. 8

RESOLVED:

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

That consideration be given in the 2002/2003 Draft Estimates to the provision of funding to allow the re-introduction of regular gutter sweeping in the residential areas of the Shire.

NOTICE OF MOTION - 3

File: F3-2 BWC (NRN) {Folio No. 227414}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

NOTE:

A report was submitted to Council on 11 December 2001 which referred to the manner in which applications for dwellings in bushfire prone areas were dealt with (in a uniform and in some respects a rather simplistic manner).

The current process allowed for consideration of environmentally sensitive sites, so that in some instances, simple clearing around the building could not be permitted.

The introduction of AS3959-1999 Construction of Buildings in Bushfire-Prone Areas has brought about significant changes.

In the past the priority has been the significance of the fauna and flora which may have caused Council to overlook the impact of bushfires on life and property.

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MAYOR

The report to Council in December stated 'Recent bushfires have indicated the need for owners to be aware of the risks and the need for greater consideration of the location and construction of buildings.'

It is time for Council to seriously consider the approval process of buildings in bushfire prone areas together with the provision of access in the event of emergency.

2002. 9

RESOLVED:

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

That the Director of Environmental Services report further to Council on the implications of the legislation 'Construction of Buildings in Bushfire Prone Areas' with recommendations of preferred options for the protection of life and property.

NOTICE OF MOTION - 4

File: R Marys Bay APV Copy JCC (NRN) {Folio No. 227415}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

2002. 10

RESOLVED:

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

That provision be made within the: -

- 2002/2003 Draft Estimates, or
- Roads to Recovery Program 2002/2003

for consideration of the appropriate funding to;

- a) seal the section of Mary's Bay Road (approximately 400metres) at the Gowings Hill Road end, and
- b) improve the sight distance at the introduction of Gowings Hill Road and Mary's Bay Road.

NOTICE OF MOTION - 5

File: D1-2 MAM (NRN) {Folio No. 227416}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

NOTE:

This Council's contribution would be approximately \$2,800.

2002. 11

RESOLVED:

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

That Council recommend to the Local Government and Shires Associations that Councils throughout NSW contribute \$0.10 per head of population to the State Government Approved Bushfire Appeal.

NOTICE OF MOTION - 6

File: A5-3 GBS (NRN) {Folio No. 227417}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

MOVED:

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

That Council's Policy on fees and charges for the Aerodrome be reviewed with a view to achieving 30% cost recovery.

An Amendment was MOVED:

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

That the matter of fees and charges at the Airport with the thought of a 30% recovery be referred to the Airport Committee.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.12

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Bowell recorded his vote against the foregoing Resolution.

Councillor Parkinson declared an interest in the following item for the reason that Councillor Parkinson has no public road access to his property and retired from the Chamber.

NOTICE OF MOTION - 7

File: L1-2 TLW (NRN) {Folio No. 227418}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

MOVED:

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

That Kempsey Shire Council as a matter of equity to all ratepayers enter compulsory acquisition to those ratepayers who don't have a public road access as was done for residents of Maguires Crossing.

An Amendment was MOVED:

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

That Council:-

- 1 Investigate the number of ratepayers who do not have legal access within the Shire and**
- 2 Provide a cost estimate to achieve such legal access.**
- 3 Consider entering into a progressive program as a matter of equity to all ratepayers of compulsory acquisition of those properties who don't have a legal road access, depending on the circumstances.**

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MAYOR

The AMENDMENT was PUT to the Meeting and was LOST.

An Amendment was MOVED:

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

Consider entering into a progressive program as a matter of equity to all ratepayers of compulsory acquisition of those properties who don't have a legal road access, depending on the circumstances.

The AMENDMENT was PUT to the Meeting and was LOST.

An Amendment was MOVED:

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

That Council investigate the number of properties that do not have legal access within the Shire.

2002.13

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

MORNING TEA

At this stage 10:50 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11:20 a.m. all present at the adjournment were in attendance.

NOTICE OF MOTION - 8

File: A2-10 copy C18-22 AVB (NRN) {Folio No. 227419}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 15th January 2002.

NOTE:

For the last two years the budget process has been difficult with respect to deficits and re-votes, further, Council has been forced to hand the process back to the General Manager for final balancing. I would like to propose the following agenda;

February Meeting: 1) Fees and Charges
2) 2002/2003 estimates adopted in June 2001
3) Loan program

March Meeting: 1) Re-votes
2) Additions, deletions and postponements to capital works and infrastructure for the 2002/2003 program
3) Loan Program revisited

April Meeting: Fine tuning and balancing the draft budget for the next three years.

Extra-Ordinary meeting in April only to be held if budget not finalised as per above and to resolve to advertise. This will allow Council to adopt the budget at the June meeting NOT on the 29th of June at a special meeting.

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MAYOR

2002. 14

RESOLVED:

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

That Council forms a Budget Committee involving the relevant staff and any or all Councillors to meet the day before each of the monthly Council meetings in February, March and April 2002 with a view to minimising the time spent at Extra-Ordinary meetings in April and therefore allowing more time for public consultation before final adoption of the Budget.

RESCISSION MOTION – 1

This Rescission Motion was withdrawn at the request of the movers.

FILE: T6-01-481

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 15th January 2002.

That Minute No: 2001.969 from 13th November 2001 meeting of Council as printed below be rescinded:-

That the application be refused on the basis that the development is inappropriate and detrimental to the residential amenity of the area.

NOTE:

Under the provisions of the Environmental Planning and Assessment Act the applicant may request a review of a determination made in respect to a Development Application. The applicants have requested a review and a report has been submitted to the January meeting. The rescission motion if passed, will permit discussion and determination of the request for a review.



SUSPENSION OF STANDING ORDERS

2002. 15

RESOLVED:

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

That Standing Orders be suspended to allow consideration of GM 3 – Code of Meeting Practice.

2002. 16

RESOLVED:

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

That Council enter into a Workshop to discuss amendments to the Code of Meeting Practice.

SUMMARY:

To recommend changes to Council's Code of Meeting Practice.



There have been a number of Council resolutions altering the provisions of the Code of Meeting Practice. The code of Meeting Practice can only be amended by adopting a new draft code which needs to be publicly exhibited for a period of not less than 28 days with the public having 42 days during which submissions may be made to Council.

The code of Meeting Practice comprises: -

- Sections of the Local Government Act.
- The Local Government (meetings) Regulation 1993 and
- Local Clauses pertaining to this Council only

A copy of the code has been forwarded separately to Councillors and Directors. Where the clause is a section of the Act it is designated by (Section -). Where the clause comes from the Regulations it is designated (Clause -). Council cannot amend a section of the Local Government Act and can only supplement the regulations with provisions that are not inconsistent with them. Local clauses can be amended as Council sees fit.

I have reviewed the code of meeting practice and suggest the following amendments: -

- Clause 2.1 (2) alter the meeting time commencement to 9.00am
- Clause 2.5 meetings held on the second Tuesday of each month
- Clause 5.7 (Para 2) The Mayor may grant permission for individuals to address a Council meeting on specific topics contained in the business paper. The Mayor may restrict the number of individuals speaking on the same topic to one for the proposal and to one against the proposal.
- Clause 5.20 Council either needs to give the mover of a motion the right to speak to that motion or allow the Mayor to determine if any Councillor is against the motion and if not the motion be put without debate.
- Clause 5.29. New Clause *. Questions are asked to gain information and are not an avenue to initiate an action. A question initiating action needs to be a Notice of Motion to be debated by Council.
- Clause 7.10 1 (i) The Chairperson of a committee is to be elected for a twelve month period at the first meeting following the appointment of Councillors to Committees.
- New Clause 5.30. The General Manager must ensure that the following matters are recorded in the Council's minutes.
 - (a) details of each motion moved at a Council meeting and of any amendments moved to it.
 - (b) The names of the mover and the seconder of the motion or amendment

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MAYOR

- (c) Whether the motion or amendment is passed or lost.
- Clause 7.9 (2) delete the word Council and include committee only.

Financial Implication

There are no financial implications arising from this report.

General Manager's Recommendation:

That amendments to clauses 2.1(2), 2.5, 5.7, 5.29, 7.10, 5.30 and 7.9 as outlined in the report be adopted.

That Council determine whether it wishes to amend clause 5.20.

2002. 17

RESOLVED:

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

- 1 That amendments be made to clauses 2.1(2), 2.5, 5.7, 5.11, 5.20, 5.24, 5.29, 5.30 and 7.9, 7.10 and 7.12 and that clauses regarding Council meeting minutes, next business and previous business be inserted.**
- 2 That the General Manager report back to the next Ordinary Council Meeting with suggested alterations to the Code of Meeting Practice as discussed at the Workshop.**

DELEGATE'S REPORT

D 1	NORTH COAST ACADEMY OF SPORT
FILE: R3-11	AVB (NRN) {Folio No. 227421}

SUMMARY:

Reporting on attendance at a function at Kempsey RSL Club when presentations were made to athletes under the NCAS Subsidy Scheme.



146 Athletes from 19 different sports shared in the pool of over \$30000 which Kempsey Shire Council contributes to.

The successful athletes from the Macleay were Ryan Poulter, Cassie Daros, Matthew Durda, Rochelle Hazelwood, Samuel McGregor, Ryan McMillian, Timothy and William Simpson and Dain Summerhill.

During the year the sports of lawn bowling, slalom canoeing and triathlon have been added to the range covered by the Academy with athletes increased by 24% to 191.

Ballina will be the venue for the 2002 Academy Awards on Saturday, 9th February 2002.

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MAYOR

Financial Implication

The financial implication of the following recommendation would be approximately \$400.

Delegate's Recommendation:

That Council be represented at the Awards presentation on Saturday, 9th February 2002.

2002. 18

RESOLVED:

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

That Council be represented at the Awards presentation on Saturday, 9th February 2002 and that Councillor Bowell be Council's representative.

D2	MACLEAY – HASTINGS COMMUNITY HEALTH FORUM
FILE: H2-10	TIH {Folio No. 227422}

SUMMARY:

Reporting on the inaugural meeting of the Committee held in Kempsey on Wednesday 12 December 2001.



Councillor Terry Hunt has been elected Chairman with Sandra O'Brien, Deputy, John Avery, Secretary / Treasurer and Angela Hand - Publicity Officer.

Councillor Hunt, Frank Harrison and myself were elected to the Area Community Liaison Committee, David Parkinson to the Area Resources, Finance and Corporate Services Committee with Sandra O'Brien and Angela Hand to the Area Quality, Planning and Clinical Services Committee.

I have requested that the Committee be advised at the meeting scheduled for Wednesday, 6th February 2002 in respect to:-

- The recommendations to the Department of Health by the Mid North Coast Area Health Service and Professor Beverley Raphael as to the range of mental health services for Kempsey District Hospital, and
- The reasons why many health services at Kempsey District Hospital have been downgraded to Level 2 within the Area Strategic Plan 2001 – 2005.

Whereas the Plan provides for such services to be upgraded to Level 3 by 2005 Council has been previously advised by the Minister for Health the Hon Craig Knowles MP and Mr Terry Clout, CEO Mid North Coast Area Health Service that the majority of services at Kempsey District Hospital would be maintained at Level 3.

The advice of Mr Clout that the Department of Health is currently considering recommendations from the Mid North Coast Area Health Service and

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MAYOR

Professor Beverley Raphael is comforting in one respect but is also of concern due to the apparent lack of community consultation in this specific area.

There was overall consultation with some members of the community in the preparation of the Area Strategic Plan which includes reference to *"Fairer access to Mental Health Services"*.

The top priorities include the commissioning of Mental Health Units at Coffs Harbour and Taree and the expansion of mental health services to provide comprehensive prevention (including suicide), early intervention, community care, inpatient services and rehabilitation throughout the MNC.

However the 2001 Service Levels for Communities provides that Adult Mental Health Inpatient will be at Level 1 only at Kempsey District Hospital.

The document "Partners in Health" NSW Government Action Plan, which has just been released contained the following comment in the Executive Summary:-

"Consumers and community in the Year 2000 feel they have a responsibility to ensure their health needs will be met. They believe they have shares in the "Company of Health", and so have the right to participate in the decision-making. This outcome, it is believed, will be achieved when consumers and community representatives are involved in the planning and evaluation process...."

In submitting the final report of the Consumer and Community Participation Implementation Group the facilitators Ms Julie McCrossin and Ms Deborah Hyland wrote (to the Minister for Health the Hon Craig Knowles MP).

"Despite the good work demonstrated by these examples, the core message of this report is that there is still a need to have a consistent, sophisticated, well-resourced and effective network of participatory mechanisms for involving the people of NSW in the activities of health care delivery".

To ensure due consideration is given to Council (and community) concerns with mental health services at Kempsey District Hospital it is essential further contact is made with the Minister.

Financial Implication

The financial implication of the following recommendation would be Nil.

Delegate's Recommendation:

That further representation be made to the Minister for Health, the Hon Craig Knowles MP in respect to the matters raised during a deputation late in 2001, including that of the provision of inpatient mental health services, both voluntary and involuntary at Kempsey District Hospital.

2002. 19

RESOLVED:

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

That further representation be made to the Minister for Health, the Hon Craig Knowles MP in respect to the provision of inpatient mental health services, both voluntary and involuntary at Kempsey District Hospital.

DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES 1	REVIEW OF KEMPSEY LOCAL ENVIRONMENTAL PLAN 1987
REF: T5-67 MEI	{Folio No. 227423}

SUMMARY:

Reporting on comments received following exhibition of the draft review of Kempsey Local Environmental Plan 1987 (KLEP1987).



The draft review of KLEP 1987 has been on public exhibition for a 3 month period from 11 September 2001 until 11 December 2001. During that period 17 submissions were received from private individuals and government bodies.

SUBMISSIONS RECEIVED

1 Government Agencies [\(Appendix A\)](#)

- ◆ NSW Agriculture supports the proposed increase in the 40ha standard, noting that it was only introduced as a “holding strategy” and was never intended to be a permanent feature of coastal planning instruments. The Director General also supported the findings of the review of the 40ha standard undertaken for Council by Gary Shiels and Associates, agreeing that the review addressed the core issues pertaining to the 40ha standard, namely:
 - infrastructure and servicing costs associated with dispersed rural settlement.
 - the fragmentation of agricultural lands by way of subdivision.
 - landuse conflict arising from ad-hoc rural settlement and farm subdivision.
- ◆ NSW Environment Protection Authority. This submission suggests that Council take this opportunity to introduce water and vegetation management reforms, notably:
 - a prohibition on subdivisions which NSW create additional riparian access rights to streams, creeks, rivers and other waterways.
 - the introduction of riparian buffer zones ranging from 20 metres to 50 metres from the high bank.

- ◆ RTA. Suggested the inclusion of a clause dealing with the acquisition and development of land reserved for roads.

2 Private Individuals or Firms [\(Appendix B\)](#)

12 submissions were received in this category and about all expressed concerns over the proposed changes to the 40ha standard. In summary, the issues raised were:

- the changes will undermine rural land values.
- 10ha is still a hobby farm and many of the current problems would persist.
- Council should instead introduce an appropriate rural subdivision policy.
- the previous Council practice of allowing multiple concessional allotments anywhere (e.g. along Turners Flat Road) is the main cause of the current problems.
- illegal dwellings are a big problem.
- 100ha is inappropriate for down river properties.
- Council should decrease the minimum lot size to encourage development and new industries.
- the loss of dwelling entitlements and subdivision potential will cause economic hardship.
- Council's advertising and notification of the draft review was inadequate, meaning that those people affected by the proposed changes may be unaware of them.
- Council should extend the exhibition period and seek alternative notification procedure.

3 Other Groups [\(Appendix C\)](#)

- ◆ Crescent Head Ratepayers and Residents Association.
 - Council should prepare a Koala Plan of Management for the Shire.
 - Council should not wait 14 years for the next review of the LEP.
- ◆ National Parks Association Three Valleys Branch. Suggested a number of changes to Council's environment protection zones.

Also addressed the issue of land clearing under clause 22 of KLEP 1987 and how that operates with regard to the Native Vegetation Conservation Act. Council is currently liaising with the Department of Land and Water Conservation to endeavour to clarify this matter.

The draft review was exhibited and advertised in accordance with the requirements of the Environmental Planning and Assessment Act 1979 (EPAA) and standard Council practice for public notification of Council activities.

Submissions have been received suggesting that Council attach a flyer to the next rate notice advising landowners of the draft review and the changes it

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proposes. If Council took this approach it could be assured that all affected property owners would be provided with an opportunity to consider the draft review and the effects it may have on them.

Irrespective of this issue, Council has exhibited the draft review in accordance with the provisions of the EPAA and is now in a position to proceed to the next stage of the process if it chooses. Council has previously resolved as follows:-

- 1 Adopt the draft LEP for the purposes of public exhibition and comment; and
- 2 Hold a public workshop following the exhibition period to discuss the draft changes to the minimum lot size for subdivision and dwelling-houses in rural zones; and
- 3 Invite the relevant interest groups, representatives and landholders to that workshop.

Council may wish to:

- 1 Provide for further opportunities for public exhibition and consultation as discussed in this report; or
- 2 Proceed and hold a public workshop as per the previous resolution of Council.

Director Environmental Services Recommendation:

That Council extend the period of public exhibition of the Draft Local Environmental Plan until 15 March 2002.

2002. 20

RESOLVED:

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

- 1 **That Council extend the period of public exhibition of the Draft Local Environmental Plan until 1st April 2002.**
- 2 **That provision be made for further consultation with the community on the Draft Local Environmental Plan.**
- 3 **That the Workshop be held in the first two weeks of March 2002.**

DES 2	REZONING OF LAND IN YORK LANE, KEMPSEY, FOR THE DURRI ABORIGINAL CORPORATION MEDICAL SERVICE
REF: T5-83 MEI	{Folio No. 227424}

SUMMARY:

Reporting on an application to rezone land from 4(a) Industrial to 3(a) Business to permit the development of a medical centre.



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Subject Land: Lot 1 DP 775173
Owner: Durri Aboriginal Corporation Medical Service
Current Zoning: 4(a) Industrial/1(e) Rural (Floodway)
Proposed Zoning: 3(a) Business

Council has received an application from the Durri Aboriginal Medical Service (DACMS) to rezone their property in York Lane, Kempsey, from 4(a) Industrial to 3(a) Business (General). This will permit the site to be used as a medical centre. The subject land also contains an area of 1(e) Rural (Floodway) which runs down to the river, but this will not be considered for rezoning.

The proposal is consistent with the Kempsey CBD Masterplan intention of drawing people and business to the riverbank and represent a desirable redevelopment of industrial zoned land.

PROPOSED DEVELOPMENT

The proposed development involves the internal fit out of the front quarter of the existing building, minor alterations to the existing internal layout and the introduction of a mezzanine floor level above the western portion of the existing building [\(Appendix D\)](#). The purpose is to enable the existing DACMS to relocate from its current premises in Smith Street to York Lane.

TRAFFIC

The proposal will lead to an increase in the amount of traffic using York Lane and the major traffic intersections of Smith/Belgrave and Smith/Forth Streets. A traffic study prepared by the proponents found that the proposal would increase traffic in York Lane by 58 cars during the morning peak (staff and clients) and 30 cars (staff only) during the afternoon peak. Modelling the current and proposed traffic conditions found no significant impact on intersection traffic capacity at Stuart/Belgrave and Smith/Forth Streets under peak traffic conditions.

CARPARKING

The proposal involves an organisation employing 52.5 people in a building with a gross floor area of 1,477m². The site currently provides 28 car spaces, with an additional 5 planned for a total of 33. Comparable carparking rates are as follows:-

- Using the RTA car occupancy rate of 1.19 persons per car i.e. 44 spaces required;
- Using Council's code rate for offices of 1 space per 35m² i.e. 42 spaces required.

This results in a shortfall of 9-11 car spaces. This would require a contribution of \$50,000 to \$61,171.

Consistent with Council requirements for the RSL rezoning and other developments in the locality, a Traffic Study was requested comparing existing parking requirements with the proposed medical centre.

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The study indicates that the majority of DACMS clients are provided with DACMS transport to attend clinical sessions. This consists of 2 mini-buses and 17 fleet vehicles. Based on figures supplied by the proponent only a quarter of clients do not use DACMS transport to attend the clinic. Further, there are staff of DACMS who provide services to clients at home.

Given these features of the DACMS organisation, the proponent has suggested that parking demand will be less than that indicated by RTA or Council guidelines. Council staff have sought further information from the proponent in support of this position which identifies peak parking requirements and it remains a matter for clarification. It is felt that Council should seek further information during the rezoning process to resolve this issue prior to final adoption of any LEP amendment.

2002. 21

RESOLVED:

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

That Council:-

- 1 Prepare a draft local environmental plan to rezone Lot 1 DP 775173, York Lane, Kempsey, from 4(a) Industrial (General) to 3(a) Business (General); and
- 2 Seek further information from the proponent relating to the demand for carparking at the Durri Aboriginal Corporation Medical Service likely to be generated at the subject site prior to final adoption of any LEP amendment.

DES 3	APPLICATION FOR LEP AMENDMENT TO PERMIT RELOCATION OF KEMPSEY ADVENTIST PRIMARY SCHOOL
	REF: T5-84 MEI
	{Folio No. 227425}

SUMMARY:

An Application has been made to amend KLEP 1987 to permit the relocation of the Kempsey Adventist Primary School from Yarravel Street, South Kempsey, to the site of the Adventist Church complex on Crescent Head Road.



Subject Land: Lot 2 DP 569841, 108 Crescent Head Road, Kempsey, 4.53 ha
Owner: Australian Conference Association (Seventh-Day Adventist Church)
Current Zone: 1(a1) Rural

The Seventh-Day Adventist Church is seeking to relocate the Kempsey Adventist Primary School from its present location to the site of its new church complex at 108 Crescent Head Road, Kempsey [\(Appendix E\)](#). The current zoning of 1(a1) Rural does not permit educational establishments, therefore it will be necessary to prepare a draft local environmental plan (LEP) to amend KLEP 1987 to permit the relocation.

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The subject site is located approximately 600 metres to the east of the industrial area of Angus McNeil Crescent. It is flood free apart from the north west corner.

ACCESS AND TRAFFIC

The access to the property was upgraded as part of the development consent issued for the church complex in 1998. The school is a one-teacher school with a projected enrolment for 2002 of 17-20 pupils. Of the current enrolment only 4 pupils are transported by parents, the rest by bus. It is anticipated that the increase in traffic on Crescent Head Road as a result of the relocation would be one bus twice daily and 4-6 private vehicles also twice daily. Referral of the application to the RTA is required and Council should ensure that access is adequate prior to final adoption of any draft LEP.

SERVICES

Electricity, telephone and reticulated water are available to the property. A geotechnical report should be required to detail the adequacy of the site for the on-site disposal of effluent prior to final adoption of any draft LEP.

FLORA AND FAUNA

The subject site is largely cleared over the northern, or front, section which is where the school will be built, adjacent to the existing church complex. The remainder of the property is bushland which will be retained. The erection of the school will require minimal clearing and is not considered to be of significance.

2002. 22

RESOLVED:

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

That Council prepare a draft local environmental plan to permit the relocation of the Kempsey Adventist School to 108 Crescent Head Road, Kempsey.

DES 4	RECONSIDERATION OF PROPOSED UNITS – FREDERICKTON FILE T6-01-481 RBP	{Folio No. 227426}
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This Application was withdrawn by the Applicant.

SUMMARY:

Reporting that Council has received a request to reconsider its decision to refuse consent for three (3) attached units at Frederickton, for which objections were received.



Applicant: Eastland Plan Service
Subject land: Lot 46, DP 832352, 66 Cyrus Saul Circuit, Frederickton
Zone: 2(a)

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Background

At its meeting of 13th November 2001, Council considered a report concerning the proposal to erect three (3) attached dwellings at Frederickton. [\(Appendix F\)](#)

Council subsequently resolved to refuse the application on the basis that the development is inappropriate and detrimental to the residential amenity of the area.

Pursuant to Section 82A of the Environmental Planning and Assessment Act 1979, the owners of the land have requested a review of Council's decision. It should be noted that such reviews are not separate applications and provide Councils with the opportunity of either reaffirming or altering previous decisions and are therefore not subject to public notification.

Owner's Submission

The owners have requested Council's reconsideration of its decision to refuse the proposal for the following reasons:-

- 1 Covenant does not restrict three (3) villas.
- 2 Council staff recommended approval and proposal complies with all Council regulations.
- 3 Decision to refuse could be easily overturned in the Land and Environment Court.
- 4 Pre-lodgement advice was sought and changes made to comply with Council's requirements.
- 5 Council staff request for an additional visitor car parking space is accepted, resulting in a total of seven (7) car parking spaces. Parking on footpath could be prevented by suitable landscaping.
- 6 Owners own two other lots in the subdivision. A single dwelling is proposed on one of the lots.
- 7 If this development approved, owners will guarantee that they would not attempt to build three (3) villas on any other blocks in the subdivision.
- 8 All neighbours invited to meet to discuss the development.

[\(Appendix G\)](#)

Planning Comment

Whilst Council is obliged to take public submissions into consideration when determining applications, such submissions should be considered in relation to their relevance to Council's existing planning controls.

It is considered that the ten (10) issues raised by the seventeen (17) objections received, do not justify refusal of the development.

Having regard to the fact that the development complies with relevant Council controls and the absence of any significant issues resulting from the development, it is considered that it would be difficult for Council to sustain its decision to refuse the development in the event the applicant decides to appeal Council's decision in the Land and Environment Court.

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Determination of the request for a review at the January meeting will be dependent upon the submission of success of a rescission motion. Otherwise consideration of this report will need to be deferred until 12 March 2002.

Director Environmental Services Recommendation:

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

- 1 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.**
- 2 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.**
- 3 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.**
- 4 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council**
- 5 The building is not to be occupied until all conditions of Council's consent have been complied with to the satisfaction of Council and an Occupation Certificate has been obtained.**
- 6 Before the commencement of site works, demolition or building, the following activities must be completed:**
 - a Installation of soil erosion and sedimentation control devices.**
 - b Installation of safety fencing/hoardings between the property and the street**
 - c Protection barriers for existing trees**
 - d Installation of builder's toilets**
 - e Installation of signage in prominent, visible position including -**
 - "Unauthorised site entry is prohibited"**
 - Name and phone number of builder or other responsible person for contact outside working hours.**
- 7 Provision of a security deposit to Council totalling \$600 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any**

works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.

- 8 The plans for the required Construction Certificate are to include a certificate from a NatHERS accredited certifier indicating that the building will achieve a minimum 3.5 star energy rating in accordance with DCP 31 – Energy Smart Homes.
- 9 The plans for the required Construction Certificate are to include a detailed landscaping plan providing for the establishment of suitable endemic species, including intensive planting within the front setback. Such plan is to be approved by Council prior to release of the Construction Certificate.
- 10 The plans for the required Construction Certificate are to include provision of one (1) additional visitor car space within the front setback in compliance with AS2890.
- 11 The following inspections are required to be made and a minimum of 48 hours notice is necessary where requesting an inspection. Appointments will be made in accordance with the inspection program for the area. Where inspections are carried out by an accredited certifier other than Council, compliance certificates will be required following each inspection and forwarded immediately to The Principal Certifier.

Inspections required:

- (a) 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;
 - (d) driveway crossing prior to pouring concrete.
- 12 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
 - (a) Carrying out water supply work
 - (b) Carrying out sewerage work
 - (c) Carrying out stormwater drainage work.

- 13 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.
- 14 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.
- 15 A builder's toilet complying with Clause 78 I 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.
- 16 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 17 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.
- 18 Construction activities are to be confined to between 7.00 am to 6.00 pm Monday to Friday and 7 am to 12 noon Saturdays.
- 19 Building materials are not to be stored within the road reserve or any other public place.
- 20 Excavated material from the site is not to be placed within the road reserve or any other public place.
- 21 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Application under Section 138 of the Roads Act be made for access to Council prior to the release of the construction certificate. Applicant is to consult with Council's Environmental Services Department for details.
- 22 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.

- 23 All internal accessways and parking spaces have been designed and constructed in accordance with Council's Engineering Guidelines for Subdivision and Development to at least concrete paved standard.
- 24 Provision of a physical barrier across the full road frontage of the property suitable to prevent vehicular access at locations other than the approved driveways prior to occupation of the premises. Details are to be provided with the plans for the Construction Certificate.
- 25 Required visitor parking is to be appropriately signposted prior to occupation of the premises.
- 26 All stormwater is to be collected and directed to Council's drainage system. Details are to be provided to Council and approved prior to the issuing of a Construction Certificate.
- 27 Where the disposal of stormwater involves the provision of drains across land owned by others, drainage easements to Council Standards will be required for which documentary evidence shall be provided prior to the issuing of any Construction Certificate.
- 28 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.
- 29 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.

30 Submission of an application for a Certificate of Compliance pursuant to Section 26 of the Water Supply Authorities Act 1987 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 27 of the Water Supply Authorities Act 1987 have been met , prior to release of the Construction Certificate.

You are advised that a Certificate of Compliance pursuant to Section 27 of the Water Supply Authorities Act 1987 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 \$2664 per equivalent tenement, i.e \$2664 x 1.32 E.T = \$3516. (Indexed)

c Payment of a contribution towards water supply headworks at the rate of \$1113 per equivalent tenement, i.e \$1113 x 1.32 E.T = \$1469. Indexed)

31 The applicant is to pay a contribution towards the embellishment of open space and ancillary facilities for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$482 per additional dwelling unit, i.e. \$482 x 2 = \$964.

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

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

DES 5	PROPOSED TWO STOREY DWELLING 39 MAIN STREET, SMITHTOWN REF T6-01-555 SNB {Folio No. 227428}
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SUMMARY:

Reporting that a Development Application has been received seeking approval to erect a two storey dwelling that does not comply with Council's Development Control Plan No 22 – Local Housing Strategy, in respect to the required minimum side boundary setbacks.



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MAYOR

Applicant: D Finch
Subject Land: Lot 2 DP 995565, 39 Main Street, Smithtown
Proposal: 2 Storey Dwelling

Mr D Finch has submitted an application to erect a two storey dwelling that is proposed to be positioned at a reduced setback from the side boundaries. The proposed dwelling is to replace an old single storey dwelling which was damaged during the March 2001 floods. This dwelling has since been demolished.

Under the provisions of Clause 4.2.2 of DCP 22, the minimum setback from a side or rear boundary for a two storey dwelling is 1.5 metres provided the average setback in the same horizontal plane is not less than 3.6 metres as determined by the formula under this clause. That is, there must be a compensatory area with a 3.6 metres setback that exceeds the area of encroachment. However, this has not been achieved for both side boundaries. A site plan, indicating the area of encroachment and the area of compensation is appended to this report at [\(Appendix H\)](#).

During a site inspection conducted by Council's Development Control Officer, it was noted that there is little likelihood of any adjoining premises being adversely affected by the erection of the proposed dwelling. The most common impacts from such a development are privacy and overshadowing issues. However in this instance these issues are of no consequence. Refer to [\(Appendix H\)](#) for extent of shading on the adjoining property at No. 37 Main Street.

In support of the application, Mr Finch has made a written submission detailing the grounds upon which he is seeking to vary the requirements of DCP 22. This submission is attached to the report at [\(Appendix I\)](#).

The following points need to be considered –

- The allotment is relatively small, 13.72 metres wide and 30.18 metres deep.
- The proposed dwelling is not particularly large, having a floor area of approximately 121.5 metres, excluding verandahs and the ground floor garage and laundry.
- There is a need to keep the proposed dwelling to one side of the allotment so that vehicular access to the existing detached garage can be maintained.
- The floor level of habitable areas needs to be raised so as to comply with Council's Flood Plain Management Strategy Policy. To take advantage of this requirement, it is practical to construct a two storey dwelling and make use of the ground floor area for garage, store and laundry purposes.
- The most likely property which could be impacted by the proposed dwelling is at No. 37 Main Street. However, the dwelling erected on this allotment is also a two storey building and is setback

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approximately 4.5 metres from the boundary adjoining the subject property. Therefore the impact upon these premises is minimal.

The proposal was advertised, however no objections were received.

2002. 23

RESOLVED:

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

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

Councillor Hunt recorded his vote against the foregoing Resolution.

DES 6	PROPOSED ADDITIONS, 9 RIVER STREET, WEST KEMPSEY
	FILE T6-01-541 SNB {Folio No. 227429}

SUMMARY:

Reporting that a Development Application has been received for approval to erect dwelling additions and a garage/carport. The proposed dwelling additions do not comply with Council's Development Control Plan No 22 in respect to the required minimum setback from the side boundary.



Applicants:	C & D Peters
Subject Land:	Lot 11 DP 27213, 9 River Street, West Kempsey
Proposal:	Additions to dwelling and garage

Mr C and Mrs D Peters have submitted an application to erect additions to the existing dwelling, and a large detached garage/carport. The proposal involves relocating the existing dwelling and erecting additions that incorporate a new verandah on all sides. Presently, the dwelling is setback 2.050 metres from the northern boundary and complies with DCP 22. The applicant is seeking to relocate the existing building so that the setback to the existing wall and the wall of the rumpus/dining/lounge addition will be increased to 3.6 metres. However, it is proposed to incorporate a new verandah between the external wall of the building and the boundary with a setback of 900mm.

Under the provisions of clause 4.2.2 of DCP 22, a minimum setback of 900mm is allowed, provided the average setback in the same horizontal plane is not less than 1.8 metres. That is, there must be compensatory setback in excess of 1.8 metres of a greater area than the setback encroachment. Because of the location and size of the proposed garage/carport and the area of encroachment vs. the area of the allotment, there is insufficient compensatory setback to comply with the provisions of DCP 22. A site plan showing the encroachment area and compensatory area is attached to this report as [Appendix J](#).

An investigation of the site has revealed that there are no overshadowing issues as the encroachment is to the northern boundary. There are also no privacy concerns since the encroachment is to the side boundary shared with

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“Palm Court” a multiple dwelling development which has lattice privacy screens erected on the existing 1.8 metre paling fence. In addition, whilst the edge of the verandah will stand 0.9 metres from the boundary, the setback of the external walls of the actual living areas will increase from the present distance of 2.050 metres to 3.6 metres.

In support of the application, Mr Peters has made a written submission indicating the grounds upon which he is seeking to vary the minimum side boundary setback required under DCP 22. This submission is attached to the report at [\(Appendix K\)](#).

The proposal was advertised, and no objections were received.

2002. 24

RESOLVED:

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

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

Councillor Hunt recorded his vote against the foregoing Resolution.

DES 7	PROPOSED PATIO ENCLOSURE, SOUTH WEST ROCKS
	FILE T6-01-560 (LA15638) RBP {Folio No. 227430}

SUMMARY:

Reporting that Council has received an application to enclose an existing patio on a residential unit that is contrary to DCP 22.



Applicant: W & V Twaddell
Subject Land: Lot 13 SP 33517, No. 13/11 Hill Street, South West Rocks

HEADS OF CONSIDERATION

The proposed enclosure is permissible 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 2001 (DCP 22)

The proposal is contrary to Clause 4.4 of DCP 22 which requires a minimum of 25 square metres for the purposes of private open space. The proposed enclosure would result in nil private open space.

APPLICANT'S SUBMISSION

In accordance with DCP 22, the applicant was requested to make a submission justifying the variation. The applicant has submitted that they wish to enclose the patio as it is subject to very strong northerly winds and rainstorms which limits their use and enjoyment of the patio.

PLANNING COMMENT

No objection is raised to the variation for the following reasons:-

- 1 The unit was approved in 1981 under Council's previous Residential Flat Code and does not comply with Council's current requirements as the area of the balcony in excess of 2 metres wide is only 7 square metres in area where the current requirement is 15 square metres. The result is that the balcony is considered to be ineffective for the purposes of providing private open space.
- 2 Large areas of common open space exist around the building which would offset the loss of any open space.
- 3 The proposed enclosure would increase the enjoyment of the area by the occupant.

2002. 25

RESOLVED:

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

That consent be granted under delegated authority subject to standard building conditions.

Councillor Hunt recorded his vote against the foregoing Resolution.

DES 8	PROPOSED TWO STOREY DWELLING, CRESCENT HEAD
	FILE T6-01-537 KJW
	{Folio No. 227431}

SUMMARY:

Reporting that Council has received an application to build a two storey dwelling on a vacant allotment for which one (1) objection has been received.



Applicant:	Mr J Mozeley
Subject Land:	Lot 35 DP 822650, 7 Terence Brassel Place, Crescent Head
Zone:	2(a) (Residential "A" Zone)

PROPOSED DEVELOPMENT

The proposal is to build a single dwelling with a double garage located under the western end of the dwelling with a driveway and garage doors between the side boundary and the dwelling [\(Appendix L\)](#)

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MAYOR

SITING

The site is a vacant allotment situated on the southern side of Terence Brassel Place which is a cul-de-sac leading from Charles Parry Street. The land has a cross fall to the rear south west corner (back right hand corner), a street frontage of 20m approximately and a total site area of 657.1m².

HEADS OF CONSIDERATION

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

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

DCP NO. 22 - LOCAL HOUSING STRATEGY

The proposal is required to comply with the requirements of DCP No. 22.

The location of the proposal is contained within a defined low density area for which single dwelling are permitted.

An assessment of the proposal against the relevant requirements of DCP 22 complies in all respects.

ADVERTISING

The proposal was advertised in accordance with Council’s Policy with one (1) submission received [\(Appendix M\)](#). The submission may be summarised as follows:-

Submission	Planning Comment
The location of the garages will detrimentally affect (noise, fumes and lights) the living areas of the dwelling at 5 Richard Elrington Street	<p>The plans submitted have provided a double garage with an entry between the building and the side boundary. The driveway has been provided along the right hand side of the allotment to reduce the excavation and ease of entry to the garage.</p> <p>There are no residential type fences (1.5 paling or colorbond) in the area which would reduce the affect on adjoining properties. The erection of boundary fences is a matter between neighbours.</p> <p>The distance between the turning area and the dwelling affected is some 9m and with allotments of</p>

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MAYOR

650m² it is considered an acceptable distance in a residential area.

CONCLUSION

Having considered all of the relevant matters under Section 79(C) of the Environmental Planning and Assessment Act and DCP 22 and the circumstances of the case, it is recommended that the application be approved subject to conditions determined by the General Manager.

2002. 26

RESOLVED:

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

That Development Application T6-01-537 be approved subject to conditions determined by the General Manager.

DES 9	FIXING OF COUNCIL'S SEAL CONSTRUCTION OF A DWELLING, LOT 1 DP 983835 OFF KEMPS ACCESS ROAD, COLLOMBATTI REF: T4-94-64 AJC {Folio No. 227432}
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SUMMARY:

Reporting on proposal to proceed with registering the restriction as to user, thereby completing the validation process required in the development consent.



Applicant : Mr R T Saul.
Owner Mr R T Saul
Subject Land: Lots 1 DP 983835, Parish of Yarrabandinni, off
Kemps Access Road, Collombatti

BACKGROUND

An application was lodged with Council on the 14 April 1994 seeking to construct a dwelling. Additional information was requested of the applicant on the 28 April 1994 and "in principle" development consent was issued on the 10 June 1994.

Part B of the development consent was not to operate until the following matter contained in part a 1 of the consent had been addressed to the satisfaction of Council:-

Creation of a restriction as to user on the title of portion 78, DP 752437, Parish of Yarrabandinni, indicating that a dwelling is not permitted on portion 78 and nominating Kempsey Shire Council as the sole party to vary.

The restriction was required as Lot 78 forms part of an "existing holding" and does not enjoy a dwelling entitlement.

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A draft 88B instrument was drafted by the applicant's solicitor and lodged with Council on the 8 June 1994 for consideration. Council endorsed the final restriction as to user document on the 3 August 1994.

The owner is now selling the property and it appears that the restriction was never registered, thereby validating the consent.

Council in its letter of the 20 December 2001 to the applicant makes the following comments:-

- *Council has no record as to whether either the 88B instrument or consolidation was registered thereby validating the consent.*
- *If the 88B or consolidation have not been registered, Council is prepared to validate the consent by completion of the process of registration.*
- *If the owner is not agreeable, Council would consider the consent to have lapsed....*

PROPOSAL

The applicant proposes to complete the registration process by applying a restriction as to use of the land under Section 88E(3) of the Conveyancing Act 1919 as amended.

In order for the applicant to complete the registration process Council will be required to affix the Seal of Council and execute the document.

2002. 27

RESOLVED:

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

That Council's Seal be affixed to the form, *Restriction on Use of Land (lot 78 DP 752437) By a Prescribed Authority*, pursuant to Section 88E(3) of the Conveyancing Act 1919 as amended and suitably executed.

DES 10

**INDEPENDENT COMMISSION AGAINST
CORRUPTION**

FILE G14 BWC (NRN)

{Folio No. 227433}

SUMMARY:

Reporting that the Independent Commission Against Corruption (ICAC) has released a discussion paper – "Taking the Devil out of Development"



ICAC has released a discussion paper "Taking the Devil out of Development" – exploring corruption risks in administration of development applications by local councils.

In the foreword to the discussion paper, the following comment is made:-

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“One only has to read the local paper or attend a Council Planning Committee meeting, in an area which is subject to development pressure, in order to understand what issues arise in the development assessment process, what emotions are inflamed and what can be at stake. For an applicant, a development consent may represent the key to an improved quality of life, a new business, an improved income or a significant profit.

For residents within the locality of a proposed development, a consent may represent a loss of views or sunlight, overlooking of what was once private open space, more traffic and on-street parking, an increased potential for anti-social behaviour, more noise or an adverse impact on their streetscape. For some sections of a community, a consent may represent yet one more step towards a future for their village, town or city with which they are not comfortable – a future involving more people, more cars, more pollution, loss of more natural environment or erosion of lifestyle.”

The aim of the discussion paper is to identify ways Councils can build systems for administering development applications that are resistant to corruption, that are reliable, transparent, efficient and effective.

The discussion paper outlines a number of issues which are summarised as follows:

Issue 1
Informing applicants and objectors about Council values and Business ethics

ICAC's view

Promote awareness of Council's ethical standards, such as no offers of gifts, loans, benefits and the like.

Council's current procedures

Council has a Policy regarding Gifts and Benefits (C24.7) and the issue is also addressed in the Code of Conduct.

Issue 2
Knowledge of the system

ICAC's view

The more people understand the system, the less the potential for the system to be abused or misused.

Council's current procedures

Council has produced a brochure which outlines the development application process as it applies to applicants. Possibly a further brochure outlining the process for submission could be considered.

Issue 3
Notification of development application

ICAC's view

It is far better to be open and transparent than limit public awareness through minimalist approaches to notification of application.

To be practical, a Council's notification policy should be balanced by risk management principles.

Council's current procedures

A copy of Council's Notification Policy is attached at [\(Appendix N\)](#).

It should be noted that Council's application processing staff are able to make a determination if applications normally exempt from notification should be notified.

Issue 4
Ensuring appropriate delegations and separation of responsibilities in considering development applications

ICAC's view

Despite the support for and obvious advantages in granting delegations to determine development applications, it is our (ICAC's) experience that many problems arise in public agencies where there is insufficient control over the exercise of delegations.

Council's current procedures

The overall delegation is to the General Manager who has delegated authority to various Town Planning and Building Staff. The delegations permit officers to only approve of applications where there are no objections or where the objections are able to be satisfied by suitable conditions. There may be a need in conjunction with the suggestion at Issue 2 to examine the situation with objections that have no town planning/development control basis.

Issue 5
Corrupt practice provisions

ICAC's view

Appropriate legislation should be implemented to enable an approval to be rescinded, suspended or reviewed if it has been established that an applicant acted criminally or corruptly in securing development approval.

Issue 6
Modifications to development applications

ICAC's view

That variations and modifications should generally be subject to the same public scrutiny as the original development application.

Council's current procedures

The range of modifications can be from very minor issues to substantial. Notification is given where the application was previously advertised and the modification is one which would change the original intent or where there has been previous public interest.

Issue 7

Helping Councillors choose the right hat

ICAC's view

Councils should assist Councillors and the public to understand both the role Councillors play in determining development applications and what is acceptable and unacceptable lobbying practice.

Council's current procedures

Councillors and/or intending Councillors have been encouraged to attend seminars conducted by the Local Government and Shires Association. In-house workshops have also been conducted. Possibly ICAC should be requested to produce a brochure giving guidance to Councillors and the public on lobbying.

Issue 8

Alternative decision making models and dispute resolution processes as an aid for Councillors to avoid corruption risks

ICAC's view

The corruption risks faced by Councillors in the role they play determine development applications might be lessened by introducing alternative processes for making decisions or dealing with disputes over development issues.

Council's current procedures

Council decides development issues at full Council level rather than at a Committee level. Reports by Town Planners are submitted for consideration. At this stage, it is not considered necessary to change Council's current procedure.

Issue 9

What to do when Councillors is both the developer and the consent authority

ICAC's view

Councils must take every reasonable step to ensure that the conflicts of interest which are enshrined in legislation, that is Councils preparing, assessing and determining their own applications for developments, are ameliorated to the greatest extent possible. The minimum requirements for achieving this outcome involve separating roles within the Council. The senior officer responsible for managing a development project should not be the senior officer responsible for engaging an independent consultant or other independent party to assess the application and carry a recommendation to

Council. Councils should consider utilising independent parties to the greatest extent in the assessment and determination process.

Council's current procedures

Council has for recent development programs engaged consultants. The Environmental Services Department does not have the responsibility for project management and consequently there is a definite division between the various roles.

Issue 10

Contemporary planning instruments

ICAC's view

It is critical that Councils regularly review their planning instruments and keep them as contemporary as possible.

Council's current procedures

Council's DCP's and Policies are reviewed regularly, however the constraints as imposed by staff numbers and other required outputs limit the number than can be fully reviewed.

A copy of the discussion paper will be tabled at the meeting. It is not considered that there is a need to make any formal submission to ICAC.

Director Environmental Services Recommendation:

That the information be noted.

2002. 28

RESOLVED:

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

- 1 That the information be noted.
- 2 That a copy of the Report be forwarded to ICAC for comment together with the Notification Policy.
- 3 That ICAC's views on Issue 5 be referred to Local Government and Shires Association indicating this Council's support.

DES 11	INTEGRATED CATCHMENT MANAGEMENT FILE R7-1 BWC (NRN) {Folio No. 227434}
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SUMMARY:

Reporting the Catchment Management Amendment Bill 2001 has been submitted to the NSW Lower House.



The Catchment Management Amendment Bill 2001 has been submitted to the Lower House of the NSW Parliament.

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Some of the Bill's elements are –

- seeking to give statutory recognition to the Catchment Management Boards.
- defining the new membership of Boards to include local government, landholders, Aboriginal, and nature conservation interests as well as government agencies.
- defining the new Catchment Management Boards as advisory bodies whose initial function is to develop draft Catchment Management Plans known as Catchment Blueprints.
- determining that Catchment Management Boards must consult with the broader community, advise on how grants and other funds should be invested in the catchment, advise the Minister and the broader community about management priorities, and advise on how Catchment Management Plans are being implemented.
- specifying that Catchment Management Plans must include objectives, targets, and prioritised management actions to reach those targets, and must have due regard for economic and social impacts.
- laying out provision for consultation, public exhibition, review, commencement, and duration of Catchment Management Plans.

At a recent workshop conducted by the Local Government and Shires Association, it was obvious that local government representatives of Catchment Management Boards have a number of concerns in respect to the production of Catchment Blueprints.

Some of the concerns related to:-

- lack of social and economic impact studies
- the need for social/economic studies to be done early in the process
- the inadequacy of the overall consultation process
- widespread confusion as to the aim, objectives and process.
- the need for collaboration between the various Local Government representatives and then Councils – this could include possible local government reference groups
- poor appreciation on how the various inputs are integrated to become one document.

The workshop discussed a number of issues related to natural resource management by Local Government. It is likely that a position paper will be produced in the future

2002. 29

RESOLVED:

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

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That the information be noted.

DES 12

**GOOLAWAH RESERVE
FILE C1-6 BWC**

{Folio No. 227435}

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

LUNCHEON

At this stage 1:00 p.m. the Meeting adjourned for Luncheon and upon resumption at 2:00 p.m. all present at the adjournment were in attendance with the exception of Councillors Mainey and Sowter.

At this stage, 2:10 pm Councillor Sowter and Mainey entered the Chamber.

DES 13

**MACLEAY RIVER FISHERY
FILE F4 BWC**

{Folio No. 227436}

SUMMARY:

Reporting on a request from the South West Rocks and District Chamber of Commerce and Industry.



The Chamber of Commerce has written expressing frustration at the lack of consultation in relation to the impact on the Macleay River from the implementation of Recreational Fishing Areas in Region 3 ([Appendix P](#)).

Region 3 includes the area south of Woolgoolga to Port Macquarie.

Submissions in respect to the establishment of recreational fishing areas were to be submitted by 28th September 2001.

It has recently been announced that the Hastings River will be closed for Professional Fishing. That closure has created the possibility that Fishers who do not wish to accept the Fisheries by buyout offer may shift their activities to the Macleay River causing further stress on the level of fish stock with a resulting downturn in fish availability for recreational fishers (both local and tourist).

At the time of preparing this report, the situation in respect to the Macleay River is not known. Further information may be available by the time of Council's meeting.

With a number of unknowns it is difficult to provide total support for matters raised by the Chamber. However it is considered that Council should at least express concern that a decision in respect to the Macleay River has not been

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announced and that council would be concerned with any announcement that was likely to adversely impact on the economy of the area due to restrictions or possible overfishing by professional fishers.

The Minister for Fisheries, has replied to Council's letter in respect to meetings of the Macleay River Recovery Group. His reply is attached at [\(Appendix Q\)](#).

Director Environmental Services Recommendation:

For Council's determination.

2002. 30

RESOLVED:

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

- 1 That representations be made to the Minister for Fisheries the Hon Eddie Obeid with a request that the report being prepared by NSW Fisheries (on the fish kill of February / March 2001) be expedited to allow community consultation (including the Macleay River Recovery Group).
- 3 That the Minister be also requested to consider the concerns of the Macleay River Recovery Group in respect to the possible relocation of professional fishermen from areas affected by river closures.
- 4 That Council lodge an objection to the Fisheries against their decision to leave the Macleay and Nambucca open to professional fishing benefiting the surrounding areas.
- 5 That Nambucca Council be contacted for their opinion and support.

DES 14	COASTAL DESIGN GUIDELINES
FILE T4-2 BWC (NRN)	{Folio No. 227438}

SUMMARY:

Reporting that the NSW Government has released a discussion paper on the Coastal Design Guidelines.



It is interesting and pleasing to note that within the Coastal Design Guidelines the work undertaken by Council in Livingstone Street, South West Rocks, and the adjoining development has been featured twice.

The first comment relates to issues of *“foreshore access, high quality medium density residential development close to town centre mixed use development and commercial main streets can help enhance the character of coastal cities.”*

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The second comment relates to desirable practices and indicates “*active street edge, mixed use development adds social and economic benefits to the settlement’s main streets.*”

The Coastal Council of NSW has developed the discussion paper in order to raise awareness about urban design principles and how they are relevant to the coastal areas of NSW.

It is intended to compare the principles outlined in the document with Council’s Development Control Plan for the South West Rocks Town Centre.

2002. 31

RESOLVED:

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

That the information be noted.

DES 15	BUILDING AND DEVELOPMENT
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SUMMARY:

Reporting that the following applications have been approved:



APPROVALS

Local Development (LD) [\(Appendix ‘R’\)](#)
Construction Certificates (CB) [\(Appendix ‘S’\)](#)

2002. 32

RESOLVED:

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

That the information be noted.

DIRECTOR ENGINEERING REPORT

DE 1	CONTRIBUTIONS TO WORKS FOOTPATH PAVING AND KERB AND GUTTER CONSTRUCTION FILE: F11 APV (NRN) {Folio No. 227439}
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SUMMARY:

Reporting on the review of Council’s policies regarding contributions to works for footpath paving and kerb and gutter construction.



As part of estimate considerations for the 2001/2002 Budget, Council made a conscious decision to not provide funds for footpath replacement, and has provided very limited funding (\$3,000) for new footpath construction. As a result the construction of new footpaths has to be undertaken from within the Town Improvement Programs, and has to compete with other projects

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including kerb and gutter construction, stormwater drainage and pavement rehabilitation.

Requests are continually being received to provide footpaths. Presently consultants have been engaged to develop a Pedestrian Access Mobility Plan (PAMP). As part of this plan, which will have extensive community consultation, it is anticipated that funding will need to be provided to implement some of the recommendations. Once the PAMP has been adopted it is envisaged Section 94 Contribution Plans will be prepared for Footpaths and Cycleways.

At present Council does not seek contributions to cycleway/footpath construction from adjoining residents. Under the Roads Act 1993 – Sec 217, Council is able to recover 50% of the construction of a footpath. Council is currently recovering costs for the construction of new kerb and gutter under this section of the Act

ROADS ACT 1993

217 Roads authority may recover cost of paving, kerbing and guttering footways

(1) The owner of land adjoining a public road is liable to contribute to the cost incurred by a roads authority in constructing or paving any kerb, gutter or footway along the side of the public road adjacent to the land.

(2) The amount of the contribution is to be such amount (not more than half of the cost) as the roads authority may determine.

(3) The owner of land the subject of such a determination becomes liable to pay the amount determined on receiving notice of that amount.

(4) This section does not apply to the renewal or repair of any paving, kerb or gutter in respect of which contributions have previously been paid and does not apply to the Crown as regards public open space.

(5) In this section, a reference to a gutter includes, in the case of a roadway that is laid to the kerb in a permanent manner, a reference to such part of the roadway as is within 450 millimetres of the kerb.

218 Roads Authority may recover cost of constructing or repairing a special crossing

(1) The owner of land adjoining a public road is liable to pay to the appropriate roads authority the cost incurred by the roads authority in constructing or repairing any special crossing over a footway in the public road for the traffic of vehicles across the footway to or from the land.

(2) If the crossing has been constructed or repaired at the request of the occupier of the land concerned, any amount paid to the roads authority by the owner of the land may be recovered by the owner from the occupier.

If Council were to recover these costs, then twice the length of footpath construction could be carried out for the same funds. With cycleway construction which is 2.0m wide, Council should only recover 50% of the costs

of a standard width footpath (1.2m wide), therefore allowing Council to construct an additional 30% of cycleway.

It will be necessary to amend Council's Policy C22.3 Contributions to Works for Footpaving. A copy of the existing policy and recommended policy is attached at [\(Appendix A\)](#). Note that the reference to footpath construction in proposed developments is no longer required in this policy as guidelines relating to footpath construction in new developments are contained in Council's Draft Development Control Plan No. 36, which is currently on public exhibition.

In reviewing the policy for Contributions to Works for Footpaving (C22.3) it is appropriate also to review Council's Policy for Contributions to Works for Kerb and Guttering (C22.4). A copy of the existing policy and recommended policy is attached at [\(Appendix B\)](#). The reference to Council undertaking subdivision development works is not required, as the condition of consent for a subdivision by Council would be the same as that for any subdividor.

Financial Implication

The financial implication from the following recommendation is that the cost of construction of new footpath/cycleways and kerb and gutter will be reduced by the contributions made by adjoining landowners.

Director Engineering Recommendation:

That Policy C22.3 Contributions to Works for Footpaving and Policy C22.4 Contributions to Works for Kerb and Guttering be adopted.

2002. 33

RESOLVED:

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

That the draft Policy for Contributions to Works for Footpaving be publicised for a suitable period for public comment.

DE 2	STORMWATER EXTENSION OFFICERS
	FILE: D5-2 APV (NRN) {Folio No. 227440}

SUMMARY:

Reporting on the appointment of Stormwater Extension Officers by the Stormwater Trust.



Council was advised of a proposal by the Stormwater Trust to appoint nine (9) stormwater extension officers across the State. The proposal was for the Stormwater Trust to fully fund these positions in 2001/2002 and to fund 50% (with Councils contributing the other 50%) of these positions in 2002/2003. Council at its meeting on 11th September 2001 resolved that no action be taken on this matter.

As a result of responses received from Councils throughout the State, the Stormwater Trust Board has agreed to fully fund the employment of nine

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extension officers until 30th June 2003. Councils will no longer be required to financially contribute to this project in the 2002/2003 financial year.

The hosting arrangements have also been amended with the host for the North Coast Region now being Maclean Shire Council and not the Northern Rivers Regional Organisation of Councils.

It is anticipated that the Stormwater Extension Officers will be appointed in February 2002.

Financial Implication

There are no financial implications from the following recommendation.

2002. 34

RESOLVED:

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

That the information be noted.

DE 3

SMITHTOWN WHARF

FILE: W5 APV

{Folio No. 227441}

SUMMARY:

Reporting on the offer of a funding grant for the upgrading of Smithtown Wharf.



Council has received an offer of a grant from NSW Waterways under the Waterways Asset Development and Management Program (WADAMP) 2001/02. The grant in the amount of \$12,000 on a 1:1 funding basis is for the provision of low-level access to Smithtown Wharf.

The project must commence within six months and be completed within 12 months from the date of acceptance of the grant.

The wharf at Smithtown was recently reconstructed by Council with financial assistance by the Smithtown community. Presently the structure is a high level wharf only and access to the wharf by motor vessels is impossible or difficult. Council proposes to construct a stepped platform across the front of the wharf to make the wharf more accessible and functional.

Council has provided \$10,000 in the 2001/02 budget for the upgrading of the wharf and the Smithtown community have funds in the amount of \$2,000 in reserve for the project. A meeting in August 2001 with Councillor Sowter and representatives of the Smithtown community to discuss the proposal was held on site.

Financial Implication

There are no financial implications from the following recommendation as funds are provided in the 2001/02 budget for this project.

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2002. 35

RESOLVED:

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

That the offer of \$12,000 from NSW Waterways under the 2001/02 WADAMP Program be accepted for the upgrading of the Smithtown Wharf.

DE 4 ARMIDALE ROAD
FILE: B6-2 NJT (NRN) {Folio No. 227442}

SUMMARY:

Reporting on land compulsory acquired for the new Five Day Creek Bridge on Armidale Road.



A letter and plans have been received from the Roads and Traffic Authority showing the Crown Land compulsorily acquired by notification in the Government Gazette of 23rd November 2001. A copy of the plan is attached [\(Appendix C\)](#).

The land has been acquired and Dedicated as Public Road to accommodate the new alignment of the Five Day Creek Bridge on Armidale Road.

Financial Implication

There are no financial implications from the following recommendation as the extra dedicated road is in width only, not in length.

2002. 36

RESOLVED:

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

That the information be noted.

DE 5 RIVER ROAD, KUNDABUNG
FILE: R RIVER RD NJT {Folio No. 227443}

SUMMARY:

Reporting on the transfer of Crown Road to Dedicated Public Road for the reconstruction of River Road, Kundabung.



Council is preparing to construct River Road, Kundabung, from the end of the bitumen seal in Kundabung Road across the railway line to the Kundabung Hall, under the Roads to Recovery Program.

Survey and design has been carried out. A section of the existing road between Kundabung Road and the railway crossing is not within the Dedicated Public Road, but partly within a Crown Road reserve. See attached map at [\(Appendix D\)](#).

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Prior to construction of the road, Council needs to accept this section of Crown Road and have it dedicated as Public Road. Consultation with the Department of Land and Water Conservation has indicated that they have no objections to the transfer. Advice from the DLWC indicated that there will be no costs associated with the transfer.

Financial Implication

There are no financial implications from the following recommendation as the extra dedicated road is in width only, not in length.

2002. 37

RESOLVED:

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

That the section of Crown Road reserve in River Road, Kundabung, between Kundabung Road and the railway crossing, be accepted as Dedicated Public Road.

DE 6

POPLAR TREES IN SYDNEY STREET

File: T11-4 GJW (NRN)

{Folio No. 227444}

SUMMARY:

Reporting on the condition of Poplar trees in Sydney Street.



During the recent period of high winds, one of the poplar trees bordering the Kempsey Netball Courts fell across Sydney Street and onto the side fence of 32 Austral Street. Upon inspection the tree was found to have been in poor condition, with large amounts of white ant and fungal damage present. A further inspection revealed similar damage in the majority of the remaining trees. The trees in this condition represent a major liability risk to Council if they are allowed to remain and should therefore, be removed

The trees would be replaced with advanced Red Cedars.

Financial Implication

There are no financial implications from the following recommendation as removal and replacement costs would come from the existing budgetary allocation.

2002. 38

RESOLVED:

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

That the Poplar Trees in Sydney Street, Kempsey, be removed and replaced with Red Cedar trees.

SUMMARY:

Reporting on State Government Funding for the Control of Noxious Weeds.



Kempsey Shire Council was recently informed that a total of \$30,000.00 in State Government funding has been approved for Weed Control Coordination in 2001-2002.

These funds are to be used solely for:

- Strategic Weed Management Programmes
- Integration of Weed Control Programmes with other Council initiatives
- Systematic Surveys and Inspections of land
- Records and Reports
- Publicity and Education
- Coordination of Weed Management Plans

The funds must be accepted by 31st January 2002, or they will be re-allocated and the offer will lapse.

In the 2001-2002 Estimates, Council made provision for \$28,500 only, believing that to be the limit of funding to be offered. An additional \$1,500 will be required to match the funding offered and it is proposed that this be sourced from Working Funds.

Financial Implication

The financial implication of the following recommendation would be that an additional \$1,500.00 be drawn from Working Funds to match the State Government Funding offer.

2002. 39

RESOLVED:

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

That an additional \$1,500.00 be allocated to the Weed Inspections budget for 2001-2002 with funds drawn from Working Funds and that the full State Government Grant of \$30,000.00 for Weed Control Coordination be accepted.

SUMMARY:

Reporting on a proposal to name the section of roadway, which runs off the western end of Livingstone Street, South West Rocks.



Council, at its meeting of the 9th October 2001, considered a report to rename the section of roadway which runs off the western end of Livingstone Street, South West Rocks.

Council resolved:-

“That Council name the section of road shown in Appendix “A” be named “O’Keefe Road” in accordance with the Roads Act 1993.”

In accordance with the Roads Act 1993, Council must advertise the naming proposal. Following the advertisement, Council received a number of submissions. Copies of the submissions are shown at [\(Appendix E\)](#).

Council originally sought the advice of the Macleay River Historical Society, who recommended the name “O’Keefe”. The Geographical Names Board have approved the proposal with the minor change of deleting the apostrophe.

It is recommended that Council adopt the name “O’Keefe Road” and advise the authors of the submissions that their suggestions will be taken into consideration for future road naming.

Financial Implication

The financial implication of the following recommendation would be covered under the existing budget.

2002. 40

RESOLVED:

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

1. That the section of roadway off the western end of Livingstone Street, South West Rocks, be named “O’Keefe Road”.
2. That the authors of the submissions be advised that their suggestions will be listed for consideration for future road naming.

DE 9 QUESTIONS WITHOUT NOTICE
FILE: C18-28 TLW (NRN) {Folio No. 227447}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 9th January 2001, 20th March 2001, 14th August 2001, 11th September 2001 and 11th December 2001.



Responses to Councillors Questions Without Notice from the Council meeting of the 9th January 2001 are listed for information.



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MAYOR

Councillor N Joukhadar

- 1 *That the Director Operational Services would be following up a response from the Crescent Head Country Club regarding the lease of the reserve.*

Discussions with legal representatives are still continuing.



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



Councillor J H Bowell

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

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



Responses to Councillors Questions Without Notice from the Council meeting of the 14th August 2001 are listed for information.



Councillor J H Bowell

File R8-2

1. *That the estimate to kerb and gutter and seal the north side of Polwood Street, Kempsey, adjacent to the Hospital property was around \$35,000 and the Director Operational Services would could approach the Mid North Coast Area Health Service to fund 50% of the work.*

A further letter was forwarded on the 4th December 2001 seeking a contribution towards the work. No reply has been received at this time.



Responses to Councillors Questions Without Notice from the Council meeting of the 11th September 2001 are listed for information.



Councillor M Armour

File S10-34

{Folio No. 221109}

1. *That the Director Operational Services was investigating the need for additional onsite amenities for Council works staff.*

Council approved at its meeting of the 11th December 2001, that \$87,500 be allocated from Working Funds to purchase seven (7) caravans for use as mobile amenities.



Councillor P Parkinson

File L1-2A

{Folio No. 221356}

- 1 *That the Director Operational Services would check on the status with regard to the gazettal of Goolawah Stage 2.*

Discussions have been initiated with the Department of Land & Water Conservation.



Responses to Councillors Questions Without Notice from the Council meeting of the 11th December 2001 are listed for information.



Councillor M N Armour

File R8-2

KJF (NRN)

{Folio No. 226173}

- 1 *That the Director Operational Services would investigate means to block usage of the vehicle track running across Council land from Frederick Kelly Street to Spencers Creek Road.*

An instruction has been issued for the area to be barricaded to prevent vehicles transversing Council land.



Councillor J H Bowell

File R YORK LN

KJF (NRN)

{Folio No. 226176}

- 1 *That the Director Operational Services would investigate the need for a loading zone in York Lane to accommodate the need for Harvey's Furniture to load and unload goods to their premises.*

Loading zone signs have been erected.



Councillor T Hunt

File R8-2

KJF (NRN)

{Folio No. 226180}

- 1 *That the Director Operational Services would advise Council of the extent of adjustments required by Council to contract road construction work undertaken at the Link Road/Armidale Road intersection.*

Council's Works section has provided a cost for the adjustment to the road works in the amount of \$8550. Currently awaiting a response from the Department Public Works and Services.



Councillor N Joukhadar

File T9-6 KJF (NRN) {Folio No. 226181}

- 1 *That the Director Operational Services would investigate the temporary provision of a taxi stand area in Livingstone Street opposite the Hotel due to the problems being experienced by the South West Rocks Taxi operator.*

The area is a timed parking regime, therefore additional temporary taxi stand area was not able to be provided.



Councillor B R Sowter

File T9-5 KJF (NRN) {Folio No. 226191}

- 1 *That the Director Operational Services was still awaiting a reply from Rail Infrastructure regarding the bridge over Third Lane and fencing of the rail line near the Kemp Street/Cochrane Street intersection.*

A letter has been forwarded to Rail Infrastructure following up the previous correspondence.

File R3-51 KJF (NRN) {Folio No. 226192}

- 2 That the Director Operational Services would investigate the amount of incentive voucher funds being allocated for works at the Gladstone Sports fields and also the housing of the Council tractor used to maintain Smithtown and Gladstone sports fields.**

Allocation of Incentive voucher funds for works at Gladstone have been reviewed and the level of maintenance required by Council determined to ensure excessive claims not made.

Council vehicles, and operators, at Smithtown and Gladstone will be reviewed to ensure they meet current O H & S regulations with respect to usage maintenance and storage.



Financial Implication

There are no financial implications from this recommendation.

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2002. 41

RESOLVED:

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

That the information be noted.

DE 10	FLEET MANAGEMENT
FILE: P6-2	GBS (NRN) {Folio No. 227449}

SUMMARY:

The Fleet Management Business Plan adopted by Council requires that Council be advised of Plant purchases each month.



The following plant was **purchased** in December 2001.

Date	Dealership	New P/No.	New Vehicle	Cost \$
03.12.01	Macleay Ford	V1948	Ford Courier 4x4 Dualcab Department Engineering	\$28,747.00

The following plant was **sold** in December 2001.

Date	Dealership	New P/No.	New Vehicle	Cost \$
03.12.01	Macleay Ford	V1067	Toyota Hilux 4x4 Dualcab Department Engineering	\$22,748.00

Financial Implications

There are no financial implications arising from this recommendation as all costs are covered by the Fleet Management Budget. (These prices include GST)

Director Engineering Recommendation:

That the information be noted.

2002. 42

RESOLVED:

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

- 1 That the information be noted.
- 2 That a Plant Committee meeting be held in the next two weeks.

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MAYOR

SUMMARY:

Reporting on works in progress.

**ROADS****Regional Roads**

- MR75 Armidale Road - Flood damage repairs at Pee Dee slip completed
- MR7740 Stuarts Point Rd - Pavement strengthening completed
- MR198 South West Rocks Road Ch. 5.3 – 8.3 - Pavement strengthening planned

Sealed Rural Local Roads

- Belmore River Road - Completed
- Suez Road
(Road to Recovery) - In progress
- Plummers Lane
(Flood repairs) - In progress

Gravel Rural Local Roads***Gravel Resheeting***

- Maria River Road - Completed
- Old Station Road - Completed
- Yessabah Road
(Roads to Recovery) - Completed
- Old Aerodrome Road - In progress
- Warneton Road - Planned
- Dungay Creek Road - In progress

Maintenance Grading**Work Completed**

Brassils Creek Road
Moparrabah Road (Toorooka Road to Crossing)
Toorooka Road
Dowlings Falls Road (Part)
Point Plomer Road

Works in Progress or Proposed

Collombatti Area
Aldavilla Area
Dowlings Falls Road
Nulla Nulla Area
Hickeys Creek Area

Seale Road
Upper Belmore Road
Kemps Access Road
Yessabah Road
Old Station Road
Cooks Lane
Croads Lane

TOWN AND VILLAGE WORKS

Kempsey

Queen Street drainage - **Planned**

South West Rocks

New Entrance Boat Ramp Carpark - Completed

Crescent Head

Skyline Crescent - Completed

Dulconghi Street - Drainage works planned.

PARKS AND SPORTING FIELDS

- General maintenance of parks and playing fields continuing.

FLOOD MITIGATION

Bank Protection Works - Flood damage restoration works in Seven Oaks, Austral Eden areas and Belmore Fabridam are now completed.

Bridge Major Repairs

Upper Smiths Creek Bridge - Planned

Flood Damage Restoration Works

MR75 Armidale Road - In progress

Second Lane - In progress

Brassils Creek Road - In progress

NOXIOUS PLANTS

- Roadside inspections for Giant Parramatta Grass along Hat Head Road, Kinchela Creek Road, Loftus Road, Seal Road and Belmore River Roads.
- Private property inspections in Everinghams Lane.

- Attended the first North Coast Weed Forum held at Yamba Bowling Club over two days.

First Day

- Attended a meeting of the Mid North Coast Noxious Weeds Advisory Committee.
- Attended a meeting of the Mid North Coast Bitou Bush Committee.

Second Day

- Attended Weed Forum

Major Topics

- 1) Newly declared weeds and bush land friendly nurseries.
 - 2) Control of weeds to be declared eg. Maderia Vine, Balloon Vine, Cats Claw Creeper.
 - 3) North Coast Weed Strategy.
 - 4) Bitou Bush Strategies and implementation.
 - 5) Biological Control Update.
 - 6) Threatened species and environmental assessment.
- Private property inspection at Everglades Aquarium, South West Rocks.
 - Aerial inspections of Macleay River with Stuart Johnston, DLWC, for Cats Claw Creeper. Found over 150 infestations, which were logged, together with Giant Parramatta Grass, then downloaded onto Council's GIS.

WATER SUPPLY

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

Work Completed during the last 4 weeks

1. Stuarts Point Pumping Main.
2. Install Pumps and switchboard at Stuarts Point Water Treatment Plant.
3. Installation of new aeration system at South West Rocks.

Work Proposed for next 4 weeks

1. Meter Replacement Program – continues.
2. Cut in water main connection for new subdivision at Belle O'Connor Street, South West Rocks – awaiting contractor.
3. Roofing SWR Collection Tank and Willawarrin and Bellbrook reservoirs.
4. Install Meters on all bore pumps.

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MONTHLY WATER CONSUMPTION

2001	December 2001 Kilolitres
<i>Belgrave Falls (300141)</i>	74,689
<i>Bellbrook (84C100047)</i>	824
<i>Crescent Head (85657309)</i>	Out of order
<i>Hat Head (IP00086)</i>	4,485
<i>Sherwood (24402)</i>	Out of order
<i>South West Rocks (268946B)</i>	Out of order
<i>Stuarts Point (8366672)</i>	13,961
<i>Willawarrin (88IP5084)</i>	908
Total Consumption	94,867

New Financial Year to date - 644,345

Connections for December - 10

SEWERAGE

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

Work Completed during last 4 weeks

1. Transport dried sludge from West Kempsey Sewerage Treatment Works.
2. Bring Crescent Head Pasveer on line for Christmas load.

Work Proposed for next 4 weeks

1. Construct Rising Main and pump station from Kempsey Pump Station 11A – 90% complete.
2. Repair faults found by Smoke Testing – continue.
3. Carry out dissolved oxygen tests on South West Rocks STW.

BUILDING SERVICES

Work completed last 4 weeks

- Continue to manufacture timber bollards for Kempsey Master Plan works.
- Kempsey Master Plan – Centre island, Smith Street Improvement.
- Inspect and repair as required all toilets and amenities prior to Christmas period
- Continue to adjust offices at Civic Centre for restructuring.

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Financial Implication

There are no financial implications from the following recommendation.

2002. 43

RESOLVED:

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

That the information be noted.

DE 12	COMPLIMENTS RECEIVED BY OPERATIONAL SERVICES STAFF
FILE: S10-2	TLW (NRN) {Folio No. 227450}

SUMMARY

Reporting on compliments received by Operational Services for the month of December.



- Neville McFarland - Thank you for so promptly removing the dead tree on Kinchela Street, opposite the school - action within 2 days – excellent response time.
- Kempsey Women’s & Children’s Services - Thank you for help with the Reclaim the Night Rally.
- SWR Ratepayers & Citizens - Compliments extended for the work undertaken.
- Gordon Dick – Maria River Road Users Group - Acknowledged the work undertaken and the quality achieved.
- David Swindells - Thank you for doing such a great job of grading Moparrabah Road. “It’ll save a lot of wear and tear on the car.”
- Crescent Head Ratepayers & Residents Association - Association conveyed its appreciation to Council for stencilling “look left/look right” warning sign on the footpaths.
- Patricia & Roger Brown - Thank you for the recently completed footpath in River Street between Wide Street and Marsh Streets. Very much appreciated.
- R A & A Sampson - Thank you very much for the recent works on Mungay Creek Road – great work by Council staff.
- John Hastings - Thanking Council for coming back and collecting his garbage – very pleased.

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MAYOR

Financial Implications

There are no financial implications from the following recommendation.

2002. 44

RESOLVED:

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

That the information be noted.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

DCCS 1	COMMUNITY DEVELOPMENT SUPPORT EXPENDITURE (CSDE)
FILE: C10-12	TIH (NRN) {Folio No. 227451}

SUMMARY:

Reporting on the meeting of the Community Development Support Expenditure Committee.



Attached at [\(Appendix A\)](#) is the report of the Community Development Support Expenditure (CDSE) Committee held on the 4th December 2001.

It can be seen that the Clubs play an active role in the support of their local community infrastructures and the next major project to be considered is the provision of a Nursing Mothers Room.

Financial Implication

The financial implication of this report are nil.

2002. 45

RESOLVED:

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

That the information be noted.

DCCS 2	PAYMENT OF EXPENSES TO THE MAYOR AND COUNCILLORS
FILE: C18-16	PJH (NRN) {Folio No. 227452}

SUMMARY:

Reporting on the review of Council's policy on the payment of expenses to the Mayor and Councillors.



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Council at its meeting of 13th November 2001 resolved to give twenty-eight (28) days notice of its proposal to adopt a revised draft policy C24:4 "Payment of Expenses to the Mayor and Councillors."

A copy of the advertised draft policy is attached at (*Appendix B*).

The advertising period closed on 2nd January 2002 and no submissions were received.

The revised policy will incorporate the following amendments:-

Travel Allowance

The travel allowance clause has been amended in relation to the allowance paid where councillors use their own vehicles. The new rate will be as per the staff award. The new rates are:-

Vehicles over 2.5 litres 60c per km (was 55.8c)
Vehicles under 2.5 litres 52c per km (was 54.9c)

Telephone Allowance

The telephone allowance clause has been amended to cover the additional cost of GST and has been increased from \$50.00 to \$55.00 per month. An addition has been included in the clause stating that in exceptional circumstances the Mayor or the General Manager may approve payment of an amount other than the monthly allowance.

Accommodation and Sustenance

An additional clause has been included stating that wherever possible accommodation is to be paid in advance by Council and receipts for any sustenance expenses reimbursement are to be submitted with any claim. This procedure will allow for Council to claim input tax credits for the GST. Where the standard allowance is paid in advance (this option will still be available but not preferred) no input tax credits can be claimed by Council.

Financial Implication

The amendments to the policy will result in an increase in expenditure for the remainder of the year of approximately \$750.00 which should be covered by the existing budget allocation as Council at its meeting of 13th November 2001 resolved to increase the budget for Councillors travelling(excluding conferences) and telephone expenses by \$5,000 to \$24,000. The expenditure to 31st December 2001 was \$14,117.

2002. 46

RESOLVED:

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

That the revised draft policy C24:4 "Payment of Expenses to the Mayor and Councillors be adopted."

DCCS 3	AFFIXING OF COUNCIL'S SEAL – LEASE TO COMMUNITY HOUSING MID NORTH COAST FILE: LA10763 PJH {Folio No. 227453}
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SUMMARY:

Reporting on the requirement for Council to authorise the affixing of the seal.



The Local Government (Meetings) Regulation requires the passing of a resolution by Council before the seal can be affixed to any document. The resolution must specifically refer to the document and the document must relate to Council business.

Lease of Community Housing Units at Great North Road, Frederickton to Community Housing Mid North Coast

In 1989 Council entered into an agreement with the NSW Land and Housing Corporation to provide housing units at Great North Road, Frederickton. Council is the second lessor in this agreement and was responsible for the construction project. The lessee was the Macleay Tenancy Association.

The lease is due for renewal for a further term of five (5) years and the lessee will now be Community Housing Mid North Coast. Council's seal is required to be affixed to the lease document.

Financial Implications

There are no financial implications arising from this report. All rates and charges, maintenance and insurances on the property are paid by the Lessee. The Lessee pays a peppercorn rental of \$1.00 per annum for the property.

2002. 47

RESOLVED:

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

That Council authorises the affixing of the seal to the lease documents relating to the lease of the property at Lot 110 Great North Road, Frederickton to Community Housing Mid North Coast.

**DCCS 4 STATEMENT OF BANK BALANCES AS AT 31ST DECEMBER 2001
APC**

SUMMARY:

Submitting the Statement of Bank Balances as at 31st December 2001.



[\(Appendix C\)](#)

Financial Implication

There are no financial implications arising from this report.

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MAYOR

2002. 48

RESOLVED:

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

That the information be noted.

**DCCS 5 STATEMENT OF INVESTMENTS AS AT 31ST
DECEMBER 2001
APC**

SUMMARY:

Submitting the Statement of Investments as at 31st December 2001.



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

Attached at [\(Appendix D\)](#) is that Statement of Investments.

Financial Implication

There are no financial implications arising from this report.

2002. 49

RESOLVED:

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

That the information be noted.

**DCCS 6 SURF RESERVE – CRESCENT HEAD TO POINT
PLOMER
FILE: B1-2 TIH {Folio No. 227454}**

SUMMARY:

Reporting on the proposal of the establishment of a SURF RESERVE incorporating Crescent Head to Point Plomer, using Bells Beach Victoria as a precedent.



A copy of the Bells Beach action plan model was forwarded to the Goolawah Advisory Committee for their comments on the proposal.

Mr John Jeayes has forwarded the Committee's reply [\(Appendix E\)](#)

Their view is the area is already well managed and protected by standing environmental plans, legislation and actions groups.

Financial Implication

The financial implication of the following recommendation would be nil.

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MAYOR

Director Corporate and Community Services Recommendation:

That no further action be taken at this time.

2002. 50

RESOLVED:

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

That a public meeting be held the second week in February 2002 to discuss the establishment of a Surf Reserve.

DCCS 7	KEMPSEY MACLEAY RSL CLUB – USE OF ROAD RESERVE AT CLUB PREMISES FILE: LA20004 PJH	{Folio No. 227455}
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SUMMARY:

Reporting on the need to formalise the use of the public road reserve land adjacent to the Kempsey Macleay RSL Club.



In January 2001 Council received a letter from the Kempsey-Macleay RSL Club reporting that a lady had tripped on the paths within the front gardens of the Club near the Memorial Hall and in the letter requested that Council repair the footpath. A later separate request also came from the RSL Sub-Branch requesting Council take action in relation to a tree within the area that had dropped large branches.

The reasons behind the requests were that the land is Council owned as it is in fact public road reserve. A plan of the area concerned is attached at (*Appendix F*).

Background

A search into the use of this area was conducted as a result of the correspondence received. The land is part of a public road reserve and was provided to the Club for use more than 20 years ago. Unfortunately there appears to have been no formal agreement regarding the lease/use of the area which was probably based on correspondence. An agreement was found relating to the control and management of the Memorial Hall but makes no mention of the front garden area.

Therefore, while it can be argued that the Club has use of it, and should be responsible for the maintenance, Council is the owner and without any formal agreement would also have a duty of care in any claim.

It would appear that the Club has maintained this area for a long time with no involvement from Council.

Need to formalise responsibility for the area

In response to the matters raised by the Club, Council has advised them to arrange their groundsman to address the maintenance issues until the use of

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MAYOR

the area is formalised. In this regard the Club was given the following options to consider:-

- 1 seek to buy the land from Council at a price to be negotiated. This would involve a road closure process and eventual transfer of title to the Club.
- 2 lease the area from Council with lease conditions to be approved by Council and agreed to by the Club. Such conditions would clarify the maintenance of the area.
- 3 hand back the area to Council which would then determine its future use.

Club seeks to purchase the land

On 6th December 2001 a letter was received from the Club seeking option one (1) and a copy of the letter is attached at (*Appendix G*).

If Council is in agreement with this proposal, the Kempsey-Macleay RSL Club should now be requested to make a formal application to purchase the road. When inviting them to submit the road closure application Council should indicate to them the payment it would require for the road. Council could determine such payment in three (3) ways being:-

- a) that the purchase price be determined by the Valuer General (with the valuation fees to be paid by the Club); or
- b) use the land value of the current RSL Club land as a valuation base. The current land value (valuation date 1/7/2000) of the existing RSL Club lands equates to \$80.00 per square metre. The subject area is approximately 600 square metres. Alternatively Council may wish to nominate a lesser amount in this instance; or
- c) invite the RSL Club to make an offer for Council's consideration.

In the past options (b) or (c) have mainly been used as this saves the applicants at least \$500.00 in valuation fees.

Once Council has decided how it wishes to determine a value on the land, the Club should be invited to submit an application for road closure and purchase. Once an application is received it will be advertised and submissions considered by Council before proceeding with the application.

Financial Implication

Council is paid an Administration fee of \$330.00 to process any road closure. Council also receives any proceeds from sale of closed public roads however such funds must be spent on work on public roads or acquiring land for public roads. All costs associated with the road closure i.e. survey and legal costs are paid by the applicant.

Director Corporate and Community Services Recommendation:

- 1 **That the Kempsey-Macleay RSL Club be invited to make an application for road closure and purchase of part of the road reserve currently being used by them for gardens and pathways.**

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2 That the Kempsey-Macleay RSL Club be advised that Council will require payment for that part of the road reserve to be closed at the rate of \$80.00 per square metre.

2002. 51

RESOLVED:

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

That this item be deferred until the next Ordinary meeting of Council.

DCCS 8	COMMUNITY SERVICES DEPARTMENT
FILE: C10-1	KRW (NRN) {Folio No. 227456}

SUMMARY:

Reporting on the activities of the Community Services Department between October and December 2001.



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

Community Service Order Gang

The Community Service Order gang continues to work on Fridays and a new Juvenile Justice Community Service Order gang commenced operations on the 7th November 2001.

Cemeteries

Regular maintenance is being undertaken. Between October and December there have been 39 funerals and 10 reservations.

Street Stalls and Raffles

Location	Number	Of	Bookings	
	October	November	December	TOTAL
Clyde Street Mall	32	35	40	107
Other Locations	10	19	18	47

Community Safety Council

The Community Safety Council has held three (3) meetings during this quarter.

Slim Dusty Museum

Regular meetings are still being held to raise funds for the project.

Library Services

Children's Librarian Angie Meers organised holiday activities during the October holidays, with the theme "Lost in Space". Stories and craft act

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activities as well as CD ROMS and games with space theme were made available during these sessions at Kempsey and South West Rocks branches with several dozen children attending the two centres.

December was a busy month, as Noelene Kyle's book "Memories and Dreams", about Nurse Kirkpatrick was launched by the author at the Library. On that same day 5 members of staff attended a Volunteer Management training day at Port Macquarie. As the library receives about 50 hours a week from volunteers, the training was very appropriate and timely. How to make the most of the skills on offer, how to make volunteers feel valued and appreciated. And were dealt with by a very competent presenter.

Just before Christmas a new book night was held as a thank you for all regular borrowers. This is becoming a regular fixture on the Library's marketing calendar, and usually includes refreshments. This year there was live music as well. Expenses are minimal, as the new items released for borrowing are mainly just new arrivals held back for the occasion. About 50 people attended and were very pleased with the ability to choose from 500 odd items including books, magazines, music CD's as well as computer games.

Macleay Community Care Options Programs

Neighbourhood Aid – No of Clients 37

Total Hours: 1365
Total Meals: 132
Total Transportations: 1650km
Lawn Mowing: 90 hours

Services include Domestic Assistance, Meals, Social support and home maintenance.

Community Options – No of Clients 10

Total Hours: 750

Services include nursing care, personal care, medication and case management.

Community Care Packages – No of Clients 39

Total Hours: 1,900
Total Meals: 1,266
Lawn Mowing: 236 hours

Services include domestic assistance, personal care, respite, transport, and shopping, garden assistance, monitoring medication.

Veteran's Home Care – No of Clients 60 (Kempsey and Port Macquarie)

Total Hours: 2,600

Services include domestic assistance, respite, garden maintenance, and personal care.

Community Bus – 1st October to 31 December 2001

Kilometres Travelled: 10,511

Groups who have used the bus include: Leisure Link, Kempsey Amateur Boxing Group, Vacation Care, Workplace Learning Centre, Kaliposo, Youth Group, Crescent Head Lions Club and Kempsey PCYC.

Aboriginal Liaison

The Aboriginal Liaison Committee met twice this quarter with a full attendance and input. The Aboriginal Liaison Committee will be in recession from 12th December to February 2002

The Aboriginal Liaison Committee is still heavily involved with activities such as:

1. Reconciliation – finalising the Statement of Commitment document.
2. Preparing for NADOC week for the year 2002.
3. Input and participation into crime prevention issues, Families First, Regional Extended Families Service, Goorie – Interagency.
4. Member on the Aboriginal Reference Group – LGASA.
5. Dunghutti Working Party – a review committee has submitted recommendations for ACDP funding of infrastructure projects arising out of the plan. The ACDP team (DAA & DPWS) will present a submission to the Minister for Aboriginal Affairs for approval – this was done 23rd October 2001. \$13 million in infrastructure grants.
6. Kempsey Assistance Patrol- has a volunteer list of 40-50 including 10 CDEP placements and is operational 3 nights a week with two buses.
7. West Kempsey Community Renewal Project – Interviews have been held for a Project Officer. The Officer should commence duty in January 2002.

Youth Services

Quarterly

- INYA FACE entertaining event was held at the Kempsey Showground.
- YOUTH TALKS project South West Rocks completed.
- VALLEY VIDEO a youth video project on the Macleay Valley grant. Funded by a successful grant through Artstart for Rocks Youth & Hat Head Youth up and running.
- MID COAST SKATE CHAMPIONSHIPS in conjunction with the Rotary Club.

- MID COST YOUTH FORUM (I am the current Chairperson) 3 day conference at Crescent Head 12th 13th & 14th December with Youth workers from Gloucester to Coffs Harbour.
- SHOVE IT #3 Youth entertainment night at South West Rocks. One of the most successful youth events held yet.
- PCYC still forging ahead.

Financial Implication

The financial implication of the following recommendation would be Nil.

2002. 52

RESOLVED:

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

That the information be noted.

DIRECTOR BUSINESS ENTERPRISES REPORT

DBE 1	MACLEAY VALLEY ECONOMIC DEVELOPMENT TRUST
FILE: I2-14	GBS (NRN) {Folio No. 227457}

SUMMARY:

Reporting on activities of the Trust.



The Annual General Meeting of the Trust was held on Monday, 10th December 2001.

Board members appointed at that meeting were –

- Mr Chris Mowle
- M/s Belinda Kerr
- Mr David Fry
- Mr Chris Voase
- Mr Bruce Snape
- Mr Bruce Cumming

The Trust has invited expression of interest from any other persons interested in joining the Board.

At the Trust meeting held on Monday, 17th December, 2001, the following office bearers were appointed:

- Chairman – Mr David Fry
- Secretary – Mr Bruce Snape

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MAYOR

Financial Implication

There are no financial implications from the following recommendation.

2002. 53

RESOLVED:

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

That the information be noted.

DBE 2	CARAVAN PARKS		
	FILE: C1-2	GBS (NRN)	{Folio No. 227458}

SUMMARY:

Reporting on proposed loan borrowings.



Included in the Caravan Park Committee minutes presented to this meeting are recommendations for making application to the Caravan Park Levy Committee for:

i)	re-financing existing loans	-	\$227,362
ii)	replacement of 3 McLeans units at Crescent Head	-	\$105,000
iii)	program of legislative compliance works (all Parks)	-	<u>\$200,000</u>
			<u>\$532,362</u>

Financial Implication

Subject to obtaining loan approval, the financial implications are:

- i) **refinancing existing loans with interest rates ranging from 6.28% to 7.09%, with Public Reserves Management Fund loans at say 5.0% will result in an overall saving of approximately \$10,000 and shortening of the term for outstanding loans.**

The savings will benefit the Caravan Parks.

The principal on the existing loans would not be repaid to the lending institutions as the loans are multi purpose, and it would not be cost effective to pay out the proportion of outstanding principal.

Instead, the principal would be re-allocated to other current loan funded works so that Council's 2001/02 borrowing approval from the loan Council can be reduced by \$227,362.

- ii) **the raising of a loan of \$105,000 for the replacement of (3) McLeans units would result in annual repayments ranging from \$31,500 (yr 1) to \$27,563 (yr 4).**

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MAYOR

- iii) the raising of a loan of \$200,000 for the Parks improvement works program would result in annual repayments ranging from \$36,571 (yr 1) to \$29,714 (yr 7)

Loans provided by the Caravan Park Levy Committee for works on Crown Reserves under Council's control are not included in Council's annual loan allocation. The proposed loans will therefore have no effect on Council's general borrowing allocation for 2001/02.

The effect of these borrowings on Council's current Debt Service Ratio will be an increase of 0.34%. It will increase from 11.26% of Revenue from Ordinary Activities to 11.60%.

2002. 54

RESOLVED:

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

That this report be considered in conjunction with the Caravan Park Committee Minutes of the meeting held on 11th December 2001.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DBE 3	POLICY FOR IMPLEMENTATION OF WATER RESTRICTIONS
FILE: W1-1	GRP (NRN) {Folio No. 227459}

SUMMARY:

Reporting on the existing Council Policy C25:6 for the Implementation of Water Restrictions and the need to change portions of the policy to make the conditions easier to understand.



The recent introduction of water restrictions caused widespread misunderstanding in the community. People continually had difficulty understanding the conditions of Stage 1 Restrictions imposed by Council under its Policy C25:6.

The wording in the policy is ambiguous and misleading. In some cases, the conditions are illogical, bringing criticism from consumers. For example, you are permitted to hose your driveway but not allowed to have a garden sprinkler.

In addition, due to the re-structure of Council, the policy should now delegate the power to implement restrictions to the Director Business Enterprises rather than the Director Operational Services.

Attached as [\(Appendix A\)](#) is a proposed amended policy.

At present Council's water supplies are under significant stress. There has been considerable demand for water for fire fighting at South West Rocks and Crescent Head and power failures at South West Rocks and Hat Head have reduced our pumping capacity. This, together with a decreasing flow in the

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MAYOR

Macleay River has meant a day-to-day monitoring of the situation with respect to the need to re-introduce water restrictions.

This day-to-day assessment will continue.

A graph of river flows is attached as [\(Appendix B\)](#) for information.

Financial Implication

There is no financial implication from the following recommendation.

Director Business Enterprises Recommendation:

That the amended Policy C25:6 be adopted.

2002. 55

RESOLVED:

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

- 1 That the amended Policy C25:6 be adopted.
- 2 That Council develop and implement a “Waterwise” Campaign.

DBE 4	IMPROVEMENT TO WATER QUALITY AT SOUTH WEST ROCKS
FILE: W1-28	GRP (NRN) {Folio No. 227460}

SUMMARY:

Reporting on the proposed Water Treatment Plant augmentation to improve water quality supplied to South West Rocks.



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

“That a report be submitted to the next Council meeting on the water quality of South West Rocks in regard to dirty water.”

A report was submitted to Council’s October meeting where Council resolved:

- “1. That Council:-
 - a) Refurbish the aerators immediately with existing funds.
 - b) Carry out further study, data collection and system modelling with existing funds.
2. That a Special meeting be convened to deal with all water and sewerage issues including the following matters:-

*South West Rocks Water Supply
Stuarts Point Sewerage and Water Supply
Willawarrin Sewerage
Bellbrook Sewerage
Greenhill and Aldavilla Sewerage*

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MAYOR

Hat Head Water and Sewerage”

Part 1 of Council’s resolution has been acted upon with a new aeration system installed and commissioned prior to Christmas and further studies and modelling under way.

From Part 2 of the resolution an Extra-ordinary Meeting was held on 23rd October 2001 to deal with these water and sewerage matters. At that meeting time constraints meant that the issues of South West Rocks Water Supply, Stuarts Point Sewerage and Water Supply and Hat Head Water and Sewerage were not considered.

The matter of the South West Rocks Water Supply is now submitted for re-consideration.

There has been a growing number of complaints about the quality of water supplied to consumers at South West Rocks.

It has been recognised that the installation of a full filtration plant is the only practical long-term solution to these problems.

Hunter Water Australia has been engaged to carry out investigations and recommend the best option for Council to pursue. The Scoping Report has been received with a raft of recommendations.

In summary, these recommendations are for the installation of a membrane filtration treatment plant, sited in the Spencerville Industrial Area, by a “design & construct” contract, together with refurbishment of the aeration system at the existing treatment site. They also recommend significant further studies and data collection of water quality and borefield capacity, with computer modelling of the system.

The current Average Daily Demand is 2.3 MI per day and the Maximum Daily Demand is 4.3 MI per day. The Report has proposed the construction of a 6 MI-per day filtration plant (to allow for growth) at an estimated cost of \$2.75 million. This includes an amount of \$512,000 for Project Management (10%) and Contingencies (15%). It includes land acquisition costs but does not include refurbishment of the aeration system, which has been done at a cost of \$95,000 and ancillary work costs of approximately \$40,000.

Hunter Water has been requested to review this proposal with an option for a smaller capacity plant (say 4.0 – 4.5 MI/day), which can be augmented in a staged fashion as population grows. This would fully utilise the large storage capacity of the existing reservoirs to cater for peak days over the next few years.

Preliminary estimated costs (two years ago) to design and construct a suitable facility, when Stuarts Point Water Treatment Plant was being built, was \$1.2 million. Since that time GST and the fall in the Australian dollar have had a significant effect on predicted costs. This estimate did not allow for costs of refurbishment of exiting infrastructure or land purchase.

An amount of \$1.2 million is allocated in this year’s budget.

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MAYOR

With the concerns raised with water quality at the Rockpool Motel, which was discussed at the September meeting, Council indicated a willingness to proceed with a solution promptly.

Council has three main options:

1. Proceed as planned and recommended by Hunter Water for a 6 MI/day plant:
 - a) Acquire land with existing funds.
 - b) Then allocate additional funds of \$1.65 million in 2002/03 and undertake a "design & construct" contract, with an estimated completion date of late 2003.
2. Fast-track the "design & construct" contract for a 6 MI/day plant
 - a) Acquire land immediately with existing funds.
 - b) Allocate extra funds of \$1.65 million immediately (from loans) and call for design & construct tenders as soon as possible, with an estimated completion date of early 2003.
3. Fast-track the "design & construct" contract for a smaller 4.0 – 4.5 MI/day plant based on existing information without further investigations:
 - a) Acquire land immediately with existing funds.
 - b) Allocate extra funds (say \$1.15 million?) immediately following receipt of this new option analysis and cost estimates.
 - c) Call for design & construct tenders, with an estimated completion date of early 2003.
 - d) Augment the plant capacity as required by population growth, estimated to be within 5 years. Water restrictions during peak holiday periods may be required prior to augmentation.

Financial Implication

The financial implication of the following recommendation would be the need to raise an extra \$1.65 million from loan funds. Council would need to make application to the Loan Council, via the Department of Local Government for supplementary loan allocation.

The Water Fund debt service ratio currently stands at 44.88%. If this supplementary allocation is approved it would add a further 2.82% to the ratio.

It would add 0.58% to the overall debt service ratio of Council.

If Council is unable to secure the supplementary loan allocation and wishes to raise the required loan funding in 2002/03 it may have an effect on the amount of loan funding available for other general purposes.

RESOLVED:

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

1. That the option to augment South West Rocks Water Supply with the installation of a membrane filtration plant and ancillary works at an estimated cost of \$2.85 million, as outlined in Option 2, be adopted.
2. That application be made to the Department of Local Government for approval to raise an additional \$1.65M from loan funds in 2001/02.

DBE 5	WATER SUPPLY TO KEMPSEY CBD
FILE: W1-13	GRP {Folio No. 227461}

SUMMARY:

Reporting on the condition and serviceability of water services to the area of central Kempsey.



Council’s Corporate Strategic Plan is strongly focused on the promotion of economic development and ensuring that appropriate infrastructure is provided across the Shire. It is drawn to Council’s attention that there is a significant portion of the water mains supplying central Kempsey, which are old and/or undersized for the current and future development of the area.

There has been recent property development in Smith Street, north of Stuart Street, which have required water volumes and pressures for fire services beyond the capacities of the existing mains.

The mains in the vicinity of the Belgrave Street and Smith Street intersection were constructed in the 1920’s and are at the end of their useful life. Other mains around the town are undersized and cause pressure drops in certain areas. Some of the feeder mains have “bottle-necks” with smaller diameter pipes which cause pressure losses.

The question of “adequate pressure” for fire fighting arises in other areas of Kempsey as well, including the industrial area at South Kempsey. In this area hydrant booster pumps are required on some fire services to make them comply with regulations even though the mains supply is considered adequate for normal fire hydrants. However, it is common for commercial and industrial property developers throughout Australia to install booster pump systems for compliance of their fire services. This especially applies to multi-story developments.

In general, to improve the level of service to the CBD in the longer term, an asset replacement program needs to be formally set in place and funded accordingly. A consultant would be required to carry out investigation and network analyses of the system and to then identify options for replacement of older assets whilst concurrently improving the levels of service. It is estimated that this investigation would cost in the vicinity of \$25,000.

The pressures available in Smith Street, north of Stuart Street, are not adequate to run the fire hydrants on the mains. This is of particular concern in

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MAYOR

the short term. Investigations have been made into options for overcoming the problem. The option which offers the cheapest, fastest solution with minimal disruption to traffic, pedestrians and consumers is the installation of a new 225mm diameter feeder main from Kemp Street, West Kempsey, along First Lane to the Highway and connecting into the existing mains. This would virtually double the feed capacity into central Kempsey and deliver the water directly to the worst affected area. The preliminary estimated cost of this is \$195,000. It is estimated that it would take approximately 3 weeks for survey and detailed design and another 3 - 4 weeks for construction. No funds are allocated in the current budget for this work.

Council Liability

Council's insurers are unable to give "legal advice" as to the liability of Council in relation to the provision of an adequate water supply for fire fighting purposes but suggest that Council has a "duty of care" and that legal advice should be obtained.

Accordingly the Local Government and Shires Associations legal branch has been requested to provide a legal opinion.

Financial Implication

The financial implication of the following recommendations would be the need to provide a total amount of \$220,000 from the Water Fund Working Funds. The estimated Working Funds balance as at 30th June 2002 is \$750,303 and the allocation of \$220,000 from this balance would not prejudice the financial position of the Fund.

Director Business Enterprises Recommendation:

That Council:-

- 1. Approves the installation of a new feeder main from Kemp St, along First Lane to Smith St at an estimated cost of \$195,000.**
- 2. Approves the engagement of a Consultant to carry out a network analysis of the Kempsey water supply system and compile an Asset Replacement Program at an estimated cost of \$25,000.**
- 3. Allocates an additional \$220,000 form Water Fund working funds to carry out the work.**
- 4. Seek legal advice from the Local Government and Shires Association in relation to Council's liability (if any) for the provision of a ready supply of water to extinguish fires.**

2002. 57

RESOLVED:

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

That Council:-

- 1 Approves the installation of a new feeder main from Kemp St, along First Lane to Smith St at an estimated cost of \$195,000.**

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- 2 Approves the engagement of a Consultant to carry out a network analysis of the Kempsey water supply system and compile an Asset Replacement Program at an estimated cost of \$25,000.
- 3 Allocates an additional \$220,000 form Water Fund working funds to carry out the work.
- 4 That a test be carried out on the water main in Smith Street and that Council be advised of the outcome.

DBE 6	SCHEDULE OF WASTE MANAGEMENT SERVICES
FILE: G1-5 (225883)	GTS (NRN) {Folio No. 227462}

SUMMARY:

Reporting on the investigation of preparation of a schedule of waste management services to allow the community the opportunity to place bins out for service on the day of the service instead of the night before.



At Council's meeting of 11th December 2001 it was resolved:

"That the Director Business Enterprise prepare a Schedule of Waste Management Services to allow the community the opportunity to place bins out for service on the day of service instead of the night before."

Current Practice

Currently services are scheduled on an advertised "day" basis only. Bins must be put out before 5.00am on the advertised "day" to ensure collection.

It is understood that most residents put their bins out the night before collection and would continue to do so despite the availability of any hourly schedule because they are less likely to forget to put it out and many residents are preoccupied in the morning with family and work commitments.

Suggested Practice

It has been suggested that Council schedule pick-up runs so that residents could be advised of the actual pick-up time (within an hour or so) so that bins could be placed out on the day of service.

Residents at the start of pick-up runs would see no benefit to the supply of hourly schedules, which would be developed in response to problems experienced by less than 1% of the serviced community.

A cornerstone of current process improvements within the waste collection team's operations is flexibility of approach and flexibility of activities to ensure that the desired levels of service are met.

Hourly timetabling of operations for each day of collection is counterproductive to the need for flexibility, which may be consequent to a raft of contingent circumstances such as

- an operative's sudden leave of absence
- equipment breakdown
- extreme weather conditions
- seasonal changes (eg. daylight saving)
- trailing new procedures and routes
- special events/occasions in particular areas
- inhibiting factors (parking, safety, roadworks)

Several neighbouring Council's and surveyed Sydney Councils operate under the "before 5.00am on the day" schedule and the general opinion of management operatives is that movement towards more refined schedules should be avoided. Inappropriate customer complacency would develop over time with refined schedules.

Within the bond of co-operation, residents would be expected to accept a reasonable level of responsibility in relation to bins' well-being and garbage collection.

Residents can manage their risks in relation to garbage collection by putting their bins out prior to the generally observed time of pick-up on the day and accepting the consequences of missing the collection on occasions.

Vandalism of Garbage Bins

The domestic waste management procedures developed by Councils involve presentation of bins in an unsecured environment for collection. As such, many Council's accept a certain degree of responsibility for consequential incidents.

Some 20-30 domestic bins are burnt and 50-60 bins stolen annually in Kempsey Shire. Apart from Council's acceptance of a degree of responsibility in this area, it would be unfair for the consequential costs to be borne by the particular householder involved. Under a "community chest" ideology, the costs of these unfortunate incidents should be borne by the wider serviced community.

80 bins are less than 1% of the total number of serviced bins (some 12,500) and it is not considered unreasonable that the wider serviced community effectively contribute nominally 70c per year via existing charges in support of the unlucky people who fall victim to confirmed theft and vandalism.

Up to 1.5% estimated theft/vandalism rate has been experienced in Sydney.

A resident may choose to fund the purchase of a new bin.

Notwithstanding, where vandalism and theft occur in a particular confined area, Council would give special attention to the area via correspondence with relevant stakeholders, education, security checks and potential movements towards cost recovery where the owners/occupiers responsibilities were not being exercised.

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Conclusions

All of the above considerations support the option of retaining the existing day schedules and schemes of arrangement except those relating to payment for confirmed cases of bin vandalism and theft.

The domestic waste collection service is best formalised in a service charter which would be put to the community in draft form for comment and potential acceptance (as well as the Police Service and other stakeholders).

➤ The recommended terms of the Draft Service Charter are as follows:

“Kempsey Shire Council Domestic Waste Collection Service Charter”

Serviced Areas

- *All allotments within established boundaries for each area as designated on Council’s map information system.*

Charges for Service

- *In accordance with Council’s adopted and published “fees and charges” for the applicable financial year for the serviced areas.*

Service Schedule

- *Weekly or fortnightly service on the designated, published day of the week for the particular serviced area.*

Council’s Responsibilities

- *Efficiently and effectively provide the waste collection service in accordance with the service charter and relevant statutory/regulatory requirements.*
- *Collect waste from bins responsibly presented for collection.*
- *Supply and accept ownership of domestic waste collection bins.*
- *Repair bins damaged by waste collection truck.*
- *Repair/replace responsibly managed bins that are vandalised or stolen (subject to police report).*
 - *Repair/replace bins for which owner/occupant is responsible for repair/replacement (at owner/occupant’s expense).*

Property Owner/Occupant’s Responsibilities

- *Present bin for collection prior to 5.00am on designated day of collection.*
- *Ensure weight of bin for collection does not exceed 90kg.*
- *Accept reasonable duty of care for the bin’s well-being.*
- *Report any bin damage to Council.*
- *Advise Police of vandalised/stolen bins and supply report to Council.*

- Pay for repair/replacement of bins not damaged by Council truck or not subject to a police report.
- Ensure the bin remains with the property at change of occupancy/ownership.
- Ensure the bin is returned and appropriately secured on the property after collection on the day of the collection.”

Financial Implication

If Council accepts the proposed draft service charter, which includes provision for Council to be responsible for the repair/replacement of bins that are vandalised or stolen, Council would incur additional costs of up to \$6,000 p.a. on the current claim rate. This cost could be met from the Domestic Waste Services Budget.

2002. 58

RESOLVED:

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

That the existing day–schedule of domestic waste collection services be essentially retained and that the draft service charter be released to the community and relevant stakeholders for comment.

DBE 7 QUESTIONS WITHOUT NOTICE
FILE: C18-28 TLW (NRN) {Folio No. 227463}

SUMMARY:

Reporting on Questions Without Notice from the Council meeting of the 11th December 2001.



Responses to Councillors Questions Without Notice from the Council meeting of the 11th December 2001 are listed for information.



Councillor J H Bowell

File C1-2 GBS (NRN) {Folio No. 226178}

- 1 That Council would give consideration at this meeting to a date for the annual inspections of Caravan Parks held in January each year.

Inspection of Caravan Parks held Tuesday, 8th January, 2002.



Councillor J Sproule

File S1-2 GBS (NRN) {Folio No. 226196}

- 1 That contact would be made with Mr Trevor Sergeant of Hastings Council regarding their holding of growers markets and the dates

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MAYOR

these are held so as to consider a similar project being conducted in Kempsey Shire at either the Showground or Saleyards.

Contact will be made with Mr Sergeant early in the new year.



Financial Implication

There are no financial implications from this recommendation.

2002. 59

RESOLVED:

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

That the information be noted.

DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY REPORT

**DBE 1 GRAZING LEASES KEMPSEY AERODROME
FILE: LA17591 JRD {Folio No. 227529}**

SUMMARY:

Reporting on the position in relation to Grazing Leases at Kempsey Aerodrome.



Council recently called for 'EXPRESSIONS OF INTEREST' from individuals who wished to lease vacant land owned by Council for grazing purposes for the 3 year period 1.1.2002 to 31.12.2004, such expressions of interest closed on the 28.12.2001 and land offered has now been allocated on the basis of highest price and interested parties officially advised.

Currently land that is available for lease at the aerodrome is as follows:

1. AREA NO. 27A - KNOWN AS AERODROME LAND 4.29 HA ADJOINING LAND OWNED BY MR GRAHAM DUFTY AT 10 AIRPORT ROAD, ALDAVILLA.

This land has always been subject to an expression of interest and was duly advertised, the only offer being received from the adjoining land owner, Mr Dufty, who made an offer of \$275.00 per annum plus G.S.T. Mr Dufty's offer has been accepted.

2. AREA NO. 25 - KNOWN AS AERODROME LAND 35.6 HA RUNNING PARALLEL TO THE MAIN RUNWAY ON THE WESTERN SIDE.

This land has always been subject to an expression of interest and was duly advertised. Several offers were received and the highest bidder was Mr Glenn Kerr who made an offer of \$1500.00 per annum,

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plus G.S.T., plus rates estimated to be \$1084.59 for the ensuing financial year.

3. AREA NO. 26 - KNOWN AS AERODROME LAND 6.92 HA OPPOSITE PROPERTY NOW OWNED BY MR R.T. CLARKE & MRS S L. CLARKE, LOT 17, NELSONS WHARF ROAD, ALDAVILLA.

This land has previously been subject to negotiation with the adjoining land owners and therefore has not been subject to advertising as an 'Expression of Interest'. This is in accordance with Council's resolution of 23RD May, 1983 which states:-

'That the aerodrome leases not required after this tender term be offered to the adjoining landholders from which the original area was resumed prior to the inclusion in the next three year tender specification, with the exception of Area 27A as the adjoining land is now subdivided'.

While this resolution may have been appropriate for a period, it is now felt that with the passing of the years, the sales of land to new landowners, subdivision activity etc, that it is no longer relevant.

Also Council is at a disadvantage in that it may not be obtaining the best competitive price for the available land for lease.

The lease fee for previous leases has been assessed by the lease holder obtaining from Rural Estate Agents Richardson & Wrench a carrying capacity of the leased blocked and multiplying the per head capacity by a set figure that was last determined at \$1.75 per head. The leased area is subject to rates payable by the lease holder.

4. AREA NO. 27 - KNOWN AS AERODROME LAND 3.46 HA OPPOSITE PROPERTY NOW OWNED BY MR R T CLARKE & MRS S L CLARKE, LOT 17, NELSONS WHARF ROAD, ALDAVILLA

This land is subject to the same circumstances as detailed in relation to Area No. 26 above.

It is recommended that Council waiver the previous recommendation as determined in 1983 in relation to Area no's 26 & 27 and allow all land available for lease at the Aerodrome to be subject to an 'Expression of Interest'.

In order to not unduly disadvantage the current lease holder of the areas under concern, that is Mr & Mrs Clarke, it is suggested that they be allowed to re-negotiate a lease fee applicable from 1.1.2002 to 31.12.2002, and that they be advised that as from 1.1.2003, the current areas will fall in to line with other grazing leases at the aerodrome and be subject to 'Expressions of Interest' whereby Council will accept the highest offer made that may not necessarily come from the immediate adjoining owner.

Financial Implication

There are no financial implications from the following recommendation.

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1. That Council endorse the proposal set out in this report.
2. That action be taken to re-negotiate for the current year only a lease on Area No's 26 and 27 and that the current lease holders be advised that the areas leased will be subject from 1.1.2003 to advertising in the form of Council calling for 'Expressions of Interest'.

GENERAL MANAGER'S REPORT

GM 1 NSW SUMMIT ON THE RURAL DOCTORS SHORTAGE FILE: H2-10 AVB (NRN) {Folio No. 227464}
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SUMMARY:

To advise Council of the Summit to be held on the shortage of doctors in regional and rural NSW.



The Local Government and Shires Association and Tamworth City Council are hosting the "Finding a Cure – NSW Summit on the Rural Health Doctors Shortage" in Tamworth on the 14th and 15th March 2002.

The summit will be chaired by the Hon Ian Sinclair and will bring together Federal, State and Local Politicians, Academics, Health Professionals and their associations to seek solutions to the current and future shortage of doctors in regional and rural NSW.

The four discussions streams will be: -

- Options and Strategies for Rural Recruitment
- Rural Health Finance Issues
- Country Lifestyle Issues
- Education and Support

The registration cost is not known at this stage and the venue for the summit is the Tamworth Town Hall.

Financial Implication

No specific provision has been made for this conference and costs will need to be funded from delegate's expenses.

General Manager's Recommendation:

That Council be represented at the summit on the shortage of doctors and Councillor representatives be nominated.

2002. 61

RESOLVED:

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

That Council be represented at the Summit on the shortage of doctors and that Councillor Bowell be nominated as Council's representative.

GM2 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE
FILE: C11-2 (220392) AVB (NRN) {Folio No. 227465}

SUMMARY:

To provide information on the conference to be held in Parkes from 21st to 24th March 2002.



Parkes Shire Council in conjunction with the NSW Branch of the Australian Local Government Women's Association will host the 49th Annual NSW State Conference in Parkes from Thursday 21st to Sunday 24th March 2002.

The theme of the conference is "Focus on a Balanced Future" and all Councillors, General Managers and staff are encouraged to attend.

Financial Implication

The early bird registration is \$350, accommodation for single/twin/double ranges from \$55 to \$90 per night. Sustenance and travelling costs would be payable. An amount of \$1300 has been provided in the budget.

General Manager's Recommendation:

That Council be represented at the conference and Councillor delegates be nominated.

2002. 62

RESOLVED:

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

That Council be represented at the Conference and Councillor Sproule be Council's delegate, if available.

GM3 CODE OF MEETING PRACTICE
FILE: C18-3 (226324) AVB (NRN) {Folio No. 227466}

This report was dealt with earlier in the meeting just after morning tea.

GM4 TOWNLIFE DEVELOPMENT PROGRAM
FILE: I2-2 AVB (NRN) {Folio No. 227467}

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MAYOR

SUMMARY:

To notify Council that funding for the next round of the Townlife Development Program closes on 1st April 2002.



The Department of State and Regional Development offer a program for communities with a population of 2500 or less in Regional NSW. The program helps communities to foster economic growth and job creation such as: -

- Community planning workshops
- Tourism, marketing and product development
- Developing new markets and products for businesses
- Staging community events such as festivals
- Retail and marketing promotions

DSRD will provide up to 75 per cent of total project costs to a maximum of \$15,000 per project as well as helping conduct community planning activities such as workshops and business surveys. Applications for assistance must be submitted through or by a sponsoring organisation such as Council. Applications for the next round of funding close on 1st April 2002.

Council in the 2001/2002 year provided funds in its budget and is assisting Bellbrook/Willawarrin with a Community Planning Project.

Financial Implication

To finance one project Council would need to allocate \$5000 in the 2002/2003 budget.

2002. 63

RESOLVED:

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

1. That funding of \$5000 for one project under the Townlife Development Program be referred to the 2002/2003 estimates for consideration.
2. That publicity of the program be given to communities with a population of less than 2500 and they be encouraged to apply.

GM5 MEMBERSHIP OF LOCAL GOVERNMENT BODIES
FILE: C11-14 AVB (NRN) {Folio No. 227468}

SUMMARY:

To determine which Associations and Regional meetings Council should be a member of or attend.



I have been asked to report on the preferred membership of the: -

- Local Government Association
- Shires Association of NSW

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MAYOR

- Country Mayors Association
- Mid North Coast Group of Councils

Currently Council is a member of the Shires Association of NSW and Associate member of the Local Government Association. The cost of full membership of either Association is the same. Membership of the Shires Association entitles Councils to be represented at the "A" Division Conference, to have one voting delegate at the Annual Conference and to participate in the election of office bearers. Associate membership of the Local Government Association entitles Council to submit motions to the Annual Conference and to have two voting delegates at the Conference. If Council had full Local Government Association membership it would be entitled to three delegates at the conference and it would be able to participate in the election of office bearers.

Council in September, after meeting with the President and Vice President of the Shires Association, resolved to maintain its membership of the Shires Association at this time. The Associations deal with similar matters but the Shires Association tends to concentrate on matters that are rural in nature e.g. Bushfires, Noxious Weeds while the Local Government Association tends to concentrate on matters that are urban in nature e.g. Town planning, Law and Order etc while other areas such as roads are common to both.

Certainly the Local Government Association Conference is more stimulating and the quality of the Shires Association Conference was one of the issues taken up with the Executive when we met with them. Since that time a committee has been formed to look at arrangements for the Annual Conference and the Mayor, Cllr. Hayes, is a member of that Committee.

The Country Mayors Association was established some years ago to enable the larger rural Councils to meet and to discuss mutual problems. Both the Mayor and the General Manager have voting rights at the meetings. The meetings are held quarterly in Sydney and last approximately 2 to 3 hours. The cost of membership is \$500 per annum. I personally find the Country Mayors meetings to be of benefit. It allows me access to other General Managers and if there are any problem areas that affect Country NSW in any major way they are discussed in full and you are fully briefed. The Association also acts as a lobbyist for Country NSW. The Association is financial and Council should be ensuring that their funds are used on case studies similar to the Sport and Recreation consultancy recently undertaken.

The Mid North Coast Group of Councils is a loosely knit quarterly meeting of the six Mid North Coast Councils. Council's are represented by a Councillor and the General Manager. The six Councils are reluctant to form a Regional Council and are reluctant to join in any form of resource sharing and as a result there is no Local Government Regional voice. Until regional rivalries dissipate the situation is not likely to change. The meetings do allow issues affecting the region to be discussed and the cost of attendance is minimal.

Financial Implication

There are no financial implications arising form this report.

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MAYOR

RESOLVED:

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

- 1 That Council continue to have full membership of the Shires Association and Associate membership of the Local Government Association.
- 2 That Council continue membership of the Country Mayors Association and the Mid North Coast group of Councils.

GM6	SLIM DUSTY MUSEUM	FILE: T3-9 AVB (NRN)	{Folio No. 227469}
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SUMMARY:

To outline Council's support for the Slim Dusty Heritage Centre.



Council has resolved that I report on the manner by which Council can support the Slim Dusty Museum Project (Slim Dusty Heritage Centre).

The project and the fund raising efforts are being co-ordinated by Macleay Valley Community Projects Ltd. A Project Manager, Kathryn Yarnold, has been appointed by that company.

The original concept was for the Heritage Centre to be established at South Kempsey Park and Council because it is the owner of that land was heavily involved in the preparation of concept plans and for the submission of applications for funding. Those applications failed as the funding departments required firm financial commitments for the balance of the costs rather than pledges of support.

Macleay Valley Community Projects Ltd has set about raising the necessary finance to construct the Heritage Centre and have Slim and Joys support. The site of the Heritage Centre has not been finalised and sites other than South Kempsey Park are being pursued.

Council is assisting the project in the following ways: -

- It has provided the project with office accommodation and equipment.
- The Director of Corporate and Community Services is a Director and Clr. Peter Mainey is a Director and Chairman of the Macleay Valley Community Projects Ltd.
- Howard Kerr is also a Director of Macleay Valley Community Projects Ltd courtesy of Council funding.
- Kathryn Yarnold reports to the Macleay Beyond 2000 Group who are available to assist if the need arises.

Further assistance could be: -

- Assessment of suitability of a site
- Support for applications submitted for funding
- Continue to offer South Kempsey Park as a site.

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MAYOR

- If South Kempsey Park or other Council land is selected as a site contribute towards the cost of the project.
- Give support to the project through regular press releases.

Financial Implication

Financial implications would arise if Council contributed to the cost of the Heritage Centre.

2002. 65

RESOLVED:

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

That the information be noted.

GM7	SHIRES ASSOCIATION CONFERENCE
FILE: C11- 4	AVB {Folio No. 227470}

SUMMARY:

To determine the motions to be submitted to the 2002 Shires Association Conference.



The 2002 Annual Conference of the Shires Association of New South Wales will be held at the Wentworth Hotel in Sydney from Tuesday 4th to Wednesday 5th June 2002.

Should Council wish to submit any motions these need to be received by the Association no later than close of business on Monday 11th March.

It is usual practice to submit any motions to the Annual meeting of "A" Division which is to be held in Casino on Monday 4th February. This enables the motions to receive the support of the "A" Division members.

Council is represented by the Mayor and the General Manger at the "A" Division Conference. Other Councillors however can attend as observers.

Financial Implication

There are no financial implications arising from this report.

General Manager's Recommendation:

That Council determine what motions it wishes to submit to the 2002 Shires Association Conference.

2002. 66

RESOLVED:

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

That the following Motion be submitted to the "A" Division Conference:-

"That Loan Funds obtained through the Caravan Parks Levy be excluded from calculations within the net debt service Ratio due to the

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MAYOR

fact such funds are initially contributed by Council to the State Government under the prescribed levy.”

GM8	RESIGNATION OF COUNCILLOR
FILE: C18-2	AVB (NRN) {Folio No. 227471}

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

The Caravan Park Committee and DBE 2 – Caravan Parks be dealt with in conjunction.

CARAVAN PARK COMMITTEE

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD IN THE COMMITTEE ROOM, CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY, ON TUESDAY, 11th DECEMBER, 2001, COMMENCING AT 8.04AM.

FILE: C1-2 GBS (NRN) {Folio No. 227480}

DBE 2	CARAVAN PARKS
FILE: C1-2	GBS (NRN) {Folio No. 227458}

2002. 67

RESOLVED:

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

That the report of the meeting of the Caravan Park Committee meeting held on the 11th December 2001 be adopted.

QUESTIONS WITHOUT NOTICE

Councillor J Sproule

Councillor Sproule was advised:-

1. That the Director Environmental Services would investigate the apparent proliferation of private signage for goods for sale within the Shire.
2. That the person who designed the new Council Agenda cover be congratulated.

Councillor B R Sowter

Councillor Sowter was advised:-

1. That the Director Engineering would investigate the status of the Railway bridge at Third Lane.
2. That the Director Engineering investigate the dumping of Old fridges and rubbish in the North Street, Gladstone drain.

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- 3 That the Director Business Enterprises would advise if the pumps were removed from the Pump Station before the demolition of the concrete housing along the Pacific Highway, Bellimbopinni.
- 4 That the Director Business Enterprises investigate the removal of the concrete rubble from the old pump station along Pacific Highway Bellimbopinni, that is located on private property.
- 5 That the Director Business Enterprises would investigate the concerns of lack of effluent water useage at Glenrock due to off-peak electricity availability.
- 6 That Director Business Enterprises would investigate the costing of water used on the roadway in the vicinity of the Saleyards.

Councillor P Parkinson

Councillor Parkinson was advised:-

1. That the Director Engineering would investigate the presence of Gloriosa lily Goolawah Beach.
2. 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.
- 3 That the Director Environmental Services would investigate the collection of whitegood appliances left behind the store on the railway side at the corner of Elbow and Kemp Street, West Kempsey roundabout.
- 4 That his apology be noted at the meeting with the Minister for Police on Thursday at Kempsey.
- 5 That his apology be noted for the difficulty attending Committee meetings during the last 12 months due to work commitments. Councillor Parkinson advised his roster shifts for work are now permanent night shifts making him available for future meetings.

At this stage 4:50 pm, Councillor Parkinson retired from the Chamber.

Councillor P J Mainey

Councillor Mainey was advised:-

1. That the Director Engineering investigate the status of the intersection of Cyrus Saul Circuit, Frederickton with the Pacific Highway.
2. Councillor Mainey advised due to Family commitments over the next month he will be unavailable.

At this stage 5:15 pm, Councillor Mainey retired from the Chamber.

Councillor T Hunt

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Councillor Hunt was advised:-

1. That the Director Environmental Services would investigate the untidiness of the scrap recycling yard next to the WorkPlace Work Centre, Akubra Place, South Kempsey.

Councillor J H Howell

Councillor Howell was advised:-

1. That the Director Engineering will advise him of the construction commencement date of the taxi rank superstructure.
2. That the Director Engineering would investigate the tree on the northern side of Harry Boyes Avenue, South Kempsey prior to school resuming.
3. That the Director Engineering would make enquiries into the South Kempsey Traffic Study and funding allocations for upgrading of the intersection of Lachlan and Druitt, Kempsey.
4. That the Kempsey West Rotary Club tree planting between First and Second Lane, Kempsey will be carried out when tree planting conditions improve.
5. That the Director Engineering will investigate the concerns of residents driveways on Old Station Road since roadworks have been carried out.
6. That the Director Environmental Services would investigate the appointment of Parking Officers similar to Hastings Council's decision.
7. That the Director Engineering would liaise with him in regard to the progress of North Street, Gladstone.

Councillor N Joukhadar

Councillor Joukhadar was advised:-

1. That the Mayor has delegation to permit Councillor's attendance at training courses.
2. That the General Manager would include in Council's Agenda the status of Council's resolutions.
3. That the proposed Meeting with DLWC Regional Manager and Ministerial Advisor that no firm date has been set.
4. That the Director Corporate and Community Services has requested that the Strategic Planner identify land for aged care at South West Rocks.
5. That a Notice of Motion would be required to consider the possibility of upgrading the Intersection of Collombatti Road and the Pacific Highway, Frederickton.

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MAYOR

MOTION FOR COMMITTEE

2002.68

RESOLVED:

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

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**

Councillor Sowter declared an interest in the following items DES 1 and DES 2 for the reason that he has a roadside stall and retired from the Chamber.

**DES 1 UNAUTHORISED ROADSIDE STALL
FILE LA 11910 RBP {Folio No. 227481}**

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:

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

That the owner be advised that unless the roadside stall is removed immediately, or if the use reoccurs in the future, that Council intends to commence action in the Land and Environment Court to ensure compliance.

**DES 2 UNAUTHORISED ROADSIDE STALL
FILE LA 6914 RBP {Folio No. 227482}**

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:

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

That the occupier of the subject land be advised that unless the roadside stall ceases and all signage removed within 7 days of notice

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MAYOR

being served or the use reoccurs in the future, that Council intends to commence action in the Land and Environment Court to ensure compliance, including an Order as to costs.

Councillor Sowter returned to the Chamber.

LATE BUSINESS

2002. 69

RESOLVED:

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

That the Director Environmental Services investigate as to whether the development conditions are being adhered to in respect of the property along Hat Head Road selling pottery.

DIRECTOR CORPORATE AND COMMUNITY SERVICES CONFIDENTIAL REPORT

DCCS 1	ROAD LEASE – PART VERGE STREET, KEMPSEY
FILE: LA3623 PJH	{Folio No. 227484}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved discussion and advice concerning a matter the subject of litigation 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 offer of compromise regarding the Verge Street road lease not be accepted for the reason that it is now Council's preferred option that the land in question remain as public road reserve.

DIRECTOR BUSINESS ENTERPRISES CONFIDENTIAL REPORT

DBE 1	HAT HEAD SEWERAGE
FILE: S8-24 GRP	{Folio No. 227485}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it contained commercial information, the disclosure of which would be likely to confer a commercial advantage on a competitor of the council and would reveal a trade secret.

RECOMMENDED:

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

1 That the progress of the scheme be noted.

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- 2 That Council request the Regional Director Department of Land and Water Conservation to advise of a commencement date for construction of sewerage facilities at Hat Head.

At this stage, 5:30 pm Councillor Hayes retired from the Chambers.

Deputy Mayor, Councillor Joukhadar occupied the Chair.

GENERAL MANAGER'S CONFIDENTIAL REPORT

GM 1	LEGAL MATTERS	
	FILE: L3-1 AVB (NRN)	{Folio No. 227486}

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. Sproule*

That the information be noted.

At this stage 5:39 pm Councillor Hayes returned to the Chamber.

ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2002.70

RESOLVED:

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

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted.

CONCLUSION:

There being no further business, the Meeting terminated at 5:40 p.m.