



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 12th March 2002 commencing at 9.03a.m.

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.

Councillor Mainey entered the chamber at 10.39am.

General Manager, A V Burgess; Acting Director Engineering, M J Rootes; Director Environmental Services, B W Casselden; Director Corporate and Community Services, T I Hannam; Director Business Enterprises, G B Snape, Pat Hanrahan and Melanie Sutherland.

Director Engineering, K J Finnie attended for part of the meeting.



APOLOGY:

2002. 145

RESOLVED:

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

That the apology submitted by Councillor Mainey for non attendance for the early part of the meeting be accepted and leave of absence granted.



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 12TH FEBRUARY 2002

2002. 146

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 12th February 2002, be adopted subject to Councillor Howell's question without notice 9 being amended to read:

That Mental Health Services would be listed for discussion at the upcoming meeting arranged by the Director Corporate and Community Services with Mr Colin Jack, Director of Mental Health Services and consideration given to the preparation of a submission to the Governments Select Committee on Mental Health.

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SHIRE COUNCIL HELD ON TUESDAY 12TH MARCH 2002**

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MAYOR



PUBLIC FORUM

- 1 Mr Mike Dutton addressed Council regarding item DES 1 Proposed Crushing Plant at Frederickton.
- 2 Mr Tomas Kreps addressed Council regarding item DE 5 Supplementary – trees at South West Rocks Motel



CONSIDERATION OF LATE REPORTS

2002. 147

RESOLVED:

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

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



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Reports DES 1 and DE 5 Supplementary.

DIRECTOR ENVIRONMENTAL SERVICES REPORT

This report is to be read in conjunction with DES 2 in the Confidential Section of the Business Paper

DES 1	PROPOSED CRUSHING PLANT FILE T6-02-37 BWC	{Folio No. 230427}
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SUMMARY:

Reporting that Council has received an application to formalise an existing crushing plant for which objections have been received.



Applicant: R Ryding
 Subject land: Lot 2 DP 853082 Raymonds Lane, Frederickton
 Zoning: 1(a3) Agriculture

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MAYOR

Background

Pursuant to State Environmental Planning Policy No 37 – Continued Mines and Extractive Industries (SEPP 37), on 27th October 1993, Council recognised that the subject land enjoys existing use rights for a quarry having been established prior to August 1969 when planning controls commenced.

The information provided to establish existing use rights clearly indicated that the crushing plant was established in August 1991, thereby not enjoying any existing use rights.

The current application seeks to formalise the operation of the crushing plant and, whilst Council cannot give retrospective approval, Council may give approval for the continued operation of the plant, subject to compliance with all relevant current environmental controls.

It should be noted that the Statement of Environmental Effects which accompanies the application also refers to expansion of existing quarrying activities which are not the subject of this application and this should be confirmed in any consent.

Heads of Consideration:

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

The crushing plant is considered to be ancillary to, and part of, the existing extractive industry, thereby being permissible with development consent.

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

Noise

The crushing plant has the potential to impact on adjoining residences by reason of noise. A noise impact study submitted in support of the application which was prepared by a qualified acoustic consultant indicates that provided the crushing plant is correctly orientated and the front end loader are operated behind suitable acoustic barriers, the requirements of the EPA Industrial Noise Policy will be met.

In addition to requiring implementation of the noise consultant's recommendation, it is considered reasonable to require monitoring following installation of the amelioration measures to confirm compliance with EPA criteria and, where necessary, require additional measures in the event monitoring indicates non compliance.

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Sediment Discharge

The crushing plant has the potential to increase the discharge of sediment from the quarry by the increased production of fine material resulting from crushing activities. The applicant proposed to construct a sediment control dam in accordance with EPA criteria which should be incorporated in any conditions of consent.

Road Contributions

It should be noted that no road contributions are payable in respect to the proposed development on the basis that the plant crushes material extracted from the subject land for which existing use rights have been established.

Public Exhibition

The development was exhibited in accordance with Council's Public Notification Policy with nine (9) form letter objections having been received.

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

Objection

Planning Comment

1	Road inadequate to serve the development.	1	Council has previously recognised existing use rights to extract gravel from the quarry. Council is unable to require any contributions from the operator unless the quarry expands which would require development consent.
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Director Environmental Services Recommendation:

That consent be granted subject to the following conditions:-

- A**
- 1 This consent permits the crushing of gravel extracted from Lot 2 DP 853082 Raymonds Lane, Frederickton, only. No other material from any other quarry is to be processed by the approved plant.**
 - 2 This consent does not permit the expansion of the quarry. All extraction is to be confined to within existing disturbed areas.**
 - 3 Submission of a report prepared by a suitably qualified acoustic consultant within thirty (30) days of the date of consent, confirming that the relative noise criteria specified by this consent have been met at any residence likely to be affected by the proposal.**

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- 4 In the event the results of monitoring indicate non-compliance with the relevant noise criteria specified by this consent, the use of the plant shall cease until such time as Council has provided its written agreement to permit recommencement. Council shall not provide its written agreement to permit recommencement of crushing operations unless additional noise attenuation measures have been employed and the results of a revised monitoring report confirmed compliance with the relevant noise criteria specified by this consent.
- 5 The applicant shall carry out all noise attenuation measures required in the noise impact study prepared by H Clarke and Associates Pty Ltd dated 21st November 2001.
- 6 Additional monitoring shall be carried out at the request of Council in the event any complaints are received which Council considers to be justified.
- 7 The operator shall employ such measures as are necessary to achieve noise criteria at any adjoining residence not associated with the quarry and crushing plant, in strict compliance with the NSW Industrial Noise Policy.
- 8 Construction of a suitable sediment control dam designed to cater for the 1:10 year storm event identified by "Australian Rainfall and Runoff" and in accordance with "Managing Urban Stormwater 1998". Such plans are to be prepared by a qualified engineer with all works to be completed within thirty (30) days of the date of this consent.
- 9 The required sediment control dam shall be designed to achieve a discharge which will not exceed 30mg/L per litre of non filterable residue at any time.
- 10 Monitoring of water is to be carried out by a suitably qualified person with the results submitted to Council within three (3) months of the date of this consent.
- 11 In the event the results of monitoring indicate non-compliance with the water quality criteria specified by this consent, the use of the plant shall cease and shall not recommence until Council is satisfied that additional measures have been employed to ensure compliance with the relevant specified criteria.

12 Sediment is to be removed from the pond on a regular basis so as to maintain the design capacity of the required dam and disposed of by means of spreading on pastures on the subject land.

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

2002. 148

RESOLVED:

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

That the Director Environmental Services recommendation be adopted subject to the condition 3 and 8 being amended to read 60 days in lieu of 30 days.



DIRECTOR ENGINEERING SUPPLEMENTARY REPORT

DE 5	TREES – SOUTH WEST ROCKS MOTEL
FILE: T11-4	KJF
	{Folio No. 230546}

SUMMARY:

Reporting on complaints received from the owner of the South West Rocks Motel.



The owner of the South West Rocks Motel, Thomas Kreps, has complained to Council about the large Eucalyptus trees growing adjacent to his property.

Council's Horticultural Advisor reports as follows:

Following the recent heavy rainfall, I responded to a request from the owner of the South West Rocks Motel, Mr Thomas Kreps, for an onsite meeting.

The owner is very concerned with the Eucalyptus trees growing on Council property at the front of the motel. They have been the subject of several complaints to Council, over a period of some years. He is asking that the trees be removed and has offered to pay half of the cost of removal

The specific complaints raised at the meeting were:

1. The trees are growing too close to the motel, and are causing structural damage to the building.

I was shown a large crack in the internal south-western wall of the motel. I advised the owner that he would need to get an independent Engineers report confirming that the damage was being caused by the

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close proximity of the trees before Council would use this as a basis for some action.

A number of the trees are very close to the front wall of the building and may be causing the structural damage as claimed by Mr Kreps. It should be noted that I saw no signs of cracking in the external wall directly adjacent to the trees.

2. The trees are dropping large amounts of leaf and twigs onto the roof of the motel, causing the guttering to be blocked which has led to water flooding from the roof into the interior of the motel on several occasions.

I advised Mr Kreps maintenance of roof and guttering was his responsibility. He replied that the proximity of the trees meant that the amount of maintenance he was required to carry out was excessive.

One of the features of the Eucalyptus genus is their tendency to drop large amounts of bark and leaves, usually in concentrated periods coinciding with periods of increased growth. The build up of leaf litter is, however, exacerbated by the design of the roof ie. a flat roof with very little pitch.

3. The trees are causing damage to external pathways.

The external footpaths that have been affected are built very close to the trees and most of the damaged area is within the Council Road Reserve. It should be noted that the paths have been constructed as part of the motel development and were not installed by Council. If Council were to consent to the re-establishment of the paths, a simple realignment of the path would solve this problem.

4. The trees are dangerous as they are dropping limbs.

The trees have been added to the Council's Tree Pruning List and monitoring on an annual basis will reduce the number of branches that fall. Council's Contractor will attend to removal of dead limbs when next at South West Rocks, scheduled for 28th March 2002.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That Council not remove the Eucalyptus trees adjacent to South West Rocks Motel and that the owner be advised in terms of the report.

MOVED:

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

That Council send a qualified Engineer to assess the damage to the building and report to the next Council meeting.

An Amendment was MOVED:

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

That the trees be removed and replaced by a more suitable advanced species of tree and that the owner be required to pay half the costs of removal of the existing trees and half the cost of the replacement trees.

The AMENDMENT was PUT to the Meeting and was LOST.

An Amendment was MOVED:

*Moved: Cl. Hunt
Seconded:*

That Council ask the proponent to provide an independent Engineers report

The Amendment lapsed for want of a seconder

2002. 149

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



MAYORAL SUPPLEMENTARY MINUTE

M1	NEW MENTAL HEALTH UNIT FOR KEMPSEY
FILE: H2-13	Councillor Hayes {Folio No. 230541}

SUMMARY:

Reporting on the announcement of funding for a 10 bed mental health inpatient unit at Kempsey District Hospital.



As we are now all aware, the Minister for Health, Mr. Craig Knowles, announced on Tuesday February 26 that a 10 bed mental health inpatient unit, fully integrated with community mental health services would be developed at Kempsey District Hospital.

In addition, was the announcement of the building of a purpose built maternity ward at our hospital.

Mr. Terry Clout, CEO of the Area Health Board asked to address a meeting of Councilors to acquaint them with the details of that announcement. Attached are the two media releases for your information (*Appendix "A"*).

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Those in attendance were myself, Crs. Hunt and Bowell, the General Manager, Director Corporate and Community Services, Mr. Terry Clout and Kimberley Moore (from the Area Health Board's media unit).

Mr. Clout indicated that the newly refurbished operating theatre would be completed by March 21. He will also be seeking further input from Council regarding the provision of parking spaces, some of which may be lost as a result of the construction of the maternity ward.

During our discussions with the CEO, we asked again about the provision of involuntary beds at Kempsey District Hospital, and the speculation that the number of beds at Coffs Harbour Hospital would not reach 30.

Mr. Clout reiterated both his and the Minister's previous and ongoing position on the matter of involuntary beds at Kempsey, which was that there would be no involuntary beds and the matter was non negotiable.

With regard to the number of beds established at Coffs Harbour, Mr. Clout stated that the total number of 30 beds would be reached by August of this year.

I would like to congratulate those many people who have been involved in lobbying for provision of mental health beds in Kempsey.

At the same time, I would like to also congratulate the Minister, Mr. Knowles, MLA, Mr. Tony Kelly MLC, Ms Janelle Saffin, MLC for the support they have given to Council and this community and in particular Mr. Terry Clout for the support and commitment to improving health provision in this shire.

Financial Implications

There are no financial implications arising from this report.

2002. 150

RESOLVED:

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

That letters expressing Council's appreciation be forwarded to Mr. Craig Knowles, Mr. Tony Kelly, Ms Janelle Saffin and Mr. Terry Clout.



MAYORAL SUPPLEMENTARY MINUTE

M1	MAYORAL ENGAGEMENTS FOR FEBRUARY/MARCH
FILE: C18-25	Mayor (NRN) {Folio No. 230657}

SUMMARY:

Reporting on the Mayors engagements since Councils meeting on the 12th February 2002.



Wednesday 13th February

- Resource NSW meeting in Sydney.

Sunday 17th February

- Naturalisation ceremony at South West Rocks
- Presentation of awards at the Trial Bay Triathlon

Tuesday 19th February

- Meeting with Ian Simpson and Roger Stanley regarding the blueprint for the Catchment Management Meeting.

Wednesday 20th February

- Meeting with Lesley Schoer

Thursday 21st February

- Community Services Committee meeting

Wednesday 26th February

- Catchment Management Board community meeting DLWC

Thursday 28th February

- Meeting with RSL representatives
- Meeting with Federal Members in Chambers
- Community Consultation meeting at Stuarts Pt

Friday 1st March

- World Day of Prayer
- Welcomed the IPWEA Mid North Coast Group who

Tuesday 5th March

- Meeting with Wear Wulf Clothing company representative
- Community Safety Council committee meeting
- Launch of Macleay Flood Safe Week at the library
- Community Consultation meeting at Hat Head

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Wednesday 6th March

- Meeting with ratepayer
- Meeting with David Tyrrell and Ken Goodfellow
- Community Consultation meeting at South West Rocks

Thursday 7th March

- Meeting with Jim Atkins from Telstra
- Community Consultation meeting at Smithtown

Sunday 10th March

- Onsite inspection of Smithtown Oval

Monday 11th March

- Estimates meeting Council Chambers

As well as day to day requirements of the position including liaising with media and candidates for the upcoming by-election.

Financial Implication

There are no financial implications arising out of this report.

2002. 151

RESOLVED:

That the information be noted.



NOTICE OF MOTION - 1

File: C10-9 TIH Copy JCC (NRN)

{Folio No. 230417}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 11 March 2002.

2002. 152

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That consideration be given to the provision of \$5,000 funding within the 2002/2003 Budget to address issues contained within Council's Social Plan.

NOTES:

Council's mission is:

"Working with the community to improve our country lifestyle through excellence in service and leadership."

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MAYOR

The Social Plan is designed to assist Council to: -

- develop an understanding of the needs of the community
- identify appropriate strategies to respond to those needs
- identify the services, facilities and processes needed to address the community's needs
- advocate for those services that need to be provided by other government agencies, the private sector or community organisations.

The Social Plan envisages that Kempsey Shire Council would act as the catalyst for the promotion and implementation of the social and community strategies. The target groups include:

- children

Children's issues include the need to support families experiencing crisis e.g. health.

Issues such as prevention, detection and early care, treatment and community tolerance will provide much needed support for those in need.

The current and proposed health services programs could identify areas of need within the community, such as nutritional deficiency within children, which Council's mission related to the Social Plan could be applied.

.....
Councillor John Bowell



NOTICE OF MOTION - 2

File: L4-2 TIH (NRN)

{Folio No. 230418}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 11 March 2002.

MOVED:

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

That Kempsey Council investigate the Shire Library being open all Weekend, closing Monday and half Tuesday.

The MOTION was PUT to the MEETING and was LOST.

.....
Councillor Paul Parkinson



.....
MAYOR

NOTICE OF MOTION - 3

File: T9-5 GBS

{Folio No. 230419}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 11 March 2002.

2002. 153

RESOLVED:

Moved: Cl. Parkinson

Seconded: Cl. Howell

That the Director Business Enterprise report on the development of a freight interchange at Kempsey.

.....
Councillor Paul Parkinson



NOTICE OF MOTION - 4

File: E5 AVB (NRN)

{Folio No. 230420}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 11 March 2002.

MOVED:

Moved: Cl. Parkinson

Seconded: Cl. Joukhadar

Kempsey Council in conjunction with the 2003 Local Government Election conduct a poll re reducing the number of Councillors from 9 to 7.

The MOTION was put to the meeting and was LOST.

MOVED:

Moved: Cl. Joukhadar

Seconded: Cl. Parkinson

That Council conduct a referendum at the 2003 elections to form 3 Wards in Kempsey Shire.

The MOTION was put to the meeting and was LOST.

.....
Councillor Paul Parkinson



NOTICE OF MOTION - 5

File: H2-10

TIH

{Folio No. 230421}

Notice is hereby given that I intend to move the following motion at the ordinary meeting of Council scheduled for Tuesday 11 March 2002.

2002. 154

RESOLVED:

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

That Council advise the Mid North Coast Area Health Service Board it is prepared to host a meeting of representatives of Councils within the Health Service area, Members of State and Federal Parliament, and the Board in respect to the availability of a funding program for capital works identified by the Area Asset Strategic Plan.

Note:

The Area Strategic Plan includes reference to:-

- “Maintain all District Hospitals”.
- “Re-invigorate the role of district hospitals and primary care”.
- “Determine the service configuration in each District Hospital... to retain an enhanced surgical service...”

The options paper for a Value Management Study has identified alternatives for capital improvements at hospitals, and community health centres within the area.

There are also major concerns with inadequate funding for maintenance programs.

Both State and Federal Governments refer to Health as an area of priority however support by way of funding for capital works needs to be provided.

.....
Councillor J H Howell



RESCISSION MOTION - 1

File: T6-01-339 RBP

{Folio No. 230422}

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 12th March 2002.

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MAYOR

2002. 155

RESOLVED:

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

That resolution number 2002.92 from the meeting of 12th February 2002 as printed below relating to Item DES 4 Proposed Gravel Quarry Frederickton File No. T6-01-339 be rescinded:-

That the application be refused for the reason that:-

- 1 That noise will impact on the amenity of residents in the area.
- 2 That there could be possible contamination of the water supply of the residents.
- 3 That there is a lack of suitable access to and from the quarry.

2002. 156

RESOLVED:

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

That further consideration of the application be deferred for two months.

Note:

The applicant is currently in hospital and is likely to be incapacitated for some time.

.....
Councillor B R Sowter

.....
Councillor J H Howell

.....
Councillor P J Parkinson



RESCISSION MOTION - 2

File: P8-2 TIH (NRN) {Folio No. 230423}

Notice is hereby given that we intend to move the following Rescission Motion at the Ordinary Meeting of Kempsey Shire Council on Tuesday 12th March 2002.

2002. 157

RESOLVED:

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

That resolution number 2002.123 from the meeting of 12th February 2002 which was "That the report be noted" relating to Item DCCS1 Community Safety Council be rescinded:-

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MAYOR

RESOLVED:

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

- 1 That the report of the Community Safety Council meeting held 5/2/02 be adopted, including the amendment suggested by Inspector Simons.
- 2 That Council apply for the imposition of an Alcohol Free Zone in the following streets in West Kempsey: Leith Street (between Sea and Cochrane Streets), Cochrane Street (between Leith st and North Street) North Street (between Cochrane Street and Sea St) Sea St (between North St and Leith st), Gordon Nixon Ave, Keith Moses Crs, Milton Barnett St, Eric Kennedy St, Roscoe Turner St, George Hardiman St.

.....
Councillor T Hunt

.....
Councillor J A C Hayes

.....
Councillor J Sproule



DELEGATE'S REPORT - 1

D 1	SOUTH WEST ROCKS AGED COMMITTEE
FILE: A7-5	TIH {Folio No. 230424}

SUMMARY:

Reporting on attendance at a meeting of the Committee held on Wednesday 20 February 2002.



Reporting on attendance at a meeting of the Committee held on Wednesday 20 February 2002.

Land

Mr Paul Massey-Reed Manager Resource Access and Compliance, North Coast Region, Department of Land and Water Conservation was in attendance in respect to the possible availability of Crown Land within the South West Rocks area.

The committee had identified two parcels of crown land Lot 7009 DP 754396 in Gordon Young Drive (57 hectares) and in Mitchell Street (3.06 hectares).

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Ms Deborah Kuhn, Coffs Harbour Future Development Corporation had suggested that 5 to 6 hectares of usable land would be required to provide for 120 self care units, a 70 bed aged care facility, a village centre, workshops and storage area.

Mr Massey-Read advised a land assessment was required to be undertaken and in view of the committee's interest, instructions had been issued for work on the assessment to commence on Monday 25 February 2002.

Depending on the need for the responses to references required, the period of time for the assessment could be as short as 3 months but in view of the range of community interests he suggested a longer period for the land assessment would be realistic.

Mr Massey-Reed strongly suggested that Council should request the issue of a Licence to Investigate from Land New South Wales.

Planning

The Federal Minister for Ageing Mr Kevin Andrews has announced plans to develop a national strategy for dealing with ageing and will ask Australians their opinion as part of the process.

The strategy is required for dealing with the issues so infrastructure and social services could be developed.

Meetings would be held across the country and initiatives proposed would be included in the strategy.

The committee will appreciate Council's support in requesting Federal Members of Parliament Messrs Luke Hartsuyker MP and Mark Vaile MP to make representations to the Minister for Ageing to include South West Rocks within the schedule of meetings.

Funding

Whereas a preliminary survey has been completed it will be essential that a Business Plan be prepared and Council's support is requested with the preparation of a submission to the State Government.

Note: At Council's meeting on 12 February 2002 it was resolved to offer support if requested by the South West Rocks Aged Care Committee for the seeking of funding.

A copy of the survey results is attached at [\(Appendix A\)](#)

Financial Implications

There are no financial implications arising from this report.

RESOLVED:

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

- 1 That Council apply to Land New South Wales Grafton for a "Licence to Investigate" in respect to vacant crown land at Lot 7009 DP 754396 Gordon Young Drive and Mitchell Street, South West Rocks.
- 2 That Council support the South West Rocks Aged Committee with representations to the Member for Cowper Mr Luke Hartsuyker MP and Member for Lyne Mr Mark Vaile MP requesting the Minister for Ageing Mr Kevin Andrews MP to include South West Rocks within proposals for the National Strategy for dealing with ageing.
- 3 That Council provide support to the South West Rocks Aged Committee in preparation of a submission to the Department of State and Regional Development for funding to engage a consultant to prepare a Business Plan for Aged Care Facilities at South West Rocks.



DELEGATE'S REPORT-2

D 1	ATTENDANCES ON BEHALF OF THE MAYOR
	FILE: C18-25 MAYOR (NRN) {Folio No. 230425}

SUMMARY:

Reporting on attendances on behalf of the Mayor.



Launch of the Slim Dusty Heritage Centre Paver Promotion

The official launch of the Paver Promotion was held on Wednesday 13th February 2002. There was also a certificate presentation for those who purchased pavers at last year's fundraiser.

I can also report that the Paver Promotion will be setting up at the Royal Easter Show in Sydney.

Country Mayors Association Meeting

Attended the Country Mayors meeting on Friday 22nd February 2002 with the General Manager. The General Manager has provided a report in this business paper.

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MAYOR

Floodplain Management Authorities Meeting

Attended quarterly meeting of the FMA on Thursday 28th February 2002 where I provided the members with an update on the progress of the annual conference which we are hosting in May 2002.

Financial Implications

There are no financial implications arising from this report.

2002. 160

RESOLVED:

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

That the information be noted.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

This report is to be read in conjunction with DES 2 in the Confidential Section of the Business Paper

DES 1	PROPOSED CRUSHING PLANT FILE T6-02-37 BWC	{Folio No. 230427}
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This report was dealt with earlier in the meeting just after Public Forum.

DES 2	GAZETTAL OF CEMETERY LEP FILE: T5-71 MEI (NRN)	{Folio No. 230428}
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SUMMARY:

Reporting that the draft local environmental plan to permit the development of the cemetery has been gazetted.



Subject Land Lot 37 DP 1011989, Crottys Lane, Yarravel
Owner: Kempsey Shire Council

Draft amendment No. 71 to KLEP 1987 was gazetted 8 February 2002. Council is now able to consider a development application for the development of a cemetery and crematorium on the subject land.

One issue that Council needs to be aware of is that in line with the findings of environmental studies undertaken onsite and the recommendations of the National Parks and Wildlife Service is that the bulk of the land is now zoned

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7(b) Environmental Protection (Habitat) (see attached map) [\(Appendix 'B'\)](#)
This zone operates to protect the environmental qualities and values of natural habitats. Permissible development permitted in this zone is:

Advertisements; recreation areas (other than sporting fields);
roads, utility installations (other than radio or television
transmission towers).

Director Environmental Services Recommendation:

That the information be noted.

MOVED:

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

1. That the information be noted.
2. That Council arrange preparation of a development application by a consultant for the development for a cemetery on the subject land.

An Amendment was MOVED:

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

That the information be noted.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.161

The MOTION was PUT to the MEETING and was CARRIED.

Councillor Joukhadar recorded his vote against the foregoing Resolution.

At this stage 10.39am Councillor Mainey entered the chambers.

At this stage 10.40 a.m. the Meeting adjourned for Morning Tea and upon resumption at 11.06 a.m. all present at the adjournment were in attendance.

DES 3	BUILDING ENVELOPES CREATED AT SUBDIVISION STAGE
FILE: S15-2 AJC (NRN)	{Folio No. 230429}

SUMMARY:

Reporting on building envelopes created at subdivision stage.



Subject

In the last twelve months there have been a number of new lots created with council approval that have restrictions limiting building to a nominated area of the lots. Currently at least 3 new property owners are considering applying to Council to vary the nominated building envelopes created under section 88B of the Conveyancing Act 1919.

To better understand the process involved in varying the Section 88B instrument answers to the following background questions are required: -

- 1 What is a Restriction as to User?
- 2 Why is a Restriction as to User (pursuant to 88B of the Conveyancing Act 1919 as amended) creating building envelopes in newly created allotments provided at all?

The report also examines the legal options associated with varying the instrument.

Discussion

1 What is a Restriction as to User?

Division 4 of the Conveyancing Act 1919, as amended allows the creation of Easements and restrictive and positive covenants over the title of lots. Section 88B is contained in this division and allows creation and release of easements and restrictions on use of land by plans.

There is a benefited party nominated and burdened party. In the case of building envelopes the new owner is burdened by the restriction on the use of the land and council is nominated as the benefiting party with the sole right to vary, modify and/or extinguish the restriction.

Any restriction on the use of land or positive covenant created by this section shall for the purposes of this Act and the Real Property Act 1900, have effect as if it was contained in a deed.

Presently the General Manager under Delegated Authority endorses all 88B instruments created through subdivision in which Council has an interest. There is no requirement by the Land and Property Information Service for Council to affix its seal to such a document. Currently the General Manager does not have delegated authority to modify an 88B instrument.

2 Why is a Restriction as to User used for creating building envelopes in new allotments at the time of subdivision?

Once an application to subdivide a land parcel is lodged with Council a process of assessment is carried out by council officers pursuant to Section 79C (1) of the Environmental Planning and Assessment Act

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1979. The consent authority takes into consideration the matters listed in this section of the Act as are of relevance to the development the subject of the development application.

Broadly the matters cover the following subjects:-

- Provisions of any environmental planning instrument
- Provisions of any draft environmental planning instrument
- Any Development controls
- Any matters prescribed by the regulations
- Impacts of that development on:-
 - > Context and setting
 - > Access, transport and traffic
 - > Public Domain
 - > Utilities
 - > Heritage
 - > Other land resources
 - > Water
 - > Soils
 - > Air and microclimate
 - > Flora and Fauna
 - > Waste
 - > Energy
 - > Noise and Vibration
 - > Natural Hazards
 - > Technological Hazards
 - > Safety security and crime prevention
 - > Social impact in the locality
 - > Economic impact
 - > Site and internal design
 - > Construction
 - > Cumulative impacts
- Suitability of the site for the development
- Submissions
- The public interest

In recent subdivisions the following matters have lead to the creation of building envelopes in those subdivisions:-

1 **Flora and Fauna**

The condition of any development consent reflects the need to implement the recommendations of the Ecological Assessment prepared by the Developer's consultant.

The cost is proportional to the extent of the survey to be undertaken by the developer's appointed Ecological Consultant. In rural and rural residential areas of the Shire the **Ecological Consultant may well nominate an area to restrict building** to a small portion of the proposed new lot to limit the extent of survey and or protect the habitat and or threatened species occurring or a combination of all within the development lot.

2 **Natural Hazards**, bushfire, flooding etc

In a rural subdivision the applications usually contain an Ecological Assessment and Bush Fire Management provisions. Again cost is proportional to the area to be surveyed and a practical approach has to be considered for large areas of land to provide a balanced outcome.

For example a land parcel being subdivided into lots may have cleared grazing land fronting the council maintained road on easy slopes and on the steep country, forested areas. These forested areas of the land parcel are usually of high bushfire risk and have high habitat values. In this circumstance **the consultant's request development be restricted to the cleared areas of the proposed lots** with further restrictions in respect to creek lines and isolated habitat within the cleared areas.

3 **Onsite Effluent Disposal AS1547-2000**

In rural residential subdivisions an Effluent Disposal Assessment is required from a suitably qualified person(s) at application stage, to ensure compliance with NSW Health Department policy with respect to onsite disposal of effluent and AS1547-2000.

In conclusion, it is the developer's Consultants that recommend the use of building envelopes to achieve the desired outcome for their client's development, including protecting the environment and to manage natural hazards. The ensuing conditional development consent issued by Council usually contains a condition requesting the developer to place a suitable restriction over the title of the new lots to incorporate the recommendations of the Ecological Assessment. This restriction is created in accordance with section 88B of the Conveyancing Act 1919 and is marked on the registered plan and created over the title of the new lots in the subdivision. As the restriction is marked on the title of the new properties any search made by the purchasers solicitor will highlight the restriction, including its terms. **The purchaser of the newly created lot will be aware of the nature and terms of the restriction and be able to make a more informed decision prior to purchase.**

Council acts to enforce these restrictions at building stage to ensure compliance with the recommendation(s) of the Consultant's Assessment. To ignore the restriction may place the new owners at unacceptable risk from bushfire and or adversely affect threatened species or their habitat.

Any application to vary the building envelope as part of an application to erect a dwelling in a rural area needs to be accompanied by new assessments. For example, if the subdivision application required an Ecological Assessment, Onsite Effluent Disposal Assessment and Bush Fire Management Assessment associated with creation of the building envelope then updated assessments on the new location need to be provided so the development application can be assessed under Section 79C(1) of the Act.

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The extent of these assessments will depend on the size of the proposed variation. If the variation is small and has minimum impact then the new assessments will form addendums to the original assessments by qualified persons and involve minimal extra work. On the other hand if the proposed modification is large and has significant impacts then the ensuing new assessment may involve a significant amount of extra work and corresponding new assessment. Whether large or small the consultant will need to address the impact the proposal will have upon the adjoining property and the recommendations contained in the original assessments.

Registration of variations

Small variations not involving relocation of the building envelope may be dealt with in the following manner -

- (i) If a property owner (burdened party) makes application to Council (benefiting party) to modify the existing restriction then it would be in the property owners best interests (protection in event of a future sale and or future reference) to ensure the modification to the restriction is registered.
- (ii) Form 13RVM obtained from the Land and Property Information Service can be used to execute the variation in the form of a Deed and words be used to describe dimensions rather than produce a plan.

In circumstances where the variation is significant such as a relocation of the existing building envelope it would be advisable to either produce a plan as an annexure to an instrument or prepare a Deposited Plan.

Currently should a variation to the restriction be approved, it is necessary for a report to be submitted to Council. To streamline the process, Council could delegate authority to the General Manager to agree to modifications, should the development process indicate that the alternative to that shown on the title to be suitable.

Whilst some purchasers may not be happy with the location of a building envelope, at least they have made their purchaser aware that some restriction exists. If they wish to apply to change the designated area, they should then also be aware that they will need to provide the necessary assessments and meet all the costs associated with applying for that change. It should also be acknowledged that the new proposal may not necessarily be approved.

Director Environmental Services Recommendation:

- A That Council delegate authority to the General Manager to approve on behalf of the benefiting party (Council) variations to restrictions as to users where the development assessment process indicates that the alternative suggested is satisfactory.**
- B That the other information within the report be noted.**

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

- C That all variations be reported to Council with mention of the site and the reasons for the variation.**

DES 4	PROPOSED TWO STOREY DWELLING STUARTS POINT	{Folio No. 230430}
	FILE T6-01-549 DJW	

SUMMARY:

Reporting that Council has received an application to build a two storey dwelling on an allotment for which objections have been received.



Applicant: Mr Neville White
 Subject land: Lot 471, DP 621603, 12 Marine Parade
 Stuarts Point
 Zone: 2(v) Residential zone

Proposed Development

The proposal is to build a two (2) storey dwelling on a subject allotment.

Siting

The site is situated on the western side of the Marine Parade. The land has a slight fall to the rear, a street frontage of 15.43m and a total site area of 711m² approximately. An existing shed is located at the rear of the property.

Heads of Consideration:

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

The proposal may be defined as a "dwelling house" and is permissible with consent in the 2(v) (Vilalge or Township 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.

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The location of the proposal is contained within a defined low density area for which single dwellings 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 two (2) submissions received ([Appendix 'C'](#))

The submissions may be summarised as follows:-

Submissions	Planning Comment
1 The shadow of the proposed dwelling will cause the following:- a effect a third of the rear yard vegetation b shading will make the dwelling colder in the winter. c may necessitate a cooling system to be installed.	1 The shadow diagram submitted for the dwelling demonstrates compliance with DCP 22 Development Standards Clause 4.7.1 and 4.7.3. There will be some impact from the existing shed and the dwelling, in that a small area of open space is likely to be in shadow.
2 Privacy will be affected.	2 The bedroom windows situated on northern and southern elevations will be constructed of obscure glass.
3 Height	3 The height complies with DCP22 Development Standard Clause 4.6 (b).
4 The proposed dwelling will look out of place.	4 The proposed dwelling complies in all respects with DCP 22 Development Standards.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979 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.

RESOLVED:

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

That Development Application T6-01-549 be approved subject to standard conditions to be determined by the General Manager.

DES 5	PROPOSED SINGLE STOREY DWELLING
FILE: T6-01-607 DJW	{Folio No. 230431}

SUMMARY:

Reporting that Council has received an application to build a single storey dwelling on a vacant allotment, which requires a variation to Council’s Local Housing Strategy.



Applicant: Exira Holdings Pty Ltd
 Subject Land: Lot 19 DP 1015630, 66 Bruce Field Street, South West Rocks
 Zone: 2(A) (Residential “A” Zone)

Proposed Development

The proposal is to build a single storey dwelling on the subject allotment.

Siting

The site is a vacant allotment situated on the eastern side of Bruce Field Street. The land has a slight cross fall south to north, a street frontage of 18m and a total site area of 630m² approximately.

Heads of Consideration

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

- The proposal may be defined as “dwelling house” and is permissible with consent in the 2(A) Residential 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 following requirements of DCP No. 22:-

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- The location of the proposal is contained within a defined medium density area for which single dwellings only are permitted.

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

Standard	Required	Proposed	Complies Y/N
Density	4 bedroom 500m ²	630m ²	Yes
Setbacks - side - north elevation - south elevation - eave gutter - south elevation - front - rear	0.9m 0.9m 0.675 7m 1.8m	0.9m and 1.5m 1m 0.450 5m >1.8m	Yes Yes No Yes Yes
Carparking	1 covered	2 covered spaces	Yes
Landscaping	70m ²	>165m ²	Yes
Height	5m	<5m	Yes
Solar Access	Adequate	Adequate	Yes
Privacy	Adequate	Adequate	Yes
Cut and Fill	<1.5m	<1.5m	Yes
Long Walls	20m	<20m	Yes
Access	20%	<20%	Yes
Private open space	25m ²	>25m ²	Yes

Eave gutter setback

As indicated in the table above, the proposal complies with DCP 22 except in respect to the attached garages eave gutter setback.

Comment

A minimum eave gutter setback of 0.675 metres is required to be provided to the side boundary setback. In this case it is considered the supporting documentation from Ken Barker shows the variations meet the overall performance objectives of DCP 22 for the following reasons. These are appended in [\(Appendix 'D'\)](#)

- 1 The length of garage gutter to be varied is only 6 metres.
- 2 An easement located on the adjoining properties northern side boundary will prevent a dwelling being erected closer than the easement would allow. (**Note:** This easement is 3m wide which would ensure the building on the adjoining lot would be at a greater

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distance from the side boundary than the DCP would require. Without this factor a recommendation for approval would be unlikely.

- 3 The proposed eave gutter construction complies with the Fire Safety Part of Volume 2 of the Building Code of Australia.

Advertising

The proposal was advertised in accordance with Council’s Policy with no submissions received.

Conclusion

Having considered all of the relevant matters under Section 79C of the Environmental Planning and Assessment Act, 1979 and DCP 22 Performance Objectives and the circumstances of the case, it is recommended that the development application be approved subject to conditions determined by the General Manager.

2002. 164

RESOLVED:

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

That Development Application T6-01-607 be approved subject to conditions determined by the General Manager.

DES 6	PROPOSED SINGLE DWELLING AND IN GROUND SWIMMING POOL
FILE T6-02-52	DJW
	{Folio No. 230432}

SUMMARY:

Reporting that Council has received an application to build a single storey dwelling and inground swimming pool on a vacant allotment, which requires a variation to Council’s Local Housing Strategy.



Applicant: Mr G and Mrs C Eagleton
Subject land: Lot 2, DP 822846, 3 Wainanbar Avenue
SOUTH WEST ROCKS
Zone: 2(A) Residential “A” Zone

Proposed Development

The proposal is to build a single storey dwelling and an inground swimming pool on the subject allotment.

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Siting

The site is a vacant allotment situated on the eastern side of Wainanbar Avenue the land has a slight fall west, a street frontage of 19m and a total site area of 598.5m² approximately.

Heads of Consideration

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

The proposal may be defined as “dwelling house” and is permissible with consent in the 2(a) Residential 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 following requirements of DCP No 22.

The location of the proposal is contained within a defined medium density area for which single dwellings only are permitted.

An assessment of the proposal against the relevant requirements of DCP 22 results in the following –

Standard	Required	Proposed	Complies Y/N
Density	4 bedroom 500m ²	598.5m ²	Yes
Setbacks - side - north elevation - south elevation - front - rear	Compensated Area provided 0.9m 0.9m 5m 1.8m	1.46m 1.05m & 1.5m 5m >1.8m	Yes Yes Yes Yes
Carparking	1 covered	2 covered spaces	Yes
Landscaping	135m ²	>135m ²	Yes
Height	5m	<5m	Yes
Solar Access	Adequate	Adequate	Yes
Privacy	Adequate	Adequate	Yes
Cut and Fill	<1.5m	<1.5m	Yes
Long Walls	20m	<20m	No
Access	20%	<20%	Yes
Private Open Space	25m ²	>25m ²	Yes

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Long Walls

As indicated in the table above, the proposal complies with DCP 22 except in respect to the proposed dwellings southern wall exceeds the required maximum length of 20m by 2.735m.

Advertising

The proposal was advertised in accordance with Council's Policy with no submissions received.

Comment

The objective of reducing long walls is primarily required to reduce the impact of long and often bland walls. It is considered in this instance the impact from the proposed single storey dwelling's external 2.4m high brick veneer walls with two 450mm offsets setback 1.5m from the southern side boundary will have minimum adverse impact

Mr Hadlow has made a number of points in his submission [\(Appendix 'E'\)](#), some are seen as being irrelevant in respect to this application and others require some clarification. In that regard the objectives which would be most applicable in this instance are:-

- The scale, height and length of a building and walls is to be appropriate to the local residential character, ensuring that there is no significant loss of amenity to adjacent dwellings and land.
- Building siting and design is to enhance establishment of an attractive streetscape and is to provide opportunities for effective landscaping of areas visible from the street.

In this instance, to meet the requirements of the DCP, an offset of 2.75m x 1m at the rear of the building could have been used i.e. 2.75m². In this case 6m² of offset area has been provided and it could be argued, provides for a better design as there are two (2) breaks in the long wall.

In acknowledging that situation, it must be recognised and remembered that each application must be considered on its own merits and not on what may be perceived as previously approved examples.

Conclusion

Having considered all of the relevant matters under Section 79(c) of the Environmental Planning and Assessment Act, 1979, DCP 22 and the circumstances of the case, it is recommended that the development application be approved subject to conditions determined by the General Manager.

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That Development Application T6-02-52 is approved subject to conditions determined by the General Manager.

DES 7 BUILDING AND DEVELOPMENT
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SUMMARY:

Reporting that the following applications have been approved:



APPROVALS

Local Development (LD) [\(Appendix 'F'\)](#).

Construction Certificates (CB) [\(Appendix 'G'\)](#).

The following comparisons in relation to development applications and approvals are provided:-

Period 1.7.00 – 28.2.01		1.7.01 – 28.2.02
No of applications	373	450
Value	23,943,729	23,306,048
Approvals	367	412
Median approval time	22 days	23 days
No of Construction Certs.	298	369
Includes Wutuma Cultural Centre not yet approved and alterations to St Pauls School		Includes alterations to Crescent Head School

The Calendar Year figures were –

1.1.00 – 31.12.00		1.1.01 – 31.12.01
Number of Applications	685	612
Value	\$35,575,395	\$30,833,371
Number of Approvals	523	920
Median Approval time	21	22
Dwelling Units	202	161

(Includes Dev. Consent for a Tourist Development involving 61 Units which has not yet commenced)

The increase in the first Home Owner grants from \$7000 to \$14,000 would appear to be related to the increase in applications in the second half of 2001.

2002. 166

RESOLVED:

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

That the information be noted.



DIRECTOR ENGINEERING REPORT

DE 1	FEES FOR SPORTS FIELDS		
	FILE: R3-12	KJF (NRN)	{Folio No. 230433}

SUMMARY:

Reporting on discussions to date regarding fees for use of Sporting Fields.



As a result of Council's decision to increase fees for the hire of sporting fields in an attempt to recover 30% of maintenance costs, Council's Fees and Charges were increased for this financial year. Also, fees for schools usage was adjusted and the maximum limit of \$500 removed. Reaction from all sports associations and the Sports Council has been marked, especially since Hastings Council, and some other local government areas, levy no fees for regular users.

Of the schools, the larger schools will be most severely impacted:

Eg. Kempsey High	- 550 students	- \$1,705	- 341% incr.
Melville High	- 950 students	- \$2,945	- 585% incr.
West Kempsey Primary	- 280 students	- \$ 868	- 75% incr.

At the meeting of 3rd December 2001, the District Sports Council resolved:

"That Council be asked to reconsider the maximum limit and that it be set at \$600 for School Sports Fees for 2001/2002."

There is some concern that the limited funds available in schools for educational resources would be reduced should Council apply no upper limit to the fee. It will be recommended that Council establish an upper limit for School Sports fees of \$600 for this financial year.

The issue of fees for regular use of Council's sports fields has also been extensively discussed with the Sports Council and User Groups. The inordinate bad feeling the levying of fees engenders and the confusion and questioning involved in application of fees certainly leaves Council in a bad light. The cost in determining the fee, forwarding the information explaining

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the determination and recovering the fees utilises at least 30% of the income. Council will be asked to abandon fees for regular use of sporting fields for the 2002/2003. Fees will still be levied for one-off events, in line with Council's Fees and Charges.

The Maintenance Incentive rebate system has also been questioned by some sports associations, as they feel that some claims are "too willing" and beyond the level of normal maintenance required. Council's Horticultural Advisor is reviewing the maintenance required for each field and will discuss and confirm the acceptable level with each of the User Groups. This will also involve setting the responsibilities of the User Groups in relation to linemarking, rubbish removal, etc.

The new O H & S Act also has implications for Council, particularly when providing plant and equipment for use by volunteers. Council needs to ensure the requirements of the Act, and associated regulations, with respect to training and supervision, maintenance, repair and storage are complied with. Council may be best to provide all fields to a particular standard and, if additional work is required by a particular sports association, the onus of completing the work lay with the sports association. It will be recommended that Council abolish the Maintenance Incentive Rebate system and utilise the funds for Council's Parks and Gardens workforce to complete the routine maintenance required on Sports fields.

The Project Development Incentive Rebate scheme should be maintained. This scheme supports and encourages community involvement in facility development and has seen the development of Verge Street Stadium and the Kemp Street sports fields.

At the meeting of 25th February 2002, the District Sports Council recommended:

"that the Sports Council commits to undertake works to reduce maintenance costs to Council subject to Council waiving fees for regular use of sporting fields."

Some User Groups and Sports Associations had been applying this commitment since October, with a noticeable reduction in costs for maintenance. Once Council's level of service is determined and agreed, maintenance costs should stabilise.

It should be recognised that Kempsey Shire Council provides good quality sports fields. Visitors from other areas comment regularly about our field conditions and sports associations who travel to other areas recognise that home conditions are more than acceptable for a relatively small rural Council. Improved methods of maintenance will continue to achieve these standards.

Financial Implication

The financial implication of the following recommendation would be negligible, as the income from fees for use of sporting fields would be offset by the savings on the Maintenance Incentive Voucher system.

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Director Engineering Recommendation:

- 1 That the maximum fee for School Sports for 2001/2002 be \$600.
- 2 That the Maintenance Incentive Rebate system for Sporting fields be abolished.
- 3 That fees for use of sporting facilities by regular users be abandoned in 2002/2003.

MOVED

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

That the Director Engineering Recommendation be adopted.

An Amendment was MOVED:

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

- 1 That the maximum fee for School Sports for 2001/2002 be \$600.
- 2 That the Maintenance Incentive Rebate system for Sporting fields be abolished.
- 3 That fees for use of sporting facilities by regular users, including schools be abandoned in 2002/2003.
- 4 That the issue relating to OH & S requirements and audit of Councils sports fields be the subject to a report by the Director Engineering.

2002.166a. The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION.

2002.167 RESOLVED:

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

That the motion be dealt with as separate items.

2002.168 RESOLVED:

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

- 1 That the maximum fee for School Sports for 2001/2002 be \$600.

2002.169 RESOLVED:

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

- 2 That the Maintenance Incentive Rebate system for Sporting fields be abolished.

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Councillor Bowell declared an interest in the following item for the reason that his wife is a member of the Macleay Netball Committee and retired from the Chambers.

2002.170

RESOLVED:

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

- 3 That fees for use of sporting facilities by regular users, including schools be abandoned in 2002/2003.**

Councillor Bowell returned to the Chambers.

2002.171

RESOLVED:

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

- 4 That the issue relating to OH & S requirements and audit of Councils sports fields be the subject to a report by the Director Engineering.**

DE 2	ZONING OF FIRE DISTRICTS	{Folio No. 230434}
	FILE: F3-2 KJF	

SUMMARY:

Reporting on investigation into the introduction of a Rural Fire Service Zone.



Council, at its meeting of 9th October 2001, considered a report on the proposal to introduce a Rural Fire Service Zone combining Kempsey and Nambucca Districts. Council resolved to support the investigation.

A number of meetings with volunteers followed in an effort to disseminate the reasoning behind the move, involving the Regional Commander, Ian Thomas, the FCO from both Kempsey and Nambucca districts and Brigade Captains. Generally the responses were positive and further discussions were planned at brigade level, with confirmation to be forwarded to Council by 30th January 2002. To date, 5 responses have been received from brigades, with 2 in favour, one happy for the FCO to decide and 2 uncertain. A negative response has also been received from Operation Support personnel. No formal response has been received from the remaining 8 brigades although there is some suggestion that the majority of brigades are in favour of the proposal.

Zoning of the two Districts will provide an improved level of service to the community by the combination of permanent trained RFS employees to cover the Zone. Kempsey's Fire Control Centre will remain and will be staffed 3 days per week, whereas now it is not staffed if the FCO is at meetings or in the field.

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Communication and interaction with volunteers should not be hampered and may even be enhanced by the proposed arrangement.

Cost efficiencies will be greater than with the existing arrangement by the combination of the current two separate systems. The cost efficiencies will result in more funds being available for equipment etc.

Some discussion has lately been initiated with regard to Zoning with Hastings District. The benefits described above would equally apply to either combination. However, the commonality of interest would seem greater with Nambucca than with Hastings.

It is recommended that Council confirm agreement to the Zoning of Kempsey and Nambucca Districts.

Financial Implication

There are no financial implications from the following recommendation.

Director Engineering Recommendation:

That the Zoning of Kempsey and Nambucca Fire Districts be supported.

2002.172

RESOLVED:

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

That this matter be deferred for further discussions with all the stakeholders including Inspector Thomas or his nominee.



2002. 173

RESOLVED:

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

That Standing Orders be suspended to allow items DCCS 9 – Kempsey Macleay RSL Club and DBE 4 – Waste Transfer Site South West Rocks to be dealt with at this stage of the meeting.

Councillor Hayes recorded her vote against the foregoing resolution.

DCCS 9	KEMPSEY MACLEAY RSL CLUB – USE OF ROAD RESERVE AND CARPARK AT CLUB PREMISES
FILE: LA20004 PJH	{Folio No. 230460}

SUMMARY:

Reporting on a meeting held with representatives of the Kempsey-Macleay RSL Club and the Sub-Branch regarding the land and carpark at the front of the Club premises.

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MAYOR



A meeting was held between Council representatives and the Kempsey-Macleay RSL Club and Sub-Branch on Thursday 28th February 2002 in accordance with Council's resolutions of 12th February 2002.

In attendance were Mr Vince Craig and Mr Reg Brain (RSL Club), Mr Darrell Crilley, Mr Frank Ellis, Mr Glen Brown and Mr Alan Goulder (Sub-Branch). The Mayor and Councillor Hunt represented Council along with the Director Engineering, Director Corporate and Community Services, Director Environmental Services, Manager Administration and the Community Safety Officer.

The two issues discussed were the transfer of the road reserve (memorial wall garden) and the use of security measures relative to the existing carpark.

Transfer of road reserve (garden area)

It was agreed at the meeting that the preferred option was that this land be transferred in two (2) parcels i.e. the land in front of the Memorial Hall to the Sub-Branch and the land used for access to the Club premises to the RSL Club.

The procedure here will involve a road closure. Processing and administration costs (approx \$4,000) will be shared between the RSL Club and Sub-Branch. In regard to the purchase price for the land involved the meeting has recommended that the land to the Sub-Branch be sold for \$1.00 and land to the RSL Club be sold at \$80.00 per square metre (the current land value of the adjoining RSL Club land).

If Council agrees with this proposal the RSL Club and Sub-Branch will be invited to submit a joint road closure application to Council. The process will take approximately 12 months before title to the road reserve area is transferred to the RSL Club and Sub-Branch.

The Sub-Branch has requested that the land to be transferred to them in the process be under the same agreement as is in place regarding the Memorial Hall i.e. if the Sub-Branch ceases to exist in the future that the land reverts to Council to be retained as a Memorial Wall and Garden.

The first step in this process will be for a road closure application to be submitted to Council and the proposal advertised calling for any submissions within 28 days.

Security measures relating to existing carpark

The second issue to discuss was the existing carpark and security issues. The meeting consensus on this matter was that the carpark must be retained in Council ownership and a lease to the RSL Club is not an option under the Roads Act as it is a used public road.

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MAYOR

It was agreed that further negotiations continue between Council and the RSL Club management regarding the introduction of security measures to improve the safety of the carpark area, the measures discussed included tree removal, lighting and eventually closed circuit television (CCTV). With the CCTV there are guidelines provided by the State Government that must be met if the cameras are used on a public area such as a carpark.

The RSL Club management were invited to discuss these matters with the Community Safety Council to commence processes to improve the carpark area in terms of its security.

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 and Kempsey-Macleay RSL Sub-Branch be invited to make an application for road closure and purchase of part of the road reserve currently being used for gardens and access pathways.**
- 2 That the RSL Club and Sub-Branch be advised that the conditions of the proposed land transfer would be in accordance with the terms detailed the Director's Report.**

MOVED:

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

That the Director Corporate and Community Services recommendation be adopted .

An Amendment was MOVED

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

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

- 3 That Community Safety Officer include the RSL carpark in the Kempsey CBD Security Audit Report.**

2002. 174

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

SUMMARY:

Reporting on the operation of South West Rocks Waste Transfer Site on a contract basis.



At its 9th October 2001 Ordinary Meeting, Council resolved to seek legal advice to ensure that, as part of the contract, the contractor can and will be required to pay all staff award wages.

Council also resolved that following confirmation that Council is not at any legal risk, a contract be arranged for "Rocks Maintenance and Repairs" to begin operation of the South West Rocks Waste Transfer Site.

The intent of Council's resolutions has been essentially satisfied with the following qualifications;

- Counsel advises that the brief Contract Document (tabled separately) apportions an appropriate and equitable amount of risk to the Principal and the Contractor
- The contractual arrangement is now proposed to be affected with Mr James Wardrop (partner in Rocks Maintenance and Repairs), as the other partner has withdrawn from this contract.
- A similar contractual arrangement (ie sole operator) exists and is proposed for renewal at the Stuarts Point waste transfer site

Under the proposed scheme of operation and contractual arrangement, the grant of contract will be for a twelve-month period (1 April 2002 to 31 March 2003) in the first instance.

Financial Implication

The financial implication of the following recommendation would be a saving to Council of approximately \$38,000 per annum (DOS 26 Report to Council: Ordinary Meeting 9 October 2001)

2002. 175

RESOLVED:

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

That Council grant a one-year contract to Mr James Wardrop for the operation and management of the South West Rocks Waste Transfer Site.

SUMMARY:

Reporting on a proposal for Council to become involved in the University of Newcastle Industry Scholarship Scheme.



Whilst reviewing the apprenticeships to be offered this year and in recognition of the difficulty of attracting qualified people for a number of jobs, the opportunity to become involved in the University of Newcastle Industry Scholarship Scheme (UNISS) was raised. Tamworth Council are already involved and are very pleased with their participation. Details of the Scheme and its costs are attached at [\(Appendix A\)](#) and a promotional package has been circulated to all Councillors with the Business Paper.

It is felt that Council could benefit from participation in this scheme by placement of a trainee and that the Community would benefit by the selection of a local student for support through their University course.

The initial funds could be drawn from the vote for apprenticeship training and the major cost, for the year 4 industrial attachment, could be included in the appropriate years Estimates.

Financial Implication

The financial implication of the following recommendation would be a 5 year commitment of funds, with the initial contributions coming from the vote for apprenticeship training.

Director Engineering Recommendation:

That Council participate as a Sponsor in the University of Newcastle Industry Scholarship Scheme (UNISS).

MOVED:

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

That the Director Engineering Recommendation be adopted.

An Amendment was MOVED:

*Moved: Cl Joukhadar
Seconded: Cl. Sproule*

That Council consider participation as a sponsor in the 2002/03 estimates.

2002.176

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

Councillor Parkinson recorded his vote against the foregoing Resolution.

DE 4	SMITH STREET MEDIAN		
	FILE: R Pacific HWY	APV	{Folio No. 230439}

SUMMARY:

Reporting on the maintenance of the median islands on the Pacific Highway (Smith Street) Kempsey.



At its meeting on 13th November 2001, Council authorised the Director Operational Services to negotiate with the Roads and Traffic Authority regarding payment for the maintenance of the median strip in Smith Street, Kempsey. A copy of the previous report is attached at [\(Appendix B\)](#)

Council was seeking a one-off lump sum payment of \$50,400 instead of an annual amount of \$4,200. The RTA have advised Council that the option of a lump sum payment is unable to be pursued. The RTA is, however, prepared to engage Council at an agreed amount of \$5,000 per annum to undertake the maintenance of the median.

It is recommended that Council accept the offer from the RTA of \$5,000 per annum subject to CPI increases.

Financial Implication

There are no financial implications from the following recommendation. The additional funds from the RTA will allow a higher level of service.

Director Engineering Recommendation:

That the offer from the RTA to engage Council at the amount of \$5,000 per annum, subject to CPI increases, to undertake maintenance of the median strip in Smith Street, Kempsey, be accepted.

MOVED:

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

That the Director Engineering's recommendation be adopted.

An Amendment was MOVED:

Moved: Cl. Howell
Seconded: Cl. Hunt

- 1 That the offer from the RTA to engage Council at the amount of \$5,000 per annum, subject to CPI increases, to undertake maintenance of the median strip in Smith Street, Kempsey, be accepted.
- 2 That council investigate carrying out the work on a contractual basis.

The AMENDMENT was PUT to the Meeting and was LOST.

2002.177

The MOTION was PUT to the MEETING and was CARRIED.

DE 5	MINOR ROADS	NJT (NRN)	{Folio No. 230441}
FILE: R8-2 (222257)			

SUMMARY:

Reporting on proposals for expenditure of \$30,000 provided for repairs to minor roads, in addition to those already maintained.



Council at its meeting on the 8th October 2001 considered a report on a Road Acquisition Policy and resolved:

“That \$30,000 be provided for repairs to minor roads in addition to those already maintained.”

Council at its meeting on the 13th November 2001 resolved:

“That \$6,000 be identified for essential maintenance to the ‘untrafficable’ section of North Street Gladstone.”

It is recommended that work be carried out on the following roads:

		Residences Served
• North St, Gladstone	\$6,000	0
• Two Hills Lane, Seven Oaks	\$6,000	0
• Syd Sutherlands Lane, Clybucca	\$6,000	0
• Blewitts Lane, South Kempsey, from Bruces Lane,	\$2,500	1
• Shady Lane, South Kempsey, from Blairs Lane	\$2,500	1
• Five Day Creek Road; beyond normally maintained section	\$4,000	1
• Hickeys Creek Road, beyond		

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MAYOR

“Pindah”

\$3,000
\$30,000

3

These roads have been part of ongoing concerns raised by landholders that the existing road access to their properties and residences are inadequate. These sections of roads listed are Dedicated Public Roads but not traditionally maintained by Council. Work will be undertaken whilst Council’s maintenance crew is in the area. It is proposed that minimal roadworks will be carried out at each of these locations, to the limit of funds available. These sections of roads will receive minimal ongoing maintenance possibly only once every 2 years.

Financial Implication

There are no financial implications from the following recommendation.

2002. 178

RESOLVED:

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

That the projects as listed be adopted.



At this stage 12.40pm Lyndall Stone, Project Officer, State and Regional Development Officer addressed Council on the Forestry Investment Program.



At this stage 1.07 p.m. the Meeting adjourned for Luncheon and upon resumption at 2.04 p.m. all present at the adjournment were in attendance except for Councillor Mainey, who apologised for non attendance at the remained of the meeting.



At this stage 2.05p.m. Lesley Schoer, Consultant for the Economic Development Tourism Board addressed Council.



Councillor Parkinson returned to the Chamber at 2.06 p.m.



Councillor Joukhadar returned to the Chamber at 2.08 p.m.

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MAYOR

2002. 179

RESOLVED:

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

That Standing Orders be suspended to allow item GM 10 Economic Development/Tourism Board to be dealt with at this stage of the meeting.

GM10	ECONOMIC DEVELOPMENT/TOURISM BOARD
FILE: I2-17	AVB (NRN) {Folio No. 230503}

SUMMARY:

To present to Council a number of options for the formation of an Economic Development/Tourism Board.



Lesley Schoer and Associates have forwarded to Council a number of options for the formation on an Economic Development/Tourism Board [\(Appendix C\)](#) The consultants require a decision from Council as to which if any of the proposed models is acceptable so that they can proceed to the next stage of the consultancy.

Both Lesley Schoer and Spencer Bruskin will be joining Councillors at lunch and will be available after lunch to address Council and answer questions.

Financial Implications

There are no financial implications arising from this report.

General Manager’s Recommendation:

The Council select an option as the model for that Economic Development/Tourism Board.

2002. 180

RESOLVED:

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

That Council select option 2 as the model for the Economic Development/Tourism Board subject to the deletion of dot point 4 in the model.

Councillor Parkinson recorded his vote against the foregoing Resolution.

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MAYOR

SUMMARY:

Reporting on a request from Messer's G Clifford and S Bowker to provide access to their properties on Stoney Creek Rd, Temagog.



Messer's Clifford and Bowker are seeking Council to provide access to their properties. They have indicated that they have no legal access.

Council records reveal previous correspondence in 1974 from the Department of Lands regarding the status of Stoney Creek Road, which stated that:

"The subject road within the T.S.R. 100 notified 1st November, 1880 was dedicated as a public road for a width of 20.115 metres (1 chain) by Ministerial Approval of 13th April, 1911 in accordance with provisions of Section 8, subsection 3, paragraph 6, Local Government (Amending) Act, 1908."

A Dedicated Public Road within T.S.R. 100 provides legal access to these properties. The road was unsurveyed and followed the existing road in use in 1911. That road in use has since developed into a number of tracks criss-crossing the reserve.

Legal access can also be provided from T.S.R.'s under the Pastures Protection Act, 1934 – Part Section 65(3) states:

"Every owner or occupier of land shall be entitled to access over a travelling stock reserve to and from lands held by him to the nearest road where no access to and from such lands by means of road or track is provided"

Mr Clifford has been in contact with the NSW Ombudsman regarding the status of the road, together with responsibilities of upkeep and maintenance. The NSW Ombudsman wrote to Council and stated that:

"I have informed Mr Clifford that Council, as the appropriate roads authority is responsible for the upkeep and maintenance of Council roads. I also indicated that road maintenance is a discretionary matter for Council and that where a Council exercises its discretion, and in the absence of any firm evidence of improper conduct, the Ombudsman will usually decline to conduct formal investigation that would result in a recommendation that essentially substitutes the Ombudsman's own view of how Council should exercise its discretion. In such cases it is for Council to decide where to allocate its limited funds."

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Stoney Creek Road is a 4-wheel drive track meandering through an existing stock route. The tracks are in very poor condition and include a number of creek crossings. There are a number of washouts and the track is severely eroded. Existing creek crossings have significant river shingle deposits that can only be negotiated by 4-wheel drive vehicles in dry weather.

Mr Clifford's property entrance is 1.8km and Mr Bowker property entrance is 3.3km from Willi Willi Road. Both these properties have residences.

Correspondence from the solicitors handling the original subdivision application in 1974 stated to Council that:

"The subdividers will not call upon the Council at any time to be responsible for any undedicated boundary roads referred to nor any construction of the road along the T.S.R. itself."

Minimal road works cannot be carried out in this location due to the terrain and frequency of creek crossings. The estimated cost to provide a road 1.8km long to Council's minimum road standard is approximately \$80,000 and an additional \$40,000 to provide 2 causeways at creek crossings. The location of the public road reserve is unknown and may be difficult to establish.

It is recommended that the applicants be informed of the status of access to their properties, and that Council is not in a position financially to carry out any works on the road.

Financial Implication

There are no financial implications from the following recommendation.

2002. 181

RESOLVED:

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

- 1 That the applicants be informed that they have legal access to their properties via a public road and T.S.R.
- 2 That construction or maintenance of Stoney Creek Road not be undertaken.

DE 7	CONTRIBUTION TO WORKS – FOOTPATH PAVING AND KERB AND GUTTER
FILE: F11 NJT (NRN)	{Folio No. 230443}

SUMMARY:

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

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MAYOR



Council considered a report regarding contributions to works for footpath paving and kerb and gutter construction at its meeting on the 15th January 2002 and resolved:

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

A copy of the report and draft policies are attached [\(Appendix C\)](#)

The Policy was publicised and made available for public comment for 3 weeks.

Council received only one written comment regarding the proposed Policies. A copy of the submission is attached [\(Appendix D\)](#)

As a result of these new Policies Council would be in a position to construct more footpaths and kerb and gutter, as additional funds could be recouped for such projects.

Financial Implication

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

2002. 182

RESOLVED:

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

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

DE 8	WORKS IN PROGRESS	
	FILE: R8-2	KJF (NRN) {Folio No. 230445}

SUMMARY:

Reporting on works in progress.



ROADS

Regional Roads

MR75 Armidale Road - Completed.

MR198 South West Rocks Rd - Flood damage repairs planned.

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MAYOR

MR198 South West Rocks Road Ch. 5.3 – 8.3 - Pavement strengthening planned

MR75 Mooneba Intersection - In progress.

Sealed Rural Local Roads

Belmore River Road (Left Bank Road) - In progress.

Plummers Lane (Flood repairs) - Completed.

Gowings Hill Road - Pavement strengthening completed – awaiting seal.

Gravel Rural Local Roads

Gravel Resheeting

Pipers Creek Road - Completed.

Upper Smiths Creek Road - Planned

Wharf Road - Planned

Chain O Ponds Road - In progress.

Hickeys Creek Road - Planned

Spooners Avenue - Planned

Maintenance Grading

Work Completed

Collombatti Aread
Nulla Nulla Area
Hickeys Creek Area
Toose Road
Dungay Creek Road
Pipers Creek Road
Adelaide Brook Road
Dondingalong Road
Battles Outlet
Clarkes Road
Point Plomer Road
Maria River Road

Works in Progress or Proposed

Beranghi Road
Verges Creek Road
Saleyards Creek Road
Five Day Creek Area
MR75 Armidale Road

TOWN AND VILLAGE WORKS

Kempsey

Bloomfield Street (Pavement strengthening) - Planned

Innes Street footpath - In progress

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Kemp Street Pavement Strengthening	-	In progress
Sea Street kerb and gutter	-	Planned
PO Corner paving (Masterplan Works)	-	In progress

Crescent Head

Dulconghi Street drainage	-	Planned
Stewart Street kerb and gutter	-	Planned

Stuarts Point

Marine Parade kerb and gutter	-	Planned
Ocean Street footpath	-	Planned

HORTICULTURE

- General maintenance of parks and playing fields continuing. Marking and installation of goal posts for winter sports commenced.
- Red Cedars for winter plantings on the Highway, north of Kempsey, bagged up with assistance from Rotary Clubs.
- Initial public meeting for the Plan of Management for SWR Reserve held at School of Arts Hall, Thursday, 28th February 2002.
- Redevelopment of gardens and paving behind Credit Union Plaza and on the Post Office corner commenced.

FLOOD MITIGATION

General Maintenance and Repair	-	In progress
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Bridge Major Repairs

Upper Smiths Creek Bridge	-	Completed
Wharf Road Bridge	-	Completed
Christmas Creek Bridge (Saleyards Road)	-	Planned

Flood Damage Restoration Works

MR75 Armidale Road	-	Completed
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Nulla Nulla Creek Road - Completed
(Slips)

NOXIOUS PLANTS

- Attended Noxious Weeds Grant meeting at Taree.
- Attended Cats Claw Creeper meeting at Port Macquarie with representatives from DLWC, National Parks, Hastings Council, Taree Council and Kempsey Council.
- Attended a Field Day organised for the Up River Landcare Group by Carol Rose, District Agronomist.
- Field trip to Comboyne with weed expert, John Hoskins, Department of Agriculture, Tamworth, with Noxious Weeds Inspector and Horticulturist from Hastings Council to look at two new emerging weeds.
 1. Kerry Beery – Blackberry Family
 2. Kudzu Vine

Also John identified a weed for me called Cuphea, found at Back Creek, Kinchela.

- Private property inspections at South West Rocks, New Entrance and Lighthouse Road for Groundsel Bush.
- Private property inspections on Seal Road and Verges Creek Road for Giant Parramatta Grass.
- Attended Regional Meeting for Mid North Coast Weeds Advisory Committee. Next meeting will be held at Kempsey Shire Council on 18th April, 2002.

BUILDING SERVICES

Work completed last 4 weeks

- Ongoing maintenance and repair of public toilets including graffiti removal.
- Replaced wooden section of security fence at Kempsey Pool Complex with colorbond steel panelling.
- Replacement bus shelter installed at Arakoon.
- Picnic table installed at Rudder Park, East Kempsey.
- Extra maintenance and repairs following increased vandalism to public toilets in Kempsey.

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Work proposed next 4 weeks

- Continue to manufacture timber bollards for Kempsey Master Plan works.
- Continue to adjust offices at Civic Centre for restructuring.
- Continue office modifications to store at Depot and start construction of office for Works Section at Depot.
- Prepare foundations and hold-downs ties for office at Taxi Rank site in Kempsey.

Financial Implication

There are no financial implications from the following recommendation.

2002. 183

RESOLVED:

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

That the information be noted.

DE 9	COMPLIMENTS RECEIVED BY ENGINEERING STAFF
FILE: S10-2	TLW (NRN) {Folio No. 230446}

SUMMARY

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



- | | | |
|--|---|---|
| Robert Raymond | - | Thank you for the works recently carried out on his private road (private works). |
| Dondingalong/Sherwood Progress Association | - | Congratulating Council on the new locality signs around the Shire and on the completion of new Pipers Creek and Gowings Hill Road intersection. |
| Mr Vandenburg | - | Thanks for the great drainage works at Frederickton. |
| John Moore | - | Thanks for the great work on Hickeys Creek Road. |
| John Kennedy | - | Riverside Park – clean BBQ's, lawns mowed, no rubbish – congratulations. |
| Shane Griffiths | - | Billybyang Creek Road – Great job done by Council staff. |

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Kevin Unger - Extremely impressed with the Bridge Crew, who effected repairs to the Moparrabah Bridge.

2002. 184

RESOLVED:

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

That the information be noted.



SUPPLEMENTARY DIRECTOR ENGINEERING REPORT

DE 1	RESTRUCTURING - ACCOMMODATION
	FILE: S10-2, B9-2
	KJF (NRN) Copy APC
	{Folio No. 230542}

SUMMARY:

Reporting on the provision of office space to suit the new corporate structure.



Following Council's restructuring, staff have been allocated to their new departments and the Civic Centre alterations have been adjusted to incorporate the new arrangement. As part of the restructure, and to improve staff communication, the Works Section is to relocate to the Thompson Street Depot. Initial plans were drafted to determine an appropriate location and the availability of adequate space. Two options were investigated being either in the dedicated Store space or a separate building within the Depot. The Store option involved a first floor area involving issues of access, soundproofing and wall and ceiling lining. The preferred option was a separate building, opposite the Store and beside an area to be converted into the Store Compound. Cost estimates were similar, at approximately \$70,000.

No funds were provided for this within Council's Estimates. However, there are some savings within Design Salaries due to delays in filling the position of a Design Engineer and other positions within the Design Section. It is proposed that \$75,000 be reallocated from Design Salaries to cover the cost of construction of the Works Office.

Financial Implication

The financial implication of the following recommendation is reallocation of \$75,000 from Design Salaries to Depot Management – Capital Expenses.

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MAYOR

2002. 185

RESOLVED:

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

That \$75,000 be reallocated from Design Salaries to Depot Management to allow construction of a Works office.

DE 2	STATE EMERGENCY SERVICES	
	FILE: E8-5 KJF (NRN)	{Folio No. 230543}

SUMMARY:

Reporting on receipt of the Annual Report of the State Emergency Services of NSW.



Attached at [\(Appendix A\)](#) is the covering letter from The Director General of the State Emergency Services of NSW accompanying the Annual Report for the 2000-2001 financial year. A copy of the Report will be tabled at the meeting should Councillors wish to peruse the document. Kempsey SES are mentioned, having received a Director General's commendation.

Financial Implication

There are no financial implications from the following recommendation.

2002. 186

RESOLVED:

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

That the information be noted.

DE 3	GOOLAWAH RESERVE	
	FILE: L1-2A KJF	{Folio No. 230544}

SUMMARY:

Reporting on receipt of information on Goolawah Reserve, Stage II.



At Council's meeting of 11th September 2001, during Questions Without Notice, Councillor Parkinson was advised:

"That the Director Operational Services would check on the status with regard to the gazettal of Goolawah Stage II".

The DLWC was approached with regard to this issue and verbal advice was that there had been some delays in processing.

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Subsequent letters apologise for the delay and advising that it has not been possible to advance reservation action (and hence formally appoint Council as manager) over the majority of the lands included in "Stage Two" due to legal complications associated with the impact of Commonwealth Native Title legislation. Basically, the department is unable to reserve lands or create an interest in land (such as the establishment of a reserve trust) unless native title is shown to be extinguished. If native title exists, a non-claimant application must be lodged before the Native Title Tribunal, a procedure which enables possible claimant groups to express an interest in, or possibly claim, the affected lands.

The department has not acted on the matter due to the extent of the overall area subject to native title interest. Recent advice is that the Department has determined that native title is deemed to be extinguished on the following: Lots 27, 140, 214, 228 and 296, DP754441. A plan of these lots is attached at [\(Appendix B\)](#)

Council now needs to confirm their acceptance of these areas, as part of Goolawah Reserve, and ask the Department to place them under Council's control.

Financial Implication

There are no immediate financial implications from the following recommendation. Any future expenditure proposals will be listed for consideration in future budgets.

2002. 187

RESOLVED:

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

That Lots 27, 140, 214, 228 and 296, DP754441, be accepted for inclusion in Goolawah Reserve.

DE 4	QUESTIONS WITHOUT NOTICE	
	FILE: C18-28 TLW (NRN)	{Folio No. 230545}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 9th January 2001, 20th March 2001, 14th August 2001, 11th September 2001, 11th December 2001, 15th January 2002 and 12th February 2002.



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



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.*

Awaiting further contact from the Crescent Head Country Club with its new Board of Directors.



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. Still 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 approach the Mid North Coast Area Health Service to fund 50% of the work.*

A letter has been received, with the CEO declining to contribute on the belief that Hospital staff do not park in the area. Details of vehicles that do use the area are being collated. Options are being reviewed.



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



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.*

A Report is attached to this Business Paper.



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



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.

Department Public Works and Services are currently in discussion with the original contractor.



Responses to Councillors Questions Without Notice from the Council meeting of the 15th January 2002 are listed for information.



Councillor P J Mainey

1. *That the Director Engineering investigate the status of the intersection of Cyrus Saul Circuit, Frederickton with the Pacific Highway.*

The status of the intersection is currently under review.



Councillor J H Bowell

1. *That the Director Engineering will advise him of the construction commencement date of the taxi rank superstructure.*

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Construction commenced on the 13th February 2002.

- 2 *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 Streets, Kempsey.*

The RTA has undertaken a full survey of this area and considered recent traffic counts. Design work is currently underway to allow public consultation, probably in May. No funds for any works are available for this year and the RTA is looking to acquire construction funds for next financial year.

- 3 *That the Director Engineering will investigate the concerns of residents driveways on Old Station Road since roadworks have been carried out.*

Residents contacted and adjustments initiated.



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



Councillor J H Bowell

File : T9-4 NJT (NRN) {Folio No. 229212}

- 1 *That the matter of school bus routes being via Stuart Street rather than Belgrave Street would be referred to the Traffic Committee.*

The matter was discussed at the Local Traffic Committee meeting of the 21st February 2002 and it was agreed to consider the matter with the Belgrave Street Masterplan proposals. A traffic Study has been initiated and will consider all implications.

File : R8-24 TLW (NRN) {Folio No. 229213}

- 2 *That a concept plan was awaited from Country Energy regarding an improved lighting plan for the intersection of the Pacific Highway and Stuarts Point Road.*

The issue of lighting has been listed for discussion with the Regional Manager of the Roads & Traffic Authority.

File : F3-2 KJF (NRN) {Folio No. 229215}

- 3 *That the Director Engineering would follow up on discussions with Nambucca Shire Council regarding rural fire service districts.*

Report on Zoning Kempsey and Nambucca Fire Districts included in this Business Paper.



Councillor B R Sowter

File : FM322D KJF (NRN) {Folio No. 229220}

- 1 *That the Director Engineering would investigate a badly leaking floodgate at McCabe's Drain.*

This project has been scheduled for attention in May – involves concrete flood flaps on concrete pipes. The concrete pipe edges are broken and leak badly. Requires bunding of pipes, excavation around the pipes and restoration of broken edges.

File : R8-2 KJF (NRN) {Folio No. 229222}

- 2 *That the Director Engineering would investigate using the slope mower in Sutherlands Lane in locations where long grass is affecting sight distance of traffic.*

Long grass in the area has been removed to improve sight distance.



Councillor J Sproule

File : R8-20 KJF (NRN) {Folio No. 229226}

- 1 *That the matter of directional signage for Sherwood Estate Winery at the Kempsey Golf Club was a matter for negotiation between these two parties and a request by Sherwood Estate Winery for Highway Tourist Signs should be directed to the Director Engineering.*

Discussions initiated with RTA with respect to number of and appropriateness of signage.



Councillor N Joukhadar

File : R8-2 KJF (NRN) {Folio No. 229228}

- 1 *That the Director Engineering would urgently investigate a large pot hole in Macleay Street Frederickton near the vicinity of Creek Street.*

No pothole found. RTA have subsequently carried out maintenance works.

2 That the Director Engineering would have discussions with the RTA on the possible provision of signage at the entrances to Frederickton requesting truck drivers to limit noise of compression brakes.

The RTA does not favour signage and are looking at alternative solutions. Council is pursuing the RTA with regard to provision of maintenance funding for road surface improvements.

Financial Implication

There are no financial implications from this recommendation.

2002. 188

RESOLVED:

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

That the information be noted.

**DE 5 TREES – SOUTH WEST ROCKS MOTEL
FILE: T11-4 KJF {Folio No. 230546}**

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



DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

**DCCS 1 MACLEAY HASTINGS SAFE COMMUNITIES
FREE RESUSCITATION LESSONS
FILE: H2-2 TIH (NRN) {Folio No. 230447}**

SUMMARY:

Reporting on Council’s involvement in the Macleay Hastings Safe Communities Free resuscitation lessons recently held in the Kempsey Shire.



Kempsey Shire Council, Macleay Hastings Safe Communities and the Royal Life Saving conducted free resuscitation lessons at the following venues from 6:00 pm to 8:00 pm:-

- Kempsey (Macleay Valley Community Care Centre) on Tuesday 19th February
- Crescent Head Surf Club on Wednesday 20th February
- South West Rocks Surf on Thursday 21st February

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The aim of the project is to increase the level of residents who have resuscitation skills in the Kempsey local government area. Classes were limited to 30 per session and all sessions were booked out.

It is proposed to flag the project to become an annual event (ie September / October 2002).

Financial Implication

The financial implication of the following recommendation would be Nil.

2002. 189

RESOLVED:

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

That the information be noted.

DCCS 2	STATEMENT OF BANK BALANCES AS AT 28TH FEBRUARY 2002 APC
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SUMMARY:

Submitting the Statement of Bank Balances as at 28th February 2002.



[\(Appendix A\)](#)

Financial Implication

There are no financial implications arising from this report.

2002. 190

RESOLVED:

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

That the information be noted.

DCCS 3	STATEMENT OF INVESTMENTS AS AT 28TH FEBRUARY 2002 APC
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SUMMARY:

Submitting the Statement of Investments as at 28th February 2002.



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MAYOR

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

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

Financial Implication

There are no financial implications arising from this report.

2002. 191

RESOLVED:

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

That the information be noted.



At this stage 3.28 p.m Councillor Joukhadar retired from the Chamber.

DCCS 4	CRESCENT HEAD COLUMBARIUM WALL
FILE: C4-5	KRW (NRN) {Folio No. 230448}

SUMMARY:

Reporting on the establishment of a Columbarium Wall at Crescent Head Cemetery.



At Council's meeting on the 11th December an interim report was presented to Council on the feasibility on establishing of the Columbarium Wall at Crescent Head.

"That investigations be continued and a further report be submitted in due course."

The Crescent Head Ratepayers are in agreement to the locating of the wall in the Crescent Head Cemetery, and this is considered to be the most suitable site.

As part of further investigations into the establishing of the Columbarium Wall enquiries were made of NSW National Parks and Wildlife to the existence of Aboriginal recorded sites in the area. Their report is attached as [\(Appendix](#)



A meeting between representatives of the Local Aboriginal Land Council; Tracey Smith and Uncle Blue, Council's Aboriginal Liaison officer Debra Morris, Horticultural Officer Greg Williams and Community Services Co Ordinator Ken Woods, was held on site at Crescent Head Cemetery on the

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MAYOR

20th February to discuss any concerns that the Aboriginal community may have with the proposal.

The recommendations of this meeting are as follows:-

1. The representatives of the Local Lands Council request the services of an archaeologist to assess the site.
2. An Elder from The Kempsey Local Land Council to accompany the archaeologist.
3. A Monitor be present for all diggings and that the first six (6) inches of soil be tested from all diggings.
4. Upon the finding of bones of any type, all digging is to cease immediately so the proper authorities can be notified to investigate.

Council's Horticultural Officer Greg Williams has been engaged as to the placement and design of the wall and his recommendations will be used for the final location of the wall and it's design.

The Lions Club of Crescent Head would assist in the construction of the Columbarium Wall.

Financial Implication

The financial implications arising from this report will be met from current allocations.

2002. 192

RESOLVED:

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

That the planning process continue and the wall be constructed when all approvals are finalised.

DCCS 5	QUESTIONS WITHOUT NOTICE	
FILE: C18-28	TIH (NRN)	{Folio No. 230450}

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 13th November, 2001, 11th December 2001 and 15th January 2002.



Responses to Councillors Questions Without Notice from the Council meeting of the 13th November 2001 are listed for information.

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MAYOR

Councillor Parkinson

- 1 *That the Director Community Services would submit a report in respect to the compensation paid to the Dunghutti nation on the next stage of the subdivision of Goolawah Estate.*

Under the terms of the Native Title Court Decision of 9th October 1996:

Until 9th October 2006 – 12% of the gross sale price of each lot is to be paid, within 28 days of the sale, to the body corporate of the Native Title claimants.

All payments have been made for the 2 completed stages and the development of stage 3 is being delayed because of the need for a threatened species study.

- 2 *That the Director Community Services would advise the Slim Dusty Heritage Centre that the words “Kempsey Shire” on the Highway signage seems to be lost in the background of the sign.*

The request has been sent to the Project Manager and Kathryn Yarnold has advised that the signwriter has been requested to find a solution.



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

Councillor Parkinson

- 1 *That an unannounced fire drill would be scheduled for a Council meeting day in the new year.*

A new procedure is being organised and when staff are aware of the new procedures the drill will be held.

- 2 *That comment would be sought from the Local Government and Shires Association on mandatory rate reductions for Voluntary Conservation Agreements.*

Letter written and awaiting reply from Local Government and Shires Association. The current legislation is extremely inequitable in as much as people may occupy a property and pay a pro-rata rate of less than the minimum rate, e.g. if the property is 5 ha. And is levied a minimum rate say \$400 and 80% is assigned as a nature reserve the rates payable on this property that for all intents and purposes is a residence would be \$80.

Responses to Councillors Questions Without Notice from the Council meeting of the 15th January 2002 are listed for information.

Councillor Parkinson

- 1 *That the Director Corporate and Community Services would refer the matter of conducting the Australia Day 2003 function as a Family Day at Riverside Park, Kempsey to the Australia Day Committee.*

The matter will be referred to the next meeting of the Australia Day Committee, however Warwick Park Racecourse rather than Riverside Park may be a more practical venue for a family fun day bearing in mind the vagaries of the weather.

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

Councillor Parkinson

- 1 *That the Director Corporate and Community Services would investigate through the local member Mr Andrew Stoner MP the recent NSW Government initiated a program on depression and the availability of funding under the program and the naming of the program the "black dog" program.*

Information received from Andrew Stoner MP attached at [\(Appendix D\)](#).

Councillor Bowell

- 1 That Mental Health Services would be listed for discussion at the upcoming meeting arranged by the Director Corporate and Community Services with Mr Colin Jack, Director of Mental Health Services.

Meeting yet to be held.

Financial Implication

There are no financial implications from this recommendation.

2002. 193

RESOLVED:

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

That the information be noted.

SUMMARY:

Reporting on the Aboriginal Liaison Officer's attendance and participation at the Local Government Aboriginal Network Conference.



Opening Ceremony and Official Welcome to the Country and the Shire proceeded the 1st day events.

Major focus throughout the conference was on Employment, Training, Economic Development and Policies

Keynote speakers were,Clr Peter Woods- President NSW Local Government Association, Steve Brereton- Worimi, Linda Burney- Director General Dept of Aboriginal Affairs, Rod Towney- Chairperson NSW Aboriginal Lands Council, Clr Mike Montgomery- President Shires Association of NSW and many others.

Many issues were raised including Employment and Training, economic development, establishment of Aboriginal enterprises, families and youth and culture and Heritage.

The Annual General meeting was then conducted with the results to be known the following day.

Mr Robert Tickner was a guest speaker at the formal Conference dinner held the first night.

The results of the elections are as follows:

CHAIRPERSON	Clr Warren Mundine
VICE- PRESIDENT	Ruth Dane (staff)
TREASURER	Trevor Kapeen

EXECUTIVE COMMITTEE MEMBERS were Jason Sines, Sharralyn Robinson and Mary-Lou Buck.

On the second day of the conference it was a full on program and there were 7 resolutions put to the forum.

RESOLUTIONS

- 1 That the executive of the Local Government Aboriginal Network Conference address the issue of ongoing employment security, including career pathways for Aboriginal specific funded positions in Local Government. This issue to be identified as high priority and a progress report to be presented to the next Aboriginal Network Conference in Taree.
- 2 That time be allocated for Aboriginal workers workshops to be set aside and put onto the agenda for future conferences
- 3 We the LGANC acknowledge the enormous achievements and contribution of Pat Dixon in Local Government by renaming the Life Membership Award presented annually the "PAT DIXON MEMORIAL LIFE MEMBERSHIP AWARD".
- 4 That the organising committee for the Aboriginal Network Conference in Taree incorporate in the program, workshops on relevant and practical issues. Eg, rate exemptions, employment strategies, employee support. etc
- 5 That this conference support the actions of students and staff of Gullingullich in their sit-in and picket to prevent closure of the Aboriginal Unit at the University at Milperra Campus and retain it at Milperra
- 6 That the LGANC canvas the Premier to honour the Governments commitment to Aboriginal people of NSW by re-establishing the Senior Aboriginal Policy Officer position within the Department of Local Government.
- 7 That this network support the establishment of Regional Indigenous Cultural Officers network in NSW to develop and strengthen Indigenous culture through cultural expression.

For further information, the minutes of the Foster conference are attached at [\(Appendix E\)](#).

Financial Implication

The financial implication of the following recommendation would be \$280 Registration, Accommodation \$170 and meal allowance \$50 – total \$500 plus travelling expenses.

2002. 194

RESOLVED:

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

- 1 That the information be noted.
- 2 That the Aboriginal Liaison Officer attend the Taree Conference in lieu of the Ballina Conference.

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MAYOR

**DCCS 7 AFFIXING OF COUNCIL'S SEAL – LEASE TO
VODAFONE AT RUDDER PARK, KEMPSEY
FILE: C9-6 PJH {Folio No. 230454}**

SUMMARY:

Reporting on the need to affix Council's seal to an assignment of lease.



Council currently has a licence agreement with Vodafone giving them use of a section of Rudder Park, Kempsey for their telecommunications structure. The agreement commenced on 1st July 1996 and terminates on 30th June 2006.

Vodafone pay Council a licence fee which is currently \$7,246.00 per annum.

Vodafone have advised Council that they wish to assign all their right, title and interest in the Licence to Crown Castle Australia Pty Ltd. Crown Castle will assume all rights and obligations to Council under the licence.

The request is the result of an arrangement entered into by Vodafone with Crown Castle to manage a number of its telecommunications structures.

Financial Implication

Council receives a licence fee which is currently \$7,246.00 (includes GST) per annum for the site used which is adjusted annually in accordance with CPI.

2002. 195

RESOLVED:

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

That Council's seal be affixed to the Assignment of Lease from Vodafone Pty Ltd to Crown Castle Australia Pty Ltd relating the lease of an area of Rudder Park, Kempsey for a telecommunications structure.

**DCCS 8 WORKERS COMPENSATION INSURANCE
FILE: I3-12 PJH (NRN) {Folio No. 230457}**

SUMMARY:

Reporting of the renewal options for Council's workers compensation insurance.



Council would be aware through previous reports and by circulars from the Local Government and Shires Association about the commencement of "StateCover" a specific workers compensation insurer for Local Government.

The StateCover workers compensation scheme commenced from 1st July 2001 with initial capital funding being provided by Jardine Lloyd Thompson Pty Ltd (Council's current insurance broker) and the Local Government and Shires Association (LGSA).

Council's workers compensation insurance is currently with GIO Australia and the policy is due for renewal on 31st March 2002. In considering the StateCover scheme following initial advice being received Council resolved (on 10th July 2001) "to review its workers compensation insurance arrangements in January 2002 with a view to joining the StateCover scheme from 1st April 2002."

Advantages of StateCover

The advantages of Council joining the StateCover scheme are seen as follows:-

- The scheme will provide a wide range of injury management services specific to a Council workforce.
- A guaranteed 5 to 10% discount is provided on Council's current premium.
- Additional discounts can later be obtained through improved performance in safety and injury management.
- The StateCover scheme is still licenced by WorkCover and must comply with legislation.
- The scheme is endorsed and supported by the LGSA with approximately 120 New South Wales Councils in the scheme at present.

Premium Quotations

Indicative premiums have been requested from both GIO and StateCover which are:-

GIO Australia	\$	478,177
StateCover	\$	453,883

The premium indications compare favourably with Council's 2001/2002 premium of \$597,825 with the reduction due to some larger long term claims having past the two year period that is used in the premium calculations.

It should be noted however that the indicative premiums are just that "indicative" and can be affected by any claims received between now and the renewal date of 31st March 2002.

It is recommended that Council join the StateCover scheme for the reasons listed and the saving that can be achieved in comparison to the GIO quotation.

Financial Implication

The following recommendation to join StateCover will see a saving of approximately \$25,000 to Council in its workers compensation premium for the 2002/03 year, with a premium of approximately \$453,883 subject to amendment if any new claims are received before 31st March 2002.

2002. 196

RESOLVED:

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

That Council join the StateCover Workers Compensation Scheme from 1st April 2002.

DCCS 9	KEMPSEY MACLEAY RSL CLUB – USE OF ROAD RESERVE AND CARPARK AT CLUB PREMISES
FILE: LA20004 PJH	{Folio No. 230460}

This item was dealt with earlier in the meeting following item DE 2.

DCCS 10	RENTAL FOR MACLEAY RIVER HISTORICAL SOCIETY
FILE: H5-2 KRW	{Folio No. 230461}

SUMMARY:

Reporting on negotiations for rental of the museum.



The rental structure for the museum premises was determined in January 1983 by agreement between the Macleay River Historical Society and the Council. Basically, the concept was for the society to repay a loan of \$55,000 by way of rental over 20 years, with the initial rental being reduced but increased year by year on a 10% graduated scale.

It was agreed that the rental be reviewed at the end of each five (5) year period or at such other times as may be mutually agreed.

The rentals from 1983 to 1992 were paid in accordance with the original proposals.

In 1993 the structure was renegotiated for the period ending 31 December 1997, based on the original agreement, and a review has been carried out each year with satisfactory outcomes.

Currently the society pays \$320.00 per week rent and with reviewing their financial statement to date has advised that they can ill afford another 10% increase for the year 2002 and have asked that Council waiver this year's increase.

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MAYOR

Council currently donates \$15 per week to the society which would have to increase accordingly if the rent is kept at the same rate for 2002.

Financial Implication

The financial implication of the following recommendation would be \$31.85 per week donation to the Society.

Director Corporate and Community Services Recommendation:

That Council waives the increase on the rental and that the Museum Committee be requested to Budget for the increase in rental for the next financial period.

2002. 197

RESOLVED:

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

That Council increase the rental and make an equivalent increase in its donation to the Macleay River Historical Society.

DCCS 11	SEMINAR ON SISTER CITY LINKS WITH CHINA
FILE: A6-5	TIH (NRN) {Folio No. 230463}

SUMMARY:

Reporting on an item in the LGSA Circular dated 8th February 2002.



The LGSA, in conjunction with the Australia China Chamber of Commerce and Industry of NSW and the Australian Sister Cities Association are holding a seminar in Sydney on sister city linkages for Councils.

The seminar is to be held from 9:30 am to 4:00 pm on 12th March 2002 at the LGSA Board Room, Clarence Street Sydney.

The draft program is:-

- 9.30 Registration
- 10.00 Welcome – Cr Peter Woods OAM, LGA President
- 10.10 Opening – Consul General, People’s Republic of China, or representative
- 10.30 Overview: Current state of sister city relationships; cultural, educational and economic. Michael CH Jones, President ACCCI
- 11.00 Case Studies: Expert panel, comprising council representatives, talking about success stories; lessons from failure; questions, discussion from participants. Session facilitated by Brian de Boos, ACCCI National Liaison Committee
- 12.00 Successful sister city relationships from a cultural and educational perspective.
- 12.30 Lunch.

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- 1.30 Major presentation: How to establish a successful sister city economic relationship with a Chinese municipality, district or county. Techniques for profitable trade investment, industry and commerce. Speakers from Austrade and ACCCI.
- 2.30 Expert Panel: Experienced professionals and business people outline their objectives and answer questions about what they want from sister city relationships.
- 3.30 ACCCI Key City Strategy and Program in China 2002-2004 – President.
- 3.45 Summary – LGSA representative.
- 4.00 Close.

The cost is \$20 plus GST per participant for catering.

In May 1999 Councillor Parkinson was advised that the General Manager would investigate the possibility of having a Sister City relationship with a Council from Fiji with a view to sharing Kempsey Shire Council's MapInfo technology.

In September 2000 Councillor Bowell was advised that the Director Corporate Development would investigate previous enquiries regarding having a Sister City relationship with China and the possibility of discussions being held with the Chinese delegate at the Made on the Macleay.

History of Council's Association with Sister City Relationships

The relationship with Easton, Maryland, USA was established by the Kempsey Municipal Council in about 1964.

Councillor Kevin Ball visited Easton in their celebrations of the 200th Anniversary of the American Revolution in the 1970's, although little exchange had occurred with this city in those years.

During 1984 Councillor Riggs travelled to England and while there made contact with residents of Kempsey in Worcester. Kempsey Shire Council then made contact with the local Parish Council.

In 1979 Council resolved to reactivate interest in the Sister City relationship between Kempsey and Easton, Maryland and to promote the affinity between Kempsey, New South Wales and Kempsey, United Kingdom.

Steps were taken to formalise a Sister City relationship with Kempsey, England and an advertisement was lodged in the newspaper in Easton Maryland, US inviting residents of that city to visit Australia during the Bicentennial year 1988.

Council requested further details from the Shires Association of NSW on Kaga City Japan particularly in respect of costs and obligations involved in assuming a sister city relationship with that city in 1988.

Financial Implication

The financial implication of the following recommendation would be Nil.

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MAYOR

RESOLVED:

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

That no action be taken on Sister City relationships.

As this stage 3.40 p.m Councillor Sproule retired from the Chambers.

DCCS 12	WILLAWARRIN HALL	
FILE: LA10278	PJH	{Folio No. 230464}

SUMMARY:

Report on a request for Council to accept trusteeship of the Willawarrin Hall.



A letter has been received from the Willawarrin Hall Committee seeking Council consideration to taking over trusteeship of the Willawarrin Hall to assist with the rising cost of insurance. A copy of the letter is attached at [\(Appendix F\)](#) .

Council may recall that a similar request was received last year from the Smithtown Hall and their Committee was appointed a 355 Committee by Council at its meeting on 9th January 2001.

Status of Willawarrin Hall

From Council's records, the Willawarrin Hall is on freehold land vested in citizen trustees. If Council agrees to appoint a 355 committee the trusteeship should be transferred to Council.

The Willawarrin Hall has a long history, similar to many of the other Halls in the Shire and while the Committee is still active, which it is, it will be recommended that Council support it by way of a 355 delegation.

The President and Secretary have met with the Director Corporate and Community Services and it has been made clear that maintenance and day to day running of the Hall will remain the responsibility of the Committee.

The Willawarrin Hall Committee's current insurances (public liability and building) expire 31st March 2002 and their current insurer is not interested in quoting again. The premium was \$1023.00 and is expected to be higher for the renewal.

If Council appoints the Committee under section 355, this insurance expense can be better spent maintaining the Hall.

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MAYOR

Other Halls appointed as 355 Committees

Currently there are 15 Community Halls in the Shire with 10 being now run by 355 Committees being Crescent Head (2), Gladstone, Hat Head, Melville, Millbank, Smithtown, Stuarts Point, Sherwood and SWR School of Arts.

Those not delegated as 355 committees are Bellbrook, Belmore River, Kundabung, and Willawarrin.

While Council's Insurance Broker, is concerned of the additional exposure 355 committees place on Council, the fact is only one (1) public liability claim has been received against a 355 committee to date.

Financial Implication

The following recommendation will result in a small increase (approx \$100.00) in Council's property insurance with the addition of Willawarrin Hall.

2002. 199

RESOLVED:

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

- 1 That Council appoint the Willawarrin Hall Committee under section 355 of the Local Government Act to have care, control and management of the Willawarrin Hall.
- 2 That action be taken to transfer the trusteeship of the Willawarrin Hall from citizen trustees to Council.



At this stage 3.41 p.m. Councillor Joukhadar returned to the Chambers.

DIRECTOR BUSINESS ENTERPRISES REPORT

DBE 1	STUARTS POINT CARAVAN PARK - FENCING
FILE: C1-9 GBS	{Folio No. 230466}

SUMMARY:

Reporting on a petition seeking the provision of an access gate in the fence along Marine Parade, Stuarts Point.



A fence was erected along the Marine Parade perimeter of the Stuarts Point Caravan Park approximately 12 months ago.

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MAYOR

The purpose of the fence was to provide security for the patrons of the Caravan Park. In previous years there had been many complaints of vandalism and theft.

The general public are able to move freely from Marine Parade into the day-visitor use area of the Reserve, and from there may:-

- i) access by a defined pathway the public amenity facilities on the Caravan Park, or
- ii) access the river and beach.

Financial Implication

There are no financial implications from the following recommendation.

2002. 200

RESOLVED:

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

That the petitioners be advised no action will be taken on the request to provide a gate in the security fence along Marine Parade.

DBE 2	GROWERS MARKETS	{Folio No. 230468}
FILE: I2-2	GBS (NRN)	

SUMMARY:

Reporting on the response to Council's interest in developing a Grower's Market somewhere in Kempsey.



As indicated to Council at the February 2002 meeting, an approach has been made to Mr Grant Burrows, Agribusiness Development Manager, Department of State and Regional Development, for the inclusion of Kempsey as a site for a Grower's Market.

Attached is a copy of the response from Mr Burrows at [\(Appendix A\)](#)

The trial being conducted in Wauchope is expected to be reviewed in Spring 2002, and a decision on the expansion of the concept to a regional project will be made at that time.

Financial Implication

There are no financial implications arising from the following recommendation.

2002. 201

RESOLVED:

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

That the information be noted.

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MAYOR

DBE 3

**CONTRACT OPERATION OF STUARTS POINT
WASTE TRANSFER SITE**

FILE: G1-12 GTS

{Folio No. 230470}

SUMMARY:

Reporting on the operation of Stuarts Point Waste Transfer Site on a contract basis.



It is proposed to formalise the current arrangement with Mr George Blaseotto for the operation and management of the Stuarts Point Waste Transfer Site by way of a new contract document.

The contract covers the essential conditions of:

- i) Term – 1st April 2002 to 30th June 2003.
- ii) Hours of opening – Friday (Noon – 4pm)
Saturday (8am – 4pm)
Sunday (8am – 4pm)
- iii) Users fees set by Council – retained by Contractor.
- iv) Public Liability Insurance - \$10M.
- v) Termination of Contract by Council for dereliction of duty or breach of term of Contract by Contractors.

The contract seeks to sever the relationship of employer/employee with the Contractor.

Financial Implication

There are no financial implications from the following recommendation.

2002. 202

RESOLVED:

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

That Council grant a contract to Mr George Blaseotto for the continued operation and management of the Stuarts Point Waste Transfer Site from 1st April 2002 to 30th June 2003.

DBE 4

**CONTRACT OPERATION OF SOUTH WEST ROCKS
WASTE TRANSFER SITE**

FILE: G1-11 GTS

{Folio No. 230482}

This item was dealt with earlier in the meeting prior to DE 3.

At this stage 3.42 p.m Councillor Sproule returned to the Chambers.

SUMMARY:

Reporting on Questions Without Notice from Council meetings.



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

**Councillor J H Bowell****File : G1-2****GBS (NRN)****{Folio No. 229210}**

- 1 *That the Director Business Enterprise would check on the release of the schedule of waste services to the community.*

Council's resolution of 15th January 2002, "That the existing day-schedule of domestic waste collection services be essentially retained ..." confirmed the retention of the current practice. That is, services scheduled on an advertised "day" basis only, with bins to be put out before 5.00am on the advertised "day" to ensure collection.

The concept of an "hourly" scheduling was not adopted.

The Domestic Waste Collection Service Charter has been released for public comment via advertisement in Council's page in the Argus and Happynings. A letter has been sent to the Police Department for comment in relation to the need to obtain a Police report for stolen/vandalised bins.

File : C11-4, Copy C1-2**GBS (NRN)****{Folio No. 229211}**

- 2 *That no advice had as yet been received regarding the outcome of Council's motion to the Shires Association "A" Division conference in relation to Caravan Parks Levy and Loan Funds.*

The "A" Division Conference agreed to support Council's motion to be put to the Shires Association Annual Conference.

**Councillor J Sproule****File : G1-3****GBS (NRN)****{Folio No. 229225}**

- 1 *That the Director Business Enterprise would be seeking community group input regarding Clean Up Australia Day 2002.*

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Letters were forwarded to all participants from 2001 Clean Up Australia Day inviting them to participate in the 2002 Clean Up Australia Day, which include school children, community groups and individuals from the community.



Financial Implication

There are no financial implications from this recommendation.

2002. 203

RESOLVED:

Moved: Cl. Parkinson

Seconded: Cl. Sowter

That the information be noted.

DBE 6	FLEET MANAGEMENT
FILE: P6-2	GTS (NRN) {Folio No. 230484}

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 February 2002.

Date	Dealership	New P/No.	New Vehicle	Cost \$
13.02.02	Thoroughgood Motors Kempsey	V1967	Holden VX Commodore Executive Sedan Community Care Options	\$25,135.00
14.02.02	Bill Slattery's Truck and Bus Sales Victoria	V1951	Mobile Site Amenities Van Road Construction	\$12,500.00
		V1956	Mobile Site Amenities Van Road construction	\$13,700.00
		V1957	Mobile Site Amenities Van Road construction	\$11,700.00

The following plant was **sold** in February 2002.

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MAYOR

Date	Dealership	New P/No.	New Vehicle	Cost \$
01.02.02	Valley Motor Auctions	V1781	Holden VS Commodore Ute Ex Peter Hemmings	\$16,400.00

Financial Implications

The cost of V1967 met from grant funds. Council provided a supplementary allocation of \$87,500 for the purchase of seven (7) amenities vans. Four (4) vans are still to be purchased.

2002. 204

RESOLVED:

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

That the information be noted.

DBE 7	WORKS IN PROGRESS		
	FILE: W1-2	GRP (NRN)	{Folio No. 230485}

SUMMARY:

Reporting on works in progress.



WATER SUPPLY

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

Works completed during last 4 weeks

1. Connect Trunk Mains – John Lane Pumping Station.

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 – continuing.
5. Replace main in Greenfield Avenue, Kempsey.

6. Replace main in Polwood Street, Kempsey.
7. Construction of new re-chlorination plant at Bellimbopinni.
8. Construct new link main – Ledge Street, Hat Head.

MONTHLY WATER CONSUMPTION

2001	February 2002 Kilolitres	February 2001
<i>Belgrave Falls</i>	68,804	159,592
<i>Bellbrook</i>	1,052	960
<i>Crescent Head</i>	23,454	18,437
<i>Hat Head</i>	8,066	8,087
<i>Sherwood</i>	423,289	204,232
<i>South West Rocks</i>	57,938	0
<i>Stuarts Point</i>	18,546	17,660
<i>Willawarrin</i>	1,274	853
Total Consumption	602,423	409,821

Connections for February – 17

SEWERAGE

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

Work Completed during last 4 weeks

1. Construct Rising Main and pump station from Kempsey Pump Station 11A – 100% complete.
2. Take Crescent Head pasveer off line.
3. Transport dried sludge from West Kempsey Sewerage Treatment Works – in progress.

Work Proposed for next 4 weeks

1. Repair faults found by Smoke Testing – continuing.
2. Crescent Head Pump Station refurbishment.
3. Construct new pump station Spencerville, South West Rocks.
4. Upgrade access West Kempsey Sewerage Treatment Works and South Kempsey Sewerage Treatment Works.
5. Refurbish sewer main Leith Street to Polwood Street.

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2002. 205

RESOLVED:

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

That the information be noted.



**SUPPLEMENTARY
DIRECTOR BUSINESS ENTERPRISES REPORT**

DBE 1	AFFIXING OF THE COMMON SEAL – HORSESHOE BAY RESERVE – REVIEW OF RENTAL
FILE: LA5312	GBS {Folio No. 230540}

SUMMARY:

Reporting on the need to affix the Common Seal to the Deed of Variation of Lease in respect of the Horseshoe Bay Caravan Park.



At Council's meeting of 10th July 2001, it was resolved:

“That the Lease Agreement for the lease of Horseshoe Bay Reserve be varied in relation to the application of CPI increases to rents payable, and that such variation be evidenced by a Deed of Variation Lease.”

Councils Solicitors have advised that as the original lease document was executed under the Seal of Council, any variation thereto should also be under Seal.

Financial Implication

There are no financial implications from the following recommendation.

2002. 206

RESOLVED:

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

That the Common Seal of Council be affixed to the Deed of Variation of Lease in respect of the Horseshoe Bay Caravan Park.



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MAYOR

GENERAL MANAGER'S REPORT

GM1

MACLEAY BEYOND 2000

FILE: I2-19

AVB (NRN)

{Folio No. 230486}

SUMMARY:

To advise Council of the issues discussed by the Macleay Beyond 2000 Group on the 13th February.



A meeting of the Macleay Beyond 2000 group was held on Wednesday 13th February. Matt Brennan, Regional Press, addressed the meeting on preparations for Celebrating the Macleay (formerly Made on the Macleay) to be held on the 19th and 20th April. The following points were made:-

- The name was changed to include all businesses in Kempsey Shire not just manufacturers.
- The event is being held at the Race Course as there are more undercover areas and open space for entertainment activities. It is expected to fill 70 sites.
- The event is being held in the School holidays to marry in with the Kempsey Show, Anzac Day and the Kempsey Cup.
- There is to be an event dinner at the RSL with a fireworks display on the riverbank. The dinner will have three speakers – Business, Success Story and Humorous. Tickets will be \$60 and includes the cost of refreshments.
- A number of packages - \$1 000, \$500 and \$250 are being marketed.
- Admission to the event will be \$3 with under 16's free.
- The event is being extensively advertised.
- It is not anticipated that a profit will be made in the first year but hopefully in subsequent years.

The meeting was also addressed by Lesley Schoer and Spencer Bruskin regarding their role as facilitators for the formation of an Economic Development/Tourism Board and group members were asked similar questions to that posed to Councillors on the 11th February. A number of appointments have been made with individual members of the Macleay Beyond 2000 group.

I took the opportunity to address the issues of the proposed Economic/Environmental Levy and the concept was warmly received. Members of the group have offered to assist Council wherever possible to promote Council's visions.

Financial Implications

There are no financial implications arising from this report.

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That the information be noted.

GM2	SHIRES ASSOCIATION CONFERENCE
FILE: C11-4	AVB (NRN) {Folio No. 230491}

SUMMARY:

Council's determination of representation at the 2002 Shires Association Conference and LGMA Forum.



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

Council has submitted one motion to the Association regarding loan funds obtained through the Caravan Parks Levy. This motion was previously submitted to "A" Division and is to receive their support.

At the April 2001 meeting Council resolved that the Mayor and up to three other Councillors attend the 2001 Conference and that the Mayor be Council's delegate.

Generally Councillors who attend the Shires Conference also attend the Local Government Managers Association one day forum on the Monday prior to the conference.

Financial Implications

The financial implications of attending the conferences in 2001 was \$1143 based on three nights accommodation plus travelling and sustenance.

General Manager's Recommendation:

That Council appoint its delegates to attend the 2002 Shires Association Conference and LGMA forum.

MOVED:

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

That the General Managers Recommendation be adopted.

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MAYOR

An Amendment was MOVED

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

That Council appoint its delegates to attend the 2002 Shires Association Conference, LGMA forum and the Local Government Conference at Broken Hill in October 2002.

2002.208 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

2002. 209 RESOLVED:

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

1 That Councillors J A C Hayes, N Joukhadar and the newly elected Councillor be nominated to attend Shires Association Conference.

2 That Councillors J A C Hayes, J H Howell, P Parkinson and J Sproule, be nominated to attend LGA Conference in October 2002.

2002. 210 RESOLVED:

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

That all Councillors be nominated to attend the Flood Mitigation Conference to be held in Kempsey in May 2002.

GM3	LOCAL GOVERNMENT ASSOCIATION COUNTRY TOUR
	FILE: C18-2 (229745)
	AVB (NRN)
	{Folio No. 230492}

SUMMARY:

To advise that the Local Government Association Executive is visiting the Mid North Coast on the 13th and 14th March.



The Local Government Association Country Tour will visit the Mid North Coast on the 13th and 14th March. Councillors may recall that Kempsey was the venue of the tour last year.

This year the Executive will visit Coffs Harbour on the 13th March from 3.30pm to 5.30pm and Port Macquarie on the 14th March from 8.45am to 10.15am.

The meetings do afford Council the opportunity to be updated on the Associations initiatives and to ask questions.

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Financial Implications

There are no financial implications arising from this report.

General Manager's Recommendation:

That Councillors indicate whether they wish to attend either meeting.

2002. 211

RESOLVED:

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

That Councillor Parkinson be nominated to attend the Local Government Association Country Tour Meeting in Coffs Harbour on the 13th March 2002 and Councillor Howell be nominated to attend the meeting in Port Macquarie on 14th March 2002.

GM 4	STATUS OF COUNCIL RESOLUTIONS
FILE: C18-2	AVB (NRN) {Folio No. 230494}

SUMMARY:

Reporting on the status of Council resolutions.



Attached at [\(Appendix A\)](#) is the report on the status of Council resolutions.

Financial Implication

There are no financial implications arising from this report.

2002. 212

RESOLVED:

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

- 1 That the information be noted.
- 2 That Councillor Sowter be the alternate delegate for Councillors Howell and Mainey on the Hat Head Sewerage Community Liaison Committee.

GM5	ABORIGINAL TRAINEESHIPS
FILE: A1-5A	AVB (NRN) {Folio No. 230495}

SUMMARY:

To inform Council of the latest developments in gaining Aboriginal Trainees.



Council in early 2001 made application for the employment of 5 Aboriginal Trainees based on a 75% subsidy being received by the State Government. Council made provision for a vote of \$25 000 in it's 2001/2002 budget to cover our 25% of the costs. The application was also made on the basis that Council would not guarantee permanent employment after the twelve months traineeships.

Not long after submitting our application the program was reviewed and processing of applications was put on hold. Council was advised in September/October 2001 that a new program was being offered referred to as the Elsa Dixon fund which was based on a subsidy of 65% with the recipient guaranting employment at the expiration of the traineeship period.

An application was submitted but the number of trainees was reduced to four to comply with Council's budget allocation. The application was submitted on the proviso that Council would not guarantee employment at the end of the traineeship. The application, because it did not comply with the guidelines, has been referred to the Minister and indications are that it is unlikely to be approved.

Council's Grant's Officer accessed a program called Aboriginal Employment in Practice which is a plan for Aboriginal employment for the NSW Public Sector. The maximum grant payable for a trainee is \$5 500 but is only available until available funds are expended. Funds are available at the current time. Council does not have to give a guarantee of continued employment at the end of the traineeship.

If the 2001/2002 budget allocation was revoted for the 2002/2003 year and a further allocation of \$8 000 was made in the 2002/2003 year Council could employ two trainees under this scheme provided its application for funding was accepted. The catch is Council needs to employ the trainees prior to making the application.

Financial Implications

The cost of employing two trainees is \$44 000 funded from a grant of \$11 000, the 2001/2002 budget allocation of \$25 000 and a 2002/2003 budget allocation of \$8 000.

General Manager's Recommendation:

- 1 That Council employ two Aboriginal Trainees**
- 2 That application for funding be made under the Aboriginal Employment Practice Program.**
- 3 That unexpended 2001/2002 budget allocation be revoted for expenditure in 2002/2003**
- 4 That provision for Aboriginal Trainee employment for \$8 000 be provided in the 2002/2003 budget**

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

- 1 That Council employ two Aboriginal Trainees
- 2 That application for funding be made under the Aboriginal Employment Practice Program.
- 3 That unexpended 2001/2002 budget allocation be returned to general fund.
- 4 That provision for Aboriginal Trainee employment be provided in the 2002/2003 budget.
- 5 That Council reaffirm its resolve to attempt to reach 6% of its staff being employed from the Aboriginal population.

GM6	REGISTRATION OF POLITICAL PARTIES
FILE: E5	AVB (NRN) {Folio No. 230497}

SUMMARY:

Providing information on Legislative changes concerning the registration of political parties.



Recent changes to the procedure for the registration of political parties for State elections will generally apply for local government elections. **The new provisions commence on 1 June 2002 and will apply for the 2003 ordinary elections.** They will not apply to any by-election held before the next ordinary elections.

Parties will no longer be eligible to be registered merely because a party member is a councillor. A party will be required to have at least 100 members to be eligible for registration, and an application for registration must be accompanied by declarations of party membership signed by 100 party members. A member of one party will not be able to qualify as one of the 100 members required for registration for another party. Registered parties will be given an opportunity to change the members on whom they rely to avoid cancellation of their registration on the ground of overlapping membership.

Registered parties will be required to submit an annual return and any other information that the State Electoral Commissioner requires to confirm their continued eligibility for registration.

A party becomes registered under the new provisions will not be eligible, until 12 months after being registered, to have its registered party name or abbreviation placed on ballot papers or to propose candidates for nomination.

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Under transitional arrangements, existing registered parties will become subject to new registration requirements on 1 June 2003. Parties will be required to submit a special application to confirm their continued eligibility for registration in accordance with the new requirements, including 100 completed party membership forms, by 1 June 2003. The Electoral Commissioner is required to cancel the registration of an existing party that does not meet the new registration requirements.

An existing party that continues to be registered will be able to have its registered party name or abbreviation placed on ballot papers and will be able to propose candidates for nomination at the 2003 ordinary elections, despite being registered under the new requirements for less than 12 months.

A phasing-in period applies from 1 June 2002 to 1 June 2003, during which new parties may apply for registration under either the pre-amendment registration requirements or the new registration requirements.

New parties will only be able to have the party's registered name or abbreviation placed on ballot papers and propose candidates for nomination at the 2003 ordinary elections if the party is registered under the new requirements by 13 August 2002.

New parties that register under the pre-amendment requirements during the transitional period will become subject to the new requirements on **1 June 2003**, and will be required to submit special applications to confirm their continued eligibility for registration, including 100 completed party membership forms by that date.

Financial Implications

There are no financial implications arising from this report.

2002. 214

RESOLVED:

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

That the information be noted.

GM7	COUNTRY MAYORS MEETING	
	FILE: C18-25 AVB	{Folio No. 230498}

SUMMARY:

To inform Council of the decisions made at the Country Mayors Meeting held on 22nd February.



On Friday 22nd February Clr. Joukhadar and I attended the Country Mayors meeting in Sydney.

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MAYOR

The meeting was addressed by Mr Allan Hansell, Government Relations Manager Insurance Council of Australia, on increases to insurance premiums. Increases in premiums are attributed to court decisions, recreational activities, collapse of HIH and government taxation. Premiums can be reduced through risk management, pooling into larger groups, tort reform to have structured settlements which will need a change in legislation, exemption of volunteers and reduction of taxation. It was explained that both Federal and State Governments are taxing taxes within the premium e.g. GST. The tax component of a residential premium is 44% while the tax component on small business is 64%.

Chairman Clr. Shirley Adams has identified insurance premiums and rural health services as the two areas that Country Mayors should concentrate on this year. The Association is to: -

1. Support Lismore City Council's request to have the Local Government and Shires Association of NSW conduct, as a matter of urgency, a State Assembly involving State and Federal representatives to seek a resolution to the adverse impact that increased public liability claims and increased insurance premiums are having on local communities throughout NSW.
2. Request the ALGA to lobby for Local Government representation on any National Forum.
3. Request Council's to lobby their local members on the issue.

It was also suggested that police be requested perhaps through local traffic committees to not blame road conditions for accidents if they are not sure that the road was at fault.

Peter Woods President of the Local Government Association and Col Sullivan Vice President of the Shires Association also addressed the meeting and updated delegates in respect of insurance, parking police, bush fire payouts and opening of State Super Regional Offices. A potential financial impact on Council's could be the depletion of Bush Fire Reserve funds with the payout of \$10million to cover uninsured losses. These funds together will be the purchase cost of "Elvis" will need to be replenished with Council's paying 13.39% of the cost.

Other matters resolved were: -

1. That the invitation be extended to the Hon. Ian Armstrong MP member for Lachlan and Hon. Harry Woods Minister for State Development to address the May 24 meeting of the Association in respect of the development and implementation of policies that are specifically designed to revitalise rural and regional NSW and the Association develop its own policy.
2. a) That the Chairman and Secretary of the Country Mayors Association seek an urgent meeting with the Minister for Sport and Recreation to discuss the findings of the study undertaken by Jenny Rand and highlight the significant regional needs not being addressed by grant funding in NSW.
b) That each member Council requests its Local Member to support this initiative by urging the Minister for Sport and Recreation to establish a reference group as previously identified by the Association.

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3. The Country Mayors Association develop a policy on Constitutional Recognition and develop a process to gain that recognition.
4. The Country Mayors Association seek a deputation with Deputy Prime Minister and Minister for Transport to discuss Regional Airline issues.

Financial Implications

There are no financial implications arising from this report.

2002. 215

RESOLVED:

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

- 1 That Council seek the support of both its Federal and State Local Members to have a forum convened to discuss insurance issues at which Local Government is represented.
- 2 That Andrew Stoner MP be requested to support the establishment of a reference group to review the grant process for sport and recreation facilities funding.

GM8	STAFF ISSUES	FILE: S10-15 AVB (NRN)	{Folio No. 230499}
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SUMMARY:

To advise Council of issues affecting a number of positions within the organisation.



The transitional period for the restructure officially ended on the 28th February 2002. It was hoped that by this time staff would have been able to transfer to their new departments and would have developed competencies to perform their new roles.

The restructure created a number of vacancies that needed to be filled. The positions were advertised not only in the conventional manner, in the newspapers but also on the Internet and a consultant was engaged to head hunt staff at other Councils. After 12 weeks we have not been able to fill the following positions: -

- Waste Services Co-ordinator
- Fleet Advisor
- Environmental Advisor (Septic Systems)
- Design Engineer

We have looked internally to see whether existing staff can be trained into the positions and as a result of this an appointment is to be made to the Fleet Advisor position. Councillors should be aware that some aspects of Council's operations are behind due to these vacancies and vacancies generally which are taking exceptionally long periods to fill.

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Gone are the days where coastal Councils were able to pick and choose and offer less competitive salary packages. With two income families the norm, people are reluctant to move unless there are job prospects for both income earners. The professions are also experiencing shortages and job applicants after being offered a job are able to negotiate a more attractive offer from their current employee.

The Local Government Managers Association Management Challenge is a professional development activity which is undertaken annually for Local Government staff across Australia and New Zealand. It is a one day leadership, team and management skill development program. The teams come together to a predetermined venue and are given a number of specific business related tasks and activities to complete. They are also required to deal with and respond to a number of simulated situations and scenarios which relate to the Local Government business environment.

Regional challenges are conducted across Australia and New Zealand each involving up to 9 teams and the regional winners then compete in the Australasian challenge final. The NSW regional challenges are to be held on the 19th, 20th & 21st March at Parramatta and the Australasian final will be held in Sydney in May.

I see the challenge as an excellent management training and team building exercise and I have entered a Kempsey Team comprising Gary Smith, Carol Hughes, Gabi Brie, Jeff Clegg, Alex Pelser and Robert Pitt with myself acting as mentor. The Kempsey team is one of 24 NSW entrants and will be competing against Lismore, Liverpool, Marrickville, Newcastle, Ballina, Cessnock and Port Stephens Councils on the 20th March.

Financial Implications

The costs of the management challenge are covered by the training vote.

2002. 216

RESOLVED:

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

That the information be noted.

GM9	TOPOCLIMATE PROJECT		
	FILE: I2-2	AVB (NRN)	{Folio No. 230502}

SUMMARY:

To advise Council of the status of the funding application for the preparation of a feasibility study and business plan for the Topoclimate Project.



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MAYOR

In July 2001 I reported to Council that discussions held by the Mid North Coast Group of Council's on Topoclimate [\(Appendix B\)](#) . Council resolved to participate in the application to be made to Australia's Holiday Coast Area Consultative Committee for funding.

The funding application was prepared by Bellingen Shire Council who requested funding of \$175 00 to prepare a feasibility study and Business Plan for a Topoclimate style process.

Bellingen Shire Council has been advised that applications in excess of \$30 000 should have significant financial contributions from other sources. Bellingen Shire is prepared to contribute \$20 000 in addition to the in-kind support offered of \$14 000 and is seeking commitment (although not to the same level) from other Council's.

The matter is listed for discussion at the next meeting of the Mid North Coast Group of Council's to be held on the 15th March. Council's delegates need to be able to advise that meeting as to whether it is prepared to contribute and remain a participant in the project.

Financial Implications

Any contribution to the project will need to be financed from working funds.

General Manager's Recommendation:

- 1 That Council continue to support the Topoclimate or similar process project in principle and subject to all other Mid North coast Council's continuing their support.
- 2 That a further report be submitted to a future meeting of Council to determine the level of financial support if any.

MOVED: *Moved: Cl. Parkinson
Seconded: Cl. **

That the General Managers Recommendation be adopted.

The Motion lapsed for want of a seconder.

2002. 217 **RESOLVED:** *Moved: Cl. Joukhadar
Seconded: Cl. Powell*

That Kempsey Shire Council advise Bellingen Shire Council that it supports their application for a feasibility study , but it cannot contribute financially.

GM10 ECONOMIC DEVELOPMENT/TOURISM BOARD
FILE: I2-17 AVB (NRN) {Folio No. 230503}

This item was dealt with earlier in the meeting immediately following the luncheon adjournment.

GM11 PERFORMANCE BASED SALARY SYSTEM
FILE: S10-40 AVB (NRN) {Folio No. 230505}

SUMMARY:

To advise Council that negotiations are commencing for a Performance Based Salary System.



The previous staff Award and the new Award recently negotiated by the Local Government and Shires Associations and the Unions is a skilled based Award. Council's 24 Grade salary structure is therefore skills based.

Council has a highly skilled workforce and is continuing its commitment to training. To implement efficiencies within the workforce and to make it competitive we need to link rewards to objectively measured team and organisational outcomes. Rewards need to be performance based.

To introduce a performance based salary system Council needs to negotiate outside of the award. I have met with Brian Harris General Secretary of the Municipal Employees Union, MEU representatives John Blacklock and Chris Gorman and Ron Palmer Human Resources Manager to discuss the concept.

The Municipal Employees Union are prepared to enter into discussions with management and I believe some common ground will be found after discussions and negotiation. The proposal was placed before a yard meeting and a meeting of the indoor staff on Wednesday 6th March and the staff have agreed to the Unions continuing discussion with management.

If implemented there will be an increase in salary levels which will either be absorbed by increased service or reductions in costs.

Financial Implications

Increased costs should be absorbed by productivity gains.

2002. 218

RESOLVED:

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

That Council endorse the action of the General Manager in commencing discussions with the Unions regarding a performance based salary system.

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MAYOR



GENERAL MANAGER'S SUPPLEMENTARY REPORT

GM 1 CUSTOMER SATISFACTION SURVEY

FILE: C18-38 AVB (NRN)

{Folio No. 230659}

SUMMARY:

Reporting that a Customer Satisfaction Survey was undertaken and the results are contained within this report.



In January 2002, a two page Customer Satisfaction Survey on:-

- a) the importance of service undertaken by Council and
- b) the satisfaction with Council's performance of those services,

was published in the Macleay Valley Happynings and also sent to ratepayers with their rate reminder notices. Forty three questions were asked covering the major functions of each of Council's four (4) departments.

492 completed surveys were returned to Council (an increase of over 120% on the survey completed in 2001) and the basic results are provided below. Further data will be available in the near future, including a break up of data by value (very high, high, medium and low), by age, by sex and by place of residence.

The results to date have been analysed and, after combining the high and very high values, the **ten(10) services that are seen as the most important** to the residents who replied to the survey were (last years ranking shown in brackets):-

- 1 Water quality (1)
- 2 Bush Fire Services (5)
- 3 Garbage Services – Collections (2)
- 4 Road Maintenance – sealed (4)
- 5 Cleanliness of public toilets (3)
- 6 Land use/environmental planning for the future (15)
- 7 Environmental Matters including noise, pollution and protection advice (16)
- 8 Beach Safety / Lifesaving (9)
- 9 Garbage Services – Recycling (7)
- 10 Garbage Services – Tip Operations (11)

The **ten(10) areas of Council's performance where the public registered lowest satisfaction levels** were (after combining the low and medium values):-

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1. Garbage Services – recycling (2)
2. Land use/environmental planning for the future (6)
3. Environmental matters including noise, pollution and protection advice (9)
4. Road Maintenance – gravel (1)
5. Ranger services – overgrown lots (10)
6. Development, subdivision and building approvals and control (8)
7. Provision of footpaths and cycleways (7)
8. Road Maintenance – sealed (5)
9. Economic development and industry promotion (13)
10. Airport (45)

Conversely, the **ten (10) areas of Council's performance where residents were most satisfied** were:

1. Library Services (1)
2. Garbage Services – collections (5)
3. Visitor Information Centres (7)
4. Bush Fire Services (2)
5. Sewerage Pipe Repairs (6)
6. Beach safety/lifesavers (4)
7. Playing field maintenance (3)
8. Saleyards (17)
9. Cemeteries (9)
10. Public swimming pools (8)

The raw data from the survey has been attached at [\(Appendix A\)](#) .

Comments were invited at the conclusion of the survey in answer to the three questions shown below:-

1. What issue do you see as being the most important facing Council in the next three years?
2. What facilities, provided by Council, would you like to see introduced into the Kempsey Shire to improve your quality of life?
3. Your comments on matters listed "Low" or "Medium" would be appreciated.

The most frequently occurring answers were:-

- Recycling and garbage services in general
- Improvement to roads, both gravel and sealed
- Kerb and guttering
- Crime Prevention and public safety
- Business and industry development, employment
- Environmental issues and caution with over development
- Reopening the Kempsey Airport
- Over development at South West Rocks
- An ethical and accountable Council - Council and staff accountability

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- Kerb and guttering
- Clean Public toilets, amenities and facilities

A complete list of comments, by question, will be provided to Councillors and management in the near future.

Financial Implications:

The survey was placed in the Macleay Valley Happynings as this was seen to be a cost effective method of reaching almost 15,000 residents. Cost of the survey in the publication was \$745. In addition, the survey was mailed to 9,000 ratepayers at an insertion cost of \$128.

General Manager's Recommendation:

1. That the information provided by the public in response to the Customer Satisfaction Survey be considered when planning for the future.
2. That a survey be completed annually in January to allow comparisons to be made, assess changes in attitudes of the community and to have current information on Council's performance.
3. To publicise the results of the survey and highlight what Council intends to do with those results so that people will realise the completion of these customer satisfaction surveys is a worthwhile task and more people will complete the surveys in the future.

2002. 219

RESOLVED:

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

That the General Managers Recommendation be adopted subject to the addition of:-

- 4 That staff involved be thanked for the efforts in compiling the information from the survey.



CARAVAN PARK COMMITTEE

11th February 2002

File: C1-2 GBS (NRN)

{Folio No. 230506}

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD IN THE COMMITTEE ROOM, CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY, ON MONDAY, 11th FEBRUARY, 2002, COMMENCING AT 2.00PM.

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2002. 220

RESOLVED:

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

That the report of the Caravan Park Committee meeting held on 11th February 2002 be adopted.



SALEYARDS COMMITTEE

18th February 2002

File: S1-2 RAB (NRN)

{Folio No. 230507}

REPORT OF THE SALEYARDS COMMITTEE MEETING HELD AT THE KEMPSEY REGIONAL SALEYARDS ON 18th FEBRUARY 2002, COMMENCING AT 2.50PM.

2002. 221

RESOLVED:

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

That the report of the Saleyards Committee meeting held on 18th February 2002 be adopted.



ABORIGINAL LIAISON COMMITTEE

20th February 2002

FILE: A1-5 DJM (NRN)

{Folio No. 230509}

REPORT OF THE ABORIGINAL LIAISON COMMITTEE MEETING HELD IN THE COUNCIL'S STAFF TRAINING ROOM, WEST KEMPSEY, ON WEDNESDAY 20TH FEBRUARY 2002, COMMENCING AT 3:00 PM.

2002. 222

RESOLVED:

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

That the report of the Aboriginal Liaison Committee meeting held on 20th February 2002 be adopted subject to item 3.11 (Aboriginal Mentoring Programme) being listed for consideration in the 2002/03 estimates for 2 participants.



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LOCAL TRAFFIC COMMITTEE

21st February 2002

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE OF THE COUNCIL OF THE SHIRE OF KEMPSEY HELD ON THURSDAY, 21st FEBRUARY 2002, IN THE COMMITTEE ROOM COMMENCING AT 9.30AM.

2002. 223

RESOLVED:

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

That the report of the Local Traffic Committee meeting held on 21st February 2002 be adopted subject to deletion of recommendation under 3.1.1 speed limits on North Street from River Street to just east of Griffins Lane.



QUESTIONS WITHOUT NOTICE

Councillor J Sproule

Councillor Sproule was advised:-

- 1 That the water quality at the Civic Centre does appear to have improved since the commencement of the Steuart McIntyre Dam and the Director Business Enterprise was monitoring the water quality.
- 2 That the pedestrian crossing at St Paul's College in Sea Street was a school crossing and its use had been discussed previously by the Traffic Committee.
- 3 That the Director Engineering would investigate the road condition of Bloomfield Street in the vicinity of the former King Gee building.
- 4 That the Mayor would promote participation in the Regional Excellence in Business Awards in the Mayoral column.
- 5 That minutes of the Sports Council meetings would be provided to Councillor Sproule and could be provided to other Councillors if requested.

Councillor B R Sowter

Councillor Sowter was advised:-

- 1 That Back Creek road Kinchela was due for maintenance grading in May 2002.

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- 2 That the Director Business Enterprise would investigate providing a fortnightly garbage service for the residents of Back Creek Road, Kinchela.
- 3 That the Director Engineering would investigate instances of Nagurra Burr along the lanes of the lower river.
- 4 That the Director Engineering would arrange attention to the bamboo along Smithtown Road.
- 5 That the existing tractor at Smithtown Oval cannot be used due to its poor condition and Council will undertake mowing of the Oval and a meeting would be arranged between the Mayor, Director Engineering and Councillor Sowter and the Smithtown Football Club committee to discuss the future maintenance of the Oval.
- 6 That the Director Environmental Services was aware that there are still ongoing discussions regarding the Oil Terminal land at South West Rocks regarding land risk issues.
- 7 That there was not a suitable alternative date for the 9th April Council meeting despite this being the first day of the Kempsey Show.
- 8 That the Director Engineering was awaiting advice from Rail Infrastructure regarding the Bridge over the rail line at Third Lane.
- 9 That the Director Environmental Services would reply to a letter from a Mr McIlwain regarding a large tree along Spencers Creek road that was in a protection zone.
- 10 Councillor Sowter advised the meeting that in comparison to the conditions of other towns Kempsey was very clean and tidy and a credit to the Civic Maintenance team.

Councillor P J Parkinson

Councillor Parkinson was advised:-

- 1 That the Director Environmental Services would check on the Heritage Incentive Program mentioned in Weekly Circular of 8th February regarding the possible proposal for the Kempsey Train Station rooms.
- 2 That the Director Business Enterprise would investigate extending the garbage service to Crowther Drive and this would be listed for the Community meeting agenda at Kundabung.
- 3 That clearing of the vegetation by Council along the riverbank at Belmore River would be prevented by the private ownership of the properties.
- 4 That the current PCYC officer and Council's Youth Worker do liase and work together in relation to their programs.

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- 5 That a skatepark for Stuarts Point was listed for the 2002/03 estimates but has been deleted in budget deliberations.
- 6 That the Director Engineering was aware of discussions held on the ABC radio regarding aquifers at risk in the Kempsey Shire.
- 7 That Council consideration to not charging admission to swimming pools would require a Notice of Motion.
- 8 That a copy of the form letter handed out at the Community Consultation meetings would be provided to Councillor Parkinson.
- 9 That the Business Papers for this Council meeting were printed on one-side only due to a breakdown in the photocopying machines.

At this stage 5.12 p.m. Councillor Parkinson retired from the Chambers and apologised for the remainder of the meeting.

Councillor N Joukhadar

Councillor Joukhadar was advised:-

- 1 That the Director Engineering would review the procedures to have a dry gravel stockpile for use during periods of wet weather.
- 2 That Council's Ranger had been working under direction in removing road signs at South West Rocks advertising the monthly markets and the Director Environmental Services would liaise with the market organizers in endeavour to seek a solution to this matter.
- 3 That consideration would be given to the acquisition of a high speed scanner to allow documents to be scanned into pdf format.
- 4 That a report would be provided to Council on the work of the Grants Advisor and what 100% grants have been obtained by Council since this officers appointment.

Councillor T Hunt

Councillor Hunt was advised:-

- 1 That DUAP guidelines would be followed regarding the appointment of a consultant in regard to the cemetery development application.

Councillor J H Howell

Councillor Howell was advised:-

- 1 That attention would be given to the gardens at the Community Care Centre particularly the garden fronting Yaelwood Street.

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- 2 That the South Kempsey Park Management Committee had not had a need to meet since the adoption of the South Kempsey Park Management Plan.
- 3 That the Director Engineering would report to the next Council meeting on the meeting to be held with the Fire Control Officer.
- 4 That the Director Engineering had information from Country Energy on Electricity Contestability.
- 5 That the Director Environmental Services would investigate the compliance of sign at Bellimbopinni advertising waterfront land at Port Macquarie.
- 6 That the Director Engineering would investigate trees overhanging the Pacific Highway at Frederickton near the old factory corner which are a hazard to high vehicles.
- 7 That the Director Environmental Services had not received any official advice regarding the State Government's Coastal Development Control and its affect on this Shire area.
- 8 That the Mayor intends to send a letter of congratulations to Mr Andrew Stoner MP regarding his appointment to the front bench for Sport and Recreation and Emergency Services.
- 9 That it was not Council's role to advise the local member Mr Andrew Stoner MP when Council was aware of a Ministers visit but the correct protocol was for the relevant Minister's office to advise the local member.

Councillor J A C Hayes

Councillor Hayes was advised:-

- 1 That the Director Engineering would investigate the condition of Beranghi Road (near Jewel Drive) where the road is badly corrugated.



MOTION FOR COMMITTEE

2002.224

RESOLVED:

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

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.



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MAYOR

REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



DIRECTOR ENVIRONMENTAL SERVICES CONFIDENTIAL REPORT

DES 1	UNAUTHORISED JUNKYARD – FREDERICKTON	{Folio No. 230510}
	FILE LA 10429 RBP	

SUMMARY:

Reporting that despite numerous requests and extensions granted by Council, land continues to be used for the purposes of a junk yard which is prohibited under Kempsey Local Environmental Plan 1987.

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. Bowell
Seconded: Cl. Hunt*

That Mr Matthews be advised that unless he ceases operation by 31st March 2002 that Council will commence action in the Land and Environment Court seeking orders requiring removal of all scrap metal and associated equipment from the site and seeking an order as to Council's costs.

The following report is to be read in conjunction with DES 1 in the Open Section of the Business Paper.

DES 2	QUARRY FREDERICKTON	{Folio No. 230511}
	FILE T6-02-37, LA 1980	
	RBP (NRN)	

SUMMARY:

Reporting on the status of an existing quarry at Frederickton.

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)).

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MAYOR

RECOMMENDED:

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

That the information be noted.



**DIRECTOR ENGINEERING
CONFIDENTIAL REPORT**

DE 1 PURCHASE OF LAND - WEST KEMPSEY
FILE: LA944 APV {Folio No. 230513}

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it is information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

RECOMMENDED:

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

That the Director Engineering be authorised to enter into the negotiations for acquisition of a property in West Kempsey.

Councillor Joukhadar lodged a notice of rescission in regard to the foregoing recommendation.



**DIRECTOR BUSINESS ENTERPRISES
CONFIDENTIAL REPORT**

DBE 1 ECONOMIC DEVELOPMENT
FILE: I2-14 GBS (NRN) {Folio No. 230515}

SUMMARY:

Reporting on the Economic Development.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it contained commercial information of a confidential nature.

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MAYOR

RECOMMENDED:

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

That the information be noted

RECOMMENDED:

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

That Council thank the Macleay Valley Economic Development Trust for the work done over the past 3 years.



CONFIDENTIAL GENERAL MANAGER'S REPORT

Councillor Sowter declared an interest in the following item for the reason that he is mentioned in correspondence from one of the claimants and retired from the Chambers during the discussion of that item.

GM 1	LEGAL MATTERS	
	FILE: L3-1 AVB (NRN)	{Folio No. 230517}

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report was submitted on a confidential basis as it involved advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).

RECOMMENDED:

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

That the information be noted.

GM 2	ANDREW MIEDECKE MOTORS PTY LTD CLAIM	
	FILE: P6-3 AVB	{Folio No. 230518}

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)).

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MAYOR

RECOMMENDED:

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

That Council endorse the action of the General Manager in authorising the offer as outlined in the report.



ADOPTION OF REPORT OF THE COMMITTEE OF THE WHOLE

2002.225

RESOLVED:

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

That the foregoing recommendations of the Committee of the Whole, as reported by the General Manager, be adopted and the Report of the Director Engineering regarding the outcome of the Miedecke court case be noted.



LATE BUSINESS – NAMING OF VERGE STREET STADIUM

2002.226

RESOLVED:

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

That this matter be considered at this meeting as it is a matter deemed by the Mayor to be of great urgency.

2002.227

RESOLVED:

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

That Council support the proposal regarding the naming of the Verge Street Stadium and provide funds of up to \$500 for the necessary sign writing.

CONCLUSION:

There being no further business, the Meeting terminated at 5.55 p.m.

