



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 11th February commencing at 9.05am.

PRESENT:

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

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



APOLOGY:

2003. 91

RESOLVED:

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

That the apologies submitted by Councillors Hayes and Mainey for non-attendance at the meeting be accepted and leave of absence granted.



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 14TH JANUARY 2003

2003. 92

RESOLVED:

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

That the Minutes of the Ordinary Meeting of Kempsey Shire Council dated 14th January 2003, be adopted.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 13TH JANUARY 2003

2003. 93

RESOLVED:

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

THIS IS PAGE 1 OF THE EDITED TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH FEBRUARY 2003.

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 13th January 2003, be adopted.



At this stage the Deputy Mayor advised the meeting of the passing of Mr Mike Hayes and the meeting the observed a minutes silence in respect to the memory of Mr Hayes.



MINUTES OF THE EXTRAORDINARY MEETING OF KEMPSEY SHIRE COUNCIL DATED 10TH FEBRUARY 2003

2003. 94

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Joukhadar

That the Minutes of the Extraordinary Meeting of Kempsey Shire Council dated 10th February 2003, be adopted.



CONSIDERATION OF LATE REPORTS

2003. 95

RESOLVED:

Moved: Cl. Sproule
Seconded: Cl. Howell

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



PUBLIC FORUM

- 1 Mr Robert Fraser addressed Council in relation to item DES 5 – Flood Mound, Belmore River



CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM – Report DES 5

DES 5	FLOOD MOUND - BELMORE RIVER
	FILE T6-01-505 RBP

SUMMARY:

Reporting that Council has received an application to formalise an authorised flood mound at Belmore River for which objections have been received.



Director Environmental Services Recommendation:

A That the applicant be advised that Council is prepared to agree to approve of the placement of 8,881m³ of material on the land only being that material already placed on the land with any subsequent consent to be subject to the following conditions:

- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 2** This consent permits the placement of a total of 8,881m³ of earth on the land for the purposes of constructing a flood mound. Separate development consent will be required to place any additional fill material on the land.
- 3** Payment of a contribution of \$5,506 towards the upgrading and maintenance of Left Bank Road, Belmore River within fourteen (14) days of the date of consent.

B That the applicant be advised that unless his written agreement is received within 14 days of notice being given that consent will be refused for the following reasons:

- 1** Inadequate information has been provided to determine the impacts on Council's road system resulting from the transportation of material required to construct the proposed mound.
- 2** Inadequate provision has been made to protect Council's road infrastructure.

MOVED:

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

That the applicant be requested to provide a flood impact statement, at the applicant's cost, by a qualified engineer and surveyor in relation to the flood mound and that when the information is received a works inspection be conducted.

An Amendment was MOVED:

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

That the applicant be required to provide a flood impact statement before Council could consider an approval of the application.

2003. 96

The Amendment was PUT to the meeting and was CARRIED became the Motion and was CARRIED.



ADOPTION OF AGENDA ORDER OF BUSINESS

2003. 97

RESOLVED:

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

That the Agenda Order of Business be adopted.



MAYORAL MINUTE

M1	GENERAL MANAGER'S PERFORMANCE REVIEW
FILE: S10-13	JACH

SUMMARY:

Advising Council that a Quarterly Performance Review of the General Manager was held on 13th January 2003.



2003. 98

RESOLVED:

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

That Council ratify the outcome of the General Managers Performance Review Committee report.

M2	PROPOSED NEW ROAD CROSSING OVER MACLEAY RIVER
FILE: T7, B6-62	JACH

SUMMARY:

Reporting on the meeting with the Minister for Roads.



2003. 99

RESOLVED:

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

That the information be noted

M3	MAYORAL ENGAGEMENTS FOR JANUARY/FEBRUARY
FILE: C18-25	JACH

SUMMARY:

Reporting on the Mayor's engagements since Council's meeting on the 14th January 2003.



2003. 100

RESOLVED:

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

That the information be noted.

M4	INVASION OF IRAQ	
FILE:	C18-25	JACH

SUMMARY:

Reporting on Local Government's involvement with the Australia's imminent invasion of Iraq.



Mayoral Recommendation:

That this Council call on the Australian Government to abide by the view of the vast majority of the Australian people not to engage in a war with Iraq and that the Prime Minister withdraw our troops from the Middle East immediately.

That we request, by way of our UN representative, that the United Nations urgently reconsider stringent containment and continuing strong sanctions against Iraq as a peaceful means of disarming Saddam Hussein and restoring democracy.

That notwithstanding the political issues involved Council provides absolute support for Australian military and civilian personnel who may become involved as a result of direction from the Australian Government.

That, as a matter of extreme urgency, these resolutions be forwarded to the Prime Minister, all federal politicians, the UN including the United Nations Security Council, the President of the US and the Prime Minister of the UK, the Australian Local Government Association and LGov.

That, as a matter of urgency, this Council implores both ALGA and LGov to convey these resolutions to all member councils."

MOVED:

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

That the Mayoral recommendation be adopted.

An Amendment was MOVED:

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

That the Mayoral recommendation be adopted subject paragraph 1 being amended to read:-

That this Council call on the Australian Government to abide by the view of the vast majority of the Australian people not to engage in a war with Iraq, without the backing of the U.N. Security Council.

and paragraph 3 be amended to read:-

Council provides absolute support for Australian military and civilian personnel who may become involved as a result of direction from the Australian Government.

The AMENDMENT was PUT to the Meeting and was LOST.

2003. 101 The MOTION was PUT to the Meeting and was CARRIED.



At this stage 9.50am Councillors Joukhadar and Sproule left the chambers to attend a meeting in Kempsey with Mr Tony Stewart, Parliamentary Secretary for Roads.



M5	PROPOSED COUNCIL MEETING AT SOUTH WEST ROCKS
FILE: C18-25	JACH

SUMMARY:

Proposal to hold an ordinary meeting of Council at South West Rocks.



Mayoral Recommendation:

That this Council hold an ordinary meeting at South West Rocks at a date to be determined.

2003. 102 **RESOLVED:**

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

That the question of conducting meetings at outlying areas be referred to the newly elected Council after September 2003.



NOTICE OF MOTION

2003. 103 **RESOLVED:**

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

That Council urgently review the clean up and maintenance regime for the South Kempsey area, particularly Middleton Street, the road reserves and the park next to the House of Youth.



DIRECTOR ENVIRONMENTAL SERVICES REPORT

DES 1	LEP AMENDMENT TO PERMIT USE OF FORMER SEVENTH DAY ADVENTIST PRIMARY SCHOOL PROPERTY FOR COMMUNITY PURPOSES FILE T5-85 MEI
--------------	--

SUMMARY:

Reporting that the Department of Housing has made application to amend Kempsey Local Environmental Plan 1987 to permit the use of the former Seventh Day Adventist Primary School property for community purposes. The draft plan has been exhibited and Council may now forward the plan to the Minister for Gazettal.



2003. 104

RESOLVED:

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

That Council prepare a Section 69 report requesting that the Minister for Planning make the plan.

DES 2	PROGRESS OF KEMPSEY SHIRE HERITAGE STUDY FILE H3-2 MEI
--------------	---

SUMMARY:

Reporting on the progress to date of the Macleay Valley Community Heritage Study.



2003. 105

RESOLVED:

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

That the information be noted

DES 3	3 X 2 BEDROOM UNITS LOT 5 SEC 25 YARRAVEL STREET SOUTH KEMPSEY FILE T6-02-270 LA 3887 AD
--------------	---

SUMMARY:

Reporting that Council has received an application for 3 x 2 bedroom units in South Kempsey for which an objection has been received.



2003. 106

RESOLVED:

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

- A. That consent be granted, subject to the following conditions:**
- 1** The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
 - 2** This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
 - 3** A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
 - 4** Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council
 - 5** The dwellings are not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.
 - 6** This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained. A Construction Certificate may be obtained from Council upon application being made or from an accredited certifier.
 - 7** Before the commencement of site works, demolition or building, the following activities must be completed:
 - a** Installation of soil erosion and sedimentation control devices.
 - b** Installation of safety fencing/hoardings between the property and the street.
 - c** Protection barriers for existing trees.

- d Installation of builder's toilets.
 - e Installation of signage in prominent, visible position including -
 - "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
- 8 Provision of a security deposit to Council totalling \$600 to cover any damage sustained to public property including footway and kerb and gutter or road pavement during construction and to ensure satisfactory completion of any works on public property required in connection with this approval. The deposit is to be lodged with Council prior to the issuing of the required Construction Certificate and will be released upon submission of documentary evidence indicating that an Occupation Certificate has been issued.
- 9 Submission of an application(s) to Council pursuant to Section 68 of the Local Government Act 1993 for the following, prior to the issue of a Construction Certificate:-
- a Carrying out water supply work
 - b Carrying out sewerage work
 - c Carrying out stormwater drainage work
 - d Connecting a private drain or sewer with a public drain or sewer under the control of a Council or with a drain or sewer which connects with such a public drain or sewer.
- 10 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.
- Details are to be submitted to Council prior to work commencing.
- 11 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 12 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.

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

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

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

A construction certificate shall not be issued until the Principal Certifying Authority (PCA) is satisfied that the plans and specifications comply with the BCA.

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

Walls
Roof
Wall
Roof
Ceiling
Hotwater

As per NatHERS Scorecard KEM 178 Supplied. Unit 3 (KEM 178C) Hot water unit is to comply with Part D of Councils Policy and must meet 3 1/2 star rating.

- 16 The hours of operation of the construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.

- 17 Building materials are not to be stored within the road reserve or any other public place.

- 18 An interception drain at the boundary of the property to collect all stormwater runoff from paved areas, piped then discharged through the kerb via a standard convertor, strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. After discharged to the proposed internal drainage system.

- 19 The applicant is to provide details with the application for Construction Certificate demonstrating how it is intended to manage stormwater runoff from property to the south of this development without having an adverse impact on the proposed development and or redirecting stormwater flows onto adjoining property.

- 20 Access from the street to the property boundary to be via a standard layback and full width concrete paving. Paving to be 125mm thick unreinforced with construction joints to suit service trenches. Applicant is to consult Council's Environmental Services Department for details prior to commencing work on site.

- 21 All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development before occupation of the building or commencement of the proposed land use. All such areas to be concrete paved.
- 22 Any redundant footpath crossings or access culverts to be removed and reconstructed at the applicant's expense, and footway access restored to the satisfaction of Council, prior to occupation of the premises.
- 23 The plans prepared for the required Construction Certificate are to provide for a footpath across the full road frontage of the property strictly in accordance with Council's Engineering Guidelines for Subdivision and Development. All works are to be carried out strictly in accordance with the plan.
- 24 The visitor space cannot be accessed either inwards or outwards in one sweep. The plans for the required Construction Certificate are to provide for modification of the kerb leading into carport 3, and a widening of the driveway crossing is required to provide easy access in accordance with AS2890.1.
- 25 Submission of an application for a Certificate of Compliance pursuant to Section 305 of the Water Management Act 2000 and the lodgement of a Certificate of Compliance indicating that the requirements of Section 306 of the Water Management Act 2000 have been met, prior to release of the Construction Certificate.
- 26 You are advised that a Certificate of Compliance pursuant to Division 5 of the Water Management Act 2000 will be issued by Council, subject to the following matters being complied with:-
- a Payment of a contribution towards district water supply at the rate of \$1130 per equivalent tenement, i.e \$1130 x 1 E.T = \$1130. (Total for 2002/2003 indexed)
 - b Provision of separate sewer connection to the existing junction points located in Yarravel Street.
- 27 The applicant is to pay a contribution towards the outdoor recreation for each additional dwelling unit after the first unit in accordance with Council's Section 94 Plan for Outdoor Recreation. The contribution is to be paid prior to the release of the Construction Certificate, at the rate prevailing at that time. The current rate is \$363 per additional dwelling unit, i.e \$363 x 1 E.T = \$363. (Total for 2002/2003 Indexed)
- 28 Detailed plans providing for provision of concrete kerb and gutter and extension of the existing bitumen seal to the new kerb and gutter have been designed in strict compliance with

Council's Engineering Guidelines for Subdivision and Development.

- B. That the objector be advised of Councils decision.

DES 4	PROPOSED TWO STOREY DWELLING LOT 76 DP 1037721 No 4 HOUISON PLACE SOUTH WEST ROCKS FILE T6-02-674 DJW
--------------	--

SUMMARY:

Reporting that a Local Development Application has been received to build a two storey dwelling. The building height and cut exceeds the maximum permitted under Development Control Plan No 22 Development Standards – Local Housing.



2003. 107

RESOLVED:

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

That Development Application T6-02-674 be approved subject to the following conditions.

- 1 The excavation is not to exceed 2 metres in depth.
- 2 Details are to be submitted to Council for approval for the disposal of the excavated material prior to the release of the Construction Certificate.
- 3 Details of erosion control are to be submitted, approved and to be installed prior to commencing on site works.
- 4 That a security deposit totalling \$1000 to cover any damage sustained to Council's property including kerb and gutter or road pavement during construction. This deposit is to be lodged with Council prior to the issue of the Construction Certificate.
- 5 The design engineer is to supervise the excavation works.
- 6 The development referred to in this application is to be carried out substantially in accordance with the approved development plans as modified by any conditions of this consent.
- 7 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 8 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice

of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council

- 9 The dwelling is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.**

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

- 10 The building is not to be occupied until all conditions of Council's consent have been complied with and an Occupation Certificate has been obtained from Council or an accredited certifier and submitted to Council.**

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

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

Inspections required:

- (a) footings in position and prior to the pouring of concrete;**
 - (b) all steel reinforcement prior to the pouring of concrete;**
 - (c) completion of wall and timber framing with any veneer walls completed prior to wall sheeting being fixed;**
 - (d) wet area floor and wall surfacing prior to tiling;**
 - (e) completion of stormwater systems prior to backfilling;**
 - (f) prior to any wall linings the insulation shall be inspected, a ladder shall be provided at the final stage to provide access to the ceiling space or alternatively, a certification from a registered installer shall be submitted certifying the wall and ceiling installation complies with the approved single residence scorecard.**
- 12 Approval is subject to the condition that the builder or person who does the residential building work complies with the applicable requirements of Part 6 of the Home building Act 1989 whereby a person must not contract to do any residential**

building work unless a contract of insurance that complies with this Act is in force in relation to the proposed work. It is the responsibility of the builder or person who is to do the work to satisfy Council that they have complied with the applicable requirements of Part 6.

Details are to be submitted to Council prior to work commencing.

- 13 Before work commences, the Council must be informed in writing of the name and contractor licence number of the licensee who has been contracted to do or intends to do the work.
- 14 A sign is to be provided in a prominent and visible position (on the building or fence) stating "Unauthorised entry to the site is not permitted", together with the name of the person responsible for the site and a contact number outside working hours.
- 15 A builder's toilet complying with Clause 78I of the Environmental Planning and Assessment Regulation, and connected directly to the sewer is required on site throughout the entire building operation.

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

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

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

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

the window and glass installation indicating compliance with the requirements of AS1288 and AS2047.

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

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

Note: Spacing of rails not to exceed 125mm.

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

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

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

- g Details of roof trusses, tie down and roof bracing are to be submitted prior to commencement of any building work on the site.
- h Details of wall bracing to be carried out in accordance with Australian Standard 1684-1999 are to be submitted to Council prior to commencement of work.
- i Kitchen exhaust fans are to be ducted externally of the building or a recirculating hood type be provided.
- j Class 1(a) and 1(b) Buildings

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

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

- k Glazing of all windows and doors is to be in accordance with the requirements of B1 of the Building Code of Australia.
 - l All glass in shower doors, shower screens, bath enclosures and associated windows (the lowest sight line of which is less than 1500mm above the floor or bottom of the bath or shower base) shall be Grade A Safety Glass.
 - m The walls immediately adjacent or behind a bath, basin, sink or trough, shall be finished to a height of not less than 300mm above the fixture or in the case of a shower, to a height of 1.8 metres above the floor with cement render ceramic tiles or other approved finish impervious to water.
 - n Any sarking used in the roof of the dwelling must have a flammability index not more than 5.
 - o The sub floor ventilation must comply with Part 3.4.1.2 a) b) c) d) e) f) and g) of the Building Code of Australia (Housing Provisions).
 - p Earth works must comply with Part 3.1.1 of the Building Code of Australia (Housing Provisions).
 - q Drainage of the site must comply with Part 3.1.2 of the Building Code of Australia (Housing Provisions).
- 17 The dwelling shall be constructed to include all the energy efficiency requirements contained within the single residence scorecard, e.g.:
- | | |
|----------|---------------------------|
| Walls | Light medium colour |
| Roof | Dark colour |
| Wall | Brick/veneer with sarking |
| Roof | Insulated metal deck |
| Ceiling | R 2.5 insulation |
| Hotwater | Solar electric |
- 18 The hours of operation of construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- 19 Construction of a vehicular access from the road formation to the property boundary in accordance with Council's Standard for Access to Urban Properties. Applicant is to consult Mr Tony Castle of Council's Environmental Services Department for requirements before commencing construction.
- 20 Roofwaters are to be directed by means of sealed pipes to the street gutter.

- 21 Runoff and soil erosion controls shall be installed in accordance with the approved Erosion Control prior to work commencing on the site. The controls shall incorporate:-
- a diversion of uncontaminated upsite runoff around cleared and/or disturbed areas and areas to be cleared and/or disturbed.
 - b sediment control fences at the downslope perimeter of the cleared and/or disturbed area to prevent unwanted sediment and other debris escaping from the land.
 - c maintenance of all erosion control measures at maximum operational capacity until the land is effectively rehabilitated and stabilised beyond the completion of construction.

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

Note:

- i Any roof drainage system is to be connected to the required discharged point at the building frame inspection stage.
 - ii Any material spilled or deposited on the road reserve or in the gutter is to be removed immediately.
- 22 This building is approved as a single dwelling for occupation by a single family. It shall not be used for separate residential occupation or as separate residential flats. No plumbing fixtures, fittings other than those shown, walls deleted or added or any other changes shall be made from the approved plans without Council's prior written consent.
- 23 A Survey Report is to be submitted on completion of slab formwork to ensure the location of the building is in accordance with the approval issued.
- 24 A Survey Certificate is to be submitted upon completion to the awnings, roof framing to ensure that the top plate does not exceed 6.9m AHD.
- 25 The bar area shall only contain a half bowl sink and a maximum 1.8m length of cupboards. No cooking facilities shall be installed in the area.

DES 5	FLOOD MOUND - BELMORE RIVER
	FILE T6-01-505 RBP

This item was dealt with earlier immediately following public forum.

DES 6	DRAFT DEVELOPMENT CONTROL PLAN - HAT HEAD FILE: T4-40 RBP
--------------	--

SUMMARY:

Reporting that a draft Development Control Plan has been prepared for Hat Head. [\(Appendix E\)](#)



2003. 108

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Sowter

That Council place the draft Development Control Plan on public exhibition.

DES 7	ON SITE SEWAGE MANAGEMENT FILE S6-2 JW
--------------	---

SUMMARY:

Reporting on the On-site Sewage Management Systems (OSMS) strategy progress to date.



2003. 109

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Howell

That the information be noted.

DES 8	STATISTICS FILE S12-1 BWC
--------------	--

SUMMARY:

Reporting on various statistics related to functions of the Environmental Services Department.



2003. 110

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Hunt

That the information be noted.

**DES 9 DEVELOPMENT OF LOT 22 DP 1044239
DUAL OCCUPANCY DEVELOPMENT, BEECH PLACE
SOUTH WEST ROCKS
FILE T6-02-537 AJC**

SUMMARY:

Reporting on an application to modify a development consent.



Director Environmental Services Recommendation:

That Council advise the applicant that, subject to his written agreement, Council is prepared to amend Development Condition 22 and delete condition 27 for the reasons contained in the body of this report.

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

That Council retain conditions 22 and 27 in their present form.

The MOTION was PUT to the Meeting and was LOST.

2003. 111 **RESOLVED:** *Moved: Cl. Sowter
Seconded: Cl. Howell*

That the Director Environmental Services Recommendation be adopted.

DES 10 BUILDING AND DEVELOPMENT

SUMMARY:

Reporting that the following applications have been approved:

2003. 112 **RESOLVED:** *Moved: Cl. Sowter
Seconded: Cl. Hunt*

That the information be noted.



DIRECTOR ENGINEERING REPORT

**DE 1 RURAL FIRE SERVICE
FILE: F3-30 KJF**

SUMMARY:

Reporting on responses to letters concerning funding for the Rural Fire Service.



2003. 113

RESOLVED:

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

That the information be noted.

DE 2	FUNDING – NSW FIRE FIGHTING FUND
	FILE: F3-30 KJF

SUMMARY:

Reporting on the allocations proposed for the 03/04 Rural Fire Fighting Fund Estimates.



2003. 114

RESOLVED:

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

That the Rural Fire Fighting Fund Estimates for 03/04, to a total bid of \$693,158, be approved.

DE 3	RURAL FIRE SERVICE – SERVICE LEVEL AGREEMENT
	FILE: F3-2 KJF

SUMMARY:

Reporting on the review of the Service Level Agreement with the Rural Fire Service.



2003. 115

RESOLVED:

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

That the information be noted.

DE 4	DISASTER EVENTS
	FILE: P9 KJF

SUMMARY:

Reporting on a review of Council's Disaster Events Policy.



2003. 116

RESOLVED:

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

That Policy C22:4 Disaster Events be deleted.

DE 5	MID NORTH WEIGHT OF LOADS GROUP
FILE: R8-190	KJF

SUMMARY:

Reporting on results from the Mid North Weight of Loads Group.



2003. 117

RESOLVED:

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

1. That the information be noted.
2. That a Councillor be nominated as a delegate to the Mid Coast Weight of Loads Management Committee.

2003. 118

RESOLVED:

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

That Councillor Bowen be Council's delegate to the Mid Coast Weight of Loads Management Committee.

DE 6	KEMPSEY FLOOD STUDY
FILE: F5	KJF

SUMMARY:

Reporting on the overall costs for the next stage of the Kempsey Flood Study.



2003. 119

RESOLVED:

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

1. That tenders not be invited for Kempsey Flood Study due to the extenuating circumstances of Webb McKeown and Associates intimate knowledge of flooding in the Macleay and the

considerable cost and time penalties expected should other consultants be considered.

2. That Webb McKeown and Associates be contracted, by singly invited tender, to undertake the Kempsey Flood Study.

Councillor Parkinson recorded his vote against the foregoing Resolution.

DE 7	YARRAHAPINNI FLOODGATES
	FILE: FM59 KJF

SUMMARY:

Reporting on a request to open a gate on the Yarrahapinni Floodgates.



Director Engineering Recommendation:

That the request from the Yarrahapinni Wetland Reserve Trust for a continuation of tidal interchange at Yarrahapinni Floodgates be refused.

MOVED:

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

That this item be deferred until the March Council meeting.

The motion lapsed for want of a seconder.

MOVED:

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

That the Director Engineering recommendation be adopted.



At this stage 10.30am Councillor Parkinson retired from the chambers and the Deputy Mayor advised that as a quorum was not present the Meeting would adjourn for Morning Tea.

Upon resumption at 11.00 a.m. all present at the adjournment were in attendance along with Councillors Joukhadar and Sproule.



2003. 120

An Amendment was MOVED:

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

That this item be deferred until the March 2003 Council meeting.

2003. 121

The Amendment was PUT to the Meeting and was CARRIED, became the Motion and was CARRIED.



PRESENTATION

At this stage 11.00am Mr Bill Ho and Mr Lee Bowling from Department of Land and Water Conservation addressed Council regarding the algae in the Steuart McIntyre dam.



At this stage Councillor Joukhadar advised the meeting that as a result of the meeting this morning with Mr Tony Stewart, Parliamentary Secretary for Roads, the following announcements were made on funding to be provided by the State Government for the following projects:-

Full EIS for second bridge crossing at Kempsey
Lighting at the Pacific Highway/Stuarts Point Road intersection
Noise reductions signs for the Pacific Highway at Frederickton



DE 8	2002/2003 FLOODPLAIN MANAGEMENT PROGRAM FILE: FM500 APV
------	--

SUMMARY:

Reporting on a grant offer for Council's Floodplain Management Program for 2002/2003.



2003. 122

RESOLVED:

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

That the offer of financial assistance, in the amount of \$33,333 for the Kempsey Voluntary Purchase project under the 2002/2003 1:1:1 Floodplain Management Program, be accepted.

DE 9	ROADLINK PROJECT SOUTH WEST ROCKS TO STUARTS POINT FILE: B6-58 APV
------	--

SUMMARY:

THIS IS PAGE 23 OF THE EDITED TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH FEBRUARY 2003.

Reporting on the South West Rocks to Stuarts Point RoadLink Project.



Director Engineering Recommendation:

That no further action be taken on the South West Rocks Stuarts Point RoadLink project.

2003. 123

MOVED:

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

That Council proceed with the investigation as detailed in the Executive Summary referred to in the Director's report pending the announcement on the preferred Pacific Highway route being to the west of Kempsey.

An Amendment was MOVED:

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

That this matter be deferred until after the announcement on the preferred Pacific Highway route.

2003. 124

The Amendment was PUT to the Meeting and was CARRIED, became the Motion and was CARRIED.

DE 10	SILVERWOOD AVENUE, TEMAGOG
	FILE: R Silverwood NJT

SUMMARY

Reporting on a request to accept transfer of Silverwood Avenue, Temagog, as a dedicated public road and as part of Council's maintained length of unsealed roads.



2003. 125

RESOLVED:

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

1. **That the transfer of Silverwood Road, Temagog, to Council as a dedicated public road, not be agreed to.**
2. **That the Shires Association be pursued to clarify the anomaly of the DLWC as a Roads Authority not approving works on public roads simply because they have no experience in road construction.**

DE 11	UPGRADING OF ROADS
	FILE: R8-2 NJT

SUMMARY:

Reporting on the criteria used to determine the need for upgrading of roads.



2003. 126 **RESOLVED:** *Moved: Cl. Parkinson*
Seconded: Cl. Sowter

That the information be noted.

2003. 127 **RESOLVED:** *Moved: Cl. Sproule*
Seconded: Cl. Hunt

That Council initiate a community consultation process regarding the proposed works on Pipers Creek Road.

DE 12 B-DOUBLE ROUTES FILE: R8-2 NJT

SUMMARY:

Reporting on B-Double Routes for Kempsey Shire.



Director Engineering Recommendation:

1. That the ungazetted roads listed above as proposed B-Double routes be advertised for public comment.
2. That the ungazetted roads listed above be assessed for suitability as B-Doubles routes, following public exhibition and comment, by the Local Traffic Committee for their recommendation to Council.

2003. 128 **RESOLVED:** *Moved: Cl. Sowter*
Seconded: Cl. Parkinson

1. That the Director's recommendation be adopted with the inclusion of the route to Fullers Mill on Kemps Access Road from Collombatti Road and South Street from Akubra Place to West Street and;
2. The deletion of
 - Rudder Street (Pacific Highway to Bissett Street)
 - Bissett Street (Rudder Street to Washington Street)
 - Washington Street (Bissett Street to South West Rocks Road)
 - South West Rocks Road (Washington Street to Austral Eden Outer Road).

3. That the routes be fully advertised in all local media available for the period of at least 21 days.

Councillor Joukhadar recorded his vote against the foregoing Resolution.

DE 13	ROADS MAINTENANCE FILE: R8-2 MGR
--------------	---

SUMMARY:

Reporting on the condition of the road surfaces at Gladstone Street, Kempsey, River Street (outside Spotted Frog Restaurant) and the intersection of Armidale Road and Sherwood Road as raised in "Questions without Notice" at the January 2003 Council Meeting.



2003. 129

RESOLVED:

Moved: Cl. Parkinson
Seconded: Cl. Sowter

That the information be noted.

DE 14	QUESTIONS WITHOUT NOTICE FILE: C18-28 JC (NRN)	{Folio No. 247503}
--------------	---	---------------------------

SUMMARY:

Reporting on Questions Without Notice from the Council meetings of the 20th March 2001, 14th May 2002, 13th August 2002, 10th September 2002, 8th October 2002, 12th November 2002 and 14th January 2003.



2003. 130

RESOLVED:

Moved: Cl. Parkinson
Seconded: Cl. Bowell

That the information be noted.

DE 15	WORKS IN PROGRESS FILE: R8-2 KJF
--------------	---

SUMMARY:

Reporting on works in progress.



2003. 131

RESOLVED:

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

That the information be noted.

**DE 16 COMPLIMENTS RECEIVED BY ENGINEERING STAFF
FILE: S10-2 JC**

SUMMARY

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



2003. 132

RESOLVED:

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

That the information be noted.

**DE 17 FLOODPLAIN MANAGEMENT AUTHORITIES –
ANNUAL CONFERENCE
FILE: FM500 APV**

SUMMARY:

Reporting on the 2003 NSW Floodplain Management Authorities Annual Conference.



Director Engineering Recommendation:

That Council determine whether any Councillors should attend the Conference.

2003. 133

RESOLVED:

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

That no action be taken.

**DE 18 (Supp) AUSLINK GREEN PAPER
FILE: R8-2 (239255) NJT**

Reporting on a submission to the AusLink Green Paper.



Director Engineering Recommendation:

That the information be noted

2003. 134

RESOLVED:

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

1. That Council support the initiative of the Commonwealth Government in adopting a new approach to planning, developing and managing Australia's national land transport infrastructure, but continue to lobby, through the Australian Local Government Association, Lgov NSW and the Institute of Public Works Engineering, Australia, for an increase in revenue at a local government level to support existing transport infrastructure at a sustainable level.
2. That Council, through the ALGA and Lgov, question the Federal Government's approach to Auslink regarding direction of funding to rail at the expense of road funding.



At this stage 1.00 p.m. the Meeting adjourned for Luncheon and upon resumption at 1.45 p.m. all present at the adjournment were in attendance with the exception of Councillors Joukhadar and Sproule.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

The following item DCCS 1 was dealt with in conjunction with Item DCCS 12 (Supp) – Ambulance Services.

DCCS 1	AMBULANCE SERVICE CRITERIA
FILE: E8-3 (247785)	MLB

SUMMARY:

Reporting on a response from the NSW Ambulance Service regarding their criteria for services.



2003. 135

RESOLVED:

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

That the information be noted.

DCCS 12	AMBULANCE SERVICES
----------------	---------------------------

SUMMARY:

Reporting on Air Ambulances Services using the Kempsey Aerodrome.



Director Corporate and Community Services Recommendation:

For information.

2003. 136

RESOLVED:

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

That the Ambulance Service NSW be advised that the Kempsey Airport would remain available for ambulance services.

At this stage 1.53pm Councillors Joukhadar and Sproule entered the Chambers.

**DCCS 2 CORPORATE AND COMMUNITY SERVICES
DEPARTMENT REPORT 1ST OCTOBER TO 31ST
DECEMBER 2002
FILE: C10-1 TIH**

SUMMARY:

Reporting on the activities of the Community Services Department during the period 1st October to 31st December 2002.



2003. 137

RESOLVED:

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

That the information be noted.

**DCCS 3 STATEMENT OF BANK BALANCES AS AT 31ST
JANUARY 2003
APC**

SUMMARY:

Submitting the Statement of Bank Balances as at 31st January 2003.



2003. 138

RESOLVED:

Moved: Cl. Hunt

That the information be noted.

DCCS 4 STATEMENT OF INVESTMENTS AS AT 31ST JANUARY 2003 APC
--

SUMMARY:

Submitting the Statement of Investments as at 31st January 2003.



2003. 139

RESOLVED:

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

That the information be noted.

At this stage 2.02pm Councillor Joukhadar retired from the Chambers.

DCCS 5 LIBRARY SMALL GRANT FILE: L4-8 GB

SUMMARY:

Reporting on the receipt of a small grant from the Minister for Ageing, the Honourable Carmel Tebbutt for the Library.



2003. 140

RESOLVED:

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

That the grant for \$500 be accepted for Internet tuition and Zoomtext training.

DCCS 6 MACLEAY RIVER HISTORICAL SOCIETY MUSEUM FILE: S3 COPY: LA2100 PJH
--

SUMMARY:

Reporting on the cost to upgrade security and install air-conditioning at the Macleay River Historical Society Museum.



Director Corporate and Community Services Recommendation:

- 1 That Council upgrade the security alarm system at the Macleay River Historical Museum at a cost of \$4,220 to be funded from workings funds.
- 2 That the installation of air conditioning at the Historical Museum be listed for consideration at the next review of the Five Year Financial Plan.

2003. 141

RESOLVED:

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

- 1 That Council upgrade the security alarm system at the Macleay River Historical Museum at a cost of \$4,220 to be funded from workings funds.
2. That Council proceed with the installation of air-conditioning in accordance with option 1 detailed in the report at a cost of \$18,490 to be funded from working funds.

DCCS 7	KEMPSEY SHIRE ART PRIZE
FILE: P12-13	AF

SUMMARY:

Reporting on the Kempsey Shire Art Prize held at Gladstone Hall from 17th to 22nd January 2003.



Director Corporate and Community Services Recommendation:

That the Art Prize continues in the year 2005 as set out in the 5 Year Plan.

2003. 142

RESOLVED:

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

That the Director Corporate and Community Services Recommendation be adopted and congratulations be extended to all staff involved in the 2003 Kempsey Shire Art Prize.

At this stage 2.10pm Councillor Joukhadar returned to the Chambers.

DCCS 8	ABORIGINAL MENTORING PROGRAMME
FILE: A1-2	DJM

SUMMARY:

Reporting on response to Expressions of Interest in regard to Aboriginal Councillor Mentoring Program.



2003. 143

RESOLVED:

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

That Council nominate two Councillors to be Mentors to commence at the March Council Meeting.

2003. 144

RESOLVED:

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

That Councillor J Sproule be the mentor for Ms Colleen Campbell; and Councillor J Bowell be the mentor for Mr Gerald Hoskins

DCCS 9 CAR PARKING AT BOOMERANG FLATS, MEMORIAL AVENUE, SOUTH WEST ROCKS FILE: LA5411 PJH

SUMMARY:

Reporting on negotiations with the owner of Boomerang Flats, South West Rocks regarding the possible lease of the car parking area adjacent to the property.



Director Corporate and Community Services Recommendation:

For Council's decision.

2003. 145

RESOLVED:

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

That this item be deferred until the March 2003 meeting.

DCCS 10 FINANCIAL STATEMENT FOR THE PERIOD TO 31ST DECEMBER 2002 FILE: A2-22 AJC
--

SUMMARY:

Reporting that the Budget Review for the period ending 31 December 2002 has been prepared for all funds.



2003. 146

RESOLVED:

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

That the Budget Review for the period ended 31 December 2002 be adopted and the variations contained therein be approved and financed from the sources as indicated.

2003. 147

RESOLVED:

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

That the Saleyards Committee review the requirement for an agent using the Saleyards to have a local office.

DCCS 11	GRANTS ADVISOR / COMMUNITY SOLUTIONS POSITION
FILE: P8-2	COPY: S10-13 TIH

SUMMARY:

Reporting on the Grants Advisor and Community Solutions funding positions.



2003. 148

RESOLVED:

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

The grant allocation role be allocated to the Library in accordance with the report.

DCCS 12	AMBULANCE SERVICES
(SUPP)	FILE: E8-3 APC

This item was dealt with earlier in the meeting after Item DCCS 1.



DIRECTOR BUSINESS ENTERPRISES REPORT

DBE 1	RESIDENTIAL LAND
FILE: P10-15	GBS

SUMMARY:

Reporting on the sale of vacant residential land in Leith Street, Kempsey.



2003. 149

RESOLVED:

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

1. That the information be noted.
2. That the Common Seal of Council be affixed to those documents which require the seal relating to the sale of lots 14-19 Leith Street, Kempsey

DBE 2 AIRPORT LEASES FILE: A5-2 GBS
--

SUMMARY:

Reporting on proposals to renew leases of hangers at Kempsey Airport.



Director Business Enterprise Recommendation:

That Council agree to the renewal of the leases of hangars at Kempsey Airport for a period of 5 years from 1st January 2003.

2003. 150

RESOLVED:

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

That Council agree to the renewal of the leases of hangars at Kempsey Airport on a year-by-year basis.

DBE 3 STUARTS POINT WATER SHARING PLAN FILE: W1-15 GRP

SUMMARY:

Reporting on an outstanding Council resolution relating to the Stuarts Point Water Sharing Plan.



Director Business Enterprise Recommendation:

1. That the proposed Community Meeting for the Stuarts Point Water Sharing Plan now not be held due to its irrelevance.
2. That in the early stages of the formulation of the next Water Sharing Plan within Kempsey Shire, a public meeting be

convened by Council to review the Stuarts Point Water Sharing Plan and to consider proposals for new Water Sharing Plans.

2003. 151

RESOLVED:

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

That the Director Business Enterprise Recommendation be adopted with the addition of:-

3. That the residents of Stuarts Point be advised of this action.

DBE 4	ALGAE AND DROUGHT WORKSHOP
FILE: W1-25	GRP

SUMMARY:

Reporting on a proposed workshop on algae and drought.



2003. 152

RESOLVED:

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

That the information be noted.

DBE 5	PROGRESS OF HAT HEAD SEWERAGE SYSTEM
FILE: S8-24	GRP

SUMMARY:

Reporting on the status of construction of the Hat Head sewerage system.



2003. 153

RESOLVED:

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

That the information be noted.

DBE 6	FREDERICKTON SEWERAGE TREATMENT PLANT
	EFFLUENT RE-USE
FILE: S8-13	DWS

SUMMARY:

Reporting on the current status of effluent re-use from Frederickton Sewage Treatment Plant.



Director Business Enterprise Recommendation:

That the information be noted.

MOVED:

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

That the Director Business Enterprise recommendation be adopted.

An Amendment was **MOVED:**

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

1. That the information be noted.
2. That Council maximise possible effluent reuse including contact with Caravan Park owners at South West Rocks, Mr Allan Mainey Frederickton and other appropriate land owners.

2003. 154 The Amendment was **PUT** to the meeting and was **CARRIED**, became the Motion and was **CARRIED**.

DBE 7	MAGUIRES CROSSING BORE 3 REPLACEMENT
FILE: W1-11a	DWS

SUMMARY:

Reporting on the emergency replacement of Maguires Crossing bore 3, supplying town water to Crescent Head.



2003. 155 **RESOLVED:**

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

That the information be noted.

DBE 8	TOURISM MARKETING PLAN 2002/03 SIX MONTHLY PROGRESS REPORT
FILE: T3-5	SJR

SUMMARY:

Reporting on progress of implementation of the Tourism Marketing Plan 2002/2003.



2003. 156 **RESOLVED:**

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

That the information be noted.

DBE 9	CLEAN-UP AUSTRALIA
	FILE: G1-3 WJL

SUMMARY:

Reporting on Council's involvement in the Clean Up Australia Program 2003



2003. 157

RESOLVED:

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

That information presented in the Report be noted and accepted as Council's philosophy of approach to the Clean-up Australia Programme 2003.

DBE 10	WORKS IN PROGRESS
	FILE: W1-2 PH

SUMMARY:

Reporting on works in progress.



2003. 158

RESOLVED:

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

That the information be noted.

DBE 11	FLEET MANAGEMENT
	FILE: P6-2 MSW

SUMMARY:

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



2003. 159

RESOLVED:

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

That the information be noted.



DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY REPORT

DBE 12 (SUPP)	SHERWOOD BOREFIELD LAND FILE: LA22001, LA8638 GBS
--------------------------	--

SUMMARY:

Reporting on a proposal to sell the land, which is surplus to requirements for the Sherwood borefield.



Director Business Enterprise Recommendation:

1. That Council proceed to sell the property Lot 91, Aldavilla Road, Sherwood, by public auction.
2. That Council appoint a Real Estate Agent to be drawn by ballot of all known Kempsey based agents.
3. That the General Manager instruct the appointed agent on an appropriate reserve price.
4. That the proceeds of the sale be transferred to the Water Augmentation Reserve Account.

MOVED:

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

That no action be taken at this stage.

An Amendment was MOVED

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

That the sale of the property be deferred to a later stage and that Council at that time market and sell the property.

That Amendment was PUT to the meeting and was LOST.

2003. 159

The MOTION was PUT to the meeting and was CARRIED.

DBE 13 (SUPP)	CRESCENT HEAD CARAVAN PARK REDESIGN FILE: C1-3 GBS
--------------------------	---

SUMMARY:

Reporting on the development of a draft plan for the re-design of Crescent Head Caravan Park to meet legislative requirements and other upgrade works.



2003. 160

RESOLVED:

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

1. That the draft plan for re-design of the Crescent Head Tourist Park be adopted.
2. That the draft plan be placed on public exhibition for a period of two (2) weeks and public comment invited.

DBE 14 MACLEAY VALLEY COAST ARTS TRAIL (SUPP) FILE: C20-2 TCB

SUMMARY:

Report on the development of a collaborative marketing booklet for local artists.



2003. 161

RESOLVED:

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

That the information be noted

DBE 15 TOWN MARKETING PLAN (SUPP) FILE: I2-2 TCB
--

SUMMARY:

Report on the development of a Town Marketing Plan for Kempsey.



2003. 162

RESOLVED:

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

That the information be noted.



GENERAL MANAGER'S REPORT

GM1	HALF DAY HOLIDAYS 2003
FILE:	P12-9 MAM

SUMMARY:

Reporting that two half day holidays have been appointed within the Kempsey Shire in 2003.



2003. 163

RESOLVED:

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

That the information be noted.

GM2	SOCIAL CAPITAL
FILE:	C10-9 JLM

SUMMARY:

Reporting on Social Capital in the Kempsey Shire.



2003. 164

RESOLVED:

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

1. To attempt to increase trust in the community by increasing the feelings of safety and security of residents, Council seek ways to continue and strengthen co-operation with service providers in the community.
2. To accurately examine and enhance social capital in our community Council investigate the cost and appropriate strategies that would be involved in an Audit of Social Capital in Kempsey Shire, to research the true feelings amongst community members about their community.
3. That the tasks undertaken by volunteers working on Council assets be identified and volunteers limited to low risk activities.

GM3	CORPORATE UNIFORM FOR COUNCILLORS
FILE: S10 - 2	JLM

SUMMARY:

Reporting on proposed changes to the Corporate Uniform for Councillors.

THIS IS PAGE 40 OF THE EDITED TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH FEBRUARY 2003.



General Manager's Recommendation:

1. That polo shirts be included as part of the Councillor Corporate Uniform and that the policy C24.4 be amended accordingly.
2. That the current name badges be updated to the suggested design.

2003. 165

RESOLVED:

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

1. That polo shirts be included as part of the Councillor Corporate Uniform and that the policy C24.4 be amended accordingly.
2. That the name badges be updated to the suggested design.
3. That the shirts and name badges be introduced after the September 2003 election.

GM 4	COUNCIL'S WEBSITE FILE: C9-9 NMH
-------------	---

SUMMARY:

Reporting on the current status of Council's Website.



2003. 166

RESOLVED:

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

That the information be noted.

GM 5	IMPLEMENTATION OF 2002-2003 MANAGEMENT PLAN FILE: A3-8 JCC
-------------	---

SUMMARY:

Reporting on the implementation of Council's 2002/2003 Management Plan.



2003. 167

RESOLVED:

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

That the achievement of performance targets set by the 2002/2003 Management Plan for the period to the end of the December 2002 quarter be noted.

At this stage 4.01pm Councillor Joukhadar retired from the Chambers.

GM6	ACCESS TO MEDIA	
	FILE: C9-1	AVB

SUMMARY:

To review Council's policies allowing Councillor/staff access to the media.



2003. 168

RESOLVED:

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

That policy C24.8 be amended to read:

Only the General Manager and Mayor may make media comment about Council matters. The General Manager may specifically authorise Directors to make comment within the area under their management. Councillors are not permitted to make public comment on behalf of Council unless specifically authorised by the Mayor or by the resolution of Council. However, the Mayor may authorise Councillors or the General Manager may authorise staff to participate in general information sessions on the operation offer their areas of responsibility. The Mayor or General Manager may authorise Chairpersons of 355 Committees to make comment on committee matters where this is seen as necessary to publicise programs.

Councillor Parkinson recorded his vote against the foregoing Resolution.

GM7	EDUCATION AND SUCCESSION – KEMPSEY SHIRE COUNCIL	
	FILE: S10	RP

SUMMARY:

To advise Council on the MBA program to be offered in Kempsey from 2003.



2003. 169

RESOLVED:

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

That the information be noted.

GM 8	OUTSTANDING COUNCIL RESOLUTIONS
FILE: C18-2	AVB

SUMMARY:

Reporting on outstanding Council resolutions on matters raised up to the last meeting of Council.

2003. 170

RESOLVED:

Moved: Cl. Howell
Seconded: Cl. Sowter

That the information be noted.



ABORIGINAL LIAISON COMMITTEE

18TH December 2002

REPORT OF THE ABORIGINAL LIAISON COMMITTEE MEETING HELD IN THE COUNCIL'S COMMITTEE ROOM, WEST KEMPSEY, ON WEDNESDAY 18TH DECEMBER 2002, COMMENCING AT 1:00 PM.

2003. 171

RESOLVED:

Moved: Cl. Hunt
Seconded: Cl. Sproule

That the report of the Aboriginal Liaison Committee held on 18th December 2002 be adopted.



CARAVAN PARK COMMITTEE

16th January 2003

REPORT OF THE MEETING OF THE CARAVAN PARK COMMITTEE HELD IN THE COMMITTEE ROOM, CIVIC CENTRE, ELBOW STREET, WEST KEMPSEY, ON THURSDAY, 16th JANUARY, 2003, COMMENCING AT 2.30PM.

2003. 172

RESOLVED:

Moved: Cl. Parkinson
Seconded: Cl. Howell

That the report of the Caravan Park Committee held on 16th January 2003 be adopted.

At this stage 4.06pm Councillor Joukhdar returned to the Chambers.



LOCAL TRAFFIC COMMITTEE

29th January 2003

MINUTES OF THE MEETING OF THE LOCAL TRAFFIC COMMITTEE HELD ON WEDNESDAY, 29th JANUARY 2003, IN THE COUNCIL CHAMBERS COMMENCING AT 9.10AM.

MOVED:

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

That the report of the Local Traffic Committee held on 29th January 2003 be adopted.

An Amendment was MOVED:

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

That the report of the Local Traffic Committee be adopted subject to the route in item 5.1 not to include Belgrave Street.

The Amendment was PUT to the meeting and was LOST.

2003. 173 The Motion was PUT to the meeting and was CARRIED.



PLANT COMMITTEE

3rd February 2003

REPORT OF THE MEETING OF THE PLANT COMMITTEE OF THE COUNCIL OF THE SHIRE OF KEMPSEY HELD ON MONDAY, 3rd FEBRUARY 2003, IN THE COMMITTEE ROOM, CIVIC CENTRE, COMMENCING AT 2.30 PM.

2003. 174 **RESOLVED:**

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

That the report of the Plant Committee held on 3rd February 2003 be adopted.



QUESTIONS WITHOUT NOTICE

Councillor Sproule

Councillor Sproule was advised:-

- 1 That the Director Engineering would investigate dead trees at Skillion Flat however there was not sufficient funding to remove them and such advice would be given to the adjacent landowners.
- 2 That the Director Engineering would investigate the need to repaint the pedestrian crossing near the Queen Street/Middleton Street intersection.
- 3 That the matter of loading zones in Belgrave Street would be referred to the Traffic Committee.
- 4 That the Director Corporate and Community Services would follow up the position of the telephone booth at the Belgrave Street end of the Kempsey mall.

Councillor Sowter

Councillor Sowter was advised:-

- 1 That the Director Engineering would investigate the need for maintenance to Back Creek Road, Kinchela.
- 2 That the riverbank is mowed from Wharf Street to Ferry Street at East Kempsey but some areas cannot be mowed due to the difficulty of the site.
- 3 That the Director Engineering would investigate the need to remove Privet trees from the riverbank at Gladstone Park.

Councillor Parkinson

Councillor Parkinson was advised:-

- 1 That the reason for the Macleay 1000 Off Road Event not being held this year related to the landowner not being in a position to make the land available.
- 2 That a Notice of Motion would be required for a request to be forwarded to Mr Luke Hartsukyer MP and Mr Carl Scully, Minister for Roads seeking a commitment to funding for the Pacific Highway for the next ten (10) years.
- 3 That there was no funding available that could be allocated to re-commission the floral clock that used to operate at Chapple Park, Kempsey.
- 4 That the motion to the Shires A Division Conference regarding Voluntary Conservation Agreements by the DLWC was forwarded to the Secretary for consideration at the upcoming A Division Conference on Monday 17th February 2003.

- 5 That a Notice of Motion would be required for Council to take action to purchase further artworks of Mr John Parkinson, a former judge of the Kempsey Shire Art Prize.

Councillor Joukhadar

Councillor Joukhadar was advised:-

- 1 That the operator who dredges sand from the entrance Back Creek, at South West Rocks would pay a contract charge to the Department of Land and Water Conservation and an enquiry would be made with the Department concerning the need for the channel to be dredged more frequently.
- 2 That the widening of Gordon Young Drive to allow a wider road formation is listed in the works program.
- 3 That the Director Engineering would check on the need for barriers to be re-erected at the Frederickton Sports fields to prevent cars driving on the fields.

Councillor Hunt

Councillor Hunt was advised:-

- 1 That the Rural Fire Service has appointed a temporary Fire Control Officer to cover the zone incorporating the Kempsey Shire area and the Director Engineering is satisfied with the service being currently provided.

Councillor Howell

Councillor Howell was advised:-

- 1 That the Director Engineering has planned for the sealing work at River Road, Kundabung to taken to the driveway past the Hall.
- 2 That the Director Business Enterprise did not plan to pursue a further activity report on the Macleay Valley Economic Development Trust.
- 3 That the Director Environmental Services was still seeking a response from the Minister for Fisheries regarding the subject of fishing in the Macleay River and the Director was aware of the Bass Club seeking a meeting with the Minister over this matter.
- 4 That the Director Engineering would review the current condition of Verges Lane, Kempsey with a view to reducing the hazards at this site.
- 5 That the provision of security cameras in public areas was investigated by Council's Crime Prevention Officer and to install such cameras is an expensive and drawn out process due to the Privacy Act legislation covering putting cameras into public areas.

- 6 That the Director Engineering would check reports of a fire hazard at the corner of Sherwood Road and Hillview Drive where felled trees have been stacked.
- 7 That an invitation for the State Government election candidates to meet with Council would be issued after the closing of nominations on 6th March 2003.
- 8 That the Director Engineering would investigate the status of land assessments by the DLWC at Gordon Young Drive.
- 9 That the Director Business Enterprise would follow up with the Macleay Development and Promotion Committee the subject of provision of an Aged Care Facility at South West Rocks which had been referred to them.
- 10 That the Local Government Womens Conference to be held at Port Macquarie on 27-30 March 2003, invitations had been sent to the Mayor and Councillor Sproule and a copy of the agenda would be arranged for Councillor Bowell.
- 11 That the General Manager and Councillor Bowen would attend the A Division Conference on Monday 17th February 2003 and a copy of the Agenda would be provided to all Councillors.
- 12 That the need for deferral of the Coastal and Estuary Committee or the Saleyards Committee scheduled for Monday 17th February, if this was to be the day of Mr Mike Hayes' funeral would depend on the times.

Councillor Bowen

Councillor Bowen was advised:-

- 1 That the Director Engineering would investigate the impairment of site distance at the exit from Mitre 10 in Belgrave Street due to trees to the north of the driveway access.
- 2 That the Director Business Enterprise would investigate reports of plastic bags blowing out of the garbage trucks, particularly in the areas of Gowings Hill Road and Nelsons Wharf Road.
- 3 That the Director Engineering would check with the Manager Works regarding his inspection at Back Creek Road, Kinchela and the requests for maintenance attention to the road.



MOTION FOR COMMITTEE

2003.175

RESOLVED:

Moved: Cl. Bowell

That Council form itself into the Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.



REPORT OF THE MEETING OF THE COMMITTEE OF THE WHOLE

Upon resumption of Open Council, the following Report of the Committee of the Whole was submitted by the General Manager.



NOTICE OF MOTION – SUPPLEMENTARY CONFIDENTIAL

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This matter is submitted on a confidential basis as it contains information on personal matters concerning particular individuals (Sec 10A(a)).

2003. 176

RECOMMENDED:

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

That the new bridge across the Macleay River at Toorooka be named the Peter Mainey Bridge.

Councillor Parkinson recorded his vote against the foregoing Resolution.



DIRECTOR ENVIRONMENTAL SERVICES CONFIDENTIAL REPORT

DES 1	ANIMAL BOARDING AND BREEDING ESTABLISHMENT MUNGAY CREEK FILE T6-01-112 AD
-------	--

SUMMARY:

Reporting that Council has received a request to modify its original consent relating to dog kennels.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e)).



2003. 177

RECOMMENDED:

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

- A. That the applicant be advised that Council is prepared to issue a modified consent to permit a maximum of thirty (30) dogs and a maximum of three (3) litters at any time, subject to the conditions detailed in this report.
- B. That the applicant be advised that unless written agreement is received within 14 days of notice being given, that the application will be refused on the grounds of the adverse impacts on the amenity of the area by reason of noise and the unsuitability of caravans for kennelling.
- C. That the objector be advised upon determination of the application.

At this stage 5.06pm Councillor Joukhadar retired from the Chambers and apologised for non-attendance at the remainder of the meeting.

DES 2 UNAUTHORISED FILLING - BELMORE RIVER FILE T6-01-505 RBP

SUMMARY:

Reporting on unauthorised filling - Belmore River.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e)).



2003. 178

RECOMMENDED:

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

That this item be deferred pending the further consideration by Council as result of the resolution passed in relation to item DES 5 earlier in the meeting.

**DES 3 DEVELOPMENT
LOT 516 DP840248 No 5 KEMP STREET, KEMPSEY
FILE T6 00-214 LA 19404 RBP**

SUMMARY:

Reporting on unauthorised occupation of premises 5 Kemp Street, Kempsey.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e)).



2003. 179

RECOMMENDED:

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

That the applicant be advised that all conditions of consent are to be complied with within sixty (60) days of the date of consent.



**DIRECTOR ENVIRONMENTAL SERVICES -
CONFIDENTIAL SUPPLEMENTARY REPORT**

**DES 4 LAND SOUTH WEST ROCKS
(SUPP) FILE T6-01-376 BWC**

SUMMARY:

Reporting on a request in respect to land at South West Rocks.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is considered on a confidential basis as it contains information that would if disclosed, prejudice the maintenance of law (Local Government Act 1993, Section 10A(2) (e)).

- Personnel matters concerning particular individuals.
- Commercial information of a confidential nature.



2003. 180

RECOMMENDED:

Moved: Cl. Bowell

THIS IS PAGE 50 OF THE EDITED TEXT MINUTES OF THE ORDINARY MEETING OF THE KEMPSEY SHIRE COUNCIL HELD ON TUESDAY 11TH FEBRUARY 2003.

That the information be noted.



Councillor Hunt declared an interest in the following item for the reason that he is Chairman of the Kempsey Vocational College who use the premises.

DIRECTOR BUSINESS ENTERPRISES CONFIDENTIAL REPORT

DBE 1	LOT 98, AKUBRA PLACE
	FILE: LA18995 GBS

SUMMARY:

Reporting on proposals to deal with the property known as the Incubator Workspace in Akubra Place, Kempsey.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it comprises information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business.



2003. 181

RECOMMENDED:

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

- 1 That Council seek a valuation of the building for either sale or part-sale of the strata subdivision and report back to Council.
- 2 That the Economic Development Manager be requested to investigate other options for the building.

Councillor Hunt returned to the Chambers.



DIRECTOR BUSINESS ENTERPRISES SUPPLEMENTARY CONFIDENTIAL REPORT

DBE 2	WATER SUPPLY
(SUPP)	FILE: W1-2 AMB

SUMMARY:

Reporting on a recent instance of water stealing.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it contains information that would, if disclosed, prejudice the maintenance of law (Sec 10A(e)).



2003. 182

RECOMMENDED:

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

That Council’s Water Services staff initiates action to impose a penalty for reported cases of misuse of water.



GENERAL MANAGER’S CONFIDENTIAL REPORT

GM 1	LEGAL MATTERS
	FILE: L3-1 AVB

SUMMARY:

Reporting on the current position regarding legal matters.

REASON FOR PRESENTATION OF REPORT ON A CONFIDENTIAL BASIS

This report is submitted on a confidential basis as it involves advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege. (Local Government Act 1993, section 10A(2)(G)).



2003. 183

RECOMMENDED:

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

That the information be noted.



CONCLUSION:

There being no further business, the Meeting terminated at 5.22 p.m.

