

**MATTERS IN PROGRESS ARISING FROM PREVIOUS COUNCIL MEETINGS**

Contact Person: Craig Milburn – General Manager

File: F12/1930

**General Manager**

	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
255	2018.33 Item 13.11 2018-2-20	Local Government NSW Tourism Conference 2018	2 That the General Manager prepares a report to Council to have the policy altered to require Councillors attending conferences to return a delegate's report.	<b>4 May 2018</b> <b>Item addressed within this Business Paper.</b> <b>Recommend removal</b>
258	2018.40 Item 15.3 2018-2-20	Request to NSW Government for further Kempsey District Hospital enhancements for the community	That Kempsey Shire Council submit a written request to the NSW Government through our Local Member, Melinda Pavey, M.P., Minister for Roads, Maritime and Freight, and Member for Oxley to  a) assess the parking situation at Kempsey District Hospital for visitors and patients and fund any required parking improvements as necessary and  b) reinstate the Hospital helicopter landing pad as per the original design of the new facilities or provide an explanation why.	<b>4 May 2018</b> <b>Letter has been sent.</b> <b>Recommend removal</b>

### Director Operations and Planning

	Min/CRM #	Subject	Resolution	Progress
196	2017.336 Item 13.14 2017-10-17	Interim Procedure – Public Domain Contributions Plan	4 That Council receives a six-monthly report that identifies any changes in development activity since the introduction of the Procedure – Interim Transitional Arrangements – Kempsey Town Centre Public Domain Section 94 Contributions Plan (2010).	<p>13 November 2017</p> <p>Formal notification in the Macleay Argus planned for 14 November 2017. This will become the nominated date of commencement for the Procedure. Land owners to be notified following the formal date of commencement. The first six monthly report will be due May 2018.</p> <p>December 2017</p> <p>Procedure commenced on 14 November 2017. Land owners notified by letter.</p> <p><b>4 May 2018</b> The procedure will have been in force for six months on 14 May 2018. A report identifying any changes in development activity since introduction of the procedure will be provided after this date.</p>
211	2017.370 Item 15.2 2017-11-21	Development of Strategy to Upgrade Unsealed Roads	That Council considers resourcing a cost benefit analysis of constructing and sealing each of Councils unsealed roads that have a traffic volume in excess of 150 vehicles per day as part of the 2018/2019 Operating Plan.	<p>December 2017</p> <p>To be considered in developing the draft operating plan document for 2018/2019</p> <p>Traffic data will be progressively updated following road grading as the opportunities arise.</p> <p><b>1 May 2018</b> Included in draft Operating Plan. Data is being collected.</p>

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214	2017.382 Item 13.4 2017-11-21	Proposed Sale of Council Land - South West Rocks and West Kempsey	<ol style="list-style-type: none"> <li>1 That the investigations into suitable operational land for sale continue and recommendations for individual properties be reported to Council.</li> <li>2 That investigation of potential community land for reclassification and sale proceed in conjunction with the open spaces strategy.</li> <li>3 That the following parcels of land be listed for sale:               <ol style="list-style-type: none"> <li>a) Lot 81 DP805382, Lot 39 DP 819591, Lot 132 DP829565, Lot 26 DP844106 and Lot 122 DP1051855 at South West Rocks.</li> <li>b) Lot 19 DP20694, Lot 10 DP2007, Lot 4 DP1100421, Lot 40 DP1676, Lot 41 DP1676 and Lot 42 DP1676 at West Kempsey.</li> </ol> </li> <li>4 That if the agreed sale price is at least 90% of the independent valuation then the seal of Council be affixed to all documentation as required.</li> <li>5 That the proceeds of sale for lots in South West Rocks be directed to the Section 94 fund for use on improvements to open spaces as required by the conditions of reclassification.</li> </ol>	<p>December 2017</p> <p>Notification of owners adjoining lots for sale is being completed in South West Rocks.</p> <p>Valuations have been sought on individual lots.</p> <p>Agents have been approached and marketing proposals are being considered. As the proposals are accepted the properties will be listed for sale.</p> <p>27 February 2018</p> <p>Consultant engaged to commence valuation and sale (local) including potential subdivision and relocating water and sewer.</p> <p><b>4 May 2018</b></p> <p><b>Refer to Council Report in the May Meeting Business Paper.</b></p>
220	2017.388 Item 13.10 2017-11-21	Lower Macleay Floodplain Risk Management Plan – Technical Group	The Macleay Floodplain Risk Management Technical Group is established to assist in the preparation of the Lower	<p>December 2017</p> <p>The Group will be established sometime in February/March. The EOIs to prepare the</p>

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			Macleay Flood Risk Management Plan.	<p>Lower Macleay Flood Study do not close until 19 December 2017.</p> <p>6 April 2018</p> <p>Terms of Reference reviewed by Executive Leadership Team. Amended draft to be provided to the 10 April 2018 Executive Leadership Team to review.</p> <p><b>4 May 2018</b></p> <p><b>The group Terms of Reference have been approved by the Executive Team. Expressions of Interest to join the group are currently being sought (closing 29 May 2018).</b></p>
225	2017.393 Item 13.15 2017-11-21	KLEP 2013 Amendment 22 – Planning Proposal – ‘Housekeeping’ Amendment	That the Draft Planning Proposal and associated documentation be referred to the Minister for Planning with a request for the plan to be made.	<p>December 2017</p> <p>Matter referred to Department of planning</p> <p>Waiting further advice from the Department of Planning</p> <p><b>4 May 2018</b></p> <p><b>No update</b></p>
226	2017.397 Item 15.1 2017-11-21	Development of Long Term Energy Strategy	That Council develops a long-term energy strategy, with a draft strategy to be considered in the next delivery program of Council.	<p>December 2017</p> <p>Development of a draft strategy will be considered as part of the draft 2018/2019 Operating Plan.</p> <p>April 2018</p> <p>A staff member attended the Renewable Energy workshop in late March to better understand the</p>

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				available opportunities applicable to Kempsey.
228	2017.399 Item 15.4 2017-11-21	Unmaintained Council Roads	<p>That Council be provided with a report that lists Council Roads that are currently unmaintained that service at least three residential dwellings. That the report details the following information for each road:</p> <ul style="list-style-type: none"> <li>a Length of road from a road maintained by Council to last residential dwelling.</li> <li>b Estimated annual cost to maintain the road.</li> <li>c Number of residential dwellings on unmaintained section of road.</li> <li>d Number of dwellings approved by Council in the past five years.</li> </ul> <p>to be considered for resourcing as part of the 2018/2019 Operating Plan.</p>	<p>December 2017</p> <p>Collection of data has commenced.</p> <p>Development of the report will be considered as part of the draft 2018/2019 Operating Plan.</p> <p><b>1 May 2018</b></p> <p><b>Included in draft Operating Plan.</b></p>
238	19.12.17 Item 20.2 2017.431	NSW Quarry Services, Hard Rock Quarry, Lot 4 DP622304, 593 Gowings Hill Road, Dondingalong	<p>That Council commence enforcement action as follows:</p> <ul style="list-style-type: none"> <li>b in the case of failure to comply within the specified timeframe, commence "class 4" civil proceedings in the Land and Environment Court seeking Court Orders requiring compliance with development consent T6-14-53 for the extension of an existing quarry at Lot 4 DP622304, 593 Gowings Hill Road, Dondingalong.</li> </ul>	<p><b>4 May 2018</b></p> <p><b>NSW Quarry Services have not complied with the conditions in Development Consent T6-14-53 and the timeframe specified in the "letter before action" and the subsequent extension. Council will now commence "class 4" civil proceedings in the Land and Environment Court.</b></p>
261	2018-3-20 Item 13.3 2018.55	Classification of Land Recently Acquired Off Baker Drive, Crescent Head	<p>1 That Pursuant to Section 34 of the Local Government Act 1993 public notice be given for a period of 28 days of the draft resolution "It is intended to classify Lots 1, 2</p>	<p><b>1 May 2018</b></p> <p><b>Advertising is underway.</b></p>

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			<p>&amp; 3 DP1222868 (land off Baker Drive, Crescent Head) as Operational Land”</p> <p>2 That any submissions made in response to the draft resolution be considered prior to classifying the land.</p>	
266	2018-3-20 Item 13.7 2018.66 1	2018 Anzac Day Marches Kempsey Shire – Traffic Control	<p>1 That council provides funding of \$6,000 to cover the costs of the minimum number of contracted authorised traffic controllers to implement traffic control plans for the 2018 Anzac Day march event.</p> <p>2 That council continues to work with sub-branches to explore alternate funding arrangements and / or source volunteer authorised traffic controllers for future marches.</p> <p>3 That an urgent letter be forwarded to local MP and the minister for veteran’s affairs requesting an update on the request for funding.</p>	<p><b>2 May 2018</b></p> <p><b>Correspondence (D18/17969) has been received from the Minister for Veterans Affairs via the Local Member stating:</b></p> <p><b>“The responsibility for organising Anzac Day marches sits with the NSW State Branch of the RSL, and the respective NSW RSL Sub-branches. The RSL will need to continue to work closely with local councils to discuss funding the costs of the marches, and also the Police, to manage traffic control and safety issues.”</b></p> <p><b>The Minister also referred the matter to Mr James Brown, the President of RSL NSW State branch.</b></p> <p><b>It appears that no State Government funds will be available for assisting with ANZAC Day marches.</b></p>
269	2018-4-17 Item 13.3 2018.87	Transfer of Land to Council – Kemp Street, West Kempsey - Sewer Pumping Station	<p>1 That the transfer from Voyee Pty Ltd of lot 21 DP117003 be accepted.</p> <p>2 That Delegated Authority be given to the General Manager to sign the Land Registry Services Transfer Form.</p>	<p><b>1 May 2018</b></p> <p><b>Action not yet completed.</b></p>

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			<p>3 That pursuant to Section 34 of the Local Government Act 1993 public notice be given for a minimum period of 28 days of the draft resolution "It is intended to classify Lot 21 DP1170003 (land in Kemp Street, West Kempsey) as operational land".</p> <p>4 That any submissions made in response to the draft resolution be considered by Council prior to classifying the land.</p>	
270	2018-4-17 Item 13.4 2018.88	Planning Proposal and Planning Agreement at Gilbert Cory Street, South West Rocks	<p>1 That the revised planning proposal to rezone part of Lot 10 DP 754396 Gilbert Cory Street, South West Rocks be placed on public exhibition for a period of 28 days.</p> <p>2 That public notice of the draft Planning Agreement for Lot 10 DP 754396 Gilbert Cory Street, South West Rocks be given for a period of 28 days as part of and contemporaneously with, and in the same manner as, public exhibition of the relevant planning proposal.</p> <p>3 That the explanatory note be published as a separate accessible document as part of the Public Exhibition.</p>	<p><b>2 May 2018</b></p> <p><b>The revised planning proposal and planning agreement will be put on exhibition for 28 days from 8 May 2018 to 5 June 2018 and is being advertised in the Council pages of the Argus on 8 May 2018.</b></p> <p><b>The explanatory note has been put in front of the planning agreement in the documents compiled for public exhibition</b></p>
272	2018-4-17 Item 13.9 2018.92	Grant Funding Opportunities	<p>1 That the following projects to be submitted for funding under the Stronger Country Communities Fund and the Regional Sporting Infrastructure Fund 2018 be:</p>	<p><b>7 May 2018</b></p> <p><b>Grant applications were submitted on 3 May 2018. Based on advice from the NSW Government at a Workshop held on</b></p>

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			<p>Stronger Country Communities Fund Community Proposals Value ex GST</p> <ul style="list-style-type: none"> <li>a West Kempsey: Bandbox Theatre repurpose to a flexible space for art, theatre, cultural events, upgrade kitchen to commercial standards, upgrade carparking and access. <span style="float: right;">450,000</span></li> <li>b SWRs Back Creek: Public amenity block near footbridge, BBQ shelters, electric BBQ, trees, turf <span style="float: right;">300,000</span></li> <li>c Frederickton: Public toilet block at boat ramp, new playground, BBQs <span style="float: right;">275,000</span></li> <li>d Total - If all projects are approved Council may need to provide the additional funds of \$172,498 <span style="float: right;">1,025,000</span></li> <li>e Stronger Country Communities Fund Sporting Infrastructure Proposals (Local and District) <span style="float: right;">Value ex GST</span></li> <li>f South Kempsey: Jim Stirling Oval install lighting for cricket and AFL on existing field to competition standard by installing 4 lighting towers to provide for night AFL and cricket competitions and night training. This oval has been identified within</li> </ul>	<p><b>17 April 2018, the project submitted for Verge/Eden Street Sporting Fields was for an increased project scope; however, Council's capital contribution is unchanged. Operating costs were able to be included as part of Council's contribution, allowing leverage to expand the project scope.</b></p> <p><b>Recommend removal of point 1.</b></p>



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			<p>Council's Sport Strategy as the sole district level facility for AFL competition matches. 310,000</p> <p>g Kempsey: Verge St/Eden St Fields install lighting for Soccer on existing field to competition standard. 310,000</p> <p>h Crescent Head Baker Drive: amenities inside swimming pool fence, and fence realignment 320,000</p> <p>i South West Rocks lighting upgrade in line with the sports strategy 350,000</p> <p>j Total - If all projects are approved Council may need to provide the additional funds of \$397,269 1,290,000</p> <p>and Regional Sporting Infrastructure Fund 2018 Proposal Value ex GST</p> <p>k SWRs Sporting Facility Grandstand, change rooms etc development, upgrade all existing infrastructure to provide a Regional Sports Facility 2,640,000</p> <p>l Verge St/Eden St Sporting Fields upgrade all existing infrastructure to provide a Regional Sports Facility Stage 1 1,333,000</p>	

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			2 That as projects are announced Council review the priority of the projects and allocate additional funds where required.	
274	2018-4-17 Item 15.3 2018.94	Open Spaces Policy	<p>1 That Council undertake a community infrastructure strategic plan.</p> <p>2 That Council reviews the budget allocation with an intention of allocating \$120,000 for this purpose in the 2018/2019 budget.</p> <p>3 That where it is proposed to sell land acquired under the provision of a contribution to a Section 94 contribution that a plan is developed that outlines the improvements / benefits that will be delivered to the Community.</p>	<p><b>4 May 2018</b></p> <p><b>Funding allocation is being considered as part of the 2018/19 draft Operating Plan.</b></p>

### Director Corporate and Commercial

	Min/CRM #	Subject	Resolution	Progress
131	Item 15.5 2017.171 2017-5-16	Kempsey Shire Council's Saleyards Review	<p>That the following matters be included in the review of the saleyards business plan;</p> <p>a Compliance of the present users with their licences,</p> <p>b Financial situation, with last two years, and projections to end of present licences,</p> <p>c Animal welfare</p> <p>d Impact of changing cattle prices and</p> <p>e Impact on the saleyards viability due to changes to neighbouring district saleyards situation.</p>	<p>Progress has been delayed with resources allocated to investigation of alternate options for the cinema.</p> <p>December 2017</p> <p>The review of the business plan is deferred pending an EOI process to test market interest in the facility's potential commercial expansion.</p> <p>2 March 2018</p> <p>A report will be provided to the April meeting of Council detailing receipt of an expression of interest and seeking</p>

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	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
				<p>Council's direction on proceeding with an open market Expression of Interest for the future operations of Kempsey Regional Saleyards.</p> <p>6 April 2018</p> <p>The report will be provided to the May meeting of Council.</p> <p><b>4 May 2018</b>  <b>Item addressed within this Business Paper.</b>  <b>Recommend removal</b></p>
168	2017-7-18 Item 15.1 2017.261	Garage Sale Trail Participation	That Kempsey Shire Council receives a report concerning the participation in the Garage Sale Trail from 2018 or an independently Council run garage sale weekend.	<p>8 November 2017</p> <p>Data has been gathered regarding previous garage sales and report to be prepared.</p> <p><b>4 May 2018</b></p> <p><b>A report is currently being finalised and will be reported to the June Council meeting. Responsibility for this action has now transferred to Director Corporate &amp; Commercial</b></p>
213	2017.381 Item 13.3 2017-11-21	Corporate Business Systems Replacement	<ol style="list-style-type: none"> <li>1 That under Section 178(3)(e) of the Local Government (General) Regulation 2005 enter into negotiations with IT Vision for the provision of a corporate business system.</li> <li>2 That the General Manager be authorised to enter an agreement with IT Vision Australia Pty Ltd.</li> <li>3 That the contract documents be executed under the seal of Council.</li> </ol>	<p>30 January 2018</p> <p>IT vision met with Council staff on 30/31 January to begin to develop a scope of works.</p> <p>5 March</p> <p>Presentation provided by IT Vision to new Council Executive Leadership Team on 22 February. Project scoping underway.</p> <p><b>4 May 2018</b>  <b>Project Manager has been recruited and</b></p>

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				<b>commences early June. Contract being finalised.</b>
240	2018.12 Item 13.1 2018-2-20	Kempsey Cinema	2 That submissions regarding the Voluntary Planning Agreement received during the notification period be reported back to Council.	2 March 2018  The Draft VPA has been placed on public exhibition for 28 days until Wednesday, 28 March 2018. Submissions received will be reported to the April meeting of Council.  Recommend removal of items (1), (3), (4) and (5)  <b>4 May 2018 Item addressed at April Council meeting. Recommend removal.</b>
242	2018.16 Item 15.2 2018-2-20	Variation to Australian International Aviation College Development Conditions	1 That any proposal to vary the conditions of Development Consent T6-15-381 or subsequent Development Application for continued use of Kempsey Airport as a Pilot Training facility not be determined under delegated authority.  2 To ensure a community perception of openness and transparency, that any application to modify development consent T6-15-381 be notified to all persons who made a submission to Council with respect to:  * aircraft noise at Kempsey Airport since the original application T6-15-381 was determined; or  * made a submission to the more recent development application T6-16-444 for	5 March 2018  Neither an application to modify development consent T6-15-381, nor an application for the continued use of Kempsey Airport as a pilot training facility, has been lodged with Council.  <b>6 May 2018 An application to modify development consent T6-15-381 was lodged with Council on 4/4/18. The application will be processed in accordance with Council's resolution of 20 February 2018.</b>

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			<p>the pilot training facility; and</p> <p>* these submissions be considered in the assessment of the application;</p> <p>3 A suitably qualified person who is independent of Council be engaged to undertake the assessment of the modification application and provide a recommendation to Council for determination.</p>	
248	2018.25 Item 13.3 2018-2-20	Judith Evill Aged Care Units – 53 Tozer Street West Kempsey	<p>1 That the site be sold as is by selecting a real estate agent from the Kempsey Shire Council panel.</p> <p>2 That an independent valuation be sought.</p> <p>3 That the General Manager be delegated authority to negotiate and sign the contract if the agreed sale price is at least 90% of the independent valuation.</p> <p>4 That the seal of Council be affixed to all documentation as required.</p>	<p>1 March 2018</p> <p>Letter signed to tenants advising of sale.</p> <p>Valuer engaged.</p> <p>8 March 2018</p> <p>Inspection by three real estate agents.</p> <p><b>2 May 2018</b></p> <p><b>Marketing commenced. Auction to be held on 17 May 2018.</b></p>
260	2018.44 Water Brigade Reserve (R55660, R78022, R79148) Trust 2018-2-20	Proposed lease of the Community HUB building at 132 River Street West Kempsey to Kempsey Regional Support Inc.	That the Common Seal of the Reserve Trust be affixed to the Lease.	<p>6 March 2018</p> <p>We are awaiting signature of the lease by the lessee before it is provided to the Reserve Trust for affixing of the Common Seal.</p> <p><b>4 May 2018</b></p> <p><b>The Lease has been signed by the Lessee and it has been provided to the Reserve Trust for affixing of the Common Seal.</b></p>

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263	2018-3-20 Item 13.1 2018.62	Integrated Planning & Reporting 2018-2019	<ol style="list-style-type: none"> <li>1 That the following draft integrated planning and reporting documents be placed on public exhibition, following a workshop for councillors, for a period of 28 days from the date of the workshop:               <ol style="list-style-type: none"> <li>a draft operational plan 2018-2019;</li> <li>b draft long term financial plan 2018-2028; and</li> <li>c draft fees and charges 2018-2019</li> </ol> </li> <li>2 That a further report be tabled at the May 2018 meeting of Council, detailing the submissions received from the public during the exhibition period and presenting final documents for adoption.</li> </ol>	<p><b>4 May 2018</b></p> <p><b>IP&amp;R documents placed on public exhibition and submissions received.</b></p> <p><b>Workshop scheduled with Councillors for 28 May to discuss submissions and finalise IP&amp;R documents for adoption at 26 June Council meeting.</b></p> <p><b>Recommend removal of Item 1</b></p>
264	2018-3-20 Item 13.2 2018.63	Local Preference Purchasing Procedure - 5.9.7	<ol style="list-style-type: none"> <li>1 That the local preference purchasing procedure - 5.9.7 be adopted.</li> <li>2 That a report be provided in April 2019 outlining the benefits to the local business community as a result of the procedure.</li> </ol>	<p><b>4 May 2018</b></p> <p><b>Procedure on Council website.</b></p> <p><b>Recommend removal of Item 1.</b></p>
267	2018-3-20 Item 13.8 2018.67	Web-Based Streaming of Council Meetings	A recording of public meetings policy be developed and reported to a future meeting of Council.	<p><b>4 May 2018</b></p> <p><b>No update</b></p>
268	2018-4-17 Item 13.1 2018.85	Kempsey Cinema – Voluntary Planning Agreement	<ol style="list-style-type: none"> <li>1 That Council notes the submissions received during the public notification of the draft Kempsey Cinema Voluntary Planning Agreement and the subsequent analysis of these submissions.</li> <li>2 That, having considered the submissions, Council agrees to enter into the publicly notified version of the draft Kempsey Cinema</li> </ol>	<p><b>4 May 2018</b></p> <p><b>VPA has been signed by General Manager on behalf of Kempsey Shire Council.</b></p> <p><b>Recommend removal.</b></p>

**Director Corporate and Commercial**

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			<p>Voluntary Planning Agreement subject to the following amendments:</p> <p>a. the definition of 'Development Consent' in the VPA be amended as follows: Development Consent means consent under the Act to Development Application DA T6-16-293 granted by the Council on 23 December 2016 as modified from time to time, and any other related development consent for the construction of the Cinema.</p> <p>b. the reference to clause 19.11 in clause 19.1.1(c) and 19.1.1(d) should be corrected to a reference to clause 19.12.</p> <p>3 That Council delegates authority to the General Manager to execute the Kempsey Cinema Voluntary Planning Agreement as amended in accordance with this resolution.</p>	
271	2018-4-17 Item 13.6 2018.90	Key Performance Indicators	<p>1 That Council endorse the proposed Key Performance Indicators (KPIs) for the 2018-2019 financial year.</p> <p>2 That targets for each of the KPIs be developed for Council adoption in June 2018</p> <p>3 That reporting on the proposed KPIs to Council commence from August 2018.</p>	<p><b>4 May 2018</b></p> <p><b>KPIs will be workshopped with Councillors on 28 May in conjunction with the finalisation of the IP&amp;R documents.</b></p> <p><b>Recommend removal of Item 1.</b></p>

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	<b>Min/CRM #</b>	<b>Subject</b>	<b>Resolution</b>	<b>Progress</b>
273	2018-4-17 Item 15.2 2018.93	Improved Aircraft Movement Monitoring at Kempsey Airport	That a report be furnished to Council on use of CCTV facilities or other processes at airports in Australia to monitor aircraft movements instead of AVData processing. The report should show whether a change to Kempsey Shire Councils monitoring should be considered.	<b>4 May 2018</b>  <b>No update</b>
275	2018-4-17 Item 16.1 2018.95	LGNSW Tourism Conference 2018	<ol style="list-style-type: none"> <li>1 That the report be noted.</li> <li>2 That Council investigate the Campervan &amp; Motorhome Club of Australia Limited (CMCA) leased campground model by October 2018.</li> <li>3 That Council investigate opportunities for supporting the further development of the annual Slim Dusty Country Music Festival within 12 months.</li> <li>4 That a review be considered of all Kempsey Visitor Information Centre Staff training and upskilling to enable "visitor inspiration" in future operating plans.</li> </ol>	<b>4 May 2018</b>  <b>No update</b>