



## **MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL**

15 May 2018 commencing at 9.00am.

### **PRESENT:**

Councillors E A Campbell (Mayor and Chairman), M J Baxter, L J Hauville, S E McGinn, B J Morris, A P Patterson, D F Saul, A T Shields and A J Williams

General Manager, C L Milburn; Director Corporate and Commercial, S M Mitchell; Director Operations and Planning, R A Fish; Manager Governance and Information Services, D S Thoroughgood; and Minute Taker D M Pearson.

### **1 OPENING PRAYER**

**“Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen”.**

### **2 ACKNOWLEDGEMENT OF THE TRADITIONAL ABORIGINAL LAND OWNERS**

**“Council acknowledges that this meeting is being held on the traditional lands of the Dunghutti People”.**

### **3 APOLOGIES**

Nil

### **4 DECLARATIONS OF INTEREST**

**Councillor Shields declared a non-pecuniary non-significant interest in item 13.4 for the reason that she knows tenderers from South West Rocks.**

**Councillor Campbell declared a non-pecuniary significant interest in item 15.1 for the reason that she is the subject of the item.**

**Councillor Patterson declared a non-pecuniary non-significant interest in item 15.1 for the reason that he knows the person mentioned in the item.**

**Councillor Hauville declared a non-pecuniary non-significant interest in item 13.4 for the reason that he worked with one of the tenderers in 2012.**

**5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION**

**2018.99 RESOLVED:** *Moved: Cl. Williams*  
*Seconded: Cl. Patterson*

That the confidential reports be considered in the confidential section of the meeting.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**6 CONFIRMATION OF MINUTES**

**2018.100 RESOLVED:** *Moved: Cl. Patterson*  
*Seconded: Cl. Shields*

That the minutes of the ordinary meeting of Kempsey Shire Council dated 17 April 2018 be confirmed.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**7 CITIZENSHIP CEREMONIES**

Nil

**8 PUBLIC FORUM / PRESENTATIONS**

**Public Forum**

- 1 - Mr Troy Irwin addressed Council speaking in favour of items 15.1 no confidence in the Mayor

**2018.101 RESOLVED** *Moved: Cl. Morris*  
*Seconded: Cl. Saul*

That Mr Irwin be granted an extension of 3 minutes to complete his presentation.

Baxter	F	Campbell	F	Hauville	F	McGinn	A	Morris	F
Patterson	A	Saul	F	Shields	F	Williams	F		

- 2 - Mr John Moore from Moore’s Nursery addressed Council speaking against item 15.1 no confidence in the Mayor

**2018.102 RESOLVED** *Moved: Cl. Morris*  
*Seconded: Cl. Patterson*

**That Mr Moore be granted an extension of 3 minutes to complete his presentation.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

- 3 - Mr Mason and Ms Renee Marchment addressed Council speaking against item 13.4 Tender for the Management Lease and Operations of Council Public Swimming Pools

**2018.103 RESOLVED**

*Moved: Cl. Williams*

*Seconded: Cl. Morris*

**That Ms Marchment be granted an extension of 3 minutes to complete her presentation.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

- 4 - Mr Gary Scott addressed Council speaking against item 15.1 no confidence in the Mayor
- 5 - Ms Janice Newton addressed Council speaking against item 13.4 Tender for the Management Lease and Operations of Council Public Swimming Pools

**2018.104 RESOLVED**

*Moved: Cl. Morris*

*Seconded: Cl. Patterson*

**That Ms Newton be granted an extension of 3 minutes to complete her presentation.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

- 6 - Ms Betty Green addressed Council speaking in favour of item 13.4 Tender for the Management Lease and Operations of Council Public Swimming Pools
- 7 - Jye Palise addressed Council speaking against of item 13.4 Tender for the Management Lease and Operations of Council Public Swimming Pools
- 8 - Mr Mark Morrison addressed Council speaking against item 15.1 no confidence in the Mayor

**2018.105 RESOLVED**

*Moved: Cl. Morris*

*Seconded: Cl. Shields*

**That Mr Morrison be granted an extension of 3 minutes to complete his presentation.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

At this stage 10.45am the meeting adjourned for morning tea and upon resumption at 11.04am all present at the adjournment were in attendance.

**Presentations**

Nil

**9 CONSIDERATION OF MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS**

**2018.106 RESOLVED:** *Moved: Cl. Williams*  
*Seconded: Cl. Patterson*

That item 15.1 be brought forward as the first item of business and dealt with prior to any items brought forward from the public forum and the remaining order of business be adopted.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS**

**2018.107 RESOLVED:** *Moved: Cl. Morris*  
*Seconded: Cl. McGinn*

That the reports addressed in public forum be brought forward and dealt with following item 15.1.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**ITEM 15.1 NO CONFIDENCE IN THE MAYOR**

Contact Person: Leo Hauville – Councillor

File: F18/1377

**PURPOSE**

I intend to move the following motion at the ordinary meeting to be held Tuesday, 15 May 2018.

**MOVED**

*Moved: Cl. Hauville*  
*Seconded: Cl. Saul*

That the Council of Kempsey Shire expresses with regret that it no longer has confidence in Mayor Campbell in undertaking the role of mayor.

- 1 The Office of Local Government be informed of this decision.
- 2 The Mayor commits to fulfilling her oath of office in serving the Kempsey Shire Community or, failing this, considers whether to continue her elected role.

The MOTION was PUT to the Meeting and was LOST.

Baxter	A	Campbell	A	Hauville	F	McGinn	A	Morris	A
Patterson	A	Saul	F	Shields	A	Williams	A		

MOVED

*Moved: Cl. McGinn  
Seconded: Cl. Patterson*

- 1 That the Council of Kempsey Shire express with sincere conviction, its complete confidence in Mayor Campbell in undertaking the role of Mayor
- 2 That any future attempt to undermine the council and the role of the Mayor will not be tolerated
- 3 That Council's code of meeting practice be updated with the following-  
  
Motions of no confidence in the Mayor or Chairperson are to be deemed out of order and are not to be accepted.

2018.108 RESOLVED

*Moved: Cl. Patterson  
Seconded: Cl. Baxter*

That Councillor McGinn be granted an extension of time to speak to the motion.

Baxter	F	Campbell	F	Hauville	A	McGinn	F	Morris	A
Patterson	F	Saul	A	Shields	F	Williams	F		

An Amendment was MOVED:

*Moved: Cl. Morris  
Seconded: Cl. Hauville*

That the Council of Kempsey Shire express with sincere conviction, its complete confidence in Mayor Campbell in undertaking the role of Mayor.

The AMENDMENT was PUT to the Meeting and was LOST.

Baxter	A	Campbell	A	Hauville	F	McGinn	A	Morris	F
Patterson	A	Saul	F	Shields	A	Williams	A		

2018.109 The MOTION was PUT to the MEETING and was CARRIED.

Baxter	F	Campbell	F	Hauville	A	McGinn	F	Morris	A
Patterson	F	Saul	A	Shields	F	Williams	F		

CONFIDENTIAL SESSION

2018.110 RESOLVED:

*Moved: Cl. Shields  
Seconded: Cl. McGinn*

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business regarding item 13.4.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

#### CLOSED MEETING

The ordinary Council meeting IN CLOSED commenced at 12.17pm.

#### RESUME IN OPEN MEETING

2018.111 RESOLVED:

*Moved: Cl. Morris  
Seconded: Cl. Saul*

That the ordinary Council meeting in Open Meeting be resumed.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

The ordinary Council meeting resumed in OPEN MEETING at 12.47pm.

### ITEM 13.4 TENDER FOR THE MANAGEMENT LEASE AND OPERATIONS OF COUNCIL PUBLIC SWIMMING POOLS – TENDER NO. TQE17/31

Contact Person: Brian Ross – Team Leader Facility Services

File: TQE17/31

#### PURPOSE

To consider and accept a tender for the management lease and operation of Council public swimming pools.

#### Director Operations and Planning Recommendation:

#### That Council:

- 1 accept the tender of Hudoswim & Fitness Pty Ltd – Kempsey for the management lease and operation of Council swimming pools (Tender No. TQE17/31) for all pools for a period of 5 years, commencing 1 July 2018 until 30 June 2023, in accordance with the tender documentation and tenderer's submission.
- 2 offer an option for extension of the management lease and operations for a further 5 years, from 1 July 2023 until 30 June 2028, subject to satisfactory performance and KPIs being met during the initial term.
- 3 commence negotiation of final management lease contract conditions with Hudoswim & Fitness Pty Ltd – Kempsey, prior to finalising and entering the aforementioned period contract.

- 4 authorise the final negotiated lease and contract documents to be executed under the seal of Council.

2018.112 RESOLVED

*Moved: Cl. Patterson  
Seconded: Cl. Baxter*

- 1 That Council decline to accept any of the tenders.
- 2 That Council enter into negotiations with Hudswim and Fitness Pty Ltd and Crescent Aquatic Centre Pty Ltd with a view to entering into a contract/s in relation to the Management Lease and Operations of Council Public Swimming Pools – Tender No. TQE17/31.
- 3 That the General Manager be delegated to negotiate and execute the contracts and affix the Common Seal of Council.
- 4 The Council's reasons for declining to invite fresh tenders are that;
  - a timeframes do not permit due to leases ceasing at the end of June.
  - b fresh tenders are unlikely to come up with a different result.
- 5 The Council's reasons for determining to enter into negotiations with the person or persons referred to in point 2 are that;
  - a they are existing operators and tenderers who have provided quality services for an extended period of time.
  - b there were over 300 submissions from members of the public in relation to the recommendation.
- 6 That the negotiations be completed within 3 weeks.
- 7 That the negotiations are to not exceed a total of an additional 5% to the total value of the recommended tender price.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

Reason for varying staff recommendation: Included in resolution

At this stage 12.59pm the meeting adjourned for luncheon and upon resumption at 2.05pm all present at the adjournment were in attendance.

## 11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION

2018.113 RESOLVED:

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

That the recommendations contained in items 13.5, 13.7 – 13.10 in the current agenda as listed be adopted.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

### ITEM 13.5 CONSENT FOR COMMUNITY SENSORY GARDEN

Contact Person: Stephen Mitchell - Director Corporate and Commercial

File: F18/2350

#### PURPOSE

To consent to the establishment of a community sensory garden on Council owned land managed under lease by Community Housing Limited.

2018.114 RESOLVED

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

That the General Manager be authorised to offer a lease to Community Housing Limited for Lot 1 DP112462 or 16 Forth Street Kempsey so that a community sensory garden can be developed.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

### ITEM 13.7 PROCEDURE ON PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS

Contact Person: Daniel Thoroughgood – Manager Governance and Information Services

File: F18/818

#### PURPOSE

To resolve to give public notice of proposed changes to Council's procedure on the payment of expenses and provision of facilities to the Mayor and Councillors requiring the submission of a delegate's report following attendance at conferences or seminars, to clarify Councillors ability to make superannuation contributions from their fees and to update those parts of the procedure impacted by changes to Council's organisation structure.

2018.115 RESOLVED

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

That the payment of expenses and provision of facilities to the Mayor and Councillors procedure be placed on public exhibition for a period at least 28 days.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		



**ITEM 13.8 WAIVING OF HALL HIRE – STUARTS POINT HALL**

Contact Person: Lyndal Harper – Acting Manager Community Relations

File: F18/1667

**PURPOSE**

To provide details of a request for support, for a Winter Wellness Expo on Saturday, 2 June 2018 at Stuarts Point Community Hall through waiving the hall hire fee and printing flyers and posters.

**2018.116 RESOLVED**

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

**1 That the hall hire fee of \$100 be waived-for the Winter Wellness Expo.**

**2 That printing of flyers and posters be offered.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

**ITEM 13.9 STATEMENT OF CASH AND INVESTMENTS**

Contact Person: Ron Wood – Chief Financial Officer

File: N/A

**PURPOSE**

Reporting on the statement of bank balance and investments for the month of April 2018.

**2018.117 RESOLVED**

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

**That the information be noted.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

**ITEM 13.10 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES**

Contact Person: Erin Fuller – Manager Development Assessment

File: N/A

**PURPOSE**

To report that the following applications have been determined for the period of April 2018 and includes approvals by Private Certifiers.

**2018.118 RESOLVED**

*Moved: Cl. McGinn*

That the information be noted.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**12 MAYORAL MINUTES**

Nil

**13 STAFF REPORTS**

**ITEM 13.1 QUARTERLY BUDGET REPORT**

Contact Person: Ron Wood – Chief Financial Officer

File: F12/1970

**PURPOSE**

To report the results of the Budget Review for the period ending 31 March 2018.

**Director Corporate and Commercial Recommendation:**

**That:**

- a the Budget Review for the period ending 31 March 2018 is adopted and the variations contained therein are approved.
- b the updates to the Matters in Progress are noted.
- c the Project Practical Completion Reports are noted.

**2018.119 RESOLVED**

*Moved: Cl. Morris  
Seconded: Cl. Shields*

**That:**

- a the Budget Review for the period ending 31 March 2018 is adopted and the variations contained therein are approved.
- b the updates to the Matters in Progress are noted including removal of item 242.
- c the Project Practical Completion Reports are noted.
- d Council considers within the operating plan for 2018/19 a thorough review of our strategic planning documents to include strategic visioning and strategic planning to accord with the regional plan.

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

Reason for varying staff recommendation: Identify gaps between Council’s Local Environment Plan and the Regional Plan, and review our strategic documents for the ability to include the principles of Strategic Visioning and Strategic Planning

<b>ITEM 13.2 PROPOSED SALE OF COUNCIL LAND – SOUTH WEST ROCKS AND WEST KEMPSEY</b>	
Contact Person: Robert Fish – Director Operations	File: F12/1983

**PURPOSE**

For Council land classified ‘operational’ in South West Rocks and West Kempsey, to consider the retention of two parcels of land previously resolved for sale by Council and the approach to the disposal of another nine parcels of land.

**Director Operations and Planning Recommendation:**

**That Council:**

- 1 retain Lot 39 DP819591 (Albert Harrower Crescent) and Lot 26 DP844106 (Rafferty Crescent) at South West Rocks at this time and the future of these parcels be considered as part of the Community Infrastructure Strategic Plan.
- 2 proceed with listing the following parcels of land for sale:
  - a) Lot 81 DP805382 (Arthur Street) and Lot 132 DP829565 (Victor Perry Place) at South West Rocks.
  - b) Lot 19 DP20694 (Clarence Ryan Avenue) and Lots 40, 41 and 42 DP1676, (Tabrett Street) at West Kempsey.
- 3 affix the seal of Council to all documentation if the agreed sale price is at least 90% of the independent valuation.
- 4 approach the adjoining property owners of Lot 122 DP1051855 (Dennis Crescent) at South West Rocks to seek expressions of interest for the acquisition of part of the reserve.
- 5 approach the adjoining owners of Lot 10 DP2007 (Perrins Lane) and Lot 4 DP1100421 (River Street) at West Kempsey to seek expressions of interest for the acquisition of these parcels of land.
- 6 direct the net proceeds of sale for lots in South West Rocks to the Section 94 fund for use on improvements to open spaces in South West Rocks.

**MOVED**

*Moved: Cl. McGinn  
Seconded: Cl. Patterson*

**That Council:**

- 1 retain Lot 39 DP819591 (Albert Harrower Crescent) and Lot 26 DP844106 (Rafferty Crescent) at South West Rocks at this time and the future of these parcels be considered as part of the Community Infrastructure Strategic Plan.
- 2 proceed with listing the following parcels of land for sale:
  - a) Lot 81 DP805382 (Arthur Street) and Lot 132 DP829565 (Victor Perry Place) at South West Rocks.
  - b) Lot 19 DP20694 (Clarence Ryan Avenue) and Lots 40, 41 and 42 DP1676, (Tabrett Street) at West Kempsey.
- 3 affix the seal of Council to all documentation if the agreed sale price is at least 90% of the independent valuation.
- 4 approach the adjoining property owners of Lot 122 DP1051855 (Dennis Crescent) at South West Rocks to seek expressions of interest for the acquisition of part of the reserve.
- 5 approach the adjoining owners of Lot 10 DP2007 (Perrins Lane) and Lot 4 DP1100421 (River Street) at West Kempsey to seek expressions of interest for the acquisition of these parcels of land.
- 6 direct the net proceeds of sale for lots in South West Rocks to the Section 94 fund for use on improvements to open spaces in South West Rocks specifically for supplementary funding for the grant application the development for the sporting infrastructure.

An Amendment was MOVED:

*Moved: Cl. Morris  
Seconded: Cl. Hauville*

- 1 That Council defers the matter and undertakes an inspection of the sites at South West Rocks prior to the South West Rocks catch-up.
- 2 When the matter is brought back to Council that the resolution in regard to the Community Infrastructure Strategic Plan that council address the benefits to the community in detail be provided.

The AMENDMENT was WITHDRAWN at the request of Councillor Morris.

**WORKSHOP**

2018.120 RESOLVED:

*Moved: Cl. Morris  
Seconded: Cl. McGinn*

That Council move into workshop to allow discussion in open Council on item 13.2

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

## MOTION TO RESUME COUNCIL MEETING

2018.121 RESOLVED:

*Moved: Cl. McGinn  
Seconded: Cl. Shields*

That the formal Council meeting be resumed.

2018.122 The MOTION was PUT to the MEETING and was CARRIED.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

Reason for varying staff recommendation: Incorporate the intent of part 2 of the lost amendment in the resolution; that being to ensure that the purpose for which the funds are to be used and the benefit to the community are understood

### ITEM 13.3 SALEYARDS STRATEGIC OPTIONS

Contact Person: Stephen Mitchell – Director Corporate & Commercial

File: F18/2079

#### PURPOSE

To provide an overview of the strategic options available in relation to the Kempsey Shire Council owned saleyards and the recommended next steps.

#### MOVED

*Moved: Cl. Morris  
Seconded: Cl. Shields*

- 1 That Council notes the strategic options available in relation to the Kempsey Shire Council owned saleyards.
- 2 That a workshop involving Councillors, Council management and key external stakeholders be held to discuss the available strategic options.
- 3 That further analysis be undertaken subsequent to the workshop and a paper with recommended option(s) be presented to a future Council meeting.

An Amendment was MOVED:

*Moved: Cl. Hauville  
Seconded: Cl. Morris*

That;

- 1 Council notes the strategic options available in relation to the Kempsey Shire Council owned saleyards.
- 2 a workshop involving Councillors, Council management and key external stakeholders be held to discuss the available strategic options.
- 3 further analysis be undertaken following the workshop and an Options Paper be prepared.

- 4 the Options Paper be put on public exhibition for 28 days with a request for submissions.
- 5 a report on the submissions and Options paper be presented to a future Council Meeting.

2018.123 The AMENDMENT was PUT to the MEETING and was CARRIED.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

2018.124 The MOTION was PUT to the MEETING and was CARRIED.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

Reason for varying staff recommendation: To incorporate additional public consultation on the strategic options

**ITEM 13.4 TENDER FOR THE MANAGEMENT LEASE AND OPERATIONS OF COUNCIL PUBLIC SWIMMING POOLS – TENDER NO. TQE17/31**

Contact Person: Brian Ross – Team Leader Facility Services

File: TQE17/31

This report was dealt with earlier in the meeting just after PUBLIC FORUM.

**ITEM 13.6 MAYORAL AND COUNCILLOR FEES FOR 2018/2019**

Contact Person: Stephen Mitchell – Director Corporate and Commercial

File: F18/2261

**PURPOSE**

To set mayor and councillor fees for Kempsey Shire Council for 2018/2019 following the determination of the Local Government Remuneration Tribunal.

**MOVED**

*Moved: Cl. McGinn  
Seconded: Cl. Williams*

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2018/2019 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal.

**An Amendment was MOVED:**

*Moved: Cl. Morris  
Seconded: Cl. Hauville*

- 1 That Council sets the fees for the Mayor and Councillor fees at the midpoint between the maximum for a rural council and a regional rural council, that being a Councillor fee of

\$15,825 and a mayoral fee of \$34,525

- 2 That the budget allocation remains at the full amount with the difference allocated to the mayoral community fund.

The AMENDMENT was PUT to the Meeting and was LOST.

Baxter	A	Campbell	A	Hauville	F	McGinn	A	Morris	F
Patterson	A	Saul	A	Shields	A	Williams	A		

2018.125 The MOTION was PUT to the MEETING and was CARRIED.

Baxter	F	Campbell	F	Hauville	A	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

## 14 RESCISSION MOTIONS

Nil

## 15 NOTICES OF MOTION

### ITEM 15.1 NO CONFIDENCE IN THE MAYOR

Contact Person: Leo Hauville – Councillor

File: F18/1377

This report was dealt with earlier in the meeting just after PUBLIC FORUM.

### ITEM 15.2 KEMPSEY SHIRE COUNCIL STRUCTURAL AND CULTURAL REVIEW

Contact Person: Bruce Morris – Councillor

File: F18/2207

## PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday, 15 May 2018.

2018.126 RESOLVED

*Moved: Cl. Morris  
Seconded: Cl. Williams*

That Council receives a report quarterly, as a part of the Quarterly Budget Review on the outcomes outlining the investment made, savings generated, efficiencies and innovative solutions made and any changes to service levels resulting in benefit for the community from the Structural and Cultural Review of Council.

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

**16 DELEGATES REPORT**

Nil

**17 COMMITTEE REPORTS**

Nil

**18 DELIVERY PROGRAM PERFORMANCE INDICATORS**

Nil

**19 COUNCILLOR QUESTIONS**

<b>COUNCILLOR D F SAUL</b>	<b>FILE: F12/1945</b>
<b>QFNM1</b> <b>When will there be a report on the Frederickton community catch up meeting?</b>	
<b>COUNCILLOR D F SAUL</b>	<b>FILE: F12/1945</b>
<b>QFNM2</b> <b>The rabbits are back in Cyrus Saul Circuit – is that to be acted upon in the near future?</b>	
<b>COUNCILLOR A P PATTERSON</b>	<b>FILE: F12/1945</b>
<b>QFNM1</b> <b>Can Council now control any flying of planes at the airport now the flying school has withdrawn its DA?</b>	
<b>COUNCILLOR A P PATTERSON</b>	<b>FILE: F12/1945</b>
<b>QFNM2</b> <b>Can I have a report on all claims made by Councillors against their fees from their elected date?</b>	
<b>COUNCILLOR L J HAUVILLE</b>	<b>FILE: F12/1945</b>
<b>QFNM1</b> <b>What organisations is Council a member of, and/or which organisations receive donations/fees from Kempsey Shire Council, and when were this contributions or fees authorised by Council?</b>	
<b>COUNCILLOR L J HAUVILLE</b>	<b>FILE: F12/1945</b>
<b>QFNM2</b> <b>What plans are there in place, if any, to better enable access to Edinburgh Lane Carpark?</b>	
<b>COUNCILLOR L J HAUVILLE</b>	<b>FILE: F12/1945</b>



**QFNM3**

**What are the final costs (legal, foregone fees and staff time) for enabling the Kempsey Cinema Project?**

**COUNCILLOR L J HAUVILLE**

**FILE: F12/1945**

**QFNM4**

**What yearly contribution comes from the State Government for maintenance of Plummers Lane as a Regional Road?**

**COUNCILLOR L J HAUVILLE**

**FILE: F12/1945**

**QFNM5**

**Would Councillors be given a report on Weed Management in our Shire with comparisons with other similar sized Councils to set a way forward in best practices?**

**COUNCILLOR A T SHIELDS**

**FILE: F12/1945**

**QFNM1**

**When will 4wd beach access be restored at Hat Head and what is Council planning as a long-term solution**

**COUNCILLOR B J MORRIS**

**FILE: F12/1945**

**QFNM1**

**In relation to the original DA for the cinema; there have been discussions about a stage being included. Was this included in the original DA and if not will a modification to the DA be submitted to permit a stage?**

**COUNCILLOR B J MORRIS**

**FILE: F12/1945**

**QFNM2**

**The lease arrangement on the terminal building at the airport; when does that expire?**

**COUNCILLOR B J MORRIS**

**FILE: F12/1945**

**QFNM3**

**When do saleyard leases expire for the current operators?**

**COUNCILLOR B J MORRIS**

**FILE: F12/1945**

**QFNM4**

**Flood refuges - Can Council work pro-actively with the other land owners to try to ensure that Kempsey Shire is more flood ready?**

## **20 CONFIDENTIAL ITEMS**

### **STAFF REPORTS**

**FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING**

## ITEM 20.1 VARIOUS LEGAL MATTERS

Contact Person: Daniel Thoroughgood – Manager Governance and Information Services

File: F12/1960

### Section 10A(2)(g) – Legal Proceedings

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 ground of legal professional privilege. (Local Government Act 1993, Section 10A (2)(g))

On balance, the public interest in preserving the confidentiality of the advice outweighs the public interest in openness and transparency in Council decision making by discussing the matter in open meeting.

**2018.127 RESOLVED:**

*Moved: Cl. Saul  
Seconded: Cl. Williams*

**That Council form itself into the Confidential Session, 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.**

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

### **CLOSED MEETING**

The ordinary Council meeting IN CLOSED commenced at 3.05pm.

### **RESUME IN OPEN MEETING**

**2018.128 RESOLVED:**

*Moved: Cl. Saul  
Seconded: Cl. McGinn*

**That the ordinary Council meeting in Open Meeting be resumed.**

Baxter	F	Campbell	F	Hauville	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

The ordinary Council meeting resumed in OPEN MEETING at 3.14pm.

### **FROM COUNCIL IN CLOSED MEETING**

### **STAFF REPORTS**

FROM CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

**ITEM 20.1 VARIOUS LEGAL MATTERS**

Contact Person: Daniel Thoroughgood – Manager Governance and Information Services

File: F12/1960

**PURPOSE**

Reporting on the current position regarding legal matters.

**2018.129 RESOLVED**

*Moved: Cl. Hauville  
Seconded: Cl. Shields*

**That the information be noted.**

<b>Baxter</b>	<b>F</b>	<b>Campbell</b>	<b>F</b>	<b>Hauville</b>	<b>F</b>	<b>McGinn</b>	<b>F</b>	<b>Morris</b>	<b>F</b>
<b>Patterson</b>	<b>F</b>	<b>Saul</b>	<b>F</b>	<b>Shields</b>	<b>F</b>	<b>Williams</b>	<b>F</b>		

**21 CONCLUSION**

There being no further business, the Mayor then closed the meeting, the time being 3.14pm.

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