



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

Tuesday 26 June 2018 commenced at 09:01 am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), 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 Dughutti People”.

3 APOLOGIES

2018.130

RESOLVED:

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

That the apology submitted by Councillor Baxter for non-attendance at the meeting be accepted and a leave of absence be granted.

FOR: Cl Williams, Cl Hauville, Cl McGinn, Cl Patterson, Cl Shields, Cl Campbell, Cl Morris, Cl Saul
AGAINST: nil

4 DECLARATIONS OF INTEREST

The General Manager declared a non-pecuniary significant interest in item 13.8 for the reason that his wife owns the property.

The General Manager declared a pecuniary interest in item 12.4 for the reason that he is the

subject of the report.

Councillor Hauville declared a non-pecuniary non-significant interest in items 12.1, 15.1, 15.2 and 15.3 for the reason that he resides within 2km of the airport.

Councillor Morris declared a non-pecuniary non-significant interest in items 12.1 and 15.1 for the reason that he has family residing near the airport and he resides within 3km of the airport.

Councillor Patterson declared a non-pecuniary non-significant interest in items 12.1 and 15.1 for the reason that he resides within 3 nautical miles of the airport.

Councillor Cl Patterson declared a pecuniary interest in item 13.7 for the reason that he may do business in relation to the development.

Councillor Campbell declared a pecuniary interest in item 13.7 for the reason that she owns the property.

Councillor Campbell declared a non-pecuniary significant interest in item 13.11 for the reason that she resides in proximity to the subject land.

5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

2018.131

RESOLVED:

Moved: Cl McGinn

Seconded: Cl Saul

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

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

6 CONFIRMATION OF MINUTES

2018.132

RESOLVED:

Moved: Cl Hauville

Seconded: Cl Morris

That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 May 2018 be amended to include the presentation of signatures for the public forum in items tabled section and the remaining minutes be confirmed.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

7 CITIZENSHIP CEREMONIES

Nil

8 PUBLIC FORUM AND PRESENTATIONS

8.1 PUBLIC FORUM

- 1 - Julian Ackad addressed Council speaking in favour of item 13.2, Planning Proposal - 600 Macleay Valley Way, South Kempsey.

2018.133

RESOLVED:

*Moved: Cl Morris
Seconded: Cl McGinn*

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

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

- 2 - Adam Ulrick addressed Council speaking in favour of item 12.1, Kempsey Airport Operations, and item 15.1, Kempsey Airport Circuit Training Restrictions

2018.134

RESOLVED:

*Moved: Cl Morris
Seconded: Cl Williams*

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

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

- 3 - James Steinmetz addressed Council speaking in favour of item 12.1, Kempsey Airport Operations

At this stage 9.43am the meeting adjourned for a recess and upon resumption at 9.58am all present at the adjournment were in attendance.

8.2 PRESENTATIONS

Nil

9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS FOR CHANGES TO THE ORDER OF BUSINESS

2018.135

RESOLVED:

*Moved: Cl Shields
Seconded: Cl McGinn*

That the Agenda Order of Business be adopted.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

2018.136

RESOLVED:

Moved: Cl McGinn
Seconded: Cl Shields

That reports 12.1, 15.1, 15.2, 15.3 and 13.2 relating to the items dealt with in Public Forum be brought forward and dealt with immediately.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

12.1 KEMPSEY AIRPORT OPERATIONS

Officer Liz Campbell - Mayor
File No TQE18/6
Attachments Nil

PURPOSE

To provide a recommendation following a deputation from the Save Kempsey Airport Action Group (SKAAG) and the current community interest in the development of the Kempsey Airport.

MOVED:

Moved: Cl Campbell
Seconder: Cl Patterson

- 1. That Council acknowledge the varying views provided by the community in relation to the operations at the Kempsey Airport and, in particular, the operations of the Australian International Aviation College (AIAC).**
- 2. That Council, in conjunction with the Kempsey Airport Reference Group (KARG), continue the development of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA), and update the Airport Masterplan based on the NMP information. Each of the NMP, FNA and Airport Masterplan will be presented to a future Council meeting for adoption.**
- 3. That Council continue to work with existing operators, including the AIAC, and seek other suitable operators to establish businesses at the Kempsey Airport.**
- 4. That visiting aircraft can only conduct circuit training between the hours of 0800 – 1700 from Monday to Friday. Circuit training is not permitted by visiting aircraft outside of these hours, including weekends and public holidays.**
- 5. That the general manager renegotiate the agreement with AIAC to prohibit circuit training on public holidays until the adoption of the Noise Management Plan (NMP) and Fly**

Neighbourly Agreement (FNA)

An AMENDMENT was MOVED:

*Moved: Cl Morris
Seconder: Cl Hauville*

- 1. That Council acknowledge the varying views provided by the community in relation to the operations at the Kempsey Airport and, in particular, the operations of the Australian International Aviation College (AIAC).**
- 2. That Council, in conjunction with the Kempsey Airport Reference Group (KARG), continue the development of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA), and update the Airport Masterplan and Marketing Plan based on the NMP information. Each of the NMP, FNA and Airport Masterplan and Marketing Plan will be presented to a future Council meeting for adoption.**
- 3. That Council continue to work with existing operators, including the AIAC, and seek other suitable operators to establish businesses at the Kempsey Airport.**
- 4. That Council applies restrictions in relation to Circuit Training at Kempsey Airport, by way of an amendment to the 'En Route Supplement' (ERSA) for Kempsey Airport, published by AirServices Australia.**
- 5. That the restrictions on Circuit Training be as follows:**
 - a. Monday to Friday, from 7:00am to 7:00pm.**
 - b. Saturday, from 7:00am to 5:00pm.**
 - c. No Circuit Training on Sundays and Public Holidays.**
 - d. Up to 10.00pm Monday to Saturday on up to 20 occasions per year excluding Public Holidays.**
- 6. That the restriction does not allow the conduct of circuit training at any time by visiting aircraft.**
- 7. That such restrictions be reviewed following the adoption of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA).**
- 8. That such restrictions be reviewed following any legislative or planning instrument changes/additions that impact the use of airports and/or protect the interests of existing residents.**
- 9. That the General Manager inform AIAC of these hours.**

At this stage 10:37 am the meeting adjourned for morning tea and upon resumption at 10:56am all present at the adjournment were in attendance.

COMMITTEE OF THE WHOLE

2018.137

RESOLVED:

***MOVED: Cl McGinn
Seconded: Cl Patterson***

That Council move into Committee of the Whole for discussions related to item 12.1 Kempsey Airport Operations.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

MOTION TO RESUME COUNCIL MEETING

2018.138

RESOLVED:

***MOVED: Cl McGinn
Seconded: Cl Morris***

That the ordinary Council meeting in Open Meeting be resumed.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

AMENDMENT:

***Moved: Cl Morris
Seconder: Cl Hauville***

- 1. That Council acknowledge the varying views provided by the community in relation to the operations at the Kempsey Airport and, in particular, the operations of the Australian International Aviation College (AIAC).**
- 2. That Council, in conjunction with the Kempsey Airport Reference Group (KARG), continue the development of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA), and update the Airport Masterplan and Marketing Plan based on the NMP information. Each of the NMP, FNA and Airport Masterplan and Marketing Plan will be presented to a future Council meeting for adoption.**
- 3. That Council continue to work with existing operators, including the AIAC, and seek other suitable operators to establish businesses at the Kempsey Airport.**
- 4. That Council applies restrictions in relation to Circuit Training at Kempsey Airport, by way of an amendment to the 'En Route Supplement' (ERSA) for Kempsey Airport, published by AirServices Australia.**
- 5. That the restrictions on Circuit Training be as follows:**
 - a. Monday to Friday, from 7:00am to 7:00pm.**
 - b. Saturday, from 7:00am to 5:00pm.**
 - c. No Circuit Training on Sundays and Public Holidays.**

- d. **Up to 10.00pm Monday to Saturday on up to 20 occasions per year excluding Public Holidays.**
6. **That the restriction does not allow the conduct of circuit training at any time by visiting aircraft.**
7. **That such restrictions be reviewed following the adoption of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA).**
8. **That such restrictions be reviewed following any legislative or planning instrument changes/additions that impact the use of airports and/or protect the interests of existing residents.**
9. **That the General Manager inform AIAC of these hours.**

FOR: Cl Hauville, Cl Morris

AGAINST: Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

The AMENDMENT was PUT to the Meeting and was LOST

2018.166

RESOLVED:

***Moved: Cl Campbell
Seconder: Cl Patterson***

1. **That Council acknowledge the varying views provided by the community in relation to the operations at the Kempsey Airport and, in particular, the operations of the Australian International Aviation College (AIAC).**
2. **That Council, in conjunction with the Kempsey Airport Reference Group (KARG), continue the development of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA), and update the Airport Masterplan based on the NMP information. Each of the NMP, FNA and Airport Masterplan will be presented to a future Council meeting for adoption.**
3. **That Council continue to work with existing operators, including the AIAC, and seek other suitable operators to establish businesses at the Kempsey Airport.**
4. **That visiting aircraft can only conduct circuit training between the hours of 0800 – 1700 from Monday to Friday. Circuit training is not permitted by visiting aircraft outside of these hours, including weekends and public holidays.**
5. **That the General Manager renegotiate the agreement with AIAC to prohibit circuit training on public holidays until the adoption of the Noise Management Plan (NMP) and Fly Neighbourly Agreement (FNA) take effect.**

FOR: Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: Cl Hauville

15.1 KEMPSEY AIRPORT – CIRCUIT TRAINING RESTRICTIONS

Councillor **Bruce Morris**

File No TQE18/6
Attachments 1. ERSA Kempsey [15.1.1]

PURPOSE

I intend to move the following motion at the ordinary meeting of Council to be held Tuesday, 26 June 2018.

This item was withdrawn at the request of Councillor Morris

15.2 KEMPSEY AIRPORT – NOISE MANAGEMENT PLAN AND FLY NEIGHBOURLY AGREEMENT

Councillor Bruce Morris
File No TQE18/6
Attachments Nil

PURPOSE

I intend to move the following motion at the ordinary meeting of Council to be held Tuesday 26 June 2018.

This item was withdrawn at the request of Councillor Morris

15.3 KEMPSEY AIRPORT – AIRPORT MASTER PLAN

Councillor Bruce Morris
File No TQE18/6
Attachments Nil

PURPOSE

I intend to move the following motion at the ordinary meeting to be held 26 June 2018.

This item was withdrawn at the request of Councillor Morris

13.2 PLANNING PROPOSAL - 600 MACLEAY VALLEY WAY, SOUTH KEMPSEY

Officer Peter Orr, Strategic Projects Coordinator
File No KLEP2013-AM-24
Attachments 1. Planning Proposal [13.2.1]
2. Consistency with SEPPs and S117 Directions [13.2.2]

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: Permit the land use *Highway Service Centre*
Location: 600 Macleay Valley Way, South Kempsey (Lot 200 DP1177619)
Proponent: KDC P/L on behalf of Spectrum Retail Group P/L
Status: Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

2018.139

RESOLVED:

Moved: Cl Saul
Seconded: Cl Patterson

- 1. That the planning proposal which seeks to permit the land use highway service centre at 600 Macleay Valley Way, South Kempsey, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2. That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.**
- 3. Subject to the Gateway determination, community consultation for the planning proposal be undertaken.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION

2018.141

RESOLVED:

Moved: Cl Patterson
Seconded: Cl Williams

That the recommendations contained in the following items be adopted:

- 13.12 Acquisition of Land - Replacement of Saleyards Creek Road Bridge**
- 13.14 Tender for Supply and Installation of Road Safety Barrier Systems**
- 13.15 Classification of Land to Be Transferred to Council**
- 13.16 Statement of Cash and Investments - May 2018**
- 13.17 Development Approvals and Construction Certificates**
- 13.18 Key Performance Indicators**
- 20.1 Legal Matters**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

13.12 ACQUISITION OF LAND - REPLACEMENT OF SALEYARDS CREEK ROAD BRIDGE

Officer Robert Fish, Director Operations & Planning
File No F18/2394, LA10523
Attachments 1. Copy of D P 1239823 [13.12.1]

PURPOSE

A report to consider the payment of compensation for the acquisition of land required for the realignment of the bridge spanning Saleyards Creek at West Kempsey.

2018.142

RESOLVED:

*Moved: Cl Patterson
Seconded: Cl Williams*

That Council:

- 1. Pay compensation in the amount of \$6,425 (GST exclusive) to the owners of Lot 1297 DP737258 for the acquisition of part Lot 1297 DP737258, more particularly described as Lot 3 in the plan of acquisition DP1239823.**
- 2. Delegate authority to the General Manager to sign:**
 - a. The Contract for Sale/Deed of Acquisition**
 - b. Land Registry Services Transfer Form**
 - c. Revenue NSW Purchaser Declaration Form**
 - d. Letter to Revenue NSW seeking exemption from the payment of stamp duty.**
- 3. On completion of the acquisition, pursuant to Section 10 of the Roads Act 1993, dedicate Lot 3 DP1239823 as a public road.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

13.14 TENDER FOR SUPPLY AND INSTALLATION OF ROAD SAFETY BARRIER SYSTEMS

Officer Tony Green, Acting Manager Engineering Works
File No F18/1957
Attachments Nil

PURPOSE

To select the best fit for purpose supplier from the submissions received by Tender Evaluation Panel for the supply and delivery of road safety barrier systems from 1 July 2018 to 31 March 2020, with a

12 month option available based on satisfactory performance by the successful tenderer.

2018.144

RESOLVED:

*Moved: Cl Patterson
Seconded: Cl Williams*

That Council:

- 1. Accept the tender from Irwin Fencing Pty Ltd for the supply and installation of road safety barrier systems for the period 1 July 2018 to 31 March 2020.**
- 2. Allow provision for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31 March 2021.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

13.15 CLASSIFICATION OF LAND TO BE TRANSFERRED TO COUNCIL

Officer Robert Fish, Director Operations & Planning
File No F18/2394, LA10523
Attachments Nil

PURPOSE

A report to adopt a classification for land to be transferred to Council.

2018.144

RESOLVED:

*Moved: Cl Patterson
Seconded: Cl Williams*

That Lot 21 DP1170003 (land in Kemp Street, West Kempsey) be classified as operational land.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

13.16 STATEMENT OF CASH AND INVESTMENTS - MAY 2018

Officer Ron Wood, Chief Financial Officer
File No N/A
Attachments

- 1. Statement of bank balance as at 31 May 2018 [13.16.1]**
- 2. Statement of investments held as at 31 May 2018 [13.16.2]**

PURPOSE

In accordance with the Local Government (General) Regulation 2005 (the Regulation), a report on investments is to be provided monthly to Council.

2018.145
RESOLVED:

Moved: CI Patterson
Seconded: CI Williams

That the report be noted.

FOR: CI Hauville, CI Morris, CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson
AGAINST: nil

13.17 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

Officer Erin Fuller, Manager Development Assessment
File No 329
Attachments Nil

PURPOSE

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

2018.146
RESOLVED:

Moved: CI Patterson
Seconded: CI Williams

That the information be noted.

FOR: CI Hauville, CI Morris, CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson
AGAINST: nil

13.18 KEY PERFORMANCE INDICATORS

Officer Stephen Mitchell, Director Corporate & Commercial
File No F18/1908
Attachments Nil

PURPOSE

To detail proposed Key Performance Indicators (KPIs) for the 2018-2019 financial year.

2018.147
RESOLVED:

Moved: CI Patterson
Seconded: CI Williams

- 1. That Council adopts the proposed Key Performance Indicators for the 2018-2019 financial year.**

2. That reporting on the proposed KPIs to Council commence from August 2018.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

20.1 LEGAL MATTERS

Contact Person: Daniel Thoroughgood – Manager Information and Governance

File: F18/1960

Attachments Nil

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.

2018.148

RESOLVED:

*Moved: Cl Patterson
Seconded: Cl Williams*

That the information be noted.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

12 MAYORAL MINUTES

12.1 KEMPSEY AIRPORT OPERATIONS

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

12.2 IGNSW ANNUAL CONFERENCE 2018

Officer Liz Campbell, Mayor

File No F18/1720

Attachments Nil

PURPOSE

To determine voting delegates and attendance at the 2018 Local Government NSW Annual

Conference being held in Albury from 21-23 October 2018.

2018.149

RESOLVED:

Moved: Cl Campbell

- 1. That preliminary conference registration and accommodation reservations be made for the attendance of the Mayor and two other delegates as nominated Council delegates.**
- 2. That the Mayor, Deputy Mayor and Councillor Hauville be nominated as voting delegates.**
- 3. That any other Councillors wishing to attend the conference be endorsed for registration.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

12.3 IGNSW ELECTION TO FILL A CASUAL VACANCY

Officer Liz Campbell, Mayor

File No F18/1789

Attachments 1. Letter to General Managers Nomination of voting delegates [12.3.1]
2. Annexure A Nomination of voting delegates [12.3.2]

PURPOSE

To nominate three voting delegates for the election to fill a casual vacancy in the office of Vice President (Rural/Regional councils) on the Board of the Local Government and Shires Association of New South Wales.

2018.150

RESOLVED:

Moved: Cl Campbell

That the Mayor, Deputy Mayor and Councillor Hauville be nominated as voting delegates in the election to fill a casual vacancy on the Board of the Local Government and Shires Association of New South Wales.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

The General Manager declared a pecuniary interest in item 12.4 for the reason that he is the subject of the report and retired from the chamber.

12.4 APPOINTMENT OF AN EXTERNAL FACILITATOR TO THE GENERAL MANAGER'S PERFORMANCE REVIEW PANEL

Officer Liz Campbell, Mayor

File No MIL/23552/01

Attachments Nil

PURPOSE

To appoint an external facilitator to the General Manager's Performance Review Panel.

2018.151

RESOLVED:

Moved: Cl Campbell

That Graeme Fleming of 361° Graeme Fleming Consulting be appointed as an external facilitator to the General Manager's Performance Review Panel.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

The General Manager returned to the chamber.

13 STAFF REPORTS

13.1 INTEGRATED PLANNING AND REPORTING

Officer	Lyndal Harper, Manager Community Partnerships
File No	F18/2079
Attachments	1. Operating Plan 2018-2019 for Adoption [13.1.1] 2. Fees and Charges 2018-2019 for Adoption [13.1.2] 3. LTFP 2018-2019 for Adoption [13.1.3]

PURPOSE

To adopt draft Integrated Planning and Reporting suite of documents following public exhibition and detailed internal review.

2018.152

RESOLVED:

*Moved: Cl McGinn
Seconded: Cl Williams*

That the following Integrated Planning and Reporting documents be adopted with the changes outlined in this report:

- 1. Operating Plan 2018-2019;**
- 2. Long Term Financial Plan 2018-2028; and**
- 3. Fees and Charges 2018-2019**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

13.2 PLANNING PROPOSAL - 600 MACLEAY VALLEY WAY, SOUTH KEMPSEY

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

13.3 PLANNING PROPOSAL - NEVILLE MORTON DRIVE, CRESCENT HEAD

Officer Peter Orr, Strategic Projects Coordinator
File No KLEP2013-AM-25
Attachments 1. Planning Proposal [13.3.1]

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: Rezone approximately 12 hectares of land from RU2 – Rural Landscape and E2 - Environmental Conservation to R5 - Large Lot Residential
Location: Lot 3 DP 1164661 Neville Morton Drive, Crescent Head
Proponent: Kempsey Shire Council
Status: Planning proposal lodged

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

2018.153

RESOLVED:

*Moved: Cl Saul
Seconded: Cl Williams*

- 1. That the planning proposal, which seeks to rezone approximately 12 hectares of land from RU2 – Rural Landscape and E2 - Environmental Conservation to R5 - Large Lot Residential at Lot 3 DP 1164661 Neville Morton Drive, Crescent Head, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2. That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.**
- 3. Subject to the Gateway determination, community consultation for the planning proposal be undertaken.**

FOR: Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: Cl Hauville, Cl Morris

13.4 PLANNING PROPOSAL - OLD STATION ROAD, VERGES CREEK

Officer Bill Larkin, Environmental Strategies Officer
File No KLEP2013-AM-20

Attachments 1. **KLEP 2013-AM-20 Verges Creek Rezoning Gateway Determination [13.4.1]**

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: Amend KLEP 2013 to rezone the land from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare
Location: 145 Old Station Road, Verges Creek (Lot 7 DP 255922)
Proponent: M Thompson and S Kennett
Status: Planning proposal lodged, gateway determination issued and community consultation undertaken

The next stage is the making of the amending local environmental plan (LEP).

2018.154

RESOLVED:

Moved: CI Patterson

Seconded: CI Shields

- 1. That the planning proposal which seeks to rezone Lot 7 DP 255922, 145 Old Station Road, Verges Creek from RU1 Primary Production to R5 Large Lot Residential and reduce the minimum lot size from 40 hectares to 1 hectare, be progressed to making the amendment to the local environmental plan, to be described as KLEP 2013 (Amendment 20).**
- 2. Parliamentary Counsel's Office be requested to draft the legal instrument, KLEP 2013 (Amendment 20), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.**
- 3. The General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 20).**
- 4. Upon the making of KLEP 2013 (Amendment 20), the Department of Planning & Environment be requested to notify the plan on the NSW Legislation webpage.**

FOR: CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson

AGAINST: CI Hauville, CI Morris

13.5 PLANNING PROPOSAL - RESIDENTIAL REZONING AT FREDERICKTON

Officer Bruce Potts, Senior Strategic Planner
File No KLEP2013-AM-23
Attachments 1. Planning Proposal [13.5.1]

PURPOSE

To consider the following planning proposal for progression to the next stage of the local plan making process.

Proposal: Rezone land from RU1-Primary Production, RU2-Rural Landscape and RU5-Village to R1-General Residential
Location: Vicinity of Great North Road and Yarrabandini Road, Frederickton
Proponent: Council
Status: Planning proposal prepared

The next stage is to forward the planning proposal to the Minister for Planning for Gateway consideration. The Minister (or delegate) will consider if there is sufficient justification to proceed with the planning proposal and make a Gateway determination.

2018.155

RESOLVED:

Moved: Cl Shields

Seconded: Cl Saul

- 1. That the planning proposal which seeks to rezone land from RU1-Primary Production, RU2-Rural Landscape and RU5-Village to R1-General Residential in the vicinity of Great North Road and Yarrabandini, Frederickton, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 2. That the Secretary of the Department of Planning and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.**
- 3. Subject to the Gateway determination, community consultation for the planning proposal be undertaken.**

FOR: Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: Cl Hauville

13.6 DETACHED DUAL OCCUPANCY AT KUNDABUNG

Officer Erin Fuller, Manager Development Assessment
File No T6-18-148
Attachments

- 1. T6-18-148 - Plans [13.6.1]**
- 2. T6-18-148 - Clause 4.6 Request [13.6.2]**
- 3. Draft Conditions T6-18-148 [13.6.3]**

PURPOSE

To report for determination concept development application T6-18-148, which seeks consent for an additional dwelling house to create a detached dual occupancy development at 93 Wharf Road, Kundabung. A variation greater than 10% to the minimum separation distance development standard under Kempsey Local Environmental Plan is sought.

2018.156

RESOLVED:

Moved: Cl McGinn

Seconded: Cl Shields

That development consent be granted to concept development application T6-18-148 for a detached dual occupancy at 93 Wharf Road, Kundabung, subject to the conditions contained in the attachment (T6-18-148 Draft Conditions).

FOR: Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: Cl Hauville

2018.157

RESOLVED:

Moved: Cl Williams
Seconded: Cl Patterson

That item 13.11 Land Acquisition – Rudder Street, East Kempsey be dealt with immediately following item 13.17 Swimming Pool and Additions to Existing Dwelling

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

Councillor Campbell declared a pecuniary interest in item 13.7 for the reason that she owns the property.

Councillor Campbell declared a non-pecuniary significant interest in item 13.11 for the reason that she resides in proximity to the subject land.

Councillor Campbell left the meeting at 12:10pm and the Deputy Mayor, Councillor Williams, took the chair.

Councillor Patterson declared a pecuniary interest in item 13.7 for the reason that his business may be doing business with the applicant and retired from the Chamber.

13.7 SWIMMING POOL AND ADDITIONS TO EXISTING DWELLING

Officer	Erin Fuller, Manager Development Assessment
File No	T6-18-189
Attachments	1. T6-18-189 Site Plan [13.7.1] 2. Draft Conditions T6-18-189 [13.7.2]

PURPOSE

To report for determination development application T6-18-189, which seeks development consent for a covered verandah and swimming pool at 4 Union Lane, East Kempsey. A site plan is attached (T6-18-189 Site Plan).

Applicant:	Momentum Projects Solutions
Owner:	Mrs Elizabeth Campbell
Property:	Lot 553 DP 804560, No. 4 Union Lane, East Kempsey
Zone	R1 – General Residential and E2 – Environmental Conservation

2018.158

RESOLVED:

*Moved: Cl McGinn
Seconded: Cl Shields*

That development consent be granted to development application T6-18-189, which seeks consent for a swimming pool and additions to an existing dwelling at 4 Union Lane, East Kempsey, subject to the conditions as attached (Draft Conditions T6-18-189).

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Williams, Cl McGinn, Cl Shields

AGAINST: nil

Councillor Patterson returned to the Chamber.

13.11 LAND ACQUISITION - RUDDER STREET, EAST KEMPSEY

Officer Robert Fish, Director Operations & Planning
File No F12/2059
Attachments 1. Aerial map [13.11.1]

PURPOSE

A report to consider the payment of compensation for the acquisition of part 36 Rudder Street, East Kempsey.

2018.159

RESOLVED:

*Moved: Cl McGinn
Seconded: Cl Patterson*

- 1. That compensation in the amount of \$80,000 (GST Exclusive) be paid to the owners of Lot 2 DP112504 (36 Rudder Street, East Kempsey) for the acquisition of that part of Lot 2 DP112504 depicted in the aerial photograph titled "AERIAL 12/6/18".**
- 2. That Council pay the costs incurred by the owners of Lot 2 DP112504 arising from the acquisition.**
- 3. That the General Manager be delegated authority to sign:**
 - a. Deed of Acquisition/Contract for the Sale of Land**
 - b. Land Registry Services Transfer Form**
 - c. Letter to Revenue NSW seeking exemption from payment of Stamp Duty.**
- 4. That, pursuant to Section 10 of the Roads Act 1993, the acquired land be dedicated as a public road.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

At 12:13pm the Mayor returned to the Chamber and took the Chair.

The General Manager declared a non-pecuniary significant interest in item 13.8 for the reason that his wife owns the property and retired from the Chamber.

13.8 TREE REMOVAL AT WEST KEMPSEY

Officer Erin Fuller, Manager Development Assessment
File No T6-18-200
Attachments 1. T6-18-200 Plan [13.8.1]
2. T6-18-200 Draft Conditions [13.8.2]

PURPOSE

To report for determination development application T6-18-200 which seeks consent for the removal of a tree at 102 River Street, West Kempsey.

Applicant: Ms K D Y Woodham
Owner: Ms K D Y Woodham
Property: Lot 12 DP664026, 102 River Street, West Kempsey
Zone: Part R1 – General Residential and Part E2 – Environmental Conservation

2018.160

RESOLVED:

Moved: CI Patterson

Seconded: CI Shields

That consent be granted for application T6-18-200 which seeks consent for the removal of a *Ficus sp* tree at 102 River St, West Kempsey, subject to the conditions contained in the attachment (T6-18-200 Draft Conditions).

FOR: CI Hauville, CI Morris, CI Saul, CI Campbell, CI Williams, CI McGinn, CI Shields, CI Patterson
AGAINST: nil

The General Manager returned to the Chamber.

13.9 MAKING THE RATES AND CHARGES FOR 2018-19

Officer Ron Wood, Chief Financial Officer
File No F12/1859
Attachments Nil

PURPOSE

To make Council's Rates and Charges for 2018/2019.

Section 533 of the Local Government Act 1993 provides that Council must make the rates and charges before 1 August in the year, for which the rates and charges are made, after having given appropriate public notice in relation to the draft plans. Each rate and charge is to be made for a

specific year (Section 534) and the rate and charge is to be made by a resolution of Council (Section 535).

2018.161

RESOLVED:

*Moved: CI Hauville
Seconded: CI Patterson*

1 That whereas Council has given public notice of its Draft Operational Plan for the year 2018/2019 it is now resolved:

a That in accordance with Section 494 of the Local Government Act 1993 Council makes the Base Amount plus Ad valorem amount of the ordinary rate as set out hereunder for the various categories of all rateable land in the area for the year commencing 1 July 2018:

CATEGORY	BASE AMOUNT \$	% \$500 LG ACT	PLUS AD VALOREM CENTS IN \$
Farmland	611.00	28.2639	0.005350
Residential	570.00	49.3747	0.004577
Business - Other	620.00	26.2844	0.010442
Business - Urban	700.00	21.4895	0.012220

b That in accordance with Section 496 of the Local Government Act 1993 Council makes the following annual charges for the Domestic Waste Management Service for the year commencing 1 July 2018:

CATEGORY	CHARGE PER ANNUM
Domestic Waste Charge Weekly Standard	\$403.00
Domestic Waste Charge Weekly Small	\$351.00
Domestic Waste Charge Weekly Premium Standard	\$413.00
Domestic Waste Charge Weekly Premium Small	\$361.00
Domestic Waste Charge Vacant Lands - Urban	\$43.00

c That in accordance with Section 501 of the Local Government Act 1993 Council makes the following Commercial Waste Service charge for the year commencing 1 July 2018:

CATEGORY	CHARGE PER ANNUM
Per single weekly service (240 Litre Sulo Red)	\$384.00
Per single weekly service (140 Litre Sulo Red)	\$300.00
Per single fortnightly service (240 Litre Sulo Yellow)	\$95.00
Per single fortnightly service (360 Litre Sulo Yellow)	\$106.00
Per single weekly service (240 Litre Sulo Green)	\$137.00

d That the Domestic Waste Management Service and the Commercial Waste Service charges be based on the number of separate occupancies or domiciles (whether actually occupied or not) contained within each rateable property for which the service is available.

e That in accordance with Section 496A of the Local Government Act 1993 Council

makes the following annual charges for Stormwater Management Services – Urban areas for year commencing 1 July 2018:

CATEGORY	CHARGE PER ANNUM
Stormwater Management Service – Urban areas	\$25.00
Stormwater Management Service – Urban areas Strata Units	\$12.50

f That in accordance with Sections 501 and 502 of the Local Government Act 1993 Council makes the following annual water access charges for the year commencing the 1 July 2018:

A charge per meter of:

Meter Size (mm)	Access Charge per annum (\$)
Vacant	\$310.00
20	\$310.00
25	\$479.00
32	\$779.00
40	\$1,212.00
50	\$1,889.00
80	\$4,816.00
100	\$7,521.00
150	\$16,911.00
200	\$30,522.00
Fire Service	\$843.00

g That in accordance with Section 501 of the Local Government Act 1993 Council makes the following annual sewerage access charges for the year commencing the 1 July 2018:

I Access Charge	Charge per Annum
Residential – Sewerage Base Charge Connected Properties (Per annum)	\$1,052.00
Residential – Sewerage Base Charge Unconnected Properties (Per annum)	\$664.00
Non-Residential (per connection size)	
Water Meter Size (mm)	Access Charge (\$)
Vacant	\$664.00
20	\$972.00
25	\$1,527.00
32	\$2,240.00
40	\$3,463.00
50	\$5,475.00
80	\$14,044.00
100	\$21,906.00
150	\$52,167.00
Stuarts Point sewerage contributions	\$560.00
Stuarts Point sewerage contributions small Commercial	\$1,120.00

**Stuarts Point sewerage contributions
large Commercial** **\$2,240.00**

ii Section 501 Charge

Flats (per unit per annum) **\$1,052.00**
Holiday Flats (per unit per annum) **\$1,052.00**

h That in accordance with Section 501 of the Local Government Act 1993 Council makes the following Onsite Sewerage Management System – Annual approval fee for the year commencing 1 July 2018:

Single dwelling **\$77.00 per onsite system**
Small commercial systems **\$154.00 per onsite system**
Large commercial systems **\$307.50 per onsite system**

2 That in accordance with provisions of Section 566 of the Local Government Act 1993 Council resolves that the maximum allowable interest rate of 7.5% be applied to all outstanding rates and charges for the year commencing 1 July 2018.

FOR: Cl Hauville, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: Cl Morris

13.10 2017-18 LOAN BORROWING PROGRAM

Officer Deanna O'Neill – Finance
File No F18/1809
Attachments Nil

PURPOSE

Reporting on Council's loan borrowings program for the 2017/2018 year.

2018.162

RESOLVED:

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

1 That the offer of loans from the institutions providing the most advantageous outcome to Council be accepted.

2 That the seal of Council is affixed to the necessary loan documents.

FOR: Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: Cl Hauville, Cl Morris

13.13 INTERNAL AUDIT AND RISK COMMITTEE

Officer John Gilroy, Manager – Organisation Development and Performance

File No	F18/2390
Attachments	1. Audit and Risk Committee Charter [13.13.1] 2. Internal Audit and Risk Charter [13.13.2]

PURPOSE

The purpose of this report is to recommend the adoption of an Audit and Risk Committee Charter and Internal Audit and Risk Charter.

Director Corporate and Commercial Recommendation:

That Council adopt:

- 1 An Audit and Risk Committee Charter.**
- 2 An Internal Audit and Risk Charter.**

2018.163

RESOLVED:

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

That Council adopt:

- 1. An Audit and Risk Committee Charter.**
- 2. An Internal Audit and Risk Charter.**
- 3. That Councillor McGinn be appointed as the Councillor representative to the Audit and Risk Committee.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

14 RESCISSION MOTIONS

Nil

15 NOTICES OF MOTION

15.1 KEMPSEY AIRPORT – CIRCUIT TRAINING RESTRICTIONS

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

15.2 KEMPSEY AIRPORT – NOISE MANAGEMENT PLAN AND FLY NEIGHBOURLY AGREEMENT

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

15.3 KEMPSEY AIRPORT – AIRPORT MASTER PLAN

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

15.4 BELLBROOK TO WATERFALL WAY OF KEMPSEY-ARMIDALE ROAD INVESTIGATION

Councillor	Leo Hauville
File No	R12/1
Attachments	1. Review Panel Report [15.4.1] 2. Review Panel Schedule Roads Reclassification [15.4.2] 3. Review Panel Report Appendix C [15.4.3]

PURPOSE

I intend to move the following motion at the ordinary meeting to be held Tuesday 26 June 2018.

MOVED:

Moved: Cl Hauville

Seconded: Cl Morris

That:

- 1. Council in collaboration with Armidale Regional Council (ARC), seek reclassification of Armidale Road between Bellbrook and Waterfall Way as a Regional Road.**
- 2. Council devise a long term plan to increase the length of sealed sections of Kempsey-Armidale Road including promoting the future needs and amenities to locals, tourism and commercial use that will result from upgrading the road. Consideration of joint funding and Grant funding applications should also be included in this plan.**
- 3. A report on the collaboration to Council is to be prepared by September 2018.**
- 4. This resolution be conveyed to Armidale Regional Council.**

Councillor McGinn MOVED a FORESHADOWED Motion:

That Kempsey Shire Council endorse the current negotiations with Armidale Regional Council to seek the classification of the full length of Armidale Road to regional road status for the purpose of pursuing additional funding to improve the standard of the road.

MOVED:

Moved: Cl Hauville

Seconded: Cl Morris

That:

- 1. Council in collaboration with Armidale Regional Council (ARC), seek reclassification of Armidale Road between Bellbrook and Waterfall Way as a Regional Road.**
- 2. Council devise a long term plan to increase the length of sealed sections of Kempsey-**

Armidale Road including promoting the future needs and amenities to locals, tourism and commercial use that will result from upgrading the road. Consideration of joint funding and Grant funding applications should also be included in this plan.

3. A report on the collaboration to Council is to be prepared by September 2018.

4. This resolution be conveyed to Armidale Regional Council.

FOR: Cl Hauville

AGAINST: Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

2018.164

RESOLVED:

***MOVED: Cl McGinn
Seconded: Cl Hauville***

That:

1. Kempsey Shire Council endorse the current negotiations with Armidale Regional Council to seek the classification of the full length of Armidale Road to regional road status for the purpose of pursuing additional funding to improve the standard of the road.

2. This resolution be conveyed to Armidale Regional Council.

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson

AGAINST: nil

16 DELEGATES REPORTS

Nil

17 COMMITTEE REPORTS

17.1 LOCAL TRAFFIC COMMITTEE MEETING HELD ON 5 JUNE 2018

Officer Robert Fish, Director Operations & Planning

File No F18/1958

Attachments

1. Minutes 5 June 2018 [17.1.1]
2. Ocean Avenue Pedestrian Crossing Enhancement [17.1.2]

PURPOSE

For Council to adopt the minutes of the Local Traffic Committee meeting of 5 June 2018.

2018.165

RESOLVED:

***MOVED: Cl McGinn
Seconded: Cl Hauville***

That Council:

1. **Note the minutes and adopt the recommendations of the Local Traffic Committee meeting of 5 June 2018.**
2. **Complete minor enhancement works to improve the safety of the existing pedestrian crossing in Ocean Avenue, Stuarts Point, arising from further investigation and consideration of the matter following the Local Traffic Committee meeting of 5 June 2018.**

FOR: Cl Hauville, Cl Morris, Cl Saul, Cl Campbell, Cl Williams, Cl McGinn, Cl Shields, Cl Patterson
AGAINST: nil

18 DELIVERY PROGRAM PERFORMANCE INDICATORS

Nil

19 COUNCILLOR QUESTIONS

Cl Hauville

1. **What progress has occurred with the letter to the Member for Oxley on improving the Hospital amenity for the community with provision of helicopter landing pad and funding an enhanced hospital car park? Has a reminder letter been sent if there has been no reply?**
2. **When will there be line marking in the Edinburgh Lane carpark?**
3. **What are the Councillors and Mayor's engagement calendar rules and were they following in relation to the Mayor meeting Armidale Regional Councillors and Mayor at Lower Creek?**
4. **In relation to Council's membership of the Macleay Business Chamber, what is the cost of the membership, who attends as the Council representative and how was he/she selected and when did Council resolve to become a member?**

Cl Patterson

1. **When are the levy banks that were deemed to be under their designed height to be reconstructed around our town centre?**
2. **What implications has the new management of the Kempsey Showground have being that they are a Port Macquarie based organisation?**
3. **Can Council look to rectify the maps showing Kemps Access off Collombatti Road? The name is not shown where it leaves Kemps Access into the newly named Sheppard Road (once Quarry Road).**

20 CONFIDENTIAL ITEMS

21 CONCLUSION

There being no further business, the Mayor declared the meeting closed at 1:04 pm.