



Minutes

Minutes of the Ordinary Council Meeting of
Kempsey Shire Council Tuesday 20 October 2020



The meeting commenced at 09:01 am.

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; and Manager Governance and Information Services, D S Thoroughgood.

In accordance with s747A of the Local Government Act 1993, in response to the COVID-19 pandemic, Councillors L J Hauville, and B J Morris attended this meeting by video conference.

The Mayor informed all present that Council permits the electronic recording and broadcasting of the proceedings of Council which are open to the public. Your attendance at this meeting is taken as consent of the possibility that your image and your voice may be recorded and broadcast to the public.

1 OPENING PRAYER

An opening prayer was conducted.

2 ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of the Traditional Aboriginal Landowners was provided.

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2020.174 RESOLVED (Cl Shields/Cl McGinn):

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

CARRIED (8 / 0)

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

AGAINST: nil

2020.175 RESOLVED (Cl Campbell/Cl McGinn):

That confidential item 11.1 be brought forward to be considered before other business to allow our independent facilitator to join us by Zoom.

Item 5 will be considered before item 4, then 11.1 and then the confirmation of minutes.

CARRIED (8 / 0)

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

AGAINST: nil

5 DISCLOSURES OF INTEREST

The General Manager, Mr Craig Milburn, declared a pecuniary interest in item 11.1, Confidential Mayoral Minute - General Manager's Contract, for the reason that it concerns his employment.

Cl Shields declared a non-pecuniary non-significant interest in item 11.4, Mid North Coast High Performance Centre Tender Evaluation, for the reason that she is a member of the South West Rocks Sport and Recreation Association and she is known to some of the tenderers.

2020.176 RESOLVED (Cl Patterson/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 and that Mr Graeme Fleming be invited to remain as an advisor.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

11.1 CONFIDENTIAL MAYORAL MINUTE - GENERAL MANAGER'S CONTRACT

Officer Liz Campbell, Mayor

File No MIL/23552/01

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

The General Manager, Mr Craig Milburn, declared a pecuniary interest in item 11.1, Confidential Mayoral Minute - General Manager's Contract, for the reason that it concerns his employment. All staff, including the General Manager, left the room at 9.13am

Cl Morris joined the meeting at 9.18 am.

MOVED: (Cl Campbell/Cl Patterson):

That Council:

- 1. Council enter into a new five-year contract for General Manager Craig Milburn subject to further financial and legal advice generally in accordance with the conditions recommended by the Performance Review Committee Panel.**
- 2. authority be given to the Mayor and Deputy Mayor for the execution of the employment contract.**

AMENDMENT (Cl Hauville/Cl Morris)

That the matter of the general managers contract be deferred until six months after the election of the next council.

LOST (2 / 7)

FOR: Cl Hauville, Cl Morris

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

AMENDMENT (Cl Hauville/Cl Morris)

That Council:

- 1. Council enter into a new five-year contract for General Manager Craig Milburn subject to further financial and legal advice generally in accordance with the conditions recommended by the Performance Review Committee Panel.**
- 2. authority be given to the Mayor and Deputy Mayor for the execution of the employment contract.**
- 3. that any increase of remuneration for the term of the contract be limited by the SOORT increase**

LOST (2 / 7)

FOR: Cl Hauville, Cl Morris

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

AMENDMENT (Cl Hauville/Cl Morris)

That this matter be deferred to the next meeting.

Councillor Morris foreshadowed an amendment.

LOST (2 / 7)

FOR: Cl Hauville, Cl Morris

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

AMENDMENT (Cl Morris/Cl Hauville)

That Council:

- 1. Council enter into a new five-year contract for General Manager Craig Milburn subject to further financial and legal advice generally in accordance with the conditions recommended by the Performance Review Committee Panel.**
- 2. authority be given to the Mayor and Deputy Mayor for the execution of the employment contract.**
- 3. on finalisation of the new contract complete a quarterly budget review to increase the budget allocation for the General Manager salary.**

LOST (2 / 6)

FOR: Cl Hauville, Cl Morris

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

2020.177 RESOLVED (Cl Campbell/Cl Patterson):

That Council:

- 1. Council enter into a new five-year contract for General Manager Craig Milburn subject to further financial and legal advice generally in accordance with the conditions recommended by the Performance Review Committee Panel.**
- 2. authority be given to the Mayor and Deputy Mayor for the execution of the employment contract.**

CARRIED (7 / 2)

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

AGAINST: Cl Hauville, Cl Morris

At this stage 10.15 am the meeting adjourned for morning tea and upon resumption at 10.35 am all present at the adjournment were in attendance. The staff returned to the Chamber during this time.

2020.178 RESOLVED (Cl Morris/Cl Patterson):

That the ordinary Council meeting be resumed.

CARRIED (9 / 0)

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

AGAINST: nil

4 CONFIRMATION OF MINUTES

MOVED (Cl Patterson/Cl McGinn):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 September 2020 be confirmed.

AMENDMENT (Cl Hauville/Cl Morris)

That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 September 2020 be confirmed, subject to the following amendments:

At 7.1

Show the original motion as moved and read out by the Mayor:

“Moved Cl Campbell

That Council:

- 1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jody McKay, Mr Pat Conaghan MP, Member for Cowper and The Honourable Melinda Pavey MP, Member for Oxley respectively which highlights the Council’s disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.**
- 2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.**

3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

An AMENDMENT was MOVED: MOVED: Cl Hauville SECONDED: Cl Morris

Ordinary Council Meeting - 15 September 2020 Page 9

That Council:

1. Urgently send letters to: a. the Prime Minister of Australia, the Hon. Scott Morrison MP, b. Federal Leader of the Opposition, the Hon. Anthony Albanese MP, c. Federal Local Government Minister, the Hon. Mark Coulton MP, d. Premier of NSW, the Hon. Gladys Berejiklian MP, e. NSW Leader of the Opposition, the Hon. Jodi McKay MP, f. NSW Minister for Local Government, the Hon. Shelley Hancock MP, g. Member for Cowper, Mr Pat Conaghan MP, h. Member for Oxley, the Hon. Melinda Pavey MP, and highlight the Kempsey Shire Council's overwhelming disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.
2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda. Such a meeting to include the GM, Mayor and two elected Councillors.
3. Notes that the Australian Local Government Association (ALGA), Local Government NSW (LGNSW) and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.
4. Sends letters of support to ALGA and LGNSW for their continued action to support Local Government on this issue.
5. Any responses received be made available to Councillors on receipt.

FOR: Cl Hauville, Cl Morris

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

Parts of the AMENDMENT moved by Clr Hauville was ACCEPTED by the MOVER and became part of the MOTION"

2020.157 RESOLVED: MOVED: Cl Campbell

That Council:

1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jodi McKay, Mr Pat Conaghan MP, Member for Cowper, The Honourable Melinda Pavey MP, Member for Oxley respectively, the Prime Minister of Australia, the Hon. Scott Morrison MP, Federal Leader of the Opposition, the Hon. Anthony Albanese MP, Federal Local Government Minister, the Hon. Mark Coulton MP, Shadow Minister for Regional Services, Territories and Local Government, the Hon. Jason Clare MP, NSW Minister for Local Government The Hon. Shelley Hancock MP, and NSW Shadow Minister for Local

Government, Mr Greg Warren, which highlights the Council's disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government. Ordinary Council Meeting - 15 September 2020
Page 10

2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

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

CARRIED (9 / 0)

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

A Point of Order raised by Cl McGinn that Cl Hauville is not speaking to whether the minutes are true and accurate. The Chair upheld the Point of Order and ruled that the Councillor confine his comments to whether minutes are true and accurate.

AMENDMENT (Cl Hauville/Cl Morris)

That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 September 2020 be confirmed, subject to the following amendments:

Add after 12:11 POINT OF ORDER was RAISED by Cl McGinn that Cl Hauville was not discussing Macleay Valley term when resolved. The CHAIR UPHELD the POINT OF ORDER "who quoted directly from the 21st April 2020 Council Meeting resolution:

2020.60 RESOLVED: MOVED: Cl McGinn SECONDED: Cl Patterson

That for the rest of this Council's term no recommendations or further discussion or amendment be taken regarding any documents that use the colloquial term Macleay Valley or similar to be replaced with Kempsey Shire Council with the exception of any report on the possible name change. The colloquial term Macleay Valley is well known by locals as referring to the Kempsey Shire Council Local Government Area."

Despite the Code of Meeting Practice 15.10 "Despite any other provision of this code, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply." the mover of dissent's speech was interrupted by Cl's Patterson, McGinn and Campbell.

During Cl Hauville's dissent speech where he referred to asking a question not being in the April Resolution, Cl Patterson Moved an Emergency (sic) motion that it be included in the April Resolution. The Chair acknowledged that Cl Patterson had moved an Emergency (sic) motion. No seconder was sought, it was not put the meeting and it was not ruled out of order.

In the motion of dissent the voting as recorded was not accurate.
It reads:

“MOTION OF DISSENT was raised by CI Hauville against the POINT OF ORDER UPHELD by the CHAIR.

FOR: CI Hauville

AGAINST: CI Campbell, CI Baxter, CI McGinn, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams”

It should read:

“MOTION OF DISSENT was raised by CI Hauville against the POINT OF ORDER UPHELD by the CHAIR.

FOR: CI Morris, CI Hauville

AGAINST: CI Campbell, CI Baxter, CI McGinn, CI Patterson, CI Saul, CI Shields, CI Williams”

LOST (3 / 6)

FOR: CI Hauville, CI Morris, CI Saul

AGAINST: CI Campbell, CI Baxter, CI McGinn, CI Patterson, CI Shields, CI Williams

2020.203 RESOLVED (CI Hauville/CI Morris)

That the minutes of the ordinary meeting of Kempsey Shire Council dated 15 September 2020 be confirmed, subject to the following amendments:

At 7.1

Show the original motion as moved and read out by the Mayor:

“Moved CI Campbell

That Council:

- 1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jody McKay, Mr Pat Conaghan MP, Member for Cowper and The Honourable Melinda Pavey MP, Member for Oxley respectively which highlights the Council’s disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.**
- 2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.**
- 3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government’s interests in all relevant forums.**

An AMENDMENT was MOVED: MOVED: CI Hauville SECONDED: CI Morris

Ordinary Council Meeting - 15 September 2020 Page 9

That Council:

- 1. Urgently send letters to: a. the Prime Minister of Australia, the Hon. Scott Morrison MP, b. Federal Leader of the Opposition, the Hon. Anthony Albanese MP, c. Federal Local Government Minister, the Hon. Mark Coulton MP, d. Premier of NSW, the Hon. Gladys Berejiklian MP, e. NSW Leader of the Opposition, the Hon. Jodi McKay MP, f. NSW Minister for Local Government, the Hon. Shelley Hancock MP, g. Member for Cowper, Mr Pat Conaghan MP, h. Member for Oxley, the Hon. Melinda Pavey MP, and highlight the Kempsey Shire Council’s overwhelming disappointment that Local Government is not**

represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.

2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda. Such a meeting to include the GM, Mayor and two elected Councillors.
3. Notes that the Australian Local Government Association (ALGA), Local Government NSW (LGNSW) and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.
4. Sends letters of support to ALGA and LGNSW for their continued action to support Local Government on this issue.
5. Any responses received be made available to Councillors on receipt.

FOR: Cl Hauville, Cl Morris

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

Parts of the AMENDMENT moved by Clr Hauville was ACCEPTED by the MOVER and became part of the MOTION"

2020.157 RESOLVED: MOVED: Cl Campbell

That Council:

1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jodi McKay, Mr Pat Conaghan MP, Member for Cowper, The Honourable Melinda Pavey MP, Member for Oxley respectively, the Prime Minister of Australia, the Hon. Scott Morrison MP, Federal Leader of the Opposition, the Hon. Anthony Albanese MP, Federal Local Government Minister, the Hon. Mark Coulton MP, Shadow Minister for Regional Services, Territories and Local Government, the Hon. Jason Clare MP, NSW Minister for Local Government The Hon. Shelley Hancock MP, and NSW Shadow Minister for Local Government, Mr Greg Warren, which highlights the Council's disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government. Ordinary Council Meeting - 15 September 2020
Page 10
2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

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

AGAINST: nil

CARRIED (8 / 1)

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

AGAINST: Cl Hauville

6 ITEMS PASSED BY EXCEPTION

2020.179 RESOLVED (Cl Patterson/Cl McGinn):

That the recommendations contained in the following items be adopted:

9.8 2020-2021 CHRISTMAS NEW YEAR SHUTDOWN

9.11 STATEMENT OF CASH AND INVESTMENTS - SEPTEMBER 2020

11.2 LEGAL MATTERS

CARRIED (9 / 0)

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

AGAINST: nil

9.8 2020-2021 CHRISTMAS NEW YEAR SHUTDOWN

Officer John Gilroy, Manager Organisation Development and Performance

File No F19/1933

Attachments Nil

2020.180 RESOLVED (Cl Patterson/Cl McGinn):

That Council offices be closed from 1pm, Thursday, 24 December 2020 through to Friday, 1 January 2021, and re-open on Monday, 4 January 2021.

CARRIED (9 / 0)

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

AGAINST: nil

9.11 STATEMENT OF CASH AND INVESTMENTS - SEPTEMBER 2020

Officer Ron Wood, Manager Financial Services

File No N/A

Attachments 1. Statement of Cash & Investments [9.11.1 - 3 pages]

2020.181 RESOLVED (Cl Patterson/Cl McGinn):

That the information be noted.

CARRIED (9 / 0)

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

AGAINST: nil

11.2 LEGAL MATTERS

Officer Melanie Peterson, Coordinator Governance and Information Management
File No F19/1960

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.

2020.182 RESOLVED (CI Patterson/CI McGinn):

That the information be noted.

CARRIED (9 / 0)

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

AGAINST: nil

7 MAYORAL MINUTES

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 LONG-TERM RENEWABLE ENERGY & WATER STRATEGY

Officer Jessica Marsh, Sustainability Project Officer

File No F19/2624

Attachments 1. Long-term Renewable Energy & Water Strategy [9.1.1 - 176 pages]

2020.183 RESOLVED (CI Morris/CI Shields):

That Council:

- 1. Endorse the attached Long-Term Renewable Energy and Water Strategy.**
- 2. Adopt a long-term goal which aligns with the NSW Government's target of net zero emissions by 2050.**
- 3. Note that the opportunities and actions within the Strategy shall inform future Delivery Program and Operational Plan development, and the scope of specific projects where relevant.**

4. Note that energy and water data management systems shall be further assessed to enable consumption and costs to be accurately captured and tracked over time to monitor and report on Council's resource use and progress towards efficiency and renewable energy goals.
5. Note that options for the financing and resourcing of identified cost-effective opportunities shall be assessed, including the options of establishing a revolving energy fund or financial allocation as part of the annual Operational Plan development, with due consideration of Council's adopted Financial Sustainability Strategy.
6. As part of item 5 above, investigate implementation of priority short-term opportunities and actions in the Strategy.

CARRIED (7 / 2)

FOR: Cl Campbell, Cl Baxter, Cl Hauville, Cl McGinn, Cl Morris, Cl Shields, Cl Williams

AGAINST: Cl Patterson, Cl Saul

9.2 CRESCENT HEAD PUBLIC DOMAIN PLAN

Officer	Steve Schwartz, Coordinator Strategic and Environmental Planning
File No	F19/1812
Attachments	<ol style="list-style-type: none"> 1. Attachment 1: Crescent Head Public Domain Plan: Post-exhibition revision October 2020 [9.2.1 - 90 pages] 2. Attachment 2: NSW Police Force [9.2.2 - 4 pages] 3. Attachment 3: NSW Maritime [9.2.3 - 2 pages] 4. Attachment 4: NSW Busways [9.2.4 - 9 pages] 5. Attachment 5: Your Say Macleay website report (Redacted) [9.2.5 - 63 pages] 6. Attachment 6: Final combined free text comments - Crescent Head Village [9.2.6 - 37 pages] 7. Attachment 7: Final combined free text comments - Crescent Head Foreshore [9.2.7 - 37 pages] 8. Attachment 8: Independent Submissions (Redacted) [9.2.8 - 43 pages] 9. Attachment 9: Combined Proforma Submissions (Redacted) [9.2.9 - 490 pages] 10. Attachment 10: Kempsey Macleay RSL Sub Branch [9.2.10 - 1 page] 11. Attachment 11: Crescent Head ANZAC Committee [9.2.11 - 1 page]

A Point of Order was raised by Cl Morris that Cl Baxter's speech was not relevant to the motion before Council. The Chair upheld the Point of Order and ruled that Cl Baxter should confine his comments to the motion before Council.

MOVED (Cl Baxter/Cl McGinn):

That Council:

1. Consider the feedback received from the community on the draft Plan.
2. Note the petitions received during the public exhibition period.
3. Defer the decision to adopt those Sectors of the Crescent Head Public Domain Plan as described in Table 2 of this Report and the attached revised draft Plan.
4. Adopt those Sectors of the Crescent Head Public Domain Plan as described in Table 3 and Table 4 of this Report and the attached revised draft Plan.

5. Take the necessary actions to finalise the plans for the Deferred Sectors of the Crescent Head Public Domain Plan with a view to bringing these back to Council for adoption at a future meeting.

AMENDMENT (CI Saul/CI McGinn)

That Council:

1. Consider the feedback received from the community on the draft Plan.
2. Note the petitions received during the public exhibition period.
3. Adopt in principle those Sectors of the Crescent Head Public Domain Plan as described in Table 2 of this Report and the attached revised draft Plan, inclusive of foreshore car parking Option A as the preferred layout for that Sector, and take the necessary actions to finalise these plans.
4. Adopt those Sectors of the Crescent Head Public Domain Plan as described in Table 3 and Table 4 of this Report and the attached revised draft Plan.

A Point of Order was raised by CI Saul that CI Baxter was being condescending. The Chair upheld the Point of Order and ruled that CI Baxter should refrain from being condescending.

A Point of Order was raised by CI Shields that there were two speakers against the motion without another speaker for as CI Patterson spoke against the motion when he said he was asking a question. The Chair upheld the Point of Order and reminded Councillors that they may not speak for or against a motion when asking questions.

2020.184 RESOLVED (CI Shields):

That the Amendment be put.

CARRIED UNANIMOUSLY (9 / 0)

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

AGAINST: nil

AMENDMENT (CI Morris)

That Council:

1. Consider the feedback received from the community on the draft Plan.
2. Note the petitions received during the public exhibition period.
3. Adopt in principle those Sectors of the Crescent Head Public Domain Plan as described in Table 2 of this Report and the attached revised draft Plan, inclusive of foreshore car parking Option A as the preferred layout for that Sector, and take the necessary actions to finalise these plans.
4. Adopt those Sectors of the Crescent Head Public Domain Plan as described in Table 3 and Table 4 of this Report and the attached revised draft Plan.
5. Council acknowledges that there is \$800,000 available for implementation of the work in accordance with recently announced grant funding pending the outcome of the final grant applications.

The Amendment was accepted by the Mover and became the Motion.

2020.185 RESOLVED (CI Saul/CI McGinn):

That Council:

1. Consider the feedback received from the community on the draft Plan.
2. Note the petitions received during the public exhibition period.
3. Adopt in principle those Sectors of the Crescent Head Public Domain Plan as described in Table 2 of this Report and the attached revised draft Plan, inclusive of foreshore car parking Option A as the preferred layout for that Sector, and take the necessary actions to finalise these plans.
4. Adopt those Sectors of the Crescent Head Public Domain Plan as described in Table 3 and Table 4 of this Report and the attached revised draft Plan.
5. Council acknowledges that there is \$800,000 available for implementation of the work in accordance with recently announced grant funding pending the outcome of the final grant applications.

CARRIED (8 / 1)

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

AGAINST: CI Hauville

9.3 SALTWATER CREEK & LAGOON COASTAL MANAGEMENT PROGRAM STAGE 1 SCOPING STUDY

Officer Ron Kemsley, Senior Natural Resources Officer

File No F19/2506

Attachments 1. Final Report - Stage 1 Scoping Study for the Saltwater Creek and Lagoon Coastal Management Program [9.3.1 - 201 pages]

2020.186 RESOLVED (CI Patterson/CI Morris):

That Council:

1. Note the outcomes of the Saltwater Creek & Lagoon Estuary *Scoping Study*;
2. Apply for grant funding to the NSW Government Estuary Management Program 2020-21 to assist in implementing the key recommendations of the Saltwater Creek & Lagoon Estuary *Scoping Study*; and
3. Allocate funding from the Environmental Levy Reserve for Council's contribution should the applications for grant funding be successful.

CI Morris left the meeting at 12:02pm.

CARRIED (8 / 0)

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

AGAINST: nil

9.4 T6-20-283 DUAL OCCUPANCY (DETACHED) SHERWOOD ROAD, SHERWOOD

Officer Shane Reinhold, Coordinator Development Assessment

File No	T6-20-283
Attachments	1. T6-20-283 Plans [9.4.1 - 2 pages] 2. T6-20-283 Recommended Conditions [9.4.2 - 2 pages] 3. T6-20-283 Variation Request [9.4.3 - 5 pages]

2020.187 RESOLVED (CI McGinn/CI Saul):

1. That the requested variation to Clause 4.2E of KLEP 2013, regarding separation distance, be supported;
2. That Development Consent be granted to T6-20-283, subject to the conditions contained in the attachment (*Attachment – T6-20-283 Recommended Conditions*).

A Point of Order was raised by CI McGinn that CI Hauville's question is out of order. The Chair upheld the Point of Order and CI Hauville withdraw his question.

CI Morris returned to meeting at 12:05 pm.

CARRIED (9 / 0)

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

AGAINST: nil

9.5 SOUTH KEMPSEY URBAN DESIGN AND SOCIAL PLAN - ONE COMMUNITY ONE MOB REVIEW

Officer Steve Schwartz, Coordinator Strategic and Environmental Planning

File No 1339

Attachments 1. South Kempsey One Community One Mob Plan [9.5.1 - 86 pages]

MOVED (CI Morris/CI Patterson):

That Council:

1. Note the status of the One Community One Mob Plan in terms of actions where Council holds a level of responsibility
2. Note that the Plan continues to be fit-for-purpose and guides Council's activities in South Kempsey.

AMENDMENT (CI Hauville)

That Council:

1. Note the status of the One Community One Mob Plan in terms of actions where Council holds a level of responsibility
2. Note that the Plan continues to be fit-for-purpose and guides Council's activities in South Kempsey.
3. To write to the Premier requesting expedition of the funding for the second bridge crossing as part of the state governments extra infrastructure funding.

The Amendment lapsed for a want of a seconder.

2020.188 RESOLVED (CI Morris/CI Patterson):

That Council:

1. **Note the status of the One Community One Mob Plan in terms of actions where Council holds a level of responsibility**
2. **Note that the Plan continues to be fit-for-purpose and guides Council's activities in South Kempsey.**

CARRIED (9 / 0)

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

AGAINST: nil

9.6 STUARTS POINT TENNIS COURTS

Officer Gayleen Burley, Manager Commercial Business

File No F12/1335

Attachments Nil

2020.189 RESOLVED (Cl Morris/Cl Williams):

That Council:

1. **undertake an Expression of Interest for the management of the Stuarts Point Tennis Courts.**
2. **in the event that the new licenses cannot be issued prior to the middle of December 2020 that Council investigates the feasibility of terminating the existing license and implementing a temporary management arrangement for the management of the Stuarts Point Tennis Courts.**

Cl Morris Foreshadowed the staff recommendation.

CARRIED (9 / 0)

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

AGAINST: nil

9.7 2021 LOCAL EVENT DAY APPLICATIONS

Officer Stephen Mitchell, Director Corporate and Commercial

File No F19/1660

Attachments Nil

2020.190 RESOLVED (Cl Shields/Cl McGinn):

That Council make an application to the Minister for the Public Service and Employee Relations, under the *Public Holidays Act 2010* (NSW) for the declaration of:

1. **a part-day local event, from 1:00pm, Wednesday, 14 April 2021 for the Kempsey Show, and**
2. **a part-day local event, from 1:00pm, Friday, 5 November 2021 for the Kempsey Cup.**

CARRIED (9 / 0)

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

AGAINST: nil

9.9 DISCLOSURE OF INTEREST RETURNS

Officer	Daniel Thoroughgood, Manager Governance & Information Services
File No	F19/1961
Attachments	1. OLG Circular 19-21 Release of IPC Guideline 1 Returns of Interests [9.9.1 - 3 pages] 2. Information Access Guideline 1 for local councils on the disclosure of information September 2019 [9.9.2 - 12 pages] 3. Redacted Disclosure of Interests Forms September 2020 [9.9.3 - 48 pages]

2020.191 RESOLVED (Cl Saul/Cl McGinn):

That Council:

1. note the lodgement and tabling of the 2020/2021 Disclosure of Interest Returns, and
2. publish these returns, with residential addresses and signatures redacted, on Council's website

Cl Patterson left the chambers at 12:27pm.

CARRIED (8 / 0)

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

AGAINST: nil

9.10 DEVELOPMENT ACTIVITY AND LEP VARIATIONS - QUARTERLY SNAPSHOT - 1ST QUARTER

Officer	Graham Snow, Manager Development & Compliance
File No	F18/1831
Attachments	Nil

12:28pm Cl Patterson returned to the chambers.

2020.192 RESOLVED (Cl McGinn/Cl Shields):

That the information be noted.

CARRIED (9 / 0)

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

AGAINST: nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 QUESTIONS ON NOTICE

Question 1 from Cl Patterson:

Has Council ever investigated the option of an ocean swimming pool at SWR?

Question 2 from Cl Patterson:

The markets at SWR, Brighton Park, has Council looked at supplying toilets for the use when the markets are at Brighton Park?

Question 3 from Cl Saul:

Concerns have been raised over safety issues in regards to the road surface in Perrins Lane West Kempsey, can Council please investigate the road surface?

Question 4 from Cl Saul:

What is the amount of funding allocated to the South Kempsey Urban Design and Social Plan?

2020.193 RESOLVED (Cl Shields/Cl McGinn):

That the meeting conclusion be extended to 4.00 pm under clause 18.2 of Code of Meeting Practice.

CARRIED (9 / 0)

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

AGAINST: nil

At this stage 12:35pm the meeting adjourned for lunch and upon resumption at 1:48pm all present at the adjournment were in attendance.

11 CONFIDENTIAL MATTERS

2020.194 RESOLVED (Cl Patterson/Cl Hauville):

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.

CARRIED (9 / 0)

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

AGAINST: nil

11.3 AUDIT AND RISK COMMITTEE MEETING MINUTES - 11 SEPTEMBER 2020

Officer Matthew Bentley, Internal Auditor

File No F20/2510

Section 10A(2)(e) – Maintenance of Law

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

On balance, the public interest in preserving the confidentiality of the information which relates to matters of law, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

2020.195 RESOLVED (CI Patterson/CI McGinn):

That Council note the draft meeting minutes from the Audit and Risk Committee, 11 September 2020.

CARRIED (9 / 0)

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

AGAINST: nil

11.4 MID NORTH COAST HIGH PERFORMANCE CENTRE TENDER EVALUATION

Officer Robert Fish, Director Operations & Planning

File No F18/2482

Section 10A(2)(c) – Commercial Advantage in Business Dealing

This report is submitted on a confidential basis as it involves information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. (Local Government Act 1993, section 10A(2)(c))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

Section 10A(2)(d)(i) – Commercial Position

This report is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993, section 10A(2)(d)(i))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

MOVED (CI Shields/CI Patterson):

That Council:

- 1. Note the receipt of the selective tenders for the design and construction of the Mid North Coast High Performance Centre.**
- 2. Note that additional Council funding is required for all options tendered.**
- 3. Accept the tender of Lipman Pty Ltd for the Design and Construction of the Mid North Coast High Performance Centre at a total cost of \$4,452,613 (GST exclusive), in accordance with the tender documentation and tenderer's submission.**
- 4. With respect to point 3, note this tender price excludes the media level, operable walls, air conditioning and mezzanine.**

5. Allocate the required additional funding of \$2.29 million to deliver the project at the 2nd quarterly review, or in the 2021/22 Operational Plan development, pending the final contract delivery program.
6. With respect to item 5, source \$1,100,000 from the Federal Government's Local Road and Community Infrastructure Program, noting advice has been received the project is eligible but will be subject to application, \$750,000 from future land sales revenue and \$440,000 from timber bridge projects in Council's forward program now funded or anticipated to be funded through other sources.
7. Commence necessary actions for land identified for sale within South West Rocks to take the land to market, unless the land is required for future public open space requirements determined via the framework identified within the Community Infrastructure Strategic Plan.

2020.196 RESOLVED (CI Shields/CI McGinn):

That Council move into Committee of the Whole.

CARRIED (9 / 0)

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

AGAINST: nil

2020.197 RESOLVED (CI Shields/CI Patterson):

That the ordinary Council meeting be resumed.

CARRIED (9 / 0)

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

AGAINST: nil

2020.198 RESOLVED (CI Shields/CI Patterson):

That Council:

1. Note the receipt of the selective tenders for the design and construction of the Mid North Coast High Performance Centre.
2. Note that additional Council funding is required for all options tendered.
3. Accept the tender of Lipman Pty Ltd for the Design and Construction of the Mid North Coast High Performance Centre at a total cost of \$4,452,613 (GST exclusive), in accordance with the tender documentation and tenderer's submission.
4. With respect to point 3, note this tender price excludes the media level, operable walls, air conditioning and mezzanine.
5. Allocate the required additional funding of \$2.29 million to deliver the project at the 2nd quarterly review, or in the 2021/22 Operational Plan development, pending the final contract delivery program.
6. With respect to item 5, source \$1,100,000 from the Federal Government's Local Road and Community Infrastructure Program, noting advice has been received the project is eligible but will be subject to application, \$750,000 from future land sales revenue and \$440,000

from timber bridge projects in Council's forward program now funded or anticipated to be funded through other sources.

7. Commence necessary actions for land identified for sale within South West Rocks to take the land to market, unless the land is required for future public open space requirements determined via the framework identified within the Community Infrastructure Strategic Plan.
8. That a value management workshop be held during the detailed design phase with the relevant stakeholders and the construction company.
9. Note the \$386,384 contribution from the South West Rocks Country Club.

Clr Morris left the meeting at 3.11 pm and apologised for his non-attendance at the remainder of the meeting.

CARRIED (7 / 1)

FOR: Cl Campbell, Cl Baxter, Cl Hauville, Cl McGinn, Cl Patterson, Cl Shields, Cl Williams

AGAINST: Cl Saul

11.5 COMMERCIAL BUSINESS OPPORTUNITY

Officer Stephen Mitchell, Director Corporate and Commercial

File No F19/1722

Section 10A(2)(d)(i) – Commercial Position

This report is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993, section 10A(2)(d)(i))

On balance, the public interest in preserving the confidentiality of the commercial information supplied, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

MOVED (Cl McGinn/Cl Patterson):

That Council:

1. Acknowledges the importance of the Slim Dusty Centre to the Kempsey Shire.
2. Notes the opportunity to work in partnership with the Slim Dusty Foundation Limited as trustee for Slim Dusty Museum Trust Fund regarding the future operation and management of the Slim Dusty Centre.
3. Acknowledges the opportunity the potential future operation and management of the Slim Dusty Centre presents to address the need for a Community Event Space and Aboriginal Cultural Centre in Kempsey, as identified in Council's recently adopted 'Your Future Places and Spaces, Macleay Valley Community Infrastructure Strategy'.
4. That a detailed business plan be developed for the future operation of the Slim Dusty Centre by Kempsey Shire Council, to be presented to a future Council meeting for adoption.
5. That all budget adjustments associated with this project be included in a future Quarterly Budget Review to be presented to Council.
6. Authorise the General Manager to:

- a. Enter into a short-term agreement with Slim Dusty Foundation Limited as trustee for the Slim Dusty Museum Trust Fund to operate the Slim Dusty Centre on a reduced operating basis for a maximum period of six months; and
- b. Undertake the necessary due diligence and negotiations required to consider the longer-term transfer of the Slim Dusty Centre to Kempsey Shire Council, with a report to be presented to a future Council meeting.

2020.199 RESOLVED (CI Shields/CI Saul):

That Council move into Committee of the Whole.

CARRIED (8 / 0)

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

AGAINST: nil

2020.200 RESOLVED (CI Shields/CI McGinn):

That the ordinary Council meeting be resumed.

CARRIED (8 / 0)

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

AGAINST: nil

2020.201 RESOLVED (CI McGinn/CI Patterson):

That Council:

1. Acknowledges the importance of the Slim Dusty Centre to the Kempsey Shire.
2. Notes the opportunity to work in partnership with the Slim Dusty Foundation Limited as trustee for Slim Dusty Museum Trust Fund regarding the future operation and management of the Slim Dusty Centre.
3. Acknowledges the opportunity that the potential future operation and management of the Slim Dusty Centre to address the need for community and cultural spaces in the shire as identified in Council's recently adopted 'Your Future Places and Spaces, Macleay Valley Community Infrastructure Strategy'.
4. That a detailed business plan be developed for the future operation of the Slim Dusty Centre by Kempsey Shire Council, to be presented to a future Council meeting for adoption.
5. That all budget adjustments associated with this project be included in a future Quarterly Budget Review to be presented to Council.
6. Authorise the General Manager to:
 - a. Enter into a short-term agreement with Slim Dusty Foundation Limited as trustee for the Slim Dusty Museum Trust Fund to operate the Slim Dusty Centre on a reduced operating basis for a maximum period of six months; and
 - b. Undertake the necessary due diligence and negotiations required to consider the longer-term transfer of the Slim Dusty Centre to Kempsey Shire Council, with a report to be presented to a future Council meeting.

CARRIED (7 / 1)

FOR: CI Campbell, CI Baxter, CI Hauville, CI McGinn, CI Patterson, CI Shields, CI Williams

AGAINST: Cl Saul

2020.202 RESOLVED (Cl McGinn/Cl Shields):

That the ordinary Council meeting be resumed.

CARRIED (8 / 0)

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

AGAINST: nil

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 3:33 pm.