



Minutes

Minutes of the Ordinary Council Meeting of
Kempsey Shire Council
Tuesday 17 November 2020



The meeting commenced at 9.00 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 and A T Shields.

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 M L Peterson.

In accordance with s747A of the Local Government Act 1993, in response to the COVID-19 pandemic, Councillor L J Hauville 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.

Councillor Hauville joined the meeting at 9.01 am.

Councillor Morris joined the meeting at 9.03 am.

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

2020.203 RESOLVED (Cl Saul/Cl Shields):

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

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2020.204 RESOLVED (Cl Campbell/Cl McGinn):

That item 9.1, Presentation from NSW Rural Fire Service, be brought forward and dealt with immediately.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.1 PRESENTATION FROM NSW RURAL FIRE SERVICE

Officer Daniel Thoroughgood, Manager Governance & Information Services
File No F19/1930
Attachments Nil

Mr Lachlann Ison, Zone Manager, Lower North Coast Zone of the NSW Rural Fire Service provided a presentation regarding the activities of the NSW Rural Fire Service.

2020.225 RESOLVED (CI Hauville/CI Morris):

That Kempsey Shire Council thanks Mr Ison for his informative presentation.

CARRIED UNANIMOUSLY (8 / 0)

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

At this stage 9.37 am the meeting adjourned and upon resumption at 9.42 am all present at the adjournment were in attendance.

4 CONFIRMATION OF MINUTES

MOVED (CI Patterson/CI Saul):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed.

AMENDMENT (CI Morris):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of page 4, that the Abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Remuneration Tribunal".

2. That the draft minutes for the Council meeting of 20 October 2020 included on Councils website be changed to be draft minutes presented to Council for adoption at this Council Meeting.

The amendment was accepted by the mover and became the motion.

AMENDMENT (CI Morris/CI Hauville):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of page 4, that the Abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Remuneration Tribunal".

Insert after amendment being moved at bottom of page 4. "The mover accepted the amendment into the original motion." *followed by*; "A Point of Order was raised by Cl Morris that debate was occurring in the chamber without the use of microphones that could not be heard by remote attendees. The chair upheld the Point of Order and requested that all Councillors in the chamber turn on their microphones prior to speaking." *followed by*; "The mover recanted their acceptance of the amendment into the original motion."

2. That the draft minutes for the Council meeting of 20 October 2020 included on Councils website be changed to be draft minutes presented to Council for adoption at this Council Meeting.

LOST (3 / 5)

FOR: Cl Campbell, Cl Hauville, Cl Morris

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

Cl Hauville raised a point of order that voting for the previous amendment had not been displayed on the screen. The Chair upheld the point of order and had the voting was displayed.

AMENDMENT (Cl Morris/Cl Hauville)

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of page 4, that the Abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Remuneration Tribunal".

Insert after vote on amendment at bottom of page 4.

Cl Morris moved a procedural motion

MOVED (Cl Morris/Cl Hauville)

That the matter of the General Managers contract renewal be deferred to the next meeting due to the apparent dysfunction of the meeting process.

LOST (2/7)

FOR: Cl Hauville, Cl Morris

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

2. That the draft minutes for the Council meeting of 20 October 2020 included on Councils website be changed to be draft minutes presented to Council for adoption at this Council Meeting.

LOST (2 / 6)

FOR: Cl Hauville, Cl Morris

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

AMENDMENT (Cl Hauville/Cl Morris):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of the page 4. That the abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Renumeration Tribunal."

Prior to point 6 - "Cl Hauville attempted to ask a question of the Mayor. It was ruled out of order before it was asked. Cl Hauville raised a Point of Order that the General Manager misspoke on the role of Councillors. The Mayor ruled the Point of Order not upheld."

2. That the draft minutes for the Council Meeting of 20 October 2020 included on Councils website can be changed to be the draft minutes presented to Council for adoption at this meeting Council Meeting.

LOST (1 / 7)

FOR: Cl Hauville

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

AMENDMENT (Cl Hauville):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of the page 4. That the abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Renumeration Tribunal."

Prior to point 6 - "Cl Hauville attempted to ask a question of the Mayor. It was ruled out of order before it was asked. Cl Hauville raised a Point of Order that the General Manager misspoke on the role of Councillors. The Mayor ruled the Point of Order not upheld."

2. That the draft minutes for the Council Meeting of 20 October 2020 included on Councils website can be changed to be the draft minutes presented to Council for adoption at this meeting Council Meeting.
3. That all draft minutes on the Council website be replaced by confirmed minutes, as required by the Code of Meeting Practice 19.7. This should be completed prior to the December 2020 meeting.

The Chair ruled this amendment was out of order as it introduced new business.

AMENDMENT (Cl Hauville):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of the page 4. That the abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Renumeration Tribunal."

2. That the draft minutes for the Council Meeting of 20 October 2020 included on Councils website can be changed to be the draft minutes presented to Council for adoption at this meeting Council Meeting.

3. The Original recommendation to Council (appropriately redacted) for 11.4 MID NORTH COAST HIGH PERFORMANCE CENTRE TENDER EVALUATION in the Confidential section be included in the minutes.

The Mayor ruled this amendment was out of order as the staff recommendation is confidential under s10A(2) of the *Local Government Act 1993*.

2020.206 RESOLVED (CI Patterson/CI Saul):

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 20 October 2020 be confirmed, subject to the following amendments:

At the top of page 4, that the Abbreviation SOORT, be replaced with the term in full, being "Statutory and Other Officers Remuneration Tribunal".

2. That the draft minutes for the Council meeting of 20 October 2020 included on Councils website be changed to be draft minutes presented to Council for adoption at this Council Meeting.

CARRIED (7 / 1)

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

AGAINST: CI Hauville

5 DISCLOSURES OF INTEREST

CI Morris declared a non-pecuniary significant interest in item 9.3, Community Grants Program, for the reason that he is the Treasurer of the Kempsey Members Account of Mid-North Coast Legacy.

6 ITEMS PASSED BY EXCEPTION

MOVED: (CI Patterson/CI Saul)

That the recommendations contained in the following items be adopted:

- 8.1 AUSTRALIA DAY AWARD COMMITTEE MINUTES - 14 AUGUST 2020
- 9.6 MIDWASTE ANNUAL REPORT 2019/20
- 9.7 PROPOSED ROAD CLOSURE AND PURCHASE AT SOUTH KEMPSEY
- 9.8 KLEP2013-AM-30 OLD STATION ROAD, VERGES CREEK
- 9.9 NORTHERN REGIONAL PLANNING PANEL COUNCIL NOMINATIONS
- 9.10 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER
- 9.11 ACTING GENERAL MANAGER APPOINTMENT
- 9.12 STATEMENT OF CASH AND INVESTMENTS - OCTOBER 2020
- 11.1 LEGAL MATTERS

AMENDMENT (CI Morris):

1. That the recommendations contained in the following items be adopted:

- 8.1 AUSTRALIA DAY AWARD COMMITTEE MINUTES - 14 AUGUST 2020
- 9.6 MIDWASTE ANNUAL REPORT 2019/20

- 9.7 PROPOSED ROAD CLOSURE AND PURCHASE AT SOUTH KEMPSEY
- 9.8 KLEP2013-AM-30 OLD STATION ROAD, VERGES CREEK
- 9.9 NORTHERN REGIONAL PLANNING PANEL COUNCIL NOMINATIONS
- 9.10 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER
- 9.11 ACTING GENERAL MANAGER APPOINTMENT
- 9.12 STATEMENT OF CASH AND INVESTMENTS - OCTOBER 2020
- 11.1 LEGAL MATTERS

2. That Item 9.7 Proposed Road Closure and Purchase at South Kempsey be withdrawn from the Council Agenda due to there being an error in the land considered for road closure.

The amendment was accepted by the mover and became the motion.

2020.207 RESOLVED (CI Patterson/CI Saul):

3. That the recommendations contained in the following items be adopted:

- 9.6 MIDWASTE ANNUAL REPORT 2019/20
- 9.8 KLEP2013-AM-30 OLD STATION ROAD, VERGES CREEK
- 9.9 NORTHERN REGIONAL PLANNING PANEL COUNCIL NOMINATIONS
- 9.10 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER
- 9.11 ACTING GENERAL MANAGER APPOINTMENT
- 9.12 STATEMENT OF CASH AND INVESTMENTS - OCTOBER 2020
- 11.1 LEGAL MATTERS

4. That Item 9.7 Proposed Road Closure and Purchase at South Kempsey be withdrawn from the Council Agenda due to there being an error in the land considered for road closure.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.6 MIDWASTE ANNUAL REPORT 2019/20

Officer Gavin Hughes, Coordinator Waste Services

File No F19/1752

Attachments 1. Mid Waste-2019-2020- Annual- Report [9.6.1 - 34 pages]

RECOMMENDATION

That the MidWaste 2019/20 Annual Report is received and published on Council's website for the community's information.

2020.208 RESOLVED (CI Patterson/CI Saul):

That the MidWaste 2019/20 Annual Report is received and published on Council's website for the community's information.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.8 KLEP2013-AM-30 OLD STATION ROAD, VERGES CREEK

Officer	Peter Orr, Senior Strategic Planning Officer
File No	KLEP2013-AM-30
Attachments	1. Planning Proposal [9.8.1 - 31 pages] 2. Agency Response - NSW RFS [9.8.2 - 1 page]

RECOMMENDATION

1. That the planning proposal which seeks to amend the *Lot Size Map* at 183 Old Station Road, Verges Creek, from 40ha to part 2ha and part 40ha, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 30).
2. That Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 30), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
3. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 30).
4. That upon the making of KLEP 2013 (Amendment 30), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.

2020.209 RESOLVED (CI Patterson/CI Saul):

1. That the planning proposal which seeks to amend the *Lot Size Map* at 183 Old Station Road, Verges Creek, from 40ha to part 2ha and part 40ha, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 30).
2. That Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 30), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
3. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 30).
4. That upon the making of KLEP 2013 (Amendment 30), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.

CARRIED UNANIMOUSLY (8 / 0)

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

9.9 NORTHERN REGIONAL PLANNING PANEL COUNCIL NOMINATIONS

Officer	Robert Fish, Director Operations & Planning
File No	F18/415
Attachments	Nil

RECOMMENDATION

That the Department of Planning, Industry & Environment be advised that Councillor Rhonda Hoban and Mr Daniel Walsh of Nambucca Valley Council are the nominated representatives for the Northern Regional Planning Panel for the Kempsey Shire.

2020.210 RESOLVED (CI Patterson/CI Saul):

That the Department of Planning, Industry & Environment be advised that Councillor Rhonda Hoban and Mr Daniel Walsh of Nambucca Valley Council are the nominated representatives for the Northern Regional Planning Panel for the Kempsey Shire.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.10 DELEGATION OF AUTHORITY TO THE GENERAL MANAGER

Officer Daniel Thoroughgood, Manager – Governance and Information Services

File No F19/1854

Attachments 1. Instrument of Delegation to the General Manager [9.10.1 - 4 pages]

RECOMMENDATION

That Council resolves to delegate/sub-delegate to the General Manager of Kempsey Shire Council the Functions in accordance with the Instrument of Delegation to General Manager attached to this report as Attachment 1 – Instrument of Delegation to the General Manager.

2020.211 RESOLVED (Cl Patterson/Cl Saul):

That Council resolves to delegate/sub-delegate to the General Manager of Kempsey Shire Council the Functions in accordance with the Instrument of Delegation to General Manager attached to this report as Attachment 1 – Instrument of Delegation to the General Manager.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.11 ACTING GENERAL MANAGER APPOINTMENT

Officer Daniel Thoroughgood, Manager – Governance and Information Services

File No F19/1854

Attachments Nil

RECOMMENDATION

That:

1. for the period 1 January 2021 to 31 December 2021 , the person holding the position of Director Corporate & Commercial be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
2. if the person specified in paragraph 1 is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Operations & Planning be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such an appointment to cease upon the return to work of the General Manager or other resolution of the Council.
3. any person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by Council.

2020.212 RESOLVED (CI Patterson/CI Saul):

That:

1. for the period 1 January 2021 to 31 December 2021 , the person holding the position of Director Corporate & Commercial be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such appointment to cease upon the return to work of the General Manager or other resolution of the Council.
2. if the person specified in paragraph 1 is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Operations & Planning be appointed to act as General Manager if the General Manager is sick or otherwise absent from work on leave, such an appointment to cease upon the return to work of the General Manager or other resolution of the Council.
3. any person acting as General Manager pursuant to this resolution has all the functions, delegations, and sub-delegations given to the General Manager by Council.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.12 STATEMENT OF CASH AND INVESTMENTS - OCTOBER 2020

Officer Ron Wood, Manager Financial Services
File No N/A
Attachments 1. Statement of Cash & Investments [9.12.1 - 3 pages]

RECOMMENDATION

That the information be noted.

2020.213 RESOLVED (CI Patterson/CI Saul):

That the information be noted.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

7 MAYORAL MINUTES

Nil

8 REPORTS OF COMMITTEES

8.1 AUSTRALIA DAY AWARD COMMITTEE MINUTES - 14 AUGUST 2020

Officer Susan Kane, Executive Assistant - Mayor
File No F20/2252
Attachments 1. Australia Day Committee Minutes 14 August 2020 [8.1.1 - 2 pages]

RECOMMENDATION

That the minutes of the Australia Day Awards Committee meeting dated 14 August 2020 be noted.

MOVED (CI McGinn/CI Shields):

That the minutes of the Australia Day Awards Committee meeting dated 14 August 2020 be noted.

AMENDMENT (CI Hauville/CI Morris):

1. That the minutes of the Australia Day Awards Committee meeting dated 14 August 2020 be noted.

2. That the October committee minutes be forward to Councillors as soon as possible and be considered at December council before accepting Minutes.

CI Hauville raised a Point Of Order under clause 3.36 of the Code of Meeting Practice Councillors could not have made a decision at the pre-meeting briefing. The Chair Upheld the Point of Order.

LOST (2 / 6)

FOR: CI Hauville, CI Morris

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

2020.215 RESOLVED (CI McGinn/CI Shields):

That the minutes of the Australia Day Awards Committee meeting dated 14 August 2020 be noted.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9 REPORTS TO COUNCIL

9.2 KLEP2013-AM-1, CRESCENT HEAD

Officer	Peter Orr, Senior Strategic Planning Officer
File No	KLEP2013-AM-1
Attachments	<ol style="list-style-type: none">1. Amended Planning Proposal August 2020 [9.2.1 - 30 pages]2. App A Amended Preliminary Layout [9.2.2 - 1 page]3. App A Amended Preliminary Layout With Aerial Image [9.2.3 - 1 page]4. App A Shared Pathway [9.2.4 - 1 page]5. App B State Environmental Planning Policies [9.2.5 - 5 pages]6. App C 9.1 Ministerial Directions [9.2.6 - 6 pages]7. App D Visual Impact Assessment [9.2.7 - 15 pages]8. App E Flora & Fauna Assessment [9.2.8 - 210 pages]9. App E p BDAR (Flora & Fauna) [9.2.9 - 236 pages]10. APP F Flood Access [9.2.10 - 1 page]11. App F Geotech Soils Water Contamination [9.2.11 - 98 pages]12. App G Aboriginal Archaeological Assessment [9.2.12 - 29 pages]13. App G Kempsey Local Aboriginal Land Council Cultural Heritage Assessment [9.2.13 - 8 pages]14. App H Traffic Impact Assessment [9.2.14 - 34 pages]15. App I Bushfire Hazard Assessment [9.2.15 - 7 pages]

16. App J Water Quality and Stormwater Management [9.2.16 - 56 pages]
 17. Alteration of Gateway Determination [9.2.17 - 2 pages]
 18. Original Gateway Determination [9.2.18 - 6 pages]
 19. KLEP Height of Buildings [9.2.19 - 1 page]
 20. KLEP Land Zone Amendments [9.2.20 - 1 page]
 21. KLEP Lot Size Amendments [9.2.21 - 1 page]
 22. KLEP Scenic Protection Addition [9.2.22 - 1 page]
 23. Ordinary Council Meeting Minutes September 2020 [9.2.23 - 3 pages]
 24. Ordinary Council Meeting September 2020 Report [9.2.24 - 24 pages]
 25. State Agency Response - Department of Planning Industry & Environment (Biodiversity and Conservation Division) [9.2.25 - 2 pages]
 26. State Agency Response - NSW Rural Fire Service [9.2.26 - 1 page]
 27. State Agency Response - Department of Primary Industries (Agriculture) [9.2.27 - 1 page]
 28. State Agency Response - Department of Planning Industry and Environment (Resources and Geoscience) [9.2.28 - 1 page]
 29. Draft KDCP 2013 - New Chapter D5 [9.2.29 - 3 pages]
 30. Public submissions - collated & redacted [9.2.30 - 71 pages]
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RECOMMENDATION

1. That the planning proposal which applies to Lot 704 DP749885 and a portion of Lot 707 DP1032859 Crescent Head, be progressed to make the recommended amendments to the local environmental plan, described as KLEP 2013 (Amendment 1).
2. That the Draft Chapter D5 – Crescent Head Urban Investigation Area be adopted and incorporated into the Kempsey Development Control Plan 2013.
3. That Council issue a public notice advising of Council’s decision regarding the adoption and incorporation of Chapter D5 - Crescent Head Urban Investigation Area into the Kempsey Development Control Plan 2013.
4. That Council staff request the Parliamentary Counsel’s Office draft the legal instrument, KLEP 2013 (Amendment 1), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
5. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 1).
6. That upon the making of KLEP 2013 (Amendment 1), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.

2020.216 RESOLVED (CI Baxter/CI Saul):

1. That the planning proposal which applies to Lot 704 DP749885 and a portion of Lot 707 DP1032859 Crescent Head, be progressed to make the recommended amendments to the local environmental plan, described as KLEP 2013 (Amendment 1).
2. That the Draft Chapter D5 – Crescent Head Urban Investigation Area be adopted and incorporated into the Kempsey Development Control Plan 2013.
3. That Council issue a public notice advising of Council’s decision regarding the adoption and incorporation of Chapter D5 - Crescent Head Urban Investigation Area into the Kempsey Development Control Plan 2013.

4. That Council staff request the Parliamentary Counsel's Office draft the legal instrument, KLEP 2013 (Amendment 1), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.
5. That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 1).
6. That upon the making of KLEP 2013 (Amendment 1), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.
7. People that made submissions be advised of the outcome.

CARRIED UNANIMOUSLY (8 / 0)

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

At this stage 10:32 the meeting adjourned for morning tea and upon resumption at 10:53 all present at the adjournment were in attendance.

2020.217 RESOLVED (Cl Campbell/Cl Morris):

Council formally sends a letter to congratulate Councillor Linda Scott who is now the president of Australian Local Government Association.

CARRIED UNANIMOUSLY (8 / 0)

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

9.3 COMMUNITY GRANTS PROGRAM

Officer Lyndal Harper, Manager Communications
File No F20/2787
Attachments Nil

RECOMMENDATION

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 for the total amount of \$48,607 according to the following:

COMMUNITY GROUP	PROJECT	AMOUNT
<u>Environmental Levy Grants</u>		
Big Nobby Bushcare Group	Weed eradication	\$5,000
Hat Head Dune Care	Weed eradication	\$5,000
South West Rocks Community Dune Care	Weed eradication	\$5,000
	Total	\$15,000

<u>Mayoral Community Fund</u>		
Thungutti Local Aboriginal Land Council	New Playground	\$5,000
Wittittrin Progress Association	Community Space	\$1,966
Mid North Coast Legacy	Widow support sessions	\$2,500
Icare Kempsey	New fridge	\$3,220
Stuarts Point Art House	Mothers group activities	\$1,514
Kempsey Family History Group	Local WW1 book	\$800
	Total	\$15,000
<u>Sporting Grants</u>		
Macleay Valley Mountain Bikers	Trail signage	\$1,912
Kempsey Tennis Club	BBQ and seating	\$2,266
Lower Macleay Magpies RLFC	Training equipment	\$2,449
South West Rocks SLSC	Racing boards	\$2,500
Smithtown RLFC	Training equipment	\$2,040
Upper Macleay District Rodeo Association	New seating	\$2,500
Kempsey Macleay Dragon Boat Club	Paddles and life jackets	\$2,500
Rovers Cricket Club	Scoring equipment	\$2,440
	Total	\$18,607

CI Morris declared a non-pecuniary significant interest in item 9.3, Community Grants Program, for the reason that he is the Treasurer of the Kempsey Members Account of Mid-North Coast Legacy and left the Chamber at 10:57 am.

MOVED (CI McGinn/CI Patterson):

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 for the total amount of \$48,607 according to the following:

COMMUNITY GROUP	PROJECT	AMOUNT
<u>Environmental Levy Grants</u>		

Big Nobby Bushcare Group	Weed eradication	\$5,000
Hat Head Dune Care	Weed eradication	\$5,000
South West Rocks Community Dune Care	Weed eradication	\$5,000
	Total	\$15,000
<u>Mayoral Community Fund</u>		
Thungutti Local Aboriginal Land Council	New Playground	\$5,000
Wittittrin Progress Association	Community Space	\$1,966
Mid North Coast Legacy	Widow support sessions	\$2,500
Icare Kempsey	New fridge	\$3,220
Stuarts Point Art House	Mothers group activities	\$1,514
Kempsey Family History Group	Local WW1 book	\$800
	Total	\$15,000
<u>Sporting Grants</u>		
Macleay Valley Mountain Bikers	Trail signage	\$1,912
Kempsey Tennis Club	BBQ and seating	\$2,266
Lower Macleay Magpies RLFC	Training equipment	\$2,449
South West Rocks SLSC	Racing boards	\$2,500
Smithtown RLFC	Training equipment	\$2,040
Upper Macleay District Rodeo Association	New seating	\$2,500
Kempsey Macleay Dragon Boat Club	Paddles and life jackets	\$2,500
Rovers Cricket Club	Scoring equipment	\$2,440
	Total	\$18,607

AMENDMENT (Cl Hauville):

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 and \$5,000 from the unused LGNSW Annual Conference Councilors' attendance budget for the total amount of \$53,607 according to the following:

COMMUNITY GROUP	PROJECT	AMOUNT
<u>Environmental Levy Grants</u>		
Big Nobby Bushcare Group	Weed eradication	\$5,000
Hat Head Dune Care	Weed eradication	\$5,000
South West Rocks Community Dune Care	Weed eradication	\$5,000
	Total	\$15,000
<u>Mayoral Community Fund</u>		
Thungutti Local Aboriginal Land Council	New Playground	\$5,000
Wittitrin Progress Association	Community Space	\$1,966
Mid North Coast Legacy	Widow support sessions	\$2,500
Icare Kempsey	New fridge	\$3,220
Stuarts Point Art House	Mothers group activities	\$1,514
Kempsey Family History Group	Local WW1 book	\$800
Aldavilla Public School	Yarning Place	\$5,000
	Total	\$20,000
<u>Sporting Grants</u>		
Macleay Valley Mountain Bikers	Trail signage	\$1,912
Kempsey Tennis Club	BBQ and seating	\$2,266
Lower Macleay Magpies RLFC	Training equipment	\$2,449
South West Rocks SLSC	Racing boards	\$2,500
Smithtown RLFC	Training equipment	\$2,040

Upper Macleay District Rodeo Association	New seating	\$2,500
Kempsey Macleay Dragon Boat Club	Paddles and life jackets	\$2,500
Rovers Cricket Club	Scoring equipment	\$2,440
	Total	\$18,607

The amendment lapsed for want of a seconder.

2020.218 RESOLVED (CI McGinn/CI Patterson):

That Council, pursuant to Section 356 of the Local Government Act 1993, grant financial assistance from the Community Grants 2020-2021 for the total amount of \$48,607 according to the following:

COMMUNITY GROUP	PROJECT	AMOUNT
<u>Environmental Levy Grants</u>		
Big Nobby Bushcare Group	Weed eradication	\$5,000
Hat Head Dune Care	Weed eradication	\$5,000
South West Rocks Community Dune Care	Weed eradication	\$5,000
	Total	\$15,000
<u>Mayoral Community Fund</u>		
Thungutti Local Aboriginal Land Council	New Playground	\$5,000
Wittitrin Progress Association	Community Space	\$1,966
Mid North Coast Legacy	Widow support sessions	\$2,500
Icare Kempsey	New fridge	\$3,220
Stuarts Point Art House	Mothers group activities	\$1,514
Kempsey Family History Group	Local WW1 book	\$800
	Total	\$15,000
<u>Sporting Grants</u>		

Macleay Valley Mountain Bikers	Trail signage	\$1,912
Kempsey Tennis Club	BBQ and seating	\$2,266
Lower Macleay Magpies RLFC	Training equipment	\$2,449
South West Rocks SLSC	Racing boards	\$2,500
Smithtown RLFC	Training equipment	\$2,040
Upper Macleay District Rodeo Association	New seating	\$2,500
Kempsey Macleay Dragon Boat Club	Paddles and life jackets	\$2,500
Rovers Cricket Club	Scoring equipment	\$2,440
	Total	\$18,607

Cl Baxter left the Chamber at 11:06 am.

CARRIED (5 / 1)

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

AGAINST: Cl Hauville

9.4 QUARTERLY REPORT - NOVEMBER 2020

Officer	Kathryn Parker, Corporate Performance Coordinator
File No	F19/2009
Attachments	<ol style="list-style-type: none"> 1. 2020-21 Sept QBRS [9.4.1 - 22 pages] 2. Financial Sustainability Portfolio Q 1 [9.4.2 - 7 pages] 3. 2020 21 KPIs Q1 [9.4.3 - 4 pages] 4. OP 2020 21 Exception Report Q1 [9.4.4 - 8 pages] 5. Action Register as at 10 November 2020 [9.4.5 - 60 pages] 6. 2020-21 - Grants Update Q 1 [9.4.6 - 5 pages] 7. Project Practical Completion Reports - November 2020 [9.4.7 - 7 pages]

RECOMMENDATION

That:

- 1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;**
- 2. the Financial Sustainability Program status report is noted;**
- 3. the Key Performance Indicators report is noted;**
- 4. The Operational Plan 2020-21 update is noted;**
- 5. the Action Register is noted;**
- 6. the Grants Status Summary is noted; and**
- 7. the Project Practical Completion Reports are noted.**

Cl Morris returned to Chamber at 11:05 am.

CI Baxter returned to Chamber at 11:09 am.

MOVED (CI Patterson/CI Shields):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. the Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted; and
7. the Project Practical Completion Reports are noted.

CI McGinn raised a point of order that she felt insulted by CI Hauville's remarks. The Chair upheld the point of order. CI Hauville withdrew his comments and apologised for any offence given.

CI McGinn raised a point of order as CI Hauville continued to remark on other Councillors. The Chair upheld the point of order and asked CI Hauville to restrict his remarks to the issue, and not other Councillors.

AMENDMENT (CI McGinn):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. the Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;
7. the Project Practical Completion Reports are noted; and
8. the action register no longer be included in Council Agenda's but be emailed to Councillors in regular Councillor Update.

The amendment was accepted by the mover and became the motion.

AMENDMENT (CI Morris):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. the Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;

7. the Project Practical Completion Reports are noted; and
8. the action register no longer be included in Council Agenda's but be emailed to Councillors in regular Councillor Update and be placed on council's public website on a quarterly basis.

The amendment was accepted by the mover and became the motion

AMENDMENT (CI Hauville/CI Morris):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. The Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;
7. the Project Practical Completion Reports are noted;
8. the action register no longer be included in Council Agenda but be emailed to Councillors in regular Councillor Update and be placed on council's public website on a quarterly basis; and
9. items on page 28 and 41 be retained until completed.

LOST (1 / 7)

FOR: CI Hauville

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

AMENDMENT (CI Hauville/CI Morris):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. The Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;
7. the Project Practical Completion Reports are noted and continue to be presented in quarterly report; and
8. the action register no longer be included in Council Agenda's but be emailed to Councillors in regular Councillor Update and be placed on council's public website on a quarterly basis.

LOST (2 / 6)

FOR: CI Hauville, CI Morris

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

AMENDMENT (CI Hauville):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. the Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;
7. the Project Practical Completion Reports are noted and discontinued; and
8. the action register no longer be included in Council Agenda's but be emailed to Councillors in regular Councillor Update and be placed on council's public website on a quarterly basis.

The amendment lapsed for want of a seconder.

2020.219 RESOLVED (CI Patterson/CI Shields):

That:

1. the Quarterly Budget Review for the period ending 30 September 2020 is adopted and the variations contained therein are approved;
2. the Financial Sustainability Program status report is noted;
3. the Key Performance Indicators report is noted;
4. The Operational Plan 2020-21 update is noted;
5. the Action Register is noted;
6. the Grants Status Summary is noted;
7. the Project Practical Completion Reports are noted; and
8. the action register no longer be included in Council Agenda's but be emailed to Councillors in regular Councillor Update and be placed on council's public website on a quarterly basis.

CARRIED (8 / 0)

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

AGAINST: nil

9.5 2019-20 FINANCIAL STATEMENTS AUDIT

Officer	Ron Wood, Chief Financial Officer
File No	F19/1907
Attachments	<ol style="list-style-type: none"> 1. General Purpose Statement by Councillors and Management [9.5.1 - 1 page] 2. Special Purpose Statement by Councillors and Management [9.5.2 - 1 page] 3. 2019-20 Annual Financial Statements [9.5.3 - 107 pages]

RECOMMENDATION

That Council:

1. Note the Financial Statements for the year ended 30 June 2020.
2. Note that the Financial Statements for the year ended 30 June 2020 were reported to Council's Audit & Risk Committee for endorsement on 11 November 2020.
3. Authorise the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and a Councillor as required by the Local Government Act 1993.

2020.220 RESOLVED (CI Shields/CI McGinn):

That Council:

- 1. Note the Financial Statements for the year ended 30 June 2020.**
- 2. Note that the Financial Statements for the year ended 30 June 2020 were reported to Council's Audit & Risk Committee for endorsement on 11 November 2020.**
- 3. Authorise the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and a Councillor as required by the Local Government Act 1993.**

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 QUESTIONS ON NOTICE

Question 1 from CI Hauville:

With respect to question 7 in November Council Agenda "Which council parks are part of the 480 land parcels with undetermined Aboriginal Land Claims in the Kempsey LGA?" and its unfathomable (to most people) response of 23 lots, will council specify with a yes or no, whether Rudder Park, East Kempsey is subject to an undetermined Aboriginal Land Claim?

Question 2 from CI Hauville:

Is Yakka Watson Park, Smithtown, subject to an undetermined Aboriginal Land Claim?

Question 3 from CI Hauville:

Is Riverside Park, Smithtown subject to an undetermined Aboriginal Land Claim?

Question 4 from CI Hauville:

Is Rovers Sporting Field, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 5 from CI Hauville:

Is Mountain View Reserve, west Kempsey subject to an undetermined Aboriginal Land Claim?

Question 6 from CI Hauville:

Is Memorial Park, Gladstone subject to an undetermined Aboriginal Land Claim?

Question 7 from CI Hauville:

Is Town green, Crescent Head subject to an undetermined Aboriginal Land Claim?

Question 8 from CI Hauville:

Is Chapel Park (Skate Park), Kempsey subject to an undetermined Aboriginal Land Claim?

Question 9 from CI Hauville:

Is Willow Street Park, Crescent Head subject to an undetermined Aboriginal Land Claim?

Question 10 from Cl Hauville:

What is the status of the assessment of the Development Application for the establishment of a market garden at Willawarrin?

Question 11 from Cl Hauville:

Is Jim Stirling Oval, South Kempsey subject to an undetermined Aboriginal Land Claim?

Question 12 from Cl Hauville:

Is Sea Street Park, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 13 from Cl Hauville:

Is Biralle Oval, Crescent Head subject to an undetermined Aboriginal Land Claim?

Question 14 from Cl Hauville:

Is Hodgson Park, East Kempsey subject to an undetermined Aboriginal Land Claim?

Question 15 from Cl Hauville:

Has the Royal Commission into National Disaster Arrangements in regard to the following recommendations:

- Recommendation 12.5 National community education,
- Recommendation 17.1 Public availability of fuel load management strategies,
- Recommendation 19.1 Communication of natural hazard risk information to individuals, and
- Recommendation 19.3 Mandatory consideration of natural disaster risk in land-use planning

decisions

or other recommendation pertinent to the Kempsey Council area,

- a. been implemented,
- b. been commenced, or
- c. will be commenced by Kempsey Shire Council?

Question 16 from Cl Hauville:

Is Frederickton Sports Field subject to an undetermined Aboriginal Land Claim?

Question 17 from Cl Hauville:

Is Services Club Park, Kempsey subject to an undetermined Aboriginal Land Claim?

Question 18 from Cl Hauville:

Is Smithtown Oval subject to an undetermined Aboriginal Land Claim?

Question 19 from Cl Hauville:

Is Riverside Park, Kempsey subject to an undetermined Aboriginal Land Claim?

Question 20 from Cl Hauville:

Are Verge Street Ovals, Kempsey subject to an undetermined Aboriginal Land Claim?

Question 21 from Cl Hauville:

During the 2019/2020 Financial Year what were the monthly amounts of revenue raised for breaches of Parking rules in Kempsey shire Council?

Question 22 from Cl Hauville:

Is South West Rocks sporting complex subject to an undetermined Aboriginal Land Claim?

Question 23 from Cl Hauville:

Is Hill Street Park, South Kempsey subject to an undetermined Aboriginal Land Claim?

Question 24 from Cl Hauville:

Is Brighton Park, South West Rocks subject to an undetermined Aboriginal Land Claim?

Question 25 from Cl Hauville:

Is Bloomfield Street Park, South Kempsey subject to an undetermined Aboriginal Land Claim?

Question 26 from Cl Hauville:

Is Andrew Pacey Park, South Kempsey subject to an undetermined Aboriginal Land Claim?

Question 27 from Cl Hauville:

Is Mountain view Playground, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 28 from Cl Hauville:

Is Mitchell Park, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 29 from Cl Hauville:

During the 2019/2020 Financial Year which were the top five towns/villages in Kempsey Shire for breaches of parking rules?

Question 30 from Cl Hauville:

Are Kemps Street Sporting Fields, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 31 from Cl Hauville:

Is Steel Park, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 32 from Cl Hauville:

Is Greenfield's Ave reserve, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 33 from Cl Hauville:

Is the Willawarrin rodeo ground subject to an undetermined Aboriginal Land Claim?

Question 34 from Cl Hauville:

Flanigan Park, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 35 from Cl Hauville:

With the new NSW legislation in respect to the code of Conduct pertaining to "Changes to laws for short-term rental accommodation" due to come in force 18 December 2020, what roles and responsibilities does Kempsey Shire Council have for implementing them and how will this be undertaken?

Question 36 from Cl Hauville:

Is James Carney Crescent Playground, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 37 from Cl Hauville:

Is Post Office Park, Kempsey subject to an undetermined Aboriginal Land Claim?

Question 38 from Cl Hauville:

Is Lloyd Park, Crescent Head subject to an undetermined Aboriginal Land Claim?

Question 39 from CI Hauville:

Is Elle Hennessey Children's Playground, West Kempsey subject to an undetermined Aboriginal Land Claim?

Question 40 from CI Hauville:

Is the Park on the corner of Main Street and Thungutti Drive, Bellbrook subject to an undetermined Aboriginal Land Claim?

Question 1 from CI Baxter:

Is it allowed for a Councillor on Kempsey Shire Council to contact Aboriginal organisations like the Kempsey Aboriginal Land Council and the Dunghutti Elders Council, and ask them questions?

Question 1 from CI Shields

Is there any progress on the Mid North Coast High Performance Centre?

Question 1 from CI Patterson

The two highway interchanges north and south of Kempsey - who is in charge of the maintenance as they are growing weeds and collecting rubbish?

Question 2 from CI Patterson

Where is the Moonebah Road sealing up to as residence was promised tarring would continue?

Question 3 from CI Patterson

What is the cost to council resources in answering large of Councillor's questions on notice?

Question 1 from CI Saul:

Has Council determined a date for the official opening of the Frederickton Boat Ramp?

Question 2 from CI Saul:

Can Council consider policing the Clyde Street carpark due to lack of available car spaces for shoppers?

Question 1 from CI Morris

Given Council's response to a resident by email of 26 October 2020, which reads "Thank you for your email. You will be pleased to know that Pipers Creek Road is a high priority for council in terms of seeking funds to have sections sealed. Council currently has an application in for funding through the Safer Roads Program. We have applied for the length from the end of seal to Wirrang Drive. We expect to hear about the funding early in the new year.", why does this grant not appear in the Grants Status Summary attached to the Quarterly Report?

Question 2 from CI Morris

What is the current status of the Grant Funding Deed amendment for Stuarts Point Sewerage Scheme?

Question 3 from CI Morris

When is it anticipated that tenders will be called for the Stuarts Point Sewerage Scheme?

Question 4 from CI Morris

What is the proposed operating model for the proposed Macleay Valley Adventure Park?

Question 5 from Cl Morris

Have the financial considerations for the signage required due to the Review of Dog Off Leash areas been presented to the Executive Leadership Team for endorsement? Are funds available within the current OP, or will this need to be considered in future OP's?

Question 6 from Cl Morris

What is the anticipated annual Operating Expenditure for the Macleay Valley Adventure Park for the first 5 years of operation?

Question 7 from Cl Morris

Given that an extension has been requested of DPIE (extend to February 2021), what progress has been made in relation to finalising the VPA for 600 Macleay Valley Way?

Question 8 from Cl Morris

What is the anticipated annual Maintenance Expenditure for the Macleay Valley Adventure Park for the first 5 years of operation?

Question 9 from Cl Morris

When is it anticipated that the Crescent Head Water Treatment Plant will commence construction?

Question 10 from Cl Morris

What is the anticipated annual Depreciation the Macleay Valley Adventure Park?

Question 11 from Cl Morris

Is the finalisation of the VPA for 600 Macleay Valley Way impacting the progress of the South Kempsey Pressure Sewerage Scheme?

Question 12 from Cl Morris

What is the anticipated annual Operating Income for the Macleay Valley Adventure Park for the first 5 years of operation?

Question 13 from Cl Morris

Council needs to be aware of the potential future costs to operate the Slim Dusty Centre to ensure due diligence regarding Councils on-going financial sustainability. To enable this will Council Staff time be recorded and costed for the operation of the Slim Dusty Centre during the short-term agreement with the 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?

Question 14 from Cl Morris

The South Kempsey Pressure Sewerage Scheme was deleted from Councils Matters in Progress Report at its meeting of 28 November 2019. The Deed agreement had been executed and the comment from 8 May 2019 indicated an intention of advertising the construction tender later in the year (2019). What is the status of this project? When can Council anticipate the commencement and completion of this project?

Question 15 from Cl Morris

The Council Administration Building has undergone considerable renovation and upgrades during the past two years, including a new roof and new office layout and partitioning. What has been the investment by the community for these improvements to the administration building during

FY18/19 and FY19/20? What is the investment to date this FY and what further expenditure is anticipated?

Question 16 from CI Morris

What has been the increase in available work stations within the Administration Building because of the renovations?

Question 17 from CI Morris

What sustainability improvements have been implemented as a part of the office renovations? What is the anticipated savings due to these sustainability measures?

Question 18 from CI Morris

It is well known that a considerable amount of Council Infrastructure was damaged by the severe Bushfires last year, including damage to several bridges and causeways. Which bridges and causeways are yet to be fully restored?

Question 19 from CI Morris

Which of these, if any, have load limits imposed and what are these load limits?

Question 20 from CI Morris

When is it anticipated that all bridges and causeways will be fully restored?

11 CONFIDENTIAL MATTERS

2020.221 RESOLVED (CI McGinn/CI Saul):

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 UNANIMOUSLY (8 / 0)

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

AGAINST: nil

11.1 LEGAL MATTERS

Officer Daniel Thoroughgood, Manager Governance & Information Services

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.

2020.214 RESOLVED (CI Patterson/CI Saul):

That the information be noted.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

11.2 TQE20/22 TENDER FOR THE CONSTRUCTION AND SEALING OF POINT PLOMER ROAD

Officer Robert Fish, Director Operations & Planning

File No TQE 20/22

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.

2020.222 RESOLVED (Cl Saul/Cl McGinn):

That Council accept the tender of Mid North Coast Contractors Pty Ltd for the sealing of Point Plomer Road, Crescent Head, at a total cost of \$3,110,750 GST exclusive (schedule of rates), in accordance with the tender documentation and tenderer's submission.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

11.3 TQE20/21 TENDER FOR UNDERGROUND POWER INSTALLATION, POINT PLOMER ROAD

Officer Robert Fish, Director Operations & Planning

File No TQE 20/21

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.

2020.223 RESOLVED (Cl Patterson/Cl McGinn):

That Council:

- 1. Accept the tender of Midstate Power Pty Ltd for the installation of underground power at Point Plomer Road, Crescent Head, at a total cost of \$398,400 (GST exclusive), in accordance with the tender documentation and tenderer's submission.**
- 2. Allocate funds required to undertake these works at the December quarterly review as outlined within this report.**

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2020.224 RESOLVED (Cl McGinn/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

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12:41pm.