



# Minutes

Minutes of the Ordinary Council Meeting of Kempsey Shire Council  
Tuesday 20 April 2021



The meeting commenced at 9.00am.

**PRESENT:**

Councillors E A Campbell (Mayor and Chairperson), 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.

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**

**2021.38 RESOLVED (CI McGinn/CI Shields):**

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

**CARRIED (9 / 0)**

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

**AGAINST:** nil

**4 CONFIRMATION OF MINUTES**

**MOVED (CI Patterson/CI Saul):**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 16 March 2021 be confirmed.**

**AMENDMENT (CI Morris/CI Hauville)**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 16 March 2021 be confirmed with the following amendment:**

**RECOMMENDATION:**

That the recommendations in the following items be adopted:

- 8.1 LOCAL TRAFFIC COMMITTEE – MINUTES 2 MARCH 2021
- 9.3 T6-20-523 ALTERATIONS AND ADDITIONS TO EDUCATIONAL ESTABLISHMENT
- 9.4 REVIEW OF UNMAINTAINED COUNCIL ROADS
- 9.5 FIXING COUNTRY BRIDGES GRANT
- 9.6 PROPOSED FORMALISED CATTLE CROSSING AT KEMPSEY REGIONAL SALEYARDS
- 9.7 STATEMENT OF CASH AND INVESTMENTS
- 11.1 LEGAL MATTERS
- 11.2 AUDIT AND RISK COMMITTEE – FEBRUARY 2021 MEETING MINUTES AND ANNUAL ACTIVITY REPORT

(CI Saul/CI Patterson):

That the recommendations in the following items be adopted:

- 8.1 LOCAL TRAFFIC COMMITTEE – MINUTES 2 MARCH 2021
- 9.3 T6-20-523 ALTERATIONS AND ADDITIONS TO EDUCATIONAL ESTABLISHMENT
- 9.4 REVIEW OF UNMAINTAINED COUNCIL ROADS
- 9.5 FIXING COUNTRY BRIDGES GRANT
- 9.6 PROPOSED FORMALISED CATTLE CROSSING AT KEMPSEY REGIONAL SALEYARDS
- 9.7 STATEMENT OF CASH AND INVESTMENTS
- 11.1 LEGAL MATTERS
- 11.2 AUDIT AND RISK COMMITTEE – FEBRUARY 2021 MEETING MINUTES AND ANNUAL ACTIVITY REPORT

Item 8.1 LOCAL TRAFFIC COMMITTEE – MINUTES 2 MARCH 2021, Item 9.4 REVIEW OF UNMAINTAINED COUNCIL ROADS, Item 9.6 PROPOSED FORMALISED CATTLE CROSSING AT KEMPSEY REGIONAL SALEYARDS, Item 11.1 LEGAL MATTERS WERE WITHDRAWN.

### **2021.3 RESOLVED (CI Saul/CI Patterson):**

That the recommendations in the following items be adopted:

- 9.3 T6-20-523 ALTERATIONS AND ADDITIONS TO EDUCATIONAL ESTABLISHMENT
- 9.5 FIXING COUNTRY BRIDGES GRANT
- 9.7 STATEMENT OF CASH AND INVESTMENTS
- 11.2 AUDIT AND RISK COMMITTEE – FEBRUARY 2021 MEETING MINUTES AND ANNUAL ACTIVITY REPORT

### **LOST (2 / 7)**

**FOR:** CI Hauville, CI Morris

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

### **AMENDMENT (CI Morris/CI Hauville)**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 16 March 2021 be confirmed, with the following amendments:**

**Item 9.1 MACLEAY VALLEY COAST HOLIDAY PARKS – ANNUAL LICENCES AND MASTER PLANS**  
**After the staff recommendation, add prior to 2021.30 RESOLVED (CI McGinn/CI Patterson): and change wording and reverse order of mover and seconder.**

(CI Patterson/CI McGinn) That we defer this for one month.

CI Morris attempted to move an alternative motion as an amendment. After advice from the General Manager the Mayor ruled that the motion to defer was a procedural motion and that that matter had to be dealt with prior to any other matter being considered.

Cl Morris questioned that the matter was a Procedural Motion, as it was moved after the Item was introduced, and not prior to the item being considered at the meeting.

The Mayor sought guidance from the General Manager, who stated "I would see it as a Procedural Motion. It is taking the Item off the Agenda until the next meeting and was prior to any debate being entered. I see it is simply a procedural motion."

The Mayor ruled to Go with the advice given.

Cl Baxter asked about debating the deferral motion.

The Mayor stated that the matter could not be discussed and it was put to the vote.

**2021.30 RESOLVED (Cl Patterson/Cl McGinn):**

That Council:

Defer the matter to the next Council Meeting in April

**CARRIED (6 / 1)**

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

**AGAINST:** Cl Morris

**LOST (3 / 6)**

**FOR:** Cl Baxter, Cl Hauville, Cl Morris

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

**2021.39 RESOLVED (Cl Patterson/Cl Saul):**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 16 March 2021 be confirmed.**

**CARRIED (6 / 2)**

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

**AGAINST:** Cl Hauville, Cl Morris

## **5 DISCLOSURES OF INTEREST**

**Cl Saul declared a non-pecuniary non-significant interest in item 9.2 March 2021 Flood Event, reason being I have a Cafe in Smith Street Kempsey.**

**Cl Patterson declared a non-pecuniary non-significant interest in item 10.2 Spooners Avenue Construction and Sealing, as I live on the tarred section of Spooners Avenue,**

**Cl Patterson declared a non-pecuniary non-significant interest in item 9.4 Planning Proposal Kempsey CBD Flood Planning, I also have properties in Kempsey in the flood way.**

**Cl Patterson declared a non-pecuniary non-significant interest in item 9.2 March 2021 Flood Event, as I have properties effected by the flood event.**

## **6 ITEMS PASSED BY EXCEPTION**

**Nil**

## **7 MAYORAL MINUTES**

### **7.1 ACKNOWLEDGEMENT OF THE CONTRIBUTION BY GENERAL MANAGER AND STAFF DURING THE MARCH 2021 MACLEAY VALLEY NATURAL FLOOD DISASTER**

**Councillor** Liz Campbell, Mayor  
**File No** F21/2830  
**Attachments** Nil

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**MOVED (CI Campbell):**

**That Council:**

- 1. Acknowledges the leadership and contribution of Kempsey Shire Council General Manager, Craig Milburn, the Local Emergency Management Officer (LEMO), Robert Fish, and the alternate LEMO, Dylan Reeves, and the support staff in the Emergency Operations Centre and Recovery Taskforce during the March 2021 Macleay Valley Natural Flood Disaster.**
- 2. Formally thanks the General Manager and Staff for their outstanding commitment to the community in responding to the flood, in particular those field-based staff who worked through the flood in difficult working conditions providing an outstanding contribution to keeping the community safe and critical infrastructure operating where impacts allowed.**
- 3. Notes and places on the public record the correspondence received from the Local Emergency Operations Controller (LEOCON), Detective Chief Inspector Mid North Coast Police District, Darren Jameson, in which he extends his personal thanks to the General Manager and Staff for their dedication and service to the community.**

**Point of Order raised by CI Hauville regarding comments made by CI Patterson. The Chair Upheld the point of order.**

**Point of Order raised by CI Hauville regarding further comments made by CI Patterson. The Chair upheld the point of order and requested for CI Patterson to apologise to CI Hauville. CI Patterson apologised to CI Hauville.**

**Point of Order raised by CI Shields regarding the conduct of Councilor's in the Chamber. The Chair Upheld the point of order and reminded all Councillors to be mindful of their comments.**

#### **AMENDMENT (CI Morris)**

**That Council:**

- 1. Acknowledges the leadership and contribution of Kempsey Shire Council General Manager, Craig Milburn, the Local Emergency Management Officer (LEMO), Robert Fish, and the alternate LEMO, Dylan Reeves, and the support staff in the Emergency Operations Centre and Recovery Taskforce during the March 2021 Macleay Valley Natural Flood Disaster.**
- 2. Formally thanks the General Manager and Staff for their outstanding commitment to the community in responding to the flood, in particular those field-based staff who worked through the flood in difficult working conditions providing an outstanding contribution to keeping the community safe and critical infrastructure operating where impacts allowed.**

3. Notes and places on the public record the correspondence received from the Local Emergency Operations Controller (LEOCON), Detective Chief Inspector Mid North Coast Police District, Darren Jameson, in which he extends his personal thanks to the General Manager and Staff for their dedication and service to the community.
4. Council acknowledges, pay tribute and thanks the Kempsey Shire community members who supported each other during the March 2021 Flood.

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

**2021.40 RESOLVED (CI Campbell):**

**That Council:**

1. Acknowledges the leadership and contribution of Kempsey Shire Council General Manager, Craig Milburn, the Local Emergency Management Officer (LEMO), Robert Fish, and the alternate LEMO, Dylan Reeves, and the support staff in the Emergency Operations Centre and Recovery Taskforce during the March 2021 Macleay Valley Natural Flood Disaster.
2. Formally thanks the General Manager and Staff for their outstanding commitment to the community in responding to the flood, in particular those field-based staff who worked through the flood in difficult working conditions providing an outstanding contribution to keeping the community safe and critical infrastructure operating where impacts allowed.
3. Notes and places on the public record the correspondence received from the Local Emergency Operations Controller (LEOCON), Detective Chief Inspector Mid North Coast Police District, Darren Jameson, in which he extends his personal thanks to the General Manager and Staff for their dedication and service to the community.
4. Council acknowledges, pay tribute and thanks the Kempsey Shire community members who supported each other during the March 2021 Flood.

**CARRIED UNANIMOUSLY (8 / 0)**

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

**AGAINST:** nil

## **8 REPORTS OF COMMITTEES**

Nil

## **9 REPORTS TO COUNCIL**

### **9.1 MACLEAY VALLEY COAST HOLIDAY PARKS - ANNUAL LICENCES AND MASTER PLANS**

<b>Officer</b>	Gayleen Burley, Manager Commercial Business
<b>File No</b>	F19/2551
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Social and Economic Impact of Annuals Review Report [9.1.1 - 44 pages]</li><li>2. Annual License Site Management Policy [9.1.2 - 2 pages]</li><li>3. 210321 Annual License Site Management Strategy [L3NI] [9.1.3 - 8 pages]</li></ol>

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4. MVCHP - Future Parks Engagement Report [9.1.4 - 84 pages]
  5. Grassy Head Holiday Park - Concept Plan [9.1.5 - 4 pages]
  6. Stuarts Point Holiday Park - Concept Plan [9.1.6 - 4 pages]
  7. Hat Head Holiday Park - Concept Plan [9.1.7 - 4 pages]
  8. Horseshoe Bay Holiday Park - Concept Plan - Recommended [9.1.8 - 4 pages]
  9. Horseshoe Bay Holiday Park - Concept Plan - Alternative [9.1.9 - 4 pages]
  10. Crescent Head Holiday Park - Concept Plan - Recommended [9.1.10 - 4 pages]
  11. Crescent Head Holiday Park - Concept Plan - Alternative [9.1.11 - 4 pages]
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## **RECOMMENDATION**

### **That Council:**

1. **Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.**
2. **Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.**
3. **In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:**
  - a. **Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;**
  - b. **Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;**
  - c. **Adopt the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy; and**
  - d. **Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.**
4. **Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Recommended Plan) and Crescent Head Holiday Parks (Recommended Plan).**

### **MOVED (Cl Saul/Cl McGinn):**

### **That Council:**

1. **Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.**
2. **Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.**
3. **In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:**
  - a. **Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;**

- b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;
    - c. Adopt the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy; and
    - d. Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.
4. Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Recommended Plan) and Crescent Head Holiday Parks (Recommended Plan).

**2021.41 RESOLVED (CI Patterson/CI Baxter):**

That Council move into Committee of the Whole.

**CARRIED (8 / 0)**

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

**AGAINST:** nil

At this stage 10.38 am the meeting adjourned for morning tea and upon resumption at 10.55 am all present at the adjournment were in attendance.

**MOVED (CI Saul/CI McGinn):**

That Council:

1. Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.
2. Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.
3. In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:
  - a. Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;
  - b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;
  - c. Adopt the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy ; and
  - d. Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.
4. Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Alternative Plan) and Crescent Head Holiday Parks (Alternative Plan).



**AMENDMENT (Cl Morris/Cl Hauville)**

**That Council:**

- 1. Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.**
- 2. Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.**
- 3. In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:**
  - a. Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;**
  - b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;**
  - c. Place the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy on public exhibition for 28 days; and**
  - d. Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.**
- 4. Provide in principal support for the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Recommended Plan) and Crescent Head Holiday Parks (Recommended Plan), with a business case being brought back to council for any works in excess of \$50,000 in the medium to long term plans.**

**LOST (2 / 6)**

**FOR:** Cl Hauville, Cl Morris

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

**AMENDMENT (Cl Morris/Cl Hauville):**

**That Council:**

- 1. Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.**
- 2. Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.**
- 3. In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:**
  - a. Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;**
  - b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;**
  - c. Adopt the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy with the variation where an annual vans requires upgrade**

the period of the upgrade is on the basis of agreement/negotiation with council; and

- d. Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.
4. Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Alternative Plan) and Crescent Head Holiday Parks (Alternative Plan).

**LOST (3 / 5)**

**FOR:** Cl Baxter, Cl Hauville, Cl Morris

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

**AMENDMENT (Cl Hauville/Cl Morris):**

**That Council:**

1. Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.
2. Note the Macleay Valley Coast Stakeholder Engagement Report undertaken by Locale Consulting.
3. In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:
  - a. That all Annual Licences be renewed and only terminated through natural attrition;
  - b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition.
4. Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Alternate Plan) and Crescent Head Holiday Parks (Alternate Plan) and excluding cabins on the northern boundary and no safari style cabins on the creek front.

**LOST (2 / 6)**

**FOR:** Cl Hauville, Cl Morris

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

**2021.42 RESOLVED (Cl Saul/Cl McGinn):**

**That Council:**

1. Note that the revenue generated by the Macleay Valley Coast Holiday Parks provides an important funding source to improve all crown reserves under Kempsey Shire Council's management, which would otherwise be funded from general ratepayer funds.
2. Note the Macleay Valley Coast Holiday Park Stakeholder Engagement Report undertaken by Locale Consulting.
3. In relation to Annual Licences within the Macleay Valley Coast Holiday Parks:
  - a. Note the Macleay Valley Coast Holiday Parks Annual Licence Social and Economic Impact Assessment undertaken by Locale Consulting;

- b. Note the proposed change in Annual Licences Fees and Charges to be placed in the draft 2021/22 Kempsey Shire Council Fees and Charges, which will be presented to Council in April 2021 prior to public exhibition;
  - c. Adopt the attached Licenced Sites Management Policy and Annual Licence Site Management Strategy ; and
  - d. Note that a fair and transparent plan for the rationalisation of the annual sites, consistent with the Annual Licence Strategy and Site Development Plans, will be developed and communicated to the Annual Site Licence Holders by 31 December 2021.
4. Adopt the Macleay Valley Coast Holiday Parks 10-year Concept Plans for Grassy Head, Stuarts Point, Hat Head, Horseshoe Bay (Alternative Plan) and Crescent Head Holiday Parks (Alternative Plan).

**CARRIED (7 / 1)**

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

**AGAINST:** Cl Hauville

## **9.2 MARCH 2021 FLOOD EVENT**

<b>Officer</b>	Robert Fish, Director Operations and Planning
<b>File No</b>	F21/2830
<b>Attachments</b>	Nil

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### **RECOMMENDATION**

**That Council:**

1. Note the information provided within this report regarding the management and control of the flood natural disaster event within the Kempsey Shire local government area and the ongoing recovery actions.
2. Acknowledge the significant effort that has occurred by government agencies, especially the NSW State Emergency Service (SES), not for profits, the private sector and from within the community in response to the flood emergency and the immediate relief works via the Recovery Taskforce.
3. Acknowledge the significant effort by Council staff in response to the flood emergency and in supporting the community at this time.
4. Acknowledge that many property owners have suffered substantial loss to property and livelihood as a result of the flood.
5. Note the provisions included within Council's 'Hardship Relief to Ratepayers' procedure (procedure 5.4.4) and in particular, clause 5 Hardship Assistance – Natural Disasters, which apply to all categories of ratepayers.
6. Waive interest on rates and charges for the period to 30 June 2021, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 flood emergency, where the ratepayer enters into an approved payment arrangement in accordance with Council's Hardship Relief to Ratepayers' procedure (procedure 5.4.4).
7. Waive water usage charges, on a case-by-case basis, where ratepayers can demonstrate substantial increase in water usage as a result of the flood event.

8. Waive the fees for food shop inspections until 30 June 2021.
9. Note that residents and businesses' flood damaged waste is being removed at no charge as detailed within this report.

**MOVED (Cl McGinn/Cl Patterson):**

**That Council:**

1. Note the information provided within this report regarding the management and control of the flood natural disaster event within the Kempsey Shire local government area and the ongoing recovery actions.
2. Acknowledge the significant effort that has occurred by government agencies, especially the NSW State Emergency Service (SES), not for profits, the private sector and from within the community in response to the flood emergency and the immediate relief works via the Recovery Taskforce.
3. Acknowledge the significant effort by Council staff in response to the flood emergency and in supporting the community at this time.
4. Acknowledge that many property owners have suffered substantial loss to property and livelihood as a result of the flood.
5. Note the provisions included within Council's 'Hardship Relief to Ratepayers' procedure (procedure 5.4.4) and in particular, clause 5 Hardship Assistance – Natural Disasters, which apply to all categories of ratepayers.
6. Waive interest on rates and charges for the period to 30 June 2021, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 flood emergency, where the ratepayer enters into an approved payment arrangement in accordance with Council's Hardship Relief to Ratepayers' procedure (procedure 5.4.4).
7. Waive water usage charges, on a case-by-case basis, where ratepayers can demonstrate substantial increase in water usage as a result of the flood event.
8. Waive the fees for food shop inspections until 30 June 2021.
9. Note that residents and businesses' flood damaged waste is being removed at no charge as detailed within this report. Note plans in place to remove silage plastic for flood impacted primary producers.

**Cl Baxter left the Chamber at 11:53 am.**

**Cl Baxter returned to Chamber at 11:55 am.**

**AMENDMENT (Cl Campbell):**

**That Council:**

1. Note the information provided within this report regarding the management and control of the flood natural disaster event within the Kempsey Shire local government area and the ongoing recovery actions.
2. Acknowledge the significant effort that has occurred by government agencies, especially the NSW State Emergency Service (SES), not for profits, the private sector and from within the community in response to the flood emergency and the immediate relief works via the Recovery Taskforce.

3. Acknowledge the significant effort by Council staff in response to the flood emergency and in supporting the community at this time.
4. Acknowledge that many property owners have suffered substantial loss to property and livelihood as a result of the flood.
5. Note the provisions included within Council's 'Hardship Relief to Ratepayers' procedure (procedure 5.4.4) and in particular, clause 5 Hardship Assistance – Natural Disasters, which apply to all categories of ratepayers.
6. Waive interest on rates and charges for the period to 30 June 2021, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 flood emergency, where the ratepayer enters into an approved payment arrangement in accordance with Council's Hardship Relief to Ratepayers' procedure (procedure 5.4.4).
7. Waive water usage charges, on a case-by-case basis, where ratepayers can demonstrate substantial increase in water usage as a result of the flood event.
8. Waive the fees for food shop inspections until 30 June 2021.
9. Note that residents and businesses' flood damaged waste is being removed at no charge as detailed within this report. Note plans in place to remove silage plastic for flood impacted primary producers.
10. That council formally correspond with the ADF to acknowledge and thank them for their assistance during the March 21 Flood.
11. That council formally correspond with the SES and the RFS/Fire and Rescue to acknowledge and thank them for their assistance during the March 21 Flood.
12. Council formally corresponds and acknowledges the Police and particularly the Local Emergency Operations Controller (LECON) and thank them for their assistance during the March 21 Flood.

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

**AMENDMENT (CI Hauville):**

**That Council:**

1. Note the information provided within this report regarding the management and control of the flood natural disaster event within the Kempsey Shire local government area and the ongoing recovery actions.
2. Acknowledge the significant effort that has occurred by government agencies, especially the NSW State Emergency Service (SES), not for profits, the private sector and from within the community in response to the flood emergency and the immediate relief works via the Recovery Taskforce.
3. Acknowledge the significant effort by Council staff in response to the flood emergency and in supporting the community at this time.
4. Acknowledge that many property owners have suffered substantial loss to property and livelihood as a result of the flood.
5. Note the provisions included within Council's 'Hardship Relief to Ratepayers' procedure (procedure 5.4.4) and in particular, clause 5 Hardship Assistance – Natural Disasters, which apply to all categories of ratepayers.
6. Waive interest on rates and charges for the period to 30 June 2021, in relation to owners of properties and local businesses which have been damaged or destroyed in the March

**2021 flood emergency, where the ratepayer enters into an approved payment arrangement in accordance with Council's Hardship Relief to Ratepayers' procedure (procedure 5.4.4).**

- 7. Waive water usage charges, on a case-by-case basis, where ratepayers can demonstrate substantial increase in water usage as a result of the flood event.**
- 8. Waive the fees for food shop inspections until 30 June 2021.**
- 9. Note that residents and businesses' flood damaged waste is being removed at no charge as detailed within this report. Note plans in place to remove silage plastic for flood impacted primary producers.**
- 10. That council formally correspond with the ADF squadron to acknowledge and thank them for their assistance during the March 21 Flood.**
- 11. That council formally correspond with the SES and the RFS/Fire and Rescue to acknowledge and thank them for their assistance during the March 21 Flood.**
- 12. Council formally corresponds and acknowledges the Police and particularly the Local Emergency Operations Controller (LECON) and thank them for their assistance during the March 21 Flood.**
- 13. Undertake a timely review to determine any better preparation procedures for similar future events with a report to a future Council meeting. Strategic Planning: SAS-02 – Implement systems to minimise and mitigate the impact of disasters.**

**The Amendment was withdrawn.**

**2021.43 RESOLVED (Cl McGinn/Cl Patterson):**

**That Council:**

- 1. Note the information provided within this report regarding the management and control of the flood natural disaster event within the Kempsey Shire local government area and the ongoing recovery actions.**
- 2. Acknowledge the significant effort that has occurred by government agencies, especially the NSW State Emergency Service (SES), not for profits, the private sector and from within the community in response to the flood emergency and the immediate relief works via the Recovery Taskforce.**
- 3. Acknowledge the significant effort by Council staff in response to the flood emergency and in supporting the community at this time.**
- 4. Acknowledge that many property owners have suffered substantial loss to property and livelihood as a result of the flood.**
- 5. Note the provisions included within Council's 'Hardship Relief to Ratepayers' procedure (procedure 5.4.4) and in particular, clause 5 Hardship Assistance – Natural Disasters, which apply to all categories of ratepayers.**
- 6. Waive interest on rates and charges for the period to 30 June 2021, in relation to owners of properties and local businesses which have been damaged or destroyed in the March 2021 flood emergency, where the ratepayer enters into an approved payment arrangement in accordance with Council's Hardship Relief to Ratepayers' procedure (procedure 5.4.4).**
- 7. Waive water usage charges, on a case-by-case basis, where ratepayers can demonstrate substantial increase in water usage as a result of the flood event.**
- 8. Waive the fees for food shop inspections until 30 June 2021.**

9. Note that residents and businesses' flood damaged waste is being removed at no charge as detailed within this report. Note plans in place to remove silage plastic for flood impacted primary producers.
10. That council formally correspond with the ADF to acknowledge and thank them for their assistance during the March 21 Flood.
11. That council formally correspond with the SES and the RFS/Fire and Rescue to acknowledge and thank them for their assistance during the March 21 Flood.
12. Council formally corresponds and acknowledges the Police and particularly the Local Emergency Operations Controller (LECON) and thank them for their assistance during the March 21 Flood.

**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 INTEGRATED PLANNING & REPORTING - DELIVERY PROGRAM / OPERATIONAL PLAN 2021-22**

<b>Officer</b>	Kathryn Parker, Corporate Performance Coordinator
<b>File No</b>	F19/2079
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Delivery Program &amp; Operational Plan 2021-2022 [9.3.1 - 47 pages]</li> <li>2. Draft LTFP 2021-2031 [9.3.2 - 34 pages]</li> <li>3. Draft Revenue Policy 2021-2022 [9.3.3 - 10 pages]</li> <li>4. Draft Fees &amp; Charges 2021-22 [9.3.4 - 100 pages]</li> <li>5. Rate Category Maps 2021-22 [9.3.5 - 11 pages]</li> </ol>

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**RECOMMENDATION**

**That:**

1. Council's draft Integrated Planning and Reporting documents be placed on public exhibition for a period of 28 days.
2. A report be tabled at the June 2021 Council meeting detailing the submissions received during the public exhibition period and presenting final Integrated Planning and Reporting documents for adoption by Council.

**2021.44 RESOLVED (CI Saul/CI Patterson):**

**That:**

- 1. Council's draft Integrated Planning and Reporting documents be placed on public exhibition for a period of 28 days.**
- 2. A report be tabled at the June 2021 Council meeting detailing the submissions received during the public exhibition period and presenting final Integrated Planning and Reporting documents for adoption 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

**2021.45 RESOLVED (CI Hauville/CI Shields):**

**That item 10.2 Spooners Avenue - Construction and Sealing is brought forward for consideration.**

**CARRIED UNANIMOUSLY (8 / 0)**

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

**AGAINST:** nil

**10.2 SPOONERS AVENUE - CONSTRUCTION AND SEALING**

**Councillor** Bruce Morris, Councillor

**File No** R12/111

**Attachments** Nil

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**2021.46 RESOLVED (CI Morris/CI Baxter):**

- 1. Affirm Spooners Avenue as a high priority road for upgrading that needs construction and sealing;**
- 2. Council pursues grant funding to expedite the works; and**
- 3. If suitable grant funding is not obtained before the adoption of Council's Delivery Program for 2022-2025 that the pursuit of grant funding for this road will be considered for inclusion in the Delivery Program for 2022-2025.**

**CARRIED (6 / 2)**

**FOR:** CI Campbell, CI Baxter, CI Hauville, CI Morris, CI Patterson, CI Shields

**AGAINST:** CI McGinn, CI Saul

**2021.47 RESOLVED (CI Saul/CI Patterson):**

**That the conclusion time for this meeting be extended until 4pm.**

**CARRIED (7 / 1)**

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

**AGAINST:** CI McGinn



## 9.4 PLANNING PROPOSAL - KEMPSEY CBD FLOOD PLANNING

<b>Officer</b>	Marnie Jeffery, Town Planner
<b>File No</b>	KLEP2013-AM-32
<b>Attachments</b>	1. Planning Proposal Kempsey CBD Flooding [9.4.1 - 29 pages] 2. Draft DCP 2013 Chapter B 7 - Flood Hazard Area Management [9.4.2 - 27 pages]

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### RECOMMENDATION

That Council:

1. Act on the recommended changes to the *Kempsey Local Environmental Plan (KLEP) 2013* and *Kempsey Development Control Plan (KDCP) 2013*, as made in the Kempsey CBD Flood Risk Management Study and Plan.
2. Adopt the amendments to Council Policy 1.1 - Development Control Policy and repeal Procedure 1.1.11 - Flood Risk Management.
3. Submit the attached planning proposal to amend KLEP 2013 Clause 7.3 and introduce a Floodplain risk management clause to KLEP 2013 to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Act.
4. Request written authorisation from the Secretary of the Department of Planning, Industry and Environment to exercise plan making delegations in relation to this proposal.
5. Take the necessary steps to exhibit the planning proposal pursuant to section 3.33 of the Act, expressing the objective and intended outcomes of proposed changes to the *Kempsey Local Environmental Plan 2013 (LEP)*, and amend *Kempsey Development Control Plan 2013 Chapter B7: Floodplain Management (DCP)* as described in the report, pursuant to section 3.43 of the Act and in accordance with any Gateway determination.
6. Receives a further report at the conclusion of the public exhibition period.

2021.48 RESOLVED (CI Patterson/CI Hauville):

That Council:

1. Act on the recommended changes to the *Kempsey Local Environmental Plan (KLEP) 2013* and *Kempsey Development Control Plan (KDCP) 2013*, as made in the Kempsey CBD Flood Risk Management Study and Plan.
2. Adopt the amendments to Council Policy 1.1 - Development Control Policy and repeal Procedure 1.1.11 - Flood Risk Management.
3. Submit the attached planning proposal to amend KLEP 2013 Clause 7.3 and introduce a Floodplain risk management clause to KLEP 2013 to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Act.
4. Request written authorisation from the Secretary of the Department of Planning, Industry and Environment to exercise plan making delegations in relation to this proposal.
5. Take the necessary steps to exhibit the planning proposal pursuant to section 3.33 of the Act, expressing the objective and intended outcomes of proposed changes to the *Kempsey Local Environmental Plan 2013 (LEP)*, and amend *Kempsey Development Control Plan 2013 Chapter B7: Floodplain Management (DCP)* as described in the report, pursuant to section 3.43 of the Act and in accordance with any Gateway determination.
6. Receives a further report at the conclusion of the public exhibition period.

**CARRIED UNANIMOUSLY (8 / 0)**

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

**AGAINST:** nil

## **9.5 KEMPSEY SHIRE LGA COASTAL ZONE TIDAL INUNDATION STUDY & COASTAL VULNERABILITY MAPPING**

<b>Officer</b>	Ron Kemsley, Natural Resources Officer Senior
<b>File No</b>	F19/2666
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Dept Planning Industry &amp; Environment Correspondence - Coastal Vulnerability Area Mapping Enquiry [9.5.1 - 2 pages]</li><li>2. Kempsey Shire Coastal Vulnerability Area Mapping - Technical Report [9.5.2 - 30 pages]</li><li>3. Kempsey Shire Coastal Vulnerability Area Mapping - Coastal Hazard Mapping Risk Assessment [9.5.3 - 25 pages]</li><li>4. Coastal Vulnerability Area Mapping (All Hazards) [9.5.4 - 36 pages]</li><li>5. Hazard 1 and 2 Mapping - Erosion &amp; Recession [9.5.5 - 36 pages]</li><li>6. Hazard 3 Mapping - Entrance Instability [9.5.6 - 36 pages]</li><li>7. Hazard 4 Mapping - Coastal Inundation [9.5.7 - 36 pages]</li><li>8. Hazard 6 Mapping - Tidal Inundation [9.5.8 - 36 pages]</li><li>9. Hazard 7 Mapping - Erosion and Inundation of Foreshores Under Tides, Waves and Catchment Floodwaters [9.5.9 - 36 pages]</li></ol>

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### **RECOMMENDATION**

**That Council endorse the attached Coastal Vulnerability Area (CVA) Maps for inclusion in the proposed Coastal Management Program for the Kempsey Shire and continue with the process outlined in the Coastal Management Framework.**

**MOVED (Cl Baxter/Cl McGinn):**

**That Council endorse the attached Coastal Vulnerability Area (CVA) Maps for inclusion in the proposed Coastal Management Program for the Kempsey Shire and continue with the process outlined in the Coastal Management Framework.**

**AMENDMENT (Cl Hauville):**

**That Council endorse the attached Coastal Vulnerability Area (CVA) Maps for inclusion in the proposed Coastal Management Program for the Kempsey Shire and continue with the process outlined in the Coastal Management Framework.**

**Council notes with concern the projection of the sea level rise will be 0.4 meters by 2050 and 0.9 meters by 2100.**

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

**AMENDMENT (Cl McGinn/Cl Shields):**

**We go back to the original motion:**

**That Council endorse the attached Coastal Vulnerability Area (CVA) Maps for inclusion in the proposed Coastal Management Program for the Kempsey Shire and continue with the process outlined in the Coastal Management Framework.**

**LOST (4 / 4)**

**FOR:** Cl Campbell, Cl McGinn, Cl Morris, Cl Shields

**AGAINST:** Cl Baxter, Cl Hauville, Cl Patterson, Cl Saul

**The Amendment was put to the meeting and was lost on the Casting Vote of the Chairperson.**

**2021.49 RESOLVED (Cl Baxter):**

**That Council endorse the attached Coastal Vulnerability Area (CVA) Maps for inclusion in the proposed Coastal Management Program for the Kempsey Shire and continue with the process outlined in the Coastal Management Framework.**

**Council notes with concern the projection of the sea level rise 0.4 meters by 2050 and 0.9 meters by 2100.**

**CARRIED (6 / 2)**

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

**AGAINST:** Cl Patterson, Cl Saul

**At this stage 13:02 pm the meeting adjourned for lunch and upon resumption at 2:30 pm and all present at the adjournment were in attendance excepting Cl McGinn and Cl Shields who offered their apologies for the remaining of the meeting.**

**2021.64 RESOLVED (Cl Patterson/Cl Baxter):**

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

**CARRIED (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

## **9.6 CLASSIFICATION OF LAND - SEWAGE PUMPING STATION AT SOUTH WEST ROCKS**

**Officer** Ian Russell, Property Officer Contractor

**File No** F20/1983

**Attachments** Nil

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### **RECOMMENDATION**

**That Council classify Lot 42 Deposited Plan 1267284 (land at 22 New Entrance Road, South West Rocks) as operational land.**

**2021.50 RESOLVED (Cl Hauville/Cl Morris):**

**That item 9.6 is moved to the June 2021 Ordinary Council Meeting post it being re-advertised.**

**LOST (2 / 6)**

**FOR:** Cl Hauville, Cl Morris

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

**2021.51 RESOLVED (Cl Patterson/Cl Saul):**

**That Council classify Lot 42 Deposited Plan 1267284 (land at 22 New Entrance Road, South West Rocks) as operational land.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

**9.7 RECOVERY UPDATE**

**Officer** Jo McGoldrick, Coordinator Recovery

**File No** F19/2673

**Attachments** 1. Recovery Action Plan April 2021 [9.7.1 - 30 pages]

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**RECOMMENDATION**

**That the information be noted.**

**MOVED (Cl Patterson/Cl Baxter):**

**That the information be noted.**

**AMENDMENT (Cl Hauville):**

- 1. Council notes the information update provided.**
- 2. A further report be provided to May Council Meeting on a plan to make people safer in fire zones by promotion of safer houses and infrastructure.**

**The Amendment Lapsed for the Want of a Seconder.**

**2021.52 RESOLVED (Cl Patterson/Cl Baxter):**

**That the information be noted.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

**9.8 CHANGE OF COUNCIL ORDINARY MEETING DATE - JUNE 2021**

**Officer** Daniel Thoroughgood, Manager Governance & Information Services

**File No** F18/287

- Attachments**
1. Kempsey Shire Council - Ordinary Council Meeting - Key Dates - 2021-2023 [9.8.1 - 1 page]
  2. NSW Public Holidays 2021-2023 [9.8.2 - 2 pages]
- 

**RECOMMENDATION**

That Council reschedule the June 2021 Ordinary Meeting from 22 June 2021 to 29 June 2021 to avoid conflicting with the Australian Local Government Association National General Assembly.

**MOVED (CI Patterson/CI Saul):**

That Council reschedule the June 2021 Ordinary Meeting from 22 June 2021 to 29 June 2021 to avoid conflicting with the Australian Local Government Association National General Assembly.

**AMENDMENT (CI Morris):**

That council rescinds the decision of the meeting of the 16th February to vary the Council meeting date to 22nd June.

The amendment was ruled out of order.

**2021.53 RESOLVED (CI Patterson/CI Saul):**

That Council reschedule the June 2021 Ordinary Meeting from 22 June 2021 to 29 June 2021 to avoid conflicting with the Australian Local Government Association National General Assembly.

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** CI Campbell, CI Baxter, CI Hauville, CI Morris, CI Patterson, CI Saul

**AGAINST:** nil

**9.9 DEVELOPMENT ACTIVITY AND LEP VARIATIONS - QUARTERLY SNAPSHOT - 3RD QUARTER**

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

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**RECOMMENDATION**

That the information be noted.

**MOVED (CI Saul/CI Patterson):**

That the information be noted.

**AMENDMENT (CI Hauville/CI Morris)**

**That council:**

1. note the information; and

2. Any future Development Application with a value of more than two and half million dollars, within a week of receipt, be conveyed as a summary report to Councillor's in the confidential weekly Councillor update.

**CARRIED (4 / 2)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris

**AGAINST:** Cl Patterson, Cl Saul

#### **2021.63 RESOLVED (Cl Hauville/Cl Morris)**

**That council:**

1. note the information; and
2. Any future Development Application with a value of more than two and half million dollars, within a week of receipt, be conveyed as a summary report to Councillor's in the confidential weekly Councillor update.

**CARRIED (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

### **9.10 STATEMENT OF CASH AND INVESTMENTS - APRIL 2021**

<b>Officer</b>	Ron Wood, Manager Financial Services
<b>File No</b>	N/A
<b>Attachments</b>	1. Statement of Cash & Investments [9.10.1 - 31 pages]

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#### **RECOMMENDATION**

**That the information be noted.**

#### **2021.54 RESOLVED (Cl Patterson/Cl Baxter):**

**That the information be noted.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

### **10 NOTICES OF MOTION/QUESTIONS WITH NOTICE**

#### **10.1 DELEGATES REPORT - 2020 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE**

<b>Councillor</b>	Liz Campbell, Mayor
<b>File No</b>	F20/1720
<b>Attachments</b>	Nil

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#### **2021.55 RESOLVED (Cl Patterson/Cl Saul):**

**That Council note the information provided in this report.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

**10.3 DAMAGED TRAFFIC ISLANDS - COUNCIL TOWN CENTRES**

**Councillor** Bruce Morris, Councillor

**File No** F19/2396

**Attachments** Nil

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**2021.56 RESOLVED (Cl Morris/Cl Hauville):**

**That Council:**

1. receive a report on the proposed actions to rectify damaged traffic splitter islands at intersections and pedestrian crossing facilities throughout town centres after being further investigated.
2. That the completion of the required actions to rectify the damaged traffic splitter islands at intersections and pedestrian crossing facilities throughout Council town centres be included in Councils 2021–22 Operating Plan.

**LOST (3 / 3)**

**FOR:** Cl Baxter, Cl Hauville, Cl Morris

**AGAINST:** Cl Campbell, Cl Patterson, Cl Saul

**The Motion was put to the meeting and was Lost on the Casting Vote of the Chairperson.**

**10.4 REQUEST FOR SPEED ZONE REVIEW - BARNARD STREET GLADSTONE**

**Councillor** Bruce Morris, Councillor

**File No** F19/1719

**Attachments** Nil

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**2021.57 RESOLVED (Cl Morris/Cl Hauville):**

**That Council request the Local Traffic Committee to undertake a formal review of the speed limit for Barnard Street Gladstone, including the need for a 40kmph School Zone adjacent to the Gladstone Primary School.**

**LOST (2 / 4)**

**FOR:** Cl Hauville, Cl Morris

**AGAINST:** Cl Campbell, Cl Baxter, Cl Patterson, Cl Saul

**10.5 FLOOD IMMUNITY - CRESCENT HEAD ROAD IN VICINITY OF RUDDERS LAGOON**

**Councillor** Bruce Morris, Councillor  
**File No** R12/79  
**Attachments** Nil

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**2021.58 RESOLVED (Cl Morris/Cl Baxter):**

**That Council includes the investigation of the options to improve flood immunity in the vicinity of Rudders Lagoon in Councils 2021-22 Operating Plan and subsequently pursues grant funding to upgrade this section of road.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

**10.6 QUESTIONS ON NOTICE**

**Question 1 from Councillor Saul:**

Complaints have been received over a number of loose pavers in Smith Street Kempsey. Can this matter be investigated and pavers rectified?

**Question 2 from Councillor Saul:**

The road surface fronting 69-77 Barnard Street Gladstone has developed sharp edges affecting motorists and the driveway access of residents. How can safety be improved at this location?

**Question 3 from Councillor Saul:**

Is the Clyde Street Car Park and amenities block on track for a May 2021 completion?

**Question 1 from Councillor Patterson:**

Have levy banks around Kempsey Town (Eden Street, Glenrock) been returned up to design levels?

**Question 2 from Councillor Patterson:**

Have any road base suppliers (used by Council) have signed contracts for supply and delivery of conforming roadbase?

**Question 3 Cl Patterson**

Verge Street sporting fields, are they on track and on budget for delivery? What time?

**Question 1 from Councillor Hauville:**

What responses, if any, have been received in relation to the many letters sent by Kempsey Shire Council in requesting Local Government representation on National Cabinet?

**Question 2 from Councillor Hauville:**

What progress is being made in assessing the Willawarrin Market Garden development application?

**Question 3 from Councillor Hauville:**

Does Council have any plans for installing electric car recharging stations in the Central Kempsey area, including the Clyde Street carpark presently being refurbished?

**Question 4 from Councillor Hauville:**



Will there be any permanent recognition of the Two Million Dollars contributed by Kempsey Shire Council and Two Million Dollars contributed by the Federal Government to the construction of the Riverside Movies at Kempsey Central inside the complex?

**Question 5 from Councillor Hauville:**

What is the dollar amount of saving to the Kempsey Shire Council budget which, using specific project grants, in part, covered staff wages in the 2019/2020 financial year?

**Question 6 from Councillor Hauville:**

As committed to, has the General Manager obtained any plans from Ballina Shire Council of the Lennox Head Community Centre and Library to inform Council planners on options for the South West Rocks Library and Community Centre?

**Question 7 from Councillor Hauville:**

To enable dog owners' access does Kempsey Shire Council have any advocacy role in having gazettal change for the National Park to a Regional Park south of Richardsons Crossing entrance and south on Killick Beach?

**Question 8 from Councillor Hauville:**

With planned improvements to Council-wide signage, are there any plans to inform dog owners with clarity where they may take them for exercise in leashed and off-leash areas?

**Question 9 from Councillor Hauville:**

Since the opening of the Riverside Movies complex in Kempsey Central when has Council utilised its entitlement under the Voluntary Planning Agreement for free usage of the facilities?

**Question 10 from Councillor Hauville:**

Is there any update on the State Government's consideration process of changing the status of any part of the Kempsey-Armidale Road?

**Question 1 from Councillor Morris:**

When will council be conducting candid information sessions for the benefit of community members that may be considering nominating for a position as a Councillor in the Local Government Election, which is scheduled for 4 September 2021?

**Question 2 from Councillor Morris:**

Does the parcel of land known as Lot 2 Phillip Drive South West Rocks have an approved Development Application?

If Yes what is the scope of works for development approval?

**Question 3 from Councillor Morris:**

What was Councils investment in undertaking repairs, maintenance and or improvements to the Kiosk at Horseshoe Bay South West Rocks?

**Question 4 from Councillor Morris:**

What was Councils investment in the fitout of the Kiosk at Horseshoe Bay South West Rocks?

**Question 5 from Councillor Morris:**

What is the term of the lease for the operations of the Kiosk at Horseshoe Bay South West Rocks, between Council and the South West Rocks Country Club?

**Question 6 from Councillor Morris:**

Is there any option to extend this lease?

**Question 7 from Councillor Morris:**

Was a formal expression of interest for the lease of the Kiosk at Horseshoe Bay South West Rocks undertaken prior to executing the lease with the South West Rocks Country Club? If not, why not?

**Question 8 from Councillor Morris:**

Given the answer to Question 6 in relation to currency and accuracy as Councils website is updated, why does the section on council committees, which appears to be in the new format include Councillor Hauville as a member of General Managers performance review panel?

**Question 9 from Councillor Morris:**

Why is the Natural Resources Working Group included as a Council Committee?

**Question 1 from Councillor Baxter:**

Can council investigate the benefits of using recycle plastic in the construction of footpaths and roads in our valley?

## **11 CONFIDENTIAL MATTERS**

**2021.59 RESOLVED (CI Hauville/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 (6 / 0)**

**FOR:** CI Campbell, CI Baxter, CI Hauville, CI Morris, CI Patterson, CI Saul

**AGAINST:** nil

### **11.1 LEGAL MATTERS**

**Officer** Melanie Peterson, Coordinator Governance and Information Management

**File No** F19/1960

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**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.

**2021.60 RESOLVED (CI Hauville/CI Saul):**

**That the information be noted.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

## **11.2 TQE20/33 REFURBISHMENT OF STUARTS POINT RESERVOIR**

**Officer** Wes Trotter, Manager Water & Sewer

**File No** TQE20/33

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### **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.

#### **2021.61 RESOLVED (Cl Saul/Cl Patterson):**

**That Council accept the lump sum tender submitted by Ray's Machinery Painting Pty Ltd, trading as RMP Abrasive Blasting, for the Refurbishment of the Stuarts Point Reservoir for a sum of \$509,471.00 (GST Inclusive) in accordance with the tender submission and the tender documentation.**

**CARRIED UNANIMOUSLY (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

#### **2021.62 RESOLVED (Cl Hauville/Cl Saul):**

**That the ordinary Council meeting be resumed.**

**CARRIED (6 / 0)**

**FOR:** Cl Campbell, Cl Baxter, Cl Hauville, Cl Morris, Cl Patterson, Cl Saul

**AGAINST:** nil

## **12 CONCLUSION OF THE MEETING**

**There being no further business, the Mayor then closed the meeting, the time being 3.37 pm.**