

# Minutes

Minutes of the Ordinary Council Meeting held on Tuesday 19 December 2023

*L Hawville*

The meeting commenced at 9:01 am.

**PRESENT:**

Councillors L J Hauville (Mayor and Chairperson), I A Bain, C S Butterfield, S R A Fergusson, A P Patterson, K A Riddington, K Ring, D F Saul and A D Wyatt.

General Manager, C L Milburn; Director Corporate and Commercial, S M Mitchell; Director Operations and Planning, M B Jackson; Director Utilities, W J Trotter; and Group Manager Governance and Information Services, D S Thoroughgood.

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**

**Cr Bain provided the opening prayer.**

**2 ACKNOWLEDGEMENT OF COUNTRY**

**Cr Hauville provided an acknowledgement of country.**

**3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES**

**Cr Fergusson provided an acknowledgement of service men, women and families.**

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS**

That any apologies submitted by Councillors for non-attendance at the meeting be accepted and leave of absence granted.

That any applications for attendance by audio-visual link submitted by Councillors be accepted and permission granted.

**5 CONFIRMATION OF MINUTES**

**2023.243 RESOLVED (Cr Ring/Cr Saul):**

**That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 21 November 2023 be confirmed.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt  
**AGAINST:** Nil

## 6 DISCLOSURES OF INTEREST

Cr Patterson declared a non-pecuniary non-significant interest in item 8.1, Mayoral Minute - Kempsey Airport Lease Fees, for the reason that lives within a 5km radius of the airport.

Cr Patterson declared a non-pecuniary non-significant interest in item 10.4, Lower Macleay Flood Study, for the reason that he owns property affected.

Cr Hauville declared a non-pecuniary non-significant interest in item 10.5, Planning Proposal - 322 Stuarts Point Road, Yarrahapinni - PP-2023-2403, for the reason that he worked with the father of the proponent.

## 7 ITEMS PASSED BY EXCEPTION

**2023.244 RESOLVED (Cr Saul/Cr Riddington):**

That the recommendations contained in the following items be adopted:

- 9.1. Australia Day Awards Committee
- 10.10. Annual Financial Statements
- 10.11. Amendment to 2023-34 Bellbrook Green Waste Fees
- 10.12. Delegation of Authority to the General Manager
- 10.13. Acting General Manager Appointment
- 10.16. Statement of Cash and Investments - November 2023
- 11.4. Delegates Report - Bushfire Management Committee
- 12.1. Legal Matters
- 12.2. Tender TQE23/37 - Supply and Delivery of Water Meters

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt  
**AGAINST:** Nil

### 9.1 Australia Day Awards Committee

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**Officer** Stephen Mitchell, Director Corporate and Commercial

File Number F23/2252

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**2023.245 RESOLVED (Cr Saul/Cr Riddington):**

**That Council:**

1. note the Australia Day Awards Committee minutes from the meetings held 27 September 2023 and 22 November 2023; and
2. adopt the updated Australia Day Awards Committee Terms of Reference as agreed by the Committee.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**10.10 Annual Financial Statements**

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**Officer** Stephen Mitchell, Director Corporate and Commercial

**File Number** F19/1907

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**2023.246 RESOLVED (Cr Saul/Cr Riddington):**

**That Council notes that the external auditor will present the audited 2022-23 financial statements at the 20 February 2024 Council Meeting.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**10.11 Amendment to 2023-34 Bellbrook Green Waste Fees**

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**Officer** Wes Trotter, Director Utilities

**File Number** F23/1847

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**2023.247 RESOLVED (Cr Saul/Cr Riddington):**

**That Council:**

1. notes that the proposed amended 2023-24 Green Waste Fees for Bellbrook Waste Transfer Station has been placed on public exhibition for 28 days with no valid submissions received during this period; and
2. adopts the proposed amended Green Waste Fees for Bellbrook Waste Transfer Station as detailed in the body of this report for inclusion in the 2023-24 Schedule of Fees and Charges.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**10.12 Delegation of Authority to the General Manager**

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**Officer** Daniel Thoroughgood, Group Manager Governance and Information Services

**File Number** F22/1854

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**2023.248 RESOLVED (Cr Saul/Cr Riddington):**

**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 (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**10.13 Acting General Manager Appointment**

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**Officer** Daniel Thoroughgood, Group Manager Governance and Information Services

**File Number** F22/1854

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**2023.249 RESOLVED (Cr Saul/Cr Riddington):**

**That Council appoints for the period 1 January 2024 to 31 December 2024:**

- 1. the person holding the position of Director Corporate and Commercial 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 and Planning 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. if the person specified in paragraph 1 and 2 is unable or unwilling to act as General Manager at any time during the specified period, the person holding the position of Director Utilities 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, and**
- 4. 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 (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**10.16 Statement of Cash and Investments - November 2023**

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**Officer** Michael Woolnough, Finance Manager

**File No** F22/3106

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**2023.250 RESOLVED (Cr Saul/Cr Riddington):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**11.4 Delegates Report - Bushfire Management Committee**

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**Councillor** Cr Bain, Councillor

**File Number** F18/1959

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**2023.251 RESOLVED (Cr Saul/Cr Riddington):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**12.1 Legal Matters**

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**Officer** Daniel Thoroughgood, Group Manager Governance and Information Services

**File Number** F22/1960

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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 an open meeting.

**2023.252 RESOLVED (Cr Saul/Cr Riddington):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## **12.2 Tender TQE23/37 - Supply and Delivery of Water Meters**

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**Officer** Wes Trotter, Director Utilities

**File Number** TQE23/37

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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 an open meeting.

**2023.253 RESOLVED (Cr Saul/Cr Riddington):**

**That Council:**

- 1. in accordance with Section 178 *Local Government (General) Regulation 2021*:**
  - a. decline to accept all tenders for Supply and Delivery of Water Meters (TQE23/37), noting that both were non-conforming tenders; and**
  - b. enter into direct negotiations with Elster Metering Pty Ltd and Global Valve Technology Ltd; and**
- 2. notes that the General Manager has the authority to approve the outcome of the negotiations within his delegated authority and the approved budget.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## **8 MAYORAL MINUTES**

### **8.1 Mayoral Minute - Kempsey Airport Lease Fees**

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**Councillor** Cr Hauville, Mayor

**File Number** F21/2843

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**MOVED (Cr Hauville):**

**That Council request the General Manager to:**

1. cease implementation of any new airport leases using the changed assessment methodology;
2. undertake a review of the proposed changes to assessing the hangar lease fees at Kempsey Airport; and
3. provide an all-encompassing report to a future Council meeting on improving income from Kempsey Airport.

**AMENDMENT (Cr Patterson/Cr Saul):**

**That Council:**

1. implement new airport hangar leases using a revised methodology that is based on:
  - a. a current independent market-based fee of \$9.20 per square metre; and
  - b. total land footprint excluding airside;
2. phase in the increases contemplated by item 1 above over the next two financial years as follows:
  - a. 50% of the increase in 2023-24; and
  - b. 75% of the increase in 2024-25
3. approve the lease fee for the Kempsey Flying Club to be 75% of the market rate as otherwise calculated as per item 1 above, with the increase phased in over two years; and
4. undertake a review of the operations and financial sustainability of the Kempsey Airport, with a report back to a future meeting of Council in the next financial year.

**CARRIED (6 / 3)**

**FOR:** Cr Butterfield, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Cr Bain, Cr Fergusson and Cr Hauville

**2023.254 RESOLVED:**

**That Council:**

1. implement new airport hangar leases using a revised methodology that is based on:
  - a. a current independent market-based fee of \$9.20 per square metre; and
  - b. total land footprint excluding airside;
2. phase in the increases contemplated by item 1 above over the next two financial years as follows:
  - a. 50% of the increase in 2023-24; and
  - b. 75% of the increase in 2024-25
3. approve the lease fee for the Kempsey Flying Club to be 75% of the market rate as otherwise calculated as per item 1 above, with the increase phased in over two years; and



4. undertake a review of the operations and financial sustainability of the Kempsey Airport, with a report back to a future meeting of Council in the next financial year.

**CARRIED (8 / 1)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Cr Hauville

At this stage 10:33 am the meeting adjourned for morning tea.

Upon resumption of the meeting at 10:57 am all present at the adjournment were in attendance.

**2023.255 RESOLVED (Cr Saul/Cr Bain):**

That Council bring forward item 10.2 to be dealt with immediately

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## **10.2 Aquatic Strategy**

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**Officer** Peter Allen, Group Manager Commercial Business

**File Number** F23/1703

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

That Council:

1. note the results of the investigation and engagement into the Aquatic Strategy to date;
2. note that high priority and short term actions detailed within the Aquatic Strategy (being recommendations 2, 5, 6, 7, 8, 11, 12, 13, 14 and 15) will be implemented by Council officers given their impacts on pool operations, need for immediate action or ease of implementation, and noting that these actions do not adversely impact the development of longer-term strategy as contemplated by item 3 below;
3. note that a systematic review of swimming condition audit recommendations be undertaken by Council officers and pool operators to identify and undertake recommended works needed in the immediate to short-term; and
4. continue to conduct further investigation to inform a longer-term strategy that considers the long-term suitability and financial sustainability of all swimming pools with a further report to be provided to a future Council meeting.

**AMENDMENT (Cr Riddington):**

That Council:

1. note the results of the investigation and engagement into the Aquatic Strategy to date;
2. note that high priority and short term actions detailed within the Aquatic Strategy (being recommendations 2, 5, 6, 7, 8, 11, 12, 13, 14 and 15) will be implemented by Council officers given their impacts on pool operations, need for immediate action or ease of implementation, and noting that these actions do not adversely impact the development of longer-term strategy as contemplated by item 3 below;
3. note that a systematic review of swimming condition audit recommendations be undertaken by Council officers and pool operators to identify and undertake recommended works needed in the immediate to short-term;
4. continue to conduct further investigation to inform a longer-term strategy that considers the long-term suitability and financial sustainability of all swimming pools with a further report to be provided to a future Council meeting; and
5. work collaboratively with the Lower Macleay community on the future of the memorial pool.

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

**2023.256 RESOLVED (Cr Saul/Cr Patterson):**

**That Council:**

1. note the results of the investigation and engagement into the Aquatic Strategy to date;
2. note that high priority and short term actions detailed within the Aquatic Strategy (being recommendations 2, 5, 6, 7, 8, 11, 12, 13, 14 and 15) will be implemented by Council officers given their impacts on pool operations, need for immediate action or ease of implementation, and noting that these actions do not adversely impact the development of longer-term strategy as contemplated by item 3 below;
3. note that a systematic review of swimming condition audit recommendations be undertaken by Council officers and pool operators to identify and undertake recommended works needed in the immediate to short-term;
4. continue to conduct further investigation to inform a longer-term strategy that considers the long-term suitability and financial sustainability of all swimming pools with a further report to be provided to a future Council meeting; and
5. work collaboratively with the Lower Macleay community on the future of the memorial pool.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**At this stage 11:52 am the meeting adjourned.**

Upon resumption at 12:05 pm all present at the adjournment were in attendance with the exception of Cr Bain.

**2023.257 RESOLVED (Cr Patterson/Cr Ring):**

That Council resolves, under clause 17.2 of the Kempsey Shire Council Code of Meeting Practice, that this meeting conclude no later than 4.00 pm, rather than 1.00 pm.

**CARRIED UNANIMOUSLY (8 / 0)**

**FOR:** Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## **9 REPORTS OF COMMITTEES**

### **9.2 Local Traffic Committee Minutes - 5 December 2023**

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**Officer** Maddison O'Bryan, Executive Officer - Operations & Planning

**File Number** F23/1958

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Cr Bain returned to the Chamber at 12:05 pm.

**2023.258 RESOLVED (Cr Patterson/Cr Butterfield):**

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 5 December 2023.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## **10 REPORTS TO COUNCIL**

### **10.1 Petition - Gladstone Pool**

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**Officer** Daniel Thoroughgood, Group Manager Governance and Information Services

**File Number** F23/1703

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**2023.259 RESOLVED (Cr Bain/Cr Fergusson):**

That Council receives and notes the report.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **10.3 Residential Flat Building with Strata Subdivision and Extension of Orara Street Development Application - McIntyre Street, South West Rocks - DA2300637**

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**Officer** Melissa Ziade, Principal Planner

**File Number** DA2300637

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**2023.260 RESOLVED (Cr Riddington/Cr Wyatt):**

**That Council:**

1. not support the requested variation to Clause 4.3 of Kempsey Local Environmental Plan 2013 (KLEP 2013), regarding height of building;
2. refuse Development Application DA2300637, subject to the Reasons for Refusal contained in the attachment; and
3. notify those who have made a submission of Council's decision.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

At this stage 12:26 pm the meeting adjourned for lunch.

Upon resumption at 1:22 pm all present at the adjournment were in attendance.

### **10.4 Lower Macleay Flood Study**

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**Officer** Grant Dennis, Design and Investigation Manager

**File Number** F20/2679

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**2023.261 RESOLVED (Cr Bain/Cr Ring):**

**That Council:**

1. adopt the Lower Macleay Flood Study (2023) report and associated data; and
2. adopt the inclusion of 2100 Climate Change (CC) and 2100 Sea Level Rise (SLR) for s10.7 Planning Certificates as Habitable Floor Level/Flood Planning Level being the higher of 1% AEP + 0.5m or 1% AEP + 2100CC + 0.9m Sea Level Rise.

**CARRIED (6 / 3)**

**FOR:** Cr Bain, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring and Cr Wyatt

**AGAINST:** Cr Butterfield, Cr Patterson and Cr Saul

## 10.5 Planning Proposal - 322 Stuarts Point Road, Yarrahapinni - PP-2023-2403

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**Officer** Marnie Jeffery, Strategic Planning Officer

**File Number** KLEP2013-AM-35

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### 2023.262 RESOLVED (Cr Patterson/Cr Bain):

#### That Council:

1. submit the planning proposal which seeks to amend the Lot Size Map at Lot 333 DP 805299, 322 Stuarts Point Road, Yarrahapinni, to the Minister for Planning and Public Spaces for gateway consideration pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979*;
2. request that the Secretary of the Department of Planning and Environment issue Council with written authorisation to exercise plan making delegations in relation to this proposal; and
3. undertakes, subject to the gateway determination, community consultation for the planning proposal as required.

#### CARRIED UNANIMOUSLY (9 / 0)

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## 10.6 South West Rocks Visitor Information Centre

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**Officer** Alex Henley, Economic Development and Tourism Manager

**File Number** F12/279

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### MOVED (Cr Riddington/Cr Bain):

#### That Council:

1. request the General Manager to undertake a review of the Visitor Information Services Review regarding the Visitor Information Centre at South West Rocks Maritime Museum by working collaboratively with the Museum Maritime Precinct Committee to:
  - a. examine the implications of withdrawing the present Council funding to the Maritime Museum;
  - b. assess any means of possibly maintaining the funding to the Maritime Museum; and
  - c. examine possible alternate means of managing the volunteers with minimal supervision time for Council staff in the process.
2. receive a report to a future Council meeting on these preceding three points with a recommendation for implementing the recommendations relating to the South West Rocks Visitor Information Centre in full, in part or not at all.

#### AMENDMENT (Cr Patterson/Cr Saul):

#### That Council:

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1. notes the initial Visitor Information Services Review 2019 – 2020 and subsequent action plan attached to this report;
2. notes the results of the further review of the Visitor Information Services Review, as required by resolution 2023.225 from the 21 November 2023 Council meeting, as detailed within this report; and
3. adopts the proposed Visitor Information Centre operating model, which:
  - a. comprises the provision of a co-located Visitor Information Centre at the Slim Dusty Centre and introducing two visitor outlets at the Horseshoe Bay (South West Rocks) and Crescent Head Holiday Parks;
  - b. results in the South West Rocks Visitor Information Centre no longer being located at the South West Rocks Maritime Precinct and Council no longer leasing space from the South West Rocks Maritime Precinct Inc.; and
  - c. allows direct cost savings of approximately \$10,000 per annum, as well as productivity improvements relating to Economic Development and Tourism staff resources, to be directed to digital destination marketing activities to support increased tourism and visitation to the Shire.
4. continues to work with the South West Rocks Maritime Precinct in relation to:
  - a. clarification of their charitable status;
  - b. negotiation with Crown Lands in relation to their lease;
  - c. the potential establishment of a gift shop;
  - d. the potential use of the Visitor Information Centre volunteers in other roles; and
  - e. VisitorPoint providing a range of tourism maps and brochures.

**CARRIED (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**2023.263 RESOLVED:**

**That Council:**

1. notes the initial Visitor Information Services Review 2019 – 2020 and subsequent action plan attached to this report;
2. notes the results of the further review of the Visitor Information Services Review, as required by resolution 2023.225 from the 21 November 2023 Council meeting, as detailed within this report; and
3. adopts the proposed Visitor Information Centre operating model, which:
  - a. comprises the provision of a co-located Visitor Information Centre at the Slim Dusty Centre and introducing two visitor outlets at the Horseshoe Bay (South West Rocks) and Crescent Head Holiday Parks;
  - b. results in the South West Rocks Visitor Information Centre no longer being located at the South West Rocks Maritime Precinct and Council no longer leasing space from the South West Rocks Maritime Precinct Inc.; and
  - c. allows direct cost savings of approximately \$10,000 per annum, as well as productivity improvements relating to Economic Development and Tourism staff resources, to be directed to digital destination marketing activities to support increased tourism and visitation to the Shire.

4. continues to work with the South West Rocks Maritime Precinct in relation to:
  - a. clarification of their charitable status;
  - b. negotiation with Crown Lands in relation to their lease;
  - c. the potential establishment of a gift shop;
  - d. the potential use of the Visitor Information Centre volunteers in other roles; and
  - e. VisitorPoint providing a range of tourism maps and brochures.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

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**10.7 Disposal of Surplus Council Land – Old Temagog RFS Site – Lot 122, DP842025**

**Officer** Jason Doyle, Senior Property Consultant

**File Number** F22/1983

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**2023.264 RESOLVED (Cr Ring/Cr Saul):**

**That Council:**

1. notes the community consultation undertaken with members of the Temagog Area Residents Association regarding the original Temagog Rural Fire Service Brigade Station in August 2023;
2. disposes of Lot 122 DP842025, being a 223m<sup>2</sup> parcel of land comprising the original Temagog Rural Fire Service Brigade Station, for an amount in line with the market valuation, on the basis that this asset is no longer required by either the Rural Fire Service or Council;
3. engages a licensed real estate agent to dispose of Lot 122 DP842025 for sale under private treaty conditions, for an amount in line with the market valuation; and
4. authorises the General Manager to sign any documents necessary to affect the transfer of land to the purchaser.

**CARRIED (8 / 1)**

**FOR:** Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Cr Bain

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**10.8 Commercial Pilot Training Agreement with Sportfly Aviation**

**Officer** Peter Allen, Group Manager Commercial Business

**File Number** F18/2466

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**2023.265 RESOLVED (Cr Fergusson/Cr Bain):**

**That Council:**

1. authorise the General Manager to enter into a renewal of the commercial agreement between Sportfly Aviation and Kempsey Shire Council with the following key terms and conditions:
  - a. annual fixed fee of \$1,510.50 (including GST) per recreational aircraft with CPI increase applied annually;
  - b. a contract term of three (3) years commencing 1 January 2024 and expiring 31 December 2027, with a further one (1) year option at Council's absolute discretion;
  - c. a maximum of 2,200 aircraft movements per annum (including take-offs, touch and goes, landings) within the fixed fee, per aircraft. Any movements above the maximum 2,200 movements will be charged in accordance with the aircraft movement fee published in Council's annual Schedule of Fees and Charges;
  - d. Council may terminate the agreement with six months notice; and
2. notify Sportfly Aviation of the requirement to operate in accordance with applicable legislative requirements; Kempsey Aerodrome Manual, Kempsey Airport Conditions of Use; and the Kempsey Airport Fly Neighbourly Advice, and that breaches of these requirements may result in termination of the commercial agreement.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **10.9 Macleay Valley Recreation and Adventure Park Update**

**Officer** Craig Milburn, General Manager

**File Number** F19/2628

**2023.266 RESOLVED (Cr Patterson/Cr Riddington):**

**That Council:**

1. note that the Department of Regional NSW has completed its review of the Macleay Valley Recreation and Adventure Park project and have advised that they now consider the project is not viable and that the funding deed will be terminated;
2. note that the Department of Planning and Environment, via a Places to Play grant, has approved the relocation of the BMX/Pump track that was to be part of the Macleay Valley Recreation and Adventure Park project to South Kempsey; and
3. approves the grant funding and related costs associated with the BMX/Pump track to be incorporated into Council's future budget.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil



## 10.14 General Manager's ICMA Conference and Study Tour

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**Officer** Craig Milburn, General Manager

**File Number** F22/1720

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### 2023.267 RESOLVED (Cr Hauville/Cr Bain):

That Council receives and notes the report with the following recommendations:

1. staff utilise the information gained from the New Orleans experiences in the investigations and designs of stormwater systems particularly in Stuarts Point, Smithtown and Gladstone and other areas across the shire where relevant;
2. consider the embedding engagement staff in larger capital projects and that these positions be budgeted for from within the capital works budget;
3. continue to explore ways to advance tourism through opportunities to engage with the natural environment;
4. continue to consider climate change impacts on future planning and infrastructure delivery;
5. recruitment practices continue to focus and develop ways to expand the diversity of the workforce;
6. continues to develop and delivery strong leadership programs and provide opportunities for future leaders to practice and demonstrate their skills;
7. look for ways to embrace new technologies that are relevant to our community and provide environmental and financial benefits to the community;
8. continue to consider what its role is in the delivery of art, cultural and community development projects/programs with the view of developing these to assist with its role in community building;
9. continue discussions about the possibility of the colocation of the Emergency Operations Centre with the RFS in line with the Bushfire Royal Commission findings; and
10. consider disaster prevention and preparedness be in future infrastructure related strategic/master plans.

### CARRIED UNANIMOUSLY (9 / 0)

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

## 11 REPORTS FROM COUNCILLORS

### 11.1 Notice of Motion - Dementia Friendly Organisation

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**Councillor** Cr Bain, Councillor

**File Number** F19/1969

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### 2023.268 RESOLVED (Cr Bain/Cr Riddington):

**That Council:**

1. notes the work done by the Dementia Friendly Community Working Group; and
2. requests the General Manager to provide a report on the feasibility and cost of Kempsey Shire Council becoming a Dementia Friendly Organisation.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **11.2 Delegates Report - LGNSW Annual Conference**

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**Councillor** Cr Hauville, Mayor

**File Number** F22/1720

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**2023.269 RESOLVED (Cr Hauville/Cr Fergusson):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **11.3 Delegates Report - Country Mayors Association - November Meeting**

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**Councillor** Cr Hauville, Mayor

**File Number** F22/1720

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**2023.270 RESOLVED (Cr Hauville/Cr Wyatt):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **10.15 Mid North Coast Joint Organisation Update**

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**Officer** Craig Milburn, General Manager

**File Number** F22/2143

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**2023.271 RESOLVED (Cr Hauville/Cr Riddington):**

**That Council receives and notes the report.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

### **13 CONCLUSION OF THE MEETING**

**There being no further business, the Mayor then closed the meeting, the time being 3:59 pm.**