

Minutes

Confirmed minutes of the Ordinary Council Meeting held on Tuesday 19
September 2023

L. Daville

The meeting commenced at 9:00 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; Group Manager Governance and Information Services, D S Thoroughgood; and Minute Taker, S J Hunter.

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 Butterfield provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Ring provided an acknowledgement of country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

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

2023.182 RESOLVED (Cr Hauville):

MAYORAL MINUTE - CONDOLENCE MOTION FOR TERRY GIDDY

That Council offers our sincere condolences to the Giddy and Newell families, and the many friends of Terry Giddy, on his sad passing.

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

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

Nil.

5 CONFIRMATION OF MINUTES

2023.151 RESOLVED (Cr Riddington/Cr Butterfield):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 15 August 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

Immediately before considering an election for the Councillor position on the General Manager's Performance Review Panel the General Manager, Craig Milburn, declared a pecuniary interest in the election for the reason that the panel considers his performance.

7 ITEMS PASSED BY EXCEPTION

2023.152 RESOLVED (Cr Saul/Cr Fergusson):

That the recommendations contained in the following items be adopted:

- 10.4. Planning Proposal PP-2022-4108 Lot 1 Beranghi Road, Crescent Head**
- 10.6. Classification of Land Acquired by Council as Operational - Stuarts Point Sewerage Scheme**
- 10.7. Bellbrook Waste Transfer Station Green Waste Fee Amendment**
- 10.8. 2022-2023 Annual Financial Statements**
- 10.9. Statement of Cash and Investments - August 2023**
- 11.4. Delegates Report - Bush Fire Management Committee - August 2023**
- 12.1. Legal Matters**
- 12.2. Land Acquisitions for the Maria River Road Project**

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

10.4 Planning Proposal PP-2022-4108 Lot 1 Beranghi Road, Crescent Head

Officer Simon Morrison, Strategic Planning Officer

File Number PP2200002

2023.153 RESOLVED (Cr Saul/Cr Fergusson):

That Council:

1. endorses the progression of this planning proposal, which applies to Lot 1 DP 842144 Beranghi Road, Crescent Head, to the making of the amendments to the Kempsey Local Environmental Plan 2013;
2. authorises the General Manager to exercise delegation from the Minister for Planning and Public Spaces to make the amending instrument; and
3. requests the Department of Planning and Environment to notify the plan on the NSW Legislation webpage upon the making of the Kempsey Local Environmental Plan 2013 amendments.

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 Classification of Land Acquired by Council as Operational - Stuarts Point Sewerage Scheme

Officer Jason Doyle, Senior Property Consultant

File Number F21/2846

2023.154 RESOLVED (Cr Saul/Cr Fergusson):

That Council classify Lot 1 DP1284907 (land at Fishermans Reach Road, Stuarts Point) as operational land.

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

10.7 Bellbrook Waste Transfer Station Green Waste Fee Amendment

Officer Wes Trotter, Director Utilities

File Number F23/1847

2023.155 RESOLVED (Cr Saul/Cr Fergusson):

That Council places the proposed amendment to green waste fees at Bellbrook Waste Transfer Station, as noted within this report, on public exhibition for 28 days to allow for submissions, prior to being reported to a future meeting of Council for adoption.

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

10.8 2022-2023 Annual Financial Statements

Officer Michael Woolnough, Finance Manager

File Number F19/1907

2023.156 RESOLVED (Cr Saul/Cr Fergusson):

That Council:

1. refers the draft 2022-23 financial statements to audit as required under s413(2c) of the *Local Government Act 1993* and s215 of the *Local Government (General) Regulation 2021*;
2. notes the governance role played by Council's Audit, Risk & Improvement Committee in overseeing the preparation and finalisation of the audited 2022-23 financial statements;
3. authorises the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and a Councillor as required by the *Local Government Act 1993*;
4. notes that the 2022-23 annual financial statements will not be presented to Council prior to finalisation unless there are changes that are of a level of materiality that the Audit, Risk & Improvement Committee believes necessitates these to be reported back to Council; and
5. notes that Council's external auditor will present the audited 2022-23 financial statements at the November 2023 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

10.9 Statement of Cash and Investments - August 2023

Officer Michael Woolnough, Finance Manager

File No F22/3106

2023.157 RESOLVED (Cr Saul/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

11.4 Delegates Report - Bush Fire Management Committee - August 2023

Councillor Cr Bain, Councillor

File Number F12/536-03

2023.158 RESOLVED (Cr Saul/Cr Fergusson):

That Council receives and notes the attached report from the August 2023 Bush Fire Management Committee 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

12.1 Legal Matters

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/1960

Section 10A(2)(g) – Legal Proceedings

This report is submitted on a confidential basis as it involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege. (*Local Government Act 1993*, section 10A(2)(g))

On balance, the public interest in preserving the confidentiality of the advice, outweighs the public interest in openness and transparency in Council decision making by discussing the matter in open meeting.

12.2 Land Acquisitions for the Maria River Road Project

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F20/2750/03

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

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

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

2023.160 RESOLVED (Cr Saul/Cr Fergusson):

That Council:

1. pay compensation in the amount of \$3,300 (GST Exclusive) to the registered proprietor of Lot 1 DP620255, Maria River Road, Crescent Head for the acquisition of that part of Lot 1 DP620255 more particularly described as Lot 3 in registered plan of acquisition DP1293811;
2. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 1 DP1198157, Maria River Road, Crescent Head for the acquisition of that part of Lot 1 DP1199157 more particularly described as Lot 5 in registered plan of acquisition DP1293811;
3. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 3 DP1198157, Maria River Road, Crescent Head for the acquisition of that part of Lot 3 DP1198157 more particularly described as Lot 7 in registered plan of acquisition DP1293811;
4. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 1 DP576249, Maria River Road, Crescent Head for the acquisition of that part of Lot 1 DP576249 more particularly described as Lot 4 in registered plan of acquisition DP1293813;
5. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 62 DP754441, Maria River Road, Crescent Head for the acquisition of that part of Lot 62 DP754441 more particularly described as Lots 1 and 2 in registered plan of acquisition DP1293897;
6. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 11 DP264120, Maria River Road, Crescent Head for the acquisition of that part of Lot 11 DP264120 more particularly described as Lots 1 and 2 in registered plan of acquisition DP1294107;
7. pay compensation in the amount of \$2,000 (GST Exclusive) to the registered proprietor of Lot 18 DP790605, Maria River Road, Crescent Head for the acquisition of that part of Lot 18 DP790605 more particularly described as Lots 4 in registered plan of acquisition DP1294107;
8. pay the legal and conveyancing costs reasonably incurred by the landowners as required by Section 59 of the Land Acquisition (Just Terms Compensation) Act 1991;
9. upon finalisation of the acquisition process, dedicate Lots 3, 5 and 7 in DP1293811, Lot 4 in DP1293813, Lots 1 and 2 in DP1293897 and Lots 1, 2 and 4 in DP1294107 as public road pursuant to Section 10 of the Roads Act 1993; and
10. delegate authority to the General Manager to sign:
 - a. Deeds of Acquisition/Contract for the Sale of Land;
 - b. Revenue NSW Purchaser Declaration Forms; and
 - c. letters to Revenue NSW seeking exemption from the payment of stamp duty on the acquisition of Lots 3, 5 and 7 in DP1293811, Lot 4 in DP1293813, Lots 1 and 2 in DP1293897 and Lots 1, 2 and 4 in DP1294107

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

Nil

9 REPORTS OF COMMITTEES

9.1 Local Traffic Committee Meeting Minutes - 5 September 2023

Officer Michael Jackson, Director Operations & Planning

File Number F23/1958

2023.161 RESOLVED (Cr Riddington/Cr Ring):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 5 September 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 Election of Deputy Mayor

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/514

MOVED (Cr Bain/Cr Wyatt):

That Council:

1. elects a Deputy Mayor until the next local government election;
2. conducts the election, if required, for the position of Deputy Mayor by ordinary ballot;
3. allows three minutes for each candidate to address Council;
4. allows Councillors an opportunity to ask questions of candidates; and
5. requests that staff consider the above process when the Code of Meeting practice is reviewed.

AMENDMENT (Cr Patterson/Cr Riddington):

That Council:

1. elects a Deputy Mayor until the next local government election;
2. conducts the election, if required, for the position of Deputy Mayor by ordinary ballot;
3. allows three minutes for each candidate to address Council;
4. allows Councillors an opportunity to ask questions of candidates;

5. requests that staff consider the above process when the Code of Meeting practice is reviewed; and
6. requests that the Mayor offer the Deputy Mayor the opportunity to chair one meeting each year.

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

2023.162 RESOLVED (Cr Bain/Cr Wyatt):

That Council:

1. elects a Deputy Mayor until the next local government election;
2. conducts the election, if required, for the position of Deputy Mayor by ordinary ballot;
3. allows three minutes for each candidate to address Council;
4. allows Councillors an opportunity to ask questions of candidates;
5. requests that staff consider the above process when the Code of Meeting practice is reviewed; and
6. requests that the Mayor offer the Deputy Mayor the opportunity to chair one meeting each year.

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

The Mayor called an election for Deputy Mayor and appointed the General Manager as the Returning Officer.

The Returning Officer advised that two nominations had been received for Deputy Mayor, Councillors Ring and Riddington. The Returning Officer called for any further nominations from the floor. No further nominations were forthcoming.

Both candidates were provided three minutes each to make a speech to fellow Councillors before the ballot was held.

Councillors were provided the opportunity to ask questions of the candidates.

An election by ordinary ballot was held.

Four votes were received for Councillor Ring.

Five votes were received for Councillor Riddington.

No informal votes were received.

The Returning Officer declared Councillor Riddington elected as Deputy Mayor.

Immediately before considering an election for the Councillor position on the General Manager's Performance Review Panel the General Manager, Craig Milburn, declared a pecuniary interest in the election for the reason that the matter relates to his employment and left the Chamber at 9:57 am.

2023.163 RESOLVED (Cr Hauville/Cr Bain):

That Council elect a Councillor representative for the General Manager's Performance Review Panel.

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

The Mayor called an election for one Councillor to the General Manager's Performance Review Panel and appointed the Director Corporate and Commercial as the Returning Officer.

The Returning Officer called for nominations from the floor.

Councillor Patterson self-nominated.

Councillor Riddington nominated Councillor Bain; Councillor Bain accepted the nomination.

An election by open voting was held.

Voting for Councillor Patterson were Councillors Butterfield, Patterson, Ring and Saul.

Voting for Councillor Bain were Councillors Bain, Fergusson, Hauville, Riddington and Wyatt.

The Returning Officer declared Councillor Bain elected to the General Manager's Performance Review Panel.

The General Manager, Craig Milburn, returned to the Chamber at 10:02 am.

10.2 Crescent Head Holiday Park - Relocation of maintenance shed and public access

Officer Peter Allen, Group Manager Commercial Business

File Number F23/3447

MOVED (Cr Saul/Cr Patterson):

That Council:

- 1. thank Crescent Head Ratepayers and Residents Association (CHRARA), Crescent Head Country Club and Australian Tourist Park Managers (APTМ) for their positive contribution to the on-site meeting on Thursday, 24 August 2023;**
- 2. retain the maintenance shed on the existing site.**

3. reinstate a 1.5 metre wide, disability-accessible footpath to the east of the current shed location and;
4. endorse the attached Revised Crescent Head Holiday Park Concept Plan for future public exhibition, along with indicative cabin designs and elevation drawings.

2023.166 RESOLVED (Cr Wyatt/Cr Riddington):

That Council move into Committee of the Whole.

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 10:34 am the meeting adjourned for morning tea.

Upon resumption of the meeting at 10:55 am all present at the adjournment were in attendance.

2023.167 RESOLVED (Cr Ring/Cr Fergusson):

That the ordinary Council meeting be resumed.

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

AMENDMENT (Cr Ring/Cr Butterfield):

That Council:

1. thank Crescent Head Ratepayers and Residents Association (CHRARA), Crescent Head Country Club and Australian Tourist Park Managers (APTMM) for their positive contribution to the on-site meeting on Thursday, 24 August 2023;
2. relocate the maintenance shed to the proposed location in sites 100-102, adjacent to the current site;
3. reinstate a 1.5 metre wide, disability-accessible footpath to the east of the current shed location;
4. retain the vacated shed slab for holiday park use, such as storage of garbage bins; and
5. endorse the attached Revised Crescent Head Holiday Park Concept Plan for future public exhibition, along with indicative cabin designs and elevation drawings.

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

2023.168 RESOLVED (Cr Bain/Cr Wyatt):

That the question be divided and paragraph five be dealt with separately.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Saul

2023.169 RESOLVED (Cr Saul/Cr Patterson):

That Council:

1. thank Crescent Head Ratepayers and Residents Association (CHRARA), Crescent Head Country Club and Australian Tourist Park Managers (APTM) for their positive contribution to the on-site meeting on Thursday, 24 August 2023;
2. relocate the maintenance shed to the proposed location in sites 100-102, adjacent to the current site;
3. reinstate a 1.5 metre wide, disability-accessible footpath to the east of the current shed location;
4. retain the vacated shed slab for holiday park use, such as storage of garbage bins; and
5. request a report to a future meeting on the full cost of the project after completion.

CARRIED (7 / 2)

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

AGAINST: Cr Bain and Cr Patterson

MOVED (Cr Saul/Cr Patterson):

That Council endorse the attached Revised Crescent Head Holiday Park Concept Plan for future public exhibition, along with indicative cabin designs and elevation drawings.

AMENDMENT (Cr Patterson):

That Council endorse the attached Revised Crescent Head Holiday Park Concept Plan for future public exhibition, along with indicative cabin designs and elevation drawings, for at least 42 days.

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

2023.170 RESOLVED (Cr Saul/Cr Patterson):

That Council endorse the attached Revised Crescent Head Holiday Park Concept Plan for future public exhibition, along with indicative cabin designs and elevation drawings, for at least 42 days.

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 Council Managed Crown Land Plan of Management and Crescent Head Foreshore Revitalisation Project

Officer Phil Moore, Group Manager Strategic and Asset Planning

2023.171 RESOLVED (Cr Patterson/Cr Ring):

That Council:

1. notes that the draft Council Managed Crown Land Plan of Management is awaiting ministers consent;
2. notes that when the draft Council Managed Crown Land Plan of Management has ministers consent, it will be placed on public exhibition;
3. exhibits the draft Council Managed Crown Land Plan of Management for a period of 42 days to give the community suitable time for review and submission;
4. undertakes community engagement regarding leases proposed for renewal within the draft Council Managed Crown land Plan of Management for Crescent Head Crown Land (as per section 47 *Local Government Act 1993*) when required;
5. notes the Crescent Head foreshore revitalisation project will be placed on hold until the draft Council Managed Crown Land Plan of Management is finalised and adopted inclusive of leases proposed for renewal in Crescent Head (noting previous Council Resolution 2021.122 part 3);
6. notes that revisions to, and implementation of, the Crescent Head Holiday Park Concept Plan will proceed independently of the matters considered in this report; and
7. acknowledges that the proposed Community Advisory Group previously endorsed for the Crescent Head foreshore revitalisation project, have expanded terms of reference and scope to include areas proposed for leases on Crown reserve in Crescent Head.

Cr Ring left the Chamber at 11:40 am.

Cr Ring returned to the Chamber at 11:42 am.

Cr Butterfield left the Chamber at 11:50 am.

Cr Riddington left the Chamber at 11:50 am.

Cr Butterfield returned to the Chamber at 11:51 am.

Cr Riddington returned to the Chamber at 11:51 am.

AMENDMENT (Cr Wyatt):

That Council:

1. notes that the draft Council Managed Crown Land Plan of Management is awaiting ministers consent;
2. notes that when the draft Council Managed Crown Land Plan of Management has ministers consent, it will be placed on public exhibition;
3. exhibits the draft Council Managed Crown Land Plan of Management for a period of 42 days to give the community suitable time for review and submission;
4. undertakes community engagement expeditiously regarding leases proposed for renewal within the draft Council Managed Crown land Plan of Management for Crescent Head Crown Land (as per section 47 *Local Government Act 1993*) when required;

5. notes the Crescent Head foreshore revitalisation project will be placed on hold until the draft Council Managed Crown Land Plan of Management is finalised and adopted inclusive of leases proposed for renewal in Crescent Head (noting previous Council Resolution 2021.122 part 3);
6. notes that revisions to, and implementation of, the Crescent Head Holiday Park Concept Plan will proceed independently of the matters considered in this report; and
7. acknowledges that the proposed Community Advisory Group previously endorsed for the Crescent Head foreshore revitalisation project, have expanded terms of reference and scope to include areas proposed for leases on Crown reserve in Crescent Head.

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

AMENDMENT (Cr Wyatt):

That Council:

1. notes that the draft Council Managed Crown Land Plan of Management is awaiting ministers consent;
2. notes that when the draft Council Managed Crown Land Plan of Management has ministers consent, it will be placed on public exhibition;
3. exhibits the draft Council Managed Crown Land Plan of Management for a period of 42 days to give the community suitable time for review and submission;
4. undertakes community engagement expeditiously regarding leases proposed for renewal within the draft Council Managed Crown land Plan of Management for Crescent Head Crown Land (as per section 47 *Local Government Act 1993*) when required;
5. notes the Crescent Head foreshore revitalisation project will be placed on hold until the draft Council Managed Crown Land Plan of Management is finalised and adopted inclusive of leases proposed for renewal in Crescent Head (noting previous Council Resolution 2021.122 part 3);
6. notes that revisions to, and implementation of, the Crescent Head Holiday Park Concept Plan will proceed independently of the matters considered in this report as resolved by August and September 2023 Council meetings; and
7. acknowledges that the proposed Community Advisory Group previously endorsed for the Crescent Head foreshore revitalisation project, have expanded terms of reference and scope to include areas proposed for leases on Crown reserve in Crescent Head.

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

2023.172 RESOLVED (Cr Patterson/Cr Ring):

That Council:

1. notes that the draft Council Managed Crown Land Plan of Management is awaiting ministers consent;
2. notes that when the draft Council Managed Crown Land Plan of Management has ministers consent, it will be placed on public exhibition;
3. exhibits the draft Council Managed Crown Land Plan of Management for a period of 42 days to give the community suitable time for review and submission;

4. undertakes community engagement expeditiously regarding leases proposed for renewal within the draft Council Managed Crown land Plan of Management for Crescent Head Crown Land (as per section 47 *Local Government Act 1993*) when required;
5. notes the Crescent Head foreshore revitalisation project will be placed on hold until the draft Council Managed Crown Land Plan of Management is finalised and adopted inclusive of leases proposed for renewal in Crescent Head (noting previous Council Resolution 2021.122 part 3);
6. notes that revisions to, and implementation of, the Crescent Head Holiday Park Concept Plan will proceed independently of the matters considered in this report as resolved by August and September 2023 Council meetings; and
7. acknowledges that the proposed Community Advisory Group previously endorsed for the Crescent Head foreshore revitalisation project, have expanded terms of reference and scope to include areas proposed for leases on Crown reserve in Crescent Head.

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

10.5 Public Interest Disclosures Policy

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F20/2694

MOVED (Cr Riddington/Cr Saul):

That Council:

1. endorse the draft Public Interest Disclosures Policy to take effect from 1 October 2023; and
2. note that future variation of the policy will be authorised by the General Manager, or their delegate.

AMENDMENT (Cr Bain):

That Council:

1. endorse the draft Public Interest Disclosures Policy to take effect from 1 October 2023;
2. note that operational variations of policy be authorised by the General Manager, or their delegate; and
3. note that substantive variations of policy be brought to Council.

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

2023.174 RESOLVED (Cr Bain/Cr Saul):

That Council:

1. endorse the draft Public Interest Disclosures Policy to take effect from 1 October 2023;
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2. note that operational variations of policy be authorised by the General Manager, or their delegate; and
3. note that substantive variations of policy be brought to Council.

CARRIED (8 / 1)

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

AGAINST: Cr Hauville

2023.174 RESOLVED (Cr Butterfield/Cr Bain):

The Council determine 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 (9 / 0)

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

AGAINST: Nil

Cr Saul apologised for non-attendance for the remainder of the meeting.

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

Upon resumption at 1:20 pm all present at the adjournment were in attendance with the exception of Cr Saul.

11 REPORTS FROM COUNCILLORS

11.1 Notice of Motion - Dementia Awareness

Councillor Cr Bain, Councillor

File Number F19/1969

2023.175 RESOLVED (Cr Bain/Cr Riddington):

That Council:

1. notes that September is Dementia Awareness Month, and that Dementia Awareness Week is from 18 -24 September and that the theme this year is "Act Now for a Dementia-Friendly Future".
2. actively promote information in regular Council communications to increase awareness of the needs of those living with dementia and their support groups.
3. for a six month period to allow access to Council meeting facilities, and copying facilities for up to 50 copies per month, available for stakeholders to meet to identify the kinds of local support needed.

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 Notice of Motion - Waste Vouchers

Councillor Cr Wyatt, Councillor

File Number F22/1702

MOVED (Cr Wyatt/Cr Patterson):

That Council:

1. consider effective methods of allocating a portion of waste vouchers to people residing in the houses and business premises where the rates are being levied;
2. report to Council in May 2024:
 - a. the number of waste vouchers redeemed in 23/24 financial year (to date);
 - b. methods considered to allocate vouchers to people residing in the houses and business premises; and
 - c. recommendation on whether waste vouchers can be issued non-rate paying occupiers of properties.

AMENDMENT (Cr Wyatt /Cr Patterson):

That Council:

1. consider effective methods of informing tenants of the availability of waste vouchers;
2. report the number of waste vouchers redeemed in 2023-24 financial year (to date) to Council in May 2024.

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

2023.177 RESOLVED (Cr Wyatt/Cr Patterson):

That Council:

1. consider effective methods of informing tenants of the availability of waste vouchers;
2. report the number of waste vouchers redeemed in 2023-24 financial year (to date) to Council in May 2024.

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 Notice of Motion - Varroa Mite

Councillor Cr Wyatt, Councillor

File Number F23/3643

2023.178 RESOLVED (Cr Wyatt/Cr Riddington):

That Council:

1. acknowledges the economic and social impact of the Varroa mite on beekeeping businesses and families in the Kempsey Shire;
2. writes to The Hon. Tara Moriarty, Minister for Agriculture, and The Hon. Chris Minns, Premier, requesting access to disaster recovery support services for affected apiarists, an apiary industry recovery program and appropriate compensation for beekeepers; and
3. request that the NSW Department of Primary Industries provide an estimate of the:
 - a. economic contribution and value of the beekeeping industry to Kempsey Shire; and
 - b. the number beekeeping businesses and families affected by the Biosecurity (Varroa Mite) Emergency Order (No. 43) 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

11.5 Delegates Report - Country Mayors Association of NSW meeting and meeting with the Hon. Rose Jackson MLC

Councillor Cr Hauville, Mayor

File Number F22/1720

2023.179 RESOLVED (Cr Hauville/Cr Bain):

That Council receives and notes the information in 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 CONFIDENTIAL MATTERS

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 2:22 pm.