

Minutes

Minutes of the Ordinary Council Meeting held on Tuesday 15 October 2024

I hereby certify that this is a true and correct record of the minutes of the Kempsey Shire Council ordinary meeting held Tuesday 15 October 2024



Mayor K Ring



The meeting commenced at 9:00 am.

PRESENT:

Councillors K Ring (Mayor and Chairperson), I A Bain, A M Lawrence, A M Matchett, J A Coburn, B T Paix, D F Saul, N S Selby 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.

Immediately upon commencement the Mayor adjourned the meeting so that Councillors, staff and members of the public could move to the courtyard for a Smoking Ceremony and Welcome to Country by Uncle Fred Kelly.

1 OPENING PRAYER

Cr Saul provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Lawrence provided a welcome to country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

Cr Bain 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

Nil.

5 CONFIRMATION OF MINUTES

2024.185 RESOLVED (Cr Saul/Cr Bain):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 20 August 2024 be confirmed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

6 DISCLOSURES OF INTEREST

During consideration of item 10.3, Review of Committees and Appointment of Delegates, the General Manager, Craig Milburn, declared a pecuniary interest in the election of a Councillor to the General Manager's Performance Review Panel and left the Chamber whilst this matter was dealt with.

7 ITEMS PASSED BY EXCEPTION

2024.186 RESOLVED (Cr Selby/Cr Bain):

That the recommendations contained in the following items be adopted:

- 9.1. Local Traffic Committee Meeting Minutes
- 10.9. Policy Framework Policy
- 10.10. Council Offices, Libraries and Depot 2024 Christmas - New Year Closedown
- 10.11. Local Event Day Applications
- 10.12. Disclosure of Interest Returns
- 10.14. Development Activity and LEP Variations - Quarterly Snapshot
- 10.15. Statement of Cash and Investments - August and September 2024
- 12.2. Audit, Risk & Improvement Committee Meeting Minutes - 10 September 2024
- 12.3. Land Acquisition - Maria River Road
- 12.4. Riverside Park Foreshore Tender (TQE23-73)

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

9.1 Local Traffic Committee Meeting Minutes

Officer Michael Jackson, Director Operations & Planning

File Number F21/1958

2024.187 RESOLVED (Cr Selby/Cr Bain):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 27 August 2024.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.9 Policy Framework Policy

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F21/3094/05

2024.188 RESOLVED (Cr Selby/Cr Bain):

That Council:

1. adopts the attached draft Policy Framework Policy, to commence on 1 November 2024;
2. adopts the designation of policies as Council Policies and Operational Policies in Attachment 2; and
3. revokes the following policies with effect from 16 October 2024:
 - a. 1.5 Business Incentives Policy
 - b. 1.9 Mining Activities in the Kempsey Shire Council Area Policy
 - c. 2.2 Ageing and Disability Policy
 - d. 2.7 Health, Wellbeing and Volunteering Policy
 - e. 2.8 Library Services Policy
 - f. 2.11 Social Planning Policy
 - g. 5.12 Public Private Partnerships Policy, and
 - h. 5.13 Outsourcing Policy.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.10 Council Offices, Libraries and Depot 2024 Christmas - New Year Closedown

Officer Julia Perryman, People and Culture Manager

File Number F21/1806

2024.189 RESOLVED (Cr Selby/Cr Bain):

That Council closes its offices, including the Civic Centre and Depot, from Monday, 23 December 2024 through to Friday, 3 January 2025 and re-open on Monday, 6 January 2024.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.11 Local Event Day Applications

Officer Keely Halliday, Business Support Officer

File Number F23/1660

2024.190 RESOLVED (Cr Selby/Cr Bain):

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

1. A part-day local event day from 12:00pm to 6:00pm on Wednesday, 30 April 2025 for the Kempsey Show; and
2. A part-day local event day from 12:00pm to 6:00pm on Friday, 7 November 2025 for the Kempsey Cup.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.12 Disclosure of Interest Returns

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/3129

2024.191 RESOLVED (Cr Selby/Cr Bain):

That Council receives the report and notes the lodgement and tabling of the Disclosure of Interest Returns.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.14 Development Activity and LEP Variations - Quarterly Snapshot

Officer Lisa Kennedy, Team Leader Office Support

File Number F19/1831

2024.192 RESOLVED (Cr Selby/Cr Bain):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.15 Statement of Cash and Investments - August and September 2024

Officer Stacey Milligan, Finance Manager

File No F22/3106

2024.193 RESOLVED (Cr Selby/Cr Bain):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

12.2 Audit, Risk & Improvement Committee Meeting Minutes - 10 September 2024

Officer {author-name}, {position}

File Number F23/2510

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

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

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

2024.194 RESOLVED (Cr Selby/Cr Bain):

That Council notes the draft meeting minutes from the Audit, Risk & Improvement Committee, 10 September 2024.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

12.3 Land Acquisition - Maria River Road

Officer Dylan Reeves, Group Manager Infrastructure Delivery

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.

2024.195 RESOLVED (Cr Selby/Cr Bain):

That Council:

1. pays compensation in the amount of \$7,000 (GST exclusive) and a contribution to fencing in the amount of \$2,200 (GST exclusive) to the registered proprietor of Lot 672 DP594300, located at Maria River Road, Crescent Head for the acquisition of that part of Lot 672 more particularly described as Lot 1 in registered plan of acquisition DP1293811;
2. pays the legal and conveyancing costs reasonably incurred by the landowner as required by section 59 *Land Acquisition (Just Terms Compensation) Act 1991*;
3. upon finalisation of the acquisition process, dedicates Lot 1 DP1293811 as public road pursuant to section 10 *Roads Act 1993*; and
4. delegates authority to the General Manager to sign:
 - a. Deeds of Acquisition and 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 Lot 1 DP1293811.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

12.4 Riverside Park Foreshore Tender (TQE23-73)

Officer Dylan Reeves, Group Manager Infrastructure Delivery

File Number TQE23-73

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.

2024.196 RESOLVED (Cr Selby/Cr Bain):

That Council:

1. accepts the tender for Riverside Park Foreshore Stabilisation (TQE23-73) received from PCA Ground Engineering for \$4,816,177.30; and
2. delegates to the General Manager authority to authorise variations up to the project budget.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

8 MAYORAL MINUTES

Nil

10 REPORTS TO COUNCIL

10.1 Oaths and Affirmations

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F24/3784

2024.197 RESOLVED (Cr Lawrence/Cr Bain):

That Council notes the following Councillors took an oath or made an affirmation in the presence of the General Manager on Wednesday, 9 October 2024:

- a. Mayor Kinne Ring made an affirmation,
- b. Councillor Arthur Bain made an affirmation,
- c. Councillor Julie Coburn made an affirmation,
- d. Councillor Annette Lawrence made an affirmation,
- e. Councillor Adam Matchett made an affirmation,
- f. Councillor Ben Paix made an affirmation,
- g. Councillor Dean Saul took an oath,
- h. Councillor Noel Selby took an oath, and
- i. Councillor Alexandra Wyatt made an affirmation.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.2 Election of Deputy Mayor

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/514

MOVED (Cr Bain/Cr Selby):

That Council:

1. elects a Deputy Mayor until the September 2025 ordinary meeting of Council;
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. requests that staff consider the above process when the Code of Meeting practice is reviewed.

AMENDMENT (Cr Saul/Cr Lawrence):

That Council:

1. elects a Deputy Mayor until the September 2025 ordinary meeting of Council;
2. conducts the election, if required, for the position of Deputy Mayor by open voting;
3. allows three minutes for each candidate to address Council;
4. requests that staff consider the above process when the Code of Meeting practice is reviewed.

CARRIED (5 / 4)

FOR: Cr Coburn, Cr Lawrence, Cr Matchett, Cr Ring and Cr Saul

AGAINST: Cr Bain, Cr Paix, Cr Selby and Cr Wyatt

2024.198 RESOLVED (Cr Bain/Cr Selby):

That Council:

1. elects a Deputy Mayor until the September 2025 ordinary meeting of Council;
2. conducts the election, if required, for the position of Deputy Mayor by open voting;
3. allows three minutes for each candidate to address Council;
4. requests that staff consider the above process when the Code of Meeting practice is reviewed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

ELECTION FOR DEPUTY MAYOR

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

The Returning Officer advised that two nominations had been received for Deputy Mayor being Councillors Coburn and Lawrence. No further nominations were forthcoming.

Each candidate was offered the opportunity to speak for up to three minutes.

An Election by a show of hands was held.

Voting for Councillor Coburn were Councillors Bain, Coburn, Paix, Selby and Wyatt.

Voting for Councillor Lawrence were Councillors Lawrence, Matchett, Ring and Saul.

The Returning Officer declared Councillor Coburn elected as Deputy Mayor.

10.3 Review of Committees and Appointment of Delegates

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/2550

2024.199 RESOLVED (Cr Saul/Cr Selby):

That Council:

1. determines appointments to committees;
2. holds any election required for membership by open voting; and
3. reviews these appointments at its first ordinary meeting after 1 September 2026.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

ELECTION FOR COUNCILLOR DELEGATES TO COMMITTEES

The Mayor called an election for Councillors to Committees, and appointed the General Manager as Returning Officer.

Audit, Risk and Improvement Committee

The Returning Officer called for nominations from the floor for the selection of one Councillor as observer for the Audit, Risk and Improvement Committee.

Councillor Bain nominated Councillor Wyatt. Councillor Wyatt accepted the nomination.

Councillor Matchett self-nominated.

An election by show of hands was held.

Voting for Councillor Matchett were Councillors Matchett, Lawrence, Ring and Saul.

Voting for Councillor Wyatt were Councillors Bain, Coburn, Paix, Selby and Wyatt.

The Returning Officer declared Councillor Wyatt elected.

Australia Day Awards Committee

The Returning Officer called for nominations from the floor for the selection of two Councillors for the Australia Day Awards Committee.

Councillor Lawrence self-nominated.

Councillor Bain nominated Councillor Selby. Councillor Selby accepted the nomination.

The Returning Officer declared Councillors Lawrence and Selby elected unopposed.

General Manager's Performance Review Panel

The General Manager, Craig Milburn, declared a pecuniary interested in the election of a Councillor to the General Manager's Performance Review Panel and left the Chamber at 9:47 am.

Director Corporate and Commercial, Stephen Mitchell, assumed the role of Returning Officer.

The Returning Officer called for nominations from the floor for the selection of one Councillor for the General Manager's Performance Review Panel, along with the Mayor and Deputy Mayor.

Councillor Saul nominated Councillor Lawrence. Councillor Lawrence accepted the nomination.

Councillor Selby nominated Councillor Bain. Councillor Bain accepted the nomination.

Councillor Selby nominated Councillor Paix. Councillor Paix accepted the nomination.

An election was held by show of hands.

Voting for Councillor Lawrence were Councillors Lawrence, Matchett, Ring and Saul.

Voting for Councillor Bain were Councillors Bain, Coburn, Selby and Wyatt.

Voting for Councillor Paix was Councillor Paix.

Councillor Paix was eliminated.

A further election was held by show of hands.

Voting for Councillor Lawrence were Councillors Lawrence, Matchett, Ring and Saul.

Voting for Councillor Bain where Councillors Bain, Coburn, Paix, Selby and Wyatt.

The Returning Officer declared Councillor Bain elected.

The General Manager, Craig Milburn, returned to the Chamber at 9:50 am and resumed the role of Returning Officer.

Bush Fire Management Committee/Zone Liaison Committee

The Returning Officer called for nominations from the floor for the selection of one Councillor for the Bush Fire Management Committee/Zone Liaison Committee.

Councillor Coburn nominated Councillor Paix; Councillor Paix did not accept the nomination.

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

The Returning Officer declared Councillor Bain elected unopposed.

ClubGRANTS

The Mayor is Council's representative to ClubGRANTS.

Local Traffic Committee

The Returning Officer called for nominations from the floor for the selection of one Councillor for the Local Traffic Committee.

Councillor Bain nominated Councillor Selby. Cr Selby accepted the nomination.

Councillor Saul self-nominated.

An election by show of hands was held.

Voting for Councillor Saul were Councillors Lawrence, Matchett, Ring and Saul.

Voting for Councillor Selby where Councillors Bain, Coburn, Paix, Selby and Wyatt.

The Returning Officer declared Councillor Selby elected.

Melville Hall Sport and Entertainment Centre Management Committee

The Mayor is Council's representative to the Melville Hall Sport and Entertainment Centre Management Committee.

Mid North Coast Regional Arts Board

The Returning Officer called for nominations from the floor for the selection of one Councillor for the Mid North Coast Regional Arts Board.

Councillor Saul nominated Councillor Lawrence. Councillor Lawrence declined the nomination.

Councillor Matchett self-nominated.

The Returning Officer declared Councillor Matchett elected unopposed.

Public Libraries Association North East Zone Committee

The Returning Officer called for nominations from the floor for the selection of one Councillor for the Public Libraries Association North East Zone Committee.

Councillor Selby nominated Councillor Bain. Councillor Bain accepted the nomination.

Councillor Bain self-nominated.

The Returning Officer declared Councillor Bain elected unopposed.

South West Rocks Sport & Recreation Association

The Returning Officer called for nominations from the floor for the selection of one Councillor for the South West Rocks Sport & Recreation Association.

Councillor Bain nominated Councillor Paix. Councillor Paix accepted the nomination.

The Returning Officer declared Councillor Paix elected unopposed.

10.4 Countback By-elections

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F19/2667

2024.200 RESOLVED (Cr Coburn/Cr Bain):

That pursuant to section 291A(1)(b) of the *Local Government Act 1993 (the Act)* Kempsey Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act, and directs the general manager to notify the Electoral Commissioner of New South Wales of the Council's decision within 7 days of the decision.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.5 LGNSW Annual Conference 2024

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/1720

MOVED (Cr Bain/Cr Selby):

That Council:

- 1. notes that Council previously, by resolution at the August ordinary meeting:**
 - a. authorised the attendance of the Mayor and other delegates as nominated by Council;**
 - b. determined that the Mayor, Deputy Mayor and one other Councillor will be voting delegates;**
 - c. authorised the attendance of any newly elected Councillors wishing to attend the conference; and**
 - d. endorsed the following Notices of Motion to be submitted to LGNSW for inclusion in the conference Business Paper:**
 - i. Tropical Soda Apple,**
 - ii. Group Voting,**

- iii. Term Limits for LGNSW Board, and
- iv. Disaster Recovery.

2. determines the other voting delegate by open voting.

AMENDMENT (Cr Saul):

That Council:

1. notes that Council previously, by resolution at the August ordinary meeting:
 - a. authorised the attendance of the Mayor and other delegates as nominated by Council;
 - b. determined that the Mayor, Deputy Mayor and one other Councillor will be voting delegates;
 - c. authorised the attendance of any newly elected Councillors wishing to attend the conference; and
 - d. endorsed the following Notices of Motion to be submitted to LGNSW for inclusion in the conference Business Paper:
 - i. Tropical Soda Apple,
 - ii. Group Voting,
 - iii. Term Limits for LGNSW Board, and
 - iv. Disaster Recovery.
2. authorises the attendance of the Mayor only.

The amendment was rule out of order by the Mayor as reversal of Council's decision in August to authorise the attendance of new Councillors would require a rescission motion.

AMENDMENT (Cr Saul):

That Council:

1. notes that Council previously, by resolution at the August ordinary meeting:
 - a. authorised the attendance of the Mayor and other delegates as nominated by Council;
 - b. determined that the Mayor, Deputy Mayor and one other Councillor will be voting delegates;
 - c. authorised the attendance of any newly elected Councillors wishing to attend the conference; and

d. endorsed the following Notices of Motion to be submitted to LGNSW for inclusion in the conference Business Paper:

- i. Tropical Soda Apple,
- ii. Group Voting,
- iii. Term Limits for LGNSW Board, and
- iv. Disaster Recovery.

2. authorises the attendance of the Mayor and voting delegates only.

The amendment was rule out of order by the Mayor as reversal of Council's decision in August to authorise the attendance of new Councillors would require a rescission motion.

2024.201 RESOLVED (Cr Bain/Cr Selby):

That Council:

1. notes that Council previously, by resolution at the August ordinary meeting:
 - a. authorised the attendance of the Mayor and other delegates as nominated by Council;
 - b. determined that the Mayor, Deputy Mayor and one other Councillor will be voting delegates;
 - c. authorised the attendance of any newly elected Councillors wishing to attend the conference; and
 - d. endorsed the following Notices of Motion to be submitted to LGNSW for inclusion in the conference Business Paper:
 - i. Tropical Soda Apple,
 - ii. Group Voting,
 - iii. Term Limits for LGNSW Board, and
 - iv. Disaster Recovery.
2. determines the other voting delegate by open voting.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

ELECTION FOR VOTING DELEGATE TO LGNSW ANNUAL CONFERENCE

The Mayor called an election for one Councillor for attendance at the LGNSW Annual Conference as a voting delegate, and appointed the General Manager as Returning Officer.

The Returning Officer called for nominations from the flood of the meeting.

Councillor Bain self-nominated.

No further nominations were forthcoming.

The Returning Officer declared Councillor Bain elected as Council's remaining voting delegate to the LGNSW Annual Conference.

10.6 DA2300893 - 2A Livingstone Street, South West Rocks - Replace Park Amenities and 3 x Tourist Accommodation Units

Officer Melissa Ziade, Principal Planner

File Number DA2300893

MOVED (Cr Saul/Cr Wyatt):

That Council:

1. grants consent for Development Application DA2300893, subject to Conditions of Consent contained in the attachment (Attachment DA2300893 Conditions of Consent); and
2. advises those who have made a submission of Council's decision.

At this stage 10:41 am the meeting adjourned for morning tea.

Upon resumption of the meeting at 11:00 am all present at the adjournment were in attendance.

2024.202 RESOLVED (Cr Saul/Cr Wyatt):

That Council:

1. grants consent for Development Application DA2300893, subject to Conditions of Consent contained in the attachment (Attachment DA2300893 Conditions of Consent); and
2. advises those who have made a submission of Council's decision.

CARRIED (6 / 3)

FOR: Cr Bain, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring and Cr Saul

AGAINST: Cr Coburn, Cr Selby and Cr Wyatt

10.7 Revenue Review Task Force

Officer Craig Milburn, General Manager

File Number F22/2550

2024.203 RESOLVED (Cr Selby/Cr Bain):

That Council:

- 1. adopts the attached Terms of Reference for the Revenue and Review Taskforce;**
- 2. appoints two Councillors as the two Councillor representatives on the taskforce committee; and**
- 3. appoints a suitably qualified external person to be selected through an expression of interest process.**

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

ELECTION FOR REVENUE AND REVIEW TASKFORCE

The Mayor called an election for two Councillors for the Revenue and Review Task Force, and appointed the General Manager as Returning Officer.

The Returning Officer called for nominations from the flood of the meeting.

Councillor Bain nominated Councillor Lawrence. Councillor Lawrence accepted the nomination.

Councillor Bain nominated Councillor Paix. Councillor Paix accepted the nomination.

The Returning Officer declared Councillors Lawrence and Paix elected unopposed.

10.8 Multi-Purpose Pavilion Verge Street

Officer Steve Pellen, Coordinator Parks Projects

File Number F12/1475

MOVED (Cr Wyatt/Cr Selby):

That Council:

- 1. receives a briefing on the Macleay Valley Sports Strategy and the Eden/Verge Street Sporting Complex Master Plan, including:**
 - a. strategic vision,**
 - b. proposals and improvements for all the fields associated with the Sport Strategy and Master Plan,**
 - c. works completed,**
 - d. works proposed, and**
 - e. stakeholder consultation; and**
- 2. receives a report to the November ordinary meeting of Council before proceeding to tender.**

LOST (4 / 5)

FOR: Cr Coburn, Cr Paix, Cr Selby and Cr Wyatt

AGAINST: Cr Bain, Cr Lawrence, Cr Matchett, Cr Ring and Cr Saul

Cr Saul foreshadowed a motion.

Cr Wyatt foreshadowed a motion.

MOVED (Cr Saul/Cr Matchett):

That Council:

1. issues a Design & Construct tender based on designs submitted for the Multi-Purpose and Netball Pavilion and amenities at Verge/Eden Street Sporting Complex Kempsey with the intent of achieving an outcome within the available budget; and
2. receives a briefing on the Macleay Valley Sports Strategy and the Eden/Verge Street Sporting Complex Master Plan, including:
 - a. strategic vision,
 - b. proposals and improvements for all the fields associated with the Sport Strategy and Master Plan,
 - c. works completed,
 - d. works proposed, and
 - e. stakeholder consultation

AMENDMENT (Cr Bain):

That Council:

1. issues a Design & Construct tender based on designs submitted for the Multi-Purpose and Netball Pavilion and amenities at Verge/Eden Street Sporting Complex Kempsey with the intent of achieving an outcome within the available budget; and
2. receives a briefing on the Macleay Valley Sports Strategy and the Eden/Verge Street Sporting Complex Master Plan, including:
 - a. strategic vision,
 - b. proposals and improvements for all the fields associated with the Sport Strategy and Master Plan,
 - c. works completed,
 - d. works proposed, and
 - e. stakeholder consultation; and
3. invites key representatives of the sporting clubs involved.

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

AMENDMENT (Cr Paix):

That Council:

1. issues a Design & Construct tender based on designs submitted for the Multi-Purpose and Netball Pavilion and amenities at Verge/Eden Street Sporting Complex Kempsey with the intent of achieving an outcome within the available budget; and
2. receives a briefing on the Macleay Valley Sports Strategy and the Eden/Verge Street Sporting Complex Master Plan, including:
 - a. strategic vision,
 - b. proposals and improvements for all the fields associated with the Sport Strategy and Master Plan,
 - c. works completed,

- d. works proposed, and
- e. stakeholder consultation; and
3. invites key representatives of the sporting clubs involved to a site inspection.

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

2024.204 RESOLVED (Cr Saul/Cr Matchett):

That Council:

1. issues a Design & Construct tender based on designs submitted for the Multi-Purpose and Netball Pavilion and amenities at Verge/Eden Street Sporting Complex Kempsey with the intent of achieving an outcome within the available budget; and
2. receives a briefing on the Macleay Valley Sports Strategy and the Eden/Verge Street Sporting Complex Master Plan, including:
 - a. strategic vision,
 - b. proposals and improvements for all the fields associated with the Sport Strategy and Master Plan,
 - c. works completed,
 - d. works proposed, and
 - e. stakeholder consultation; and
3. invites key representatives of the sporting clubs involved to a site inspection.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

10.13 Grassy Head Playground - Engagement and Decision Making

Officer Liesa Davies, Group Manager Community Partnerships

File Number F23/3628/02

Cr Selby left the Chamber at 12:08 pm.

Cr Selby returned to the Chamber at 12:12 pm.

2024.205 RESOLVED (Cr Wyatt/Cr Bain):

That Council notes:

1. the information on the engagement and decision making for the new Grassy Head Playground;
2. the lessons learned from a staff review of this process; and
3. that these lessons and other community and councillor feedback will inform the development of Council's new Community Engagement Strategy and improve our future engagement approach.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

11 REPORTS FROM COUNCILLORS

11.1 Notice of Motion - Dementia Awareness

Councillor Cr Bain, Councillor

File Number F19/1969

2024.206 RESOLVED (Cr Bain/Cr Matchett):

That Council invites Anthony Parker from Dementia Australia to deliver a workshop to Councillors and the Senior Leadership Team on the importance of developing a Dementia Friendly Community in Kempsey Shire on Wednesday 12 March 2025 at 4.00 pm.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

11.2 Delegates Report - Country Mayors Association - 9 August 2024

Councillor Cr Hauville, Mayor

File Number F22/1962

This report has been brought forward from Council's Ordinary Meeting held 20 August 2024 where it was not considered.

2024.207 RESOLVED (Cr Ring/Cr Selby):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt
AGAINST: Nil

12 CONFIDENTIAL MATTERS

2024.208 RESOLVED (Cr Saul/Cr Bain):

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 (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby 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.

2024.209 RESOLVED (Cr Wyatt/Cr Saul):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

2024.210 RESOLVED (Cr Bain/Cr Matchett):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12:32 pm.