The meeting commenced at 9.01 am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), M J Baxter, L J Hauville, S E McGinn, B J Morris, A P Patterson and D F Saul

General Manager, C L Milburn; Director Corporate and Commercial, S M Mitchell; Director Operations and Planning, R A Fish; Manager Governance and Information Services, D S Thoroughgood; and Minute Taker M L Peterson.

The Mayor informed all present that Council permits the electronic recording and broadcasting of the proceedings of Council which are open to the public. Your attendance at this meeting is taken as consent of the possibility that your image and your voice may be recorded and broadcast to the public.

1 OPENING PRAYER

“Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen”.

2 ACKNOWLEDGEMENT OF COUNTRY

“Council acknowledges that this meeting is being held on the traditional lands of the Dunghutti People”.

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2020.26

RESOLVED: MOVED: Cl Patterson
SECONDED: Cl Saul

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

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

9.1 PRESENTATION FROM NSW RURAL FIRE SERVICE

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

Council received a presentation from Mr Lachlann Ison, Zone Manager, Lower North Coast.

Mr Ison presented the following documents to the meeting:
2. August S44 – Mapping PLO [9.1.2 - 1 page]
3. October S44 – Mapping PLO [9.1.3 - 1 page]
5. Linescan Image – 8 November 2019 – 1841 hrs [9.1.5 - 1 page]

4 CONFIRMATION OF MINUTES

MOVED: Cl McGinn
SECONDED: Cl Patterson

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 February 2020 be confirmed.

An AMENDMENT was MOVED: Cl Hauville
SECONDED: Cl Morris

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 February 2020 be confirmed, with the following amendment:

Add to 8.1 Australia Day Awards Committee.

The Mayor informed the meeting that she had written letters of thanks to all Committee members. Letters were also sent to each recipient of the awards with their citation letters. She also sent letters of thanks to the Australia Day Ambassador, Aden Tolman and to his football team.

Clr Hauville moved a vote of thanks to the Mayor, Clr Liz Campbell, for her leadership of the Committee. It was seconded and resolved in the affirmative by acclamation.

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

2020.27
RESOLVED: Cl McGinn
SECONDED: Cl Patterson

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 February 2020 be confirmed.

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

5 DISCLOSURES OF INTEREST
Mr Milburn, General Manager, declared a pecuniary interest in item 11.3 Mayoral Minute - General Manager’s Interim Performance Review for the reason that it concerns his employment.

Cl Hauville brought forward a matter of great urgency. The Chair ruled that this is a matter of great urgency.

2020.46
RESOLVED: MOVED: Cl Hauville
SECONDED: Cl Morris

That the matter of great urgency brought forward by Cl Hauville regarding the Royal Commission into National Natural Disaster Arrangements be dealt with at this meeting following item 10.3.

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

6 ITEMS PASSED BY EXCEPTION

2020.28
RESOLVED: MOVED: Cl Patterson
SECONDED: Cl Saul

That the recommendations contained in the following items be adopted:

9.5 STATEMENT OF CASH AND INVESTMENTS

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

9.5 STATEMENT OF CASH AND INVESTMENTS

<table>
<thead>
<tr>
<th>Officer</th>
<th>Ron Wood, Chief Financial Officer</th>
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<tbody>
<tr>
<td>File No</td>
<td>N/A</td>
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<tr>
<td>Attachments</td>
<td>1. Statement of Cash &amp; Investments [9.5.1 - 3 pages]</td>
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2020.29
RESOLVED: MOVED: Cl Patterson
SECONDED: Cl Saul

That the report be noted.

FOR: Cl Campbell, Cl Baxter, Cl Hauville, Cl McGinn, Cl Morris, Cl Patterson, Cl Saul
AGAINST: nil
7 MAYORAL MINUTES

7.1 NOVEL CORONAVIRUS (COVID-19)

Councillor Liz Campbell, Mayor

File No F19/1960

Attachments Nil

MOVED: Cl Campbell

1. That Council notes the organisation’s position regarding COVID-19 and given the rapidly changing situation note that Council will take future actions as directed by, or based on advice from, the lead agencies of Federal and State Health authorities.

2. Council acknowledges the activities under Council’s BCP.

3. That Council encourages the community to be aware of the protocols:
   a. staying at home when you are unwell
   b. avoiding large public gatherings if they’re not essential
   c. keeping a distance of 1.5 metres between you and other people whenever possible
   d. minimising physical contact, especially with people at higher risk such as older people and people with existing health conditions

MOVED: Cl Hauville

That Council moved into Committee of the Whole for discussions related to Item 7.1 Novel Coronavirus (COVID-19).

The MOTION LAPSED for want of a SECONDER.

2020.30

RESOLVED: Cl Campbell

That Council:

1. notes the organisation’s position regarding COVID-19 and given the rapidly changing situation note that Council will take future actions as directed by, or based on advice from, the lead agencies of Federal and State Health authorities.

2. acknowledges the activities under Council’s Business Continuity Plan and the effective measures that it is implementing.

3. Encourages the community to be aware of the protocols:
   a. staying at home when you are unwell
   b. avoiding large public gatherings if they’re not essential
c. keeping a distance of 1.5 metres between you and other people whenever possible

d. minimising physical contact, especially with people at higher risk such as older people and people with existing health conditions

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

8 REPORTS OF COMMITTEES

8.1 MINUTES OF LOCAL TRAFFIC COMMITTEE - 3 MARCH 2020

Officer Robert Fish, Director Operations and Planning
File No F19/1958

RESOLVED: MOVED: Cl Patterson
SECONDED: Cl Saul

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting of 3 March 2020.

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

8.2 ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE

Officer Marilyn Breen, Acting Manager Commercial Business
File No F19/2252
Attachments 1. Annual Report 2019 of Economic Development & Tourism Committee [8.2.1 - 3 pages]
2. Minutes of Economic Development & Tourism Committee - 30 November 2018 [8.2.2 - 2 pages]
3. Minutes of Economic Development & Tourism Committee - 8 February 2019 [8.2.3 - 2 pages]
4. Minutes of Economic Development & Tourism Committee - 3 April 2019 [8.2.4 - 2 pages]
5. Minutes of Economic Development & Tourism Committee - 21 June 2019 [8.2.5 - 2 pages]
6. Minutes of Economic Development & Tourism Committee - 18 July 2019 [8.2.6 - 2 pages]
7. Minutes of Economic Development & Tourism Committee - 26 September 2019 [8.2.7 - 2 pages]

RESOLVED: MOVED: Cl Patterson
That the information be noted.

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

8.3 AUSTRALIA DAY AWARDS COMMITTEE

RESOLVED: MOVED: Cl McGinn
SECONDED: Cl Patterson

That the information be noted.

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

At this stage 10:28 am the meeting adjourned for morning tea and upon resumption at 10:43 am all present at the adjournment were in attendance, excepting Cl Morris.

9 REPORTS TO COUNCIL

9.2 RECOVERY ACTION PLAN

RESOLVED: MOVED: Cl Patterson
SECONDED: Cl McGinn

That Council:

1. Note the recent activities undertaken by Council in support of bushfire recovery across our community.
2. Note the receipt of $1,416,667 from the Federal Government National Bushfire Recovery Agency for the purpose of supporting the local community and businesses in their recovery from bushfires.

3. Note that a program of work for the expenditure of funds as per point 2 is to be submitted to the NSW Office of Local Government within three months of receipt (end March 2020), with expenditure to take place within 12 months (by January 2021).

4. Delegate the General Manager as responsible for delivering point 3.

5. Note the recent announcement from the NSW Government Bushfire Community Resilience and Economic Recovery Funds of availability of a $250,000 grant for the purpose of supporting the local community and businesses in their recovery.

6. Note that applications for up to $1 million in grant funding from the Federal Government Drought Communities Program close on 1 June 2020.

7. Note that Council staff are currently engaging with the broader community on their ideas and expectations for recovery programs and funding allocations.

8. Request the General Manager table an update on the Kempsey Shire Recovery Action Plan at the May, August, September and December 2020 Council meetings.

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

9.3 COMMUNITY STRATEGIC PLAN REVIEW REPORT

Officer: Kathryn Parker, Corporate Performance Coordinator
File No: F19/2619
Attachments: 1. CSP Discussion Paper [9.3.1 - 12 pages]
2. Micromex Community Research Report [9.3.2 - 26 pages]

MOVED: Cl McGinn
SECONDED: Cl Patterson

That Council notes:

1. The proposed community engagement approach for the Macleay Valley 2036 Community Strategic Plan 2017 review.

An AMENDMENT was MOVED:

MOVED: Cl Hauville

1. Council amends the Kempsey Shire documents by replacing all uses of "Macleay Valley" with "Kempsey Shire" in Community Strategic Plan Review documents.
2. Before the possible poll in September on a Shire name change Council considers any usage of "Macleay Valley" as push polling and therefore should no longer be used.
3. This report be brought back to April Council with the corrections and enhanced CSP Discussion paper.
The AMENDMENT LAPSED for want of a SECONDER.

2020.35
RESOLVED: MOVED: Cl McGinn SECONDED: Cl Patterson

That Council notes:

4. The proposed community engagement approach for the Macleay Valley 2036 Community Strategic Plan 2017 review.

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

9.4 PLANNING PROPOSAL - 183 OLD STATION ROAD, VERGES CREEK

Officer Peter Orr, Senior Strategic Planning Officer
File No KLEP2013-AM-30
Attachments 1. Planning Proposal 183 Old Station Road [9.4.1 - 34 pages]

2020.36
RESOLVED: MOVED: Cl Saul SECONDED: Cl McGinn

1. That the planning proposal which seeks to amend the Lot Size Map at 183 Old Station Road, Verges Creek, be submitted to the Minister for Planning for Gateway consideration pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979.
2. That the Secretary of the Department of Planning, Industry and Environment be requested to issue Council with written authorisation to exercise plan making delegations in relation to this proposal.
3. That subject to the Gateway determination, community consultation for the planning proposal be undertaken.

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

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 DELEGATES REPORT – NET ZERO EMISSIONS AND CLIMATE RESILIENCE WORKSHOP
Councillor Cl. Bruce Morris, Councillor  
File No F19/1930  
Attachments  
1. DPIE LSPS Advice - Climate Change - North Coast Region [10.1.1 - 5 pages]  
2. Slides - Net zero emissions and climate resilience for local government [10.1.2 - 54 pages]  
3. Managing climate change risk guidance and support for councils [10.1.3 - 27 pages]  
4. LGNSW Adapt NSW climate change survey [10.1.4 - 28 pages]  
5. Bellingen Climate Emergency- DPIE low emissions workshop [10.1.5 - 15 pages]  

2020.37  
RESOLVED: MOVED: Cl Morris  
SECONDED: Cl Baxter  
That the information from the Net Zero Emissions and Climate Resilience Workshop be received and noted.  
FOR: Cl Campbell, Cl Baxter, Cl Hauville, Cl McGinn, Cl Morris, Cl Patterson  
AGAINST: Cl Saul  

10.2 ADOPTION OF NET ZERO EMISSIONS BY 2050  
Councillor Cl. Bruce Morris, Councillor  
File No F19/1930  
Attachments Nil  
MOVED: Cl Morris  
SECONDED: Cl Hauville  
That Council adopt a target of Net Zero Emissions by 2050.  
FOR: Cl Hauville, Cl Morris  
AGAINST: Cl Campbell, Cl Baxter, Cl McGinn, Cl Patterson  

Cl McGinn FORESHADOW a MOTION  
A POINT OF ORDER was raised by Cl Morris that Cl Patterson’s question was not relevant to the recommendation. The Chair UPHELD the POINT OF ORDER.  

2020.38  
RESOLVED: MOVED: Cl McGinn  
SECONDED: Cl Saul  
1. That Council consider as part of the KSC Long Term Energy Strategy project, the NSW State Government emissions target when developing the strategy.
2. That Councillors be presented with an update on the Long Term Energy Strategy Project in April 2020
3. That Council requests DPIE staff to provide a presentation to council in regards to Long Term Energy Strategies and other sustainability issues

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

10.3 INCREASE TO NEWSTART PAYMENT

Councillor Cl. Bruce Morris, Councillor
File No F19/1930
Attachments Nil

MOVED: Cl Morris
SECONDED: Cl Baxter

That Council write to the Federal Member for Cowper, Mr Pat Conaghan, to:

1. congratulate him on his support for the increase of Newstart by $75 per week, and
2. encourage him to work with like-minded Members of Parliament to bring forward a bill to the parliament to legislate such an increase as soon as financially viable in the context of the federal budget.

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

Cl Patterson FOreshadowed a motion.

2020.39
RESOLVED: Cl Patterson
SECONDED: Cl McGinn

To support Pat Conaghan in his efforts to improve the living standards of our local residents and community

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

10.3A ROYAL COMMISSION INTO NATURAL DISASTER ARRANGEMENTS

Councillor Cl. Leo Hauville, Councillor
File No F19/1930
Attachments Nil

2020.40
RESOLVED: MOVED: Cl Hauville
SECONDED: Cl Morris

That Council:

1. Collates a succinct and all-encompassing submission to The Royal Commission.

2. Publicises to the Kempsey Shire Community the fact of the need for submissions and invites people to do so online, by email, by post or by bringing submissions to the Customer Service Centre by 2nd April, 2020.

3. Invites relevant individuals in the community who were/are involved in the Shires’ bushfires action and recovery to write a submission

4. Requests the General Manager with delegated authority to finalise Council’s submission to the Royal Commission.

5. Requests the Royal Commission to undertake the June 2020 Formal Hearing for the North Coast preferably at Willawarrin Community Hall, or a more suitable venue within the shire.

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

10.4 QUESTIONS ON NOTICE

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<tr>
<th>COUNCILLOR L J HAUVILLE</th>
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<tr>
<td>QFNM1</td>
<td>GMS</td>
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<td>How frequently do Council weed officers check the riparian zones of the Macleay River in Kempsey township for the noxious weed Tropical Soda Apple and what have been the results of these checks over the last year?</td>
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<td>QFNM2</td>
<td>LJH</td>
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<td>When will the Council website be updated so people will not be misinformed on such things as Kempsey Ambulance Station being in Belgrave Street?</td>
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<tr>
<td>QFNM3</td>
<td>GMS</td>
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<td>How frequently do Council weed officers check the riparian zones of the Macleay River below Kempsey township to the rivers mouth for the noxious weed Tropical Soda Apple and what have been the results of these checks over the last year?</td>
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<td>QFNM4</td>
<td>GLB</td>
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<td>In the confirmed consideration of installation of photo voltaic cells at the Civic Centre (Response to Clr Morris QFNM1 Feb 2020) what cost involved was determined and what were the future returns as found in framing the provided answer?</td>
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COUNCILLOR L J HAUVILLE  SMM
QFNM5
Under the Voluntary Planning Agreement with Gownings Council has the usage of the Riverside Movies, therefore what is Council’s planned usage and when will this first occur?

COUNCILLOR D F SAUL  DJR
QFNM1
Does Council have a start date for the sealing of Point Plomer Road?

COUNCILLOR D F SAUL  DJR
QFNM2
Can Council consider bringing forward installation of the amenities block at the Frederickton boat ramp?

COUNCILLOR B J MORRIS  GLB
QFNM1
What is the current status of the development of the terms of reference regarding the impact statement for changes at council holiday parks and when is this document likely to be available on Your Say Macleay?

COUNCILLOR B J MORRIS  LJH
QFNM2
Council’s website currently lists the as at date for the Mayor and Councillors Engagement Calendar as 21 November 2019; can this be updated for the intervening period between then and now?

COUNCILLOR A P PATTERSON  EF
QFNM1
Can we find out the progress on the Belgrave Street Traffic Management plan (ie intersection of Gladstone St and Belgrave St possible roundabout)?

COUNCILLOR A P PATTERSON  DJR
QFNM2
Can the RMS be asked to repair the roundabout approaches South Kempsey Service Centre?

11 CONFIDENTIAL MATTERS

2020.41
RESOLVED:  MOVED: Cl Morris
SECONDED: Cl Saul

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.
FOR: Cl Campbell, Cl Baxter, Cl Hauville, Cl McGinn, Cl Morris, Cl Patterson, Cl Saul
AGAINST: nil

11.1 LEGAL MATTERS

Officer          Melanie Peterson, Coordinator Governance and Information Management
File No          F19/1960

Section 10A(2)(g) – Legal Proceedings

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

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

2020.42
RESOLVED: MOVED: Cl Saul
SECONDED: Cl McGinn

That the information be noted.

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

11.2 AUDIT AND RISK COMMITTEE - FEBRUARY 2020 MEETING MINUTES AND ANNUAL ACTIVITY REPORT

Officer          Matthew Bentley, Internal Auditor
File No          F19/2510

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 open meeting.

Cl McGinn left meeting at 12:02 pm.
Cl McGinn returned to meeting at 12:04 pm.

2020.43
RESOLVED: MOVED: Cl McGinn
SECONDED: Cl Patterson
That Council note:
1. the draft meeting minutes from the Audit and Risk Committee, 10 February 2020, and
2. the Annual Audit & Risk Committee and Internal Audit Report to Council for 2019

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

11.3 MAYORAL MINUTE - GENERAL MANAGER’S INTERIM PERFORMANCE REVIEW

Councillor Cl. Liz Campbell, Mayor
File No MIL/23552
Attachments
Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning particular individuals (other than Councillors). (Local Government Act 1993, section 10A(2)(a))

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

Craig Milburn, General Manager left the chambers at 12:18pm

RESOLVED: MOVED: Cl Campbell
That the information be noted.

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

Craig Milburn, General Manager returned to the Chambers at 12:24pm.

RESOLVED: MOVED: Cl Saul
That the ordinary Council meeting be resumed.

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

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12:25pm.