

Minutes

Minutes of the Ordinary meeting of Kempsey Shire Council 22 October 2019 commenced at 9.00 am



PRESENT:

Councillors E A Campbell (Mayor and Chairman), L J Hauville, B J Morris, A P Patterson, D F Saul, A T Shields and A J Williams

Acting General Manager, S M Mitchell; Acting Director Corporate and Commercial, L J Harper; Acting Director Operations and Planning, E Fuller; and 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

“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

2019.551

RESOLVED:

MOVED: CI Patterson

SECONDED: CI Saul

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

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

4 CONFIRMATION OF MINUTES

2019.552

RESOLVED:

MOVED: CI Morris

SECONDED: CI Williams

That the minutes of the ordinary meeting of Kempsey Shire Council dated 17 September 2019 be confirmed with the removal of CI McGinn as voting on item 9.2.

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

5 DISCLOSURES OF INTEREST

CI Saul declared a non-pecuniary non-significant interest in item 9.1 Saleyards Strategic Management Options Report - Preliminary Outcomes (Stage 1) for the reason that he owns property within 3 km of the saleyards.

CI Saul declared a pecuniary interest in item 9.7 Outdoor Dining Approval for the reason that he owns a business that has, or may have, outdoor dining.

CI Shields declared a non-pecuniary non-significant interest in item 9.1 Saleyards Strategic Management Options Report - Preliminary Outcomes (Stage 1) as she is a user of the saleyards

6 ITEMS PASSED BY EXCEPTION

2019.553

RESOLVED:

MOVED: CI Morris

SECONDED: CI Shields

1. That the recommendations contained in the following items be adopted:

8.1 MAYORAL COMMUNITY FUND

9.4 2019-2020 CHRISTMAS NEW YEAR SHUTDOWN

9.5 KLEP2013-AM-27

9.8 DISCLOSURE OF INTEREST RETURNS

11.2 AUDIT AND RISK COMMITTEE MEETING MINUTES - 28 AUGUST 2019

2. That item 11.3 be dealt with no later than 9.45 am.

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

8.1 MAYORAL COMMUNITY FUND

Officer Susan Kane, Executive Assistant - Mayor

File No F19/1658

Attachments 1. Mayoral Community Fund Minutes - 17 September 2019 [**8.1.1** - 3 pages]

2019.554

RESOLVED:

MOVED: CI Morris

SECONDED: CI Shields

That the information be noted.

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

9.4 2019-2020 CHRISTMAS NEW YEAR SHUTDOWN

Officer John Gilroy, Manager Organisational Development & Performance
File No F19/1933
Attachments Nil

2019.555

RESOLVED:

MOVED: CI Morris
SECONDED: CI Shields

That Council offices be closed from 1pm Tuesday 24th December 2019 through to Wednesday 1st January 2020, and re-open on Thursday 2nd January 2020.

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris
AGAINST: nil

9.5 KLEP2013-AM-27

Officer Peter Orr, Senior Strategic Planning Officer
File No KLEP2013-AM-27
Attachments 1. Amended Planning Proposal July 2019 [9.5.1 - 49 pages]
2. Gateway Determination [9.5.2 - 2 pages]
3. Dept Planning Industry & Environment Agreement to Altered Planning Proposal [9.5.3 - 1 page]
4. NPWS Advice [9.5.4 - 2 pages]
5. RFS Advice [9.5.5 - 2 pages]

2019.556

RESOLVED:

MOVED: CI Morris
SECONDED: CI Shields

- 1 That the planning proposal, which seeks a number of housekeeping amendments, be progressed to make the amendment to the local environmental plan, described as KLEP 2013 (Amendment 27).**
- 2 That Council staff request the Parliamentary Counsel's Office to draft the legal instrument, KLEP 2013 (Amendment 27), under s 3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal.**
- 3 That the General Manager exercise delegation from the Minister for Planning to make the amending instrument, KLEP 2013 (Amendment 27).**
- 4 That upon the making of KLEP 2013 (Amendment 27), the Department of Planning, Industry & Environment be requested to notify the plan on the NSW Legislation webpage.**

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

9.8 DISCLOSURE OF INTEREST RETURNS

Officer Daniel Thoroughgood, Manager – Governance and Information Services
File No F19/1961
Attachments 1. OLG Circular 19-21 Release of IPC Guideline 1 Returns of Interests [9.8.1 - 3 pages]
2. Information Access Guideline 1 for local councils on the disclosure of information September 2019 [9.8.2 - 12 pages]

2019.557

RESOLVED:

MOVED: CI Morris
SECONDED: CI Shields

- 1 That the lodgement and tabling of the 2019/2020 Disclosure of Interest Returns be noted.**
- 2 That these Disclosure of Interest Returns, with residential addresses and signatures redacted, be published on Council's website.**

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris
AGAINST: nil

11.2 AUDIT AND RISK COMMITTEE MEETING MINUTES - 28 AUGUST 2019

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.

2019.558

RESOLVED:

MOVED: CI Morris
SECONDED: CI Shields

That Council note the draft meeting minutes from the Audit and Risk Committee, 28 August 2019.

FOR: CI Campbell, CI Saul, CI Shields, CI Hauville, CI Patterson, CI Williams, CI Morris
AGAINST: nil

7 MAYORAL MINUTES

7.1 PLAN TO SAVE OUR RECYCLING

Officer Mayor Liz Campbell
File No F19/2022
Attachments Nil

2019.559

RESOLVED:

MOVED: Cl Campbell

- 1 That Council acknowledges the growing imperative to manage waste and recycling within NSW and calls for urgent action from the State Government to help build a circular economy in NSW.
- 2 That Council recognises initiatives and projects taken within the Kempsey local government area to help achieve this goal, including:
 - a. restructuring Waste Services to be part of a commercial business unit working alongside Economic Development officers to achieve circular economy improvement opportunities;
 - b. increasing Waste Services resourcing levels to facilitate increased waste related strategic planning and education;
 - c. creating a sustainable schools network to improve waste management and education resources to support circular economy development;
 - d. creating a business waste management webpage;
 - e. providing a scheduled mobile Community Recycling Centre trailer service for household problem wastes that have resource recovery potential when source separated safely;
 - f. working with local social enterprises on recycling initiatives that achieve greater landfill diversion and resource recovery opportunities; and?
 - g. the ongoing implementation of process improvements that will provide greater time and ability to focus on developing local circular economy solutions, strategic planning and community engagement.
- 3 That Council endorses Local Government NSW's sector-wide *Save our Recycling* campaign, and asks the State Government to reinvest the Waste Levy in:
 - a. Funding councils to collaboratively develop regional-scale plans for the future of waste and recycling in their regions
 - b. the delivery of the priority infrastructure and other local government projects needed to deliver regional-scale plans, particularly where a market failure has been identified
 - c. support for the purchase of recycled content by all levels of government, to help create new markets

- d. Funding and delivery of a state-wide education campaign on the importance of recycling, including the right way to recycle, the purchase of products with recycled content and the importance of waste avoidance.
- 4 That Council write to the local State Member Melinda Pavey, Minister for Energy and Environment the Hon Matthew Kean MP, Local Government Minister Shelley Hancock, NSW Treasurer the Hon Dominic Perrottet MP, Premier the Hon Gladys Berejiklian MP, Opposition Leader Jodi McKay MP, Shadow Minister for Environment and Heritage Kate Washington MP, and Shadow Minister for Local Government Greg Warren MP to confirm its support for recycling and outline the urgent need to educate, innovate and invest in local waste and recycling services via the Waste Levy.
- 5 That Council advise LGNSW President Linda Scott of the passage of this Mayoral Minute
- 6 That Council shares and promotes the *Save Our Recycling* campaign via its digital and social media channels and via its networks.

FOR: Cl Campbell, Cl Saul, Cl Shields, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

8 REPORTS OF COMMITTEES

8.2 AUSTRALIA DAY AWARDS COMMITTEE

Officer Susan Kane, Executive Assistant - Mayor
File No F19/2252
Attachments 1. 20190927 Minute [8.2.1 - 11 pages]

MOVED:

MOVED: Cl Patterson
SECONDED: Cl Williams

That the information be noted.

An AMENDMENT was MOVED:

MOVED: Cl Hauville
SECONDED: Cl Morris

In regard to the Australia Day Committee report submitted to this Council meeting, Council resolves that:

- 1 It commends the report of the Australia Day Committee
- 2 Letters be sent, by the deputy mayor, to all committee members thanking them for their diligence and the work they have done
- 3 The date for the 2020 Australia Day Awards and Australia Day Citizenship ceremonies be held on the actual day, 26 January

FOR: Cl Morris, Cl Hauville, Cl Saul

AGAINST: Cl Campbell, Cl Patterson, Cl Williams, Cl Shields

The AMENDMENT was PUT to the MEETING and was LOST.

2019.560

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Williams

That the information be noted.

FOR: Cl Williams, Cl Patterson, Cl Campbell, Cl Saul, Cl Morris, Cl Shields, Cl Hauville

AGAINST: nil

9 REPORTS TO COUNCIL

9.1 SALEYARDS STRATEGIC MANAGEMENT OPTIONS REPORT - PRELIMINARY OUTCOMES (STAGE 1)

Officer Gayleen Burley, Manager Commercial Business

File No F18/2079

- Attachments**
1. Council Report Attachment - Saleyards Submission Key Themes - 2019 10 02 [9.1.1 - 3 pages]
 2. Saleyards submissions 14.10.19 [9.1.2 - 186 pages]

MOVED:

MOVED: Cl Morris

SECONDED: Cl Hauville

- 1 That Council note the strong community and Saleyard user support for Council to retain ownership of the Kempsey Regional Saleyards at its current location;
- 2 That Council endorse further investigation and analysis of the “Maintain”, “Upgrade” and “Lease” options to determine the most advantageous option which will include:
 - a. “Maintain” and “Upgrade” options – development of a business plan to determine the changes required to the Saleyard operations in order to achieve long-term independent financial sustainability and reduce operational risk to Council and the associated stakeholder impacts; and
 - b. Conduct an Expression of Interest (EOI) for interested parties to lease the Kempsey Regional Saleyards after the preparation of a draft business plan.
- 3 That Council provide a report back to a future Council meeting to recommend either “Maintain”, “Upgrade” or “Lease” as the preferred management option for the Kempsey Regional Saleyards; and
- 4 That Council actively investigate grant funding opportunities for the upgrade of the Kempsey Regional Saleyards consistent with the business plan for an appropriate and financially affordable future capital works program.

An AMENDMENT was MOVED:

**MOVED: CI Shields
SECONDED: CI Patterson**

- 1 That Council note the strong community and Saleyard user support for Council to retain ownership of the Kempsey Regional Saleyards at its current location;**
- 2 That Council endorse further investigation and analysis of the “Maintain”, “Upgrade” and “Lease” options to determine the most advantageous option which will include:**
 - a. “Maintain” and “Upgrade” options – development of a business plan to determine the changes required to the Saleyard operations in order to achieve long-term independent financial sustainability and reduce operational risk to Council and the associated stakeholder impacts; and**
 - b. Simultaneously, Conduct an Expression of Interest (EOI) for interested parties to lease the Kempsey Regional Saleyards.**
- 3 That Council provide a report back to a future Council meeting to recommend either “Maintain”, “Upgrade” or “Lease” as the preferred management option for the Kempsey Regional Saleyards; and**
- 4 That Council actively investigate grant funding opportunities for the upgrade of the Kempsey Regional Saleyards consistent with the business plan for an appropriate and financially affordable future capital works program.**

MOVED:

MOVED: CI Shields

That the amendment be put.

FOR: CI Shields, CI Patterson

AGAINST: CI Williams, CI Campbell, CI Saul, CI Morris, CI Hauville

The MOTION was PUT to the MEETING and was LOST.

Councillor Shields left the chambers at 9.48 am and offered her apologies for the remainder of the meeting.

Councillor Hauville raised a Point of Order that Councillor Patterson has already spoken on this item. The Point of Order was upheld by the chair, and Councillor Patterson directed to complete his question.

Councillor Williams raised a Point of Order that Councillor Patterson is not asking a question. The Point of Order was upheld by the chair, and Councillor Patterson directed to cease speaking.

An AMENDMENT was MOVED:

**MOVED: CI Shields
SECONDED: CI Patterson**

- 1 That Council note the strong community and Saleyard user support for Council to retain ownership of the Kempsey Regional Saleyards at its current location;**

- 2 That Council endorse further investigation and analysis of the “Maintain”, “Upgrade” and “Lease” options to determine the most advantageous option which will include:
 - a. “Maintain” and “Upgrade” options – development of a business plan to determine the changes required to the Saleyard operations in order to achieve long-term independent financial sustainability and reduce operational risk to Council and the associated stakeholder impacts; and
 - b. Simultaneously, Conduct an Expression of Interest (EOI) for interested parties to lease the Kempsey Regional Saleyards.
- 3 That Council provide a report back to a future Council meeting to recommend either “Maintain”, “Upgrade” or “Lease” as the preferred management option for the Kempsey Regional Saleyards; and
- 4 That Council actively investigate grant funding opportunities for the upgrade of the Kempsey Regional Saleyards consistent with the business plan for an appropriate and financially affordable future capital works program.

FOR: Cl Patterson

AGAINST: Cl Williams, Cl Campbell, Cl Saul, Cl Morris, Cl Hauville

The AMENDMENT was PUT to the MEETING and was LOST.

2019.561

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Hauville

- 1 That Council note the strong community and Saleyard user support for Council to retain ownership of the Kempsey Regional Saleyards at its current location;
- 2 That Council endorse further investigation and analysis of the “Maintain”, “Upgrade” and “Lease” options to determine the most advantageous option which will include:
 - a. “Maintain” and “Upgrade” options – development of a business plan to determine the changes required to the Saleyard operations in order to achieve long-term independent financial sustainability and reduce operational risk to Council and the associated stakeholder impacts; and
 - b. Conduct an Expression of Interest (EOI) for interested parties to lease the Kempsey Regional Saleyards after the preparation of a draft business plan.
- 3 That Council provide a report back to a future Council meeting to recommend either “Maintain”, “Upgrade” or “Lease” as the preferred management option for the Kempsey Regional Saleyards; and
- 4 That Council actively investigate grant funding opportunities for the upgrade of the Kempsey Regional Saleyards consistent with the business plan for an appropriate and financially affordable future capital works program.

FOR: Cl Morris, Cl Williams, Cl Campbell, Cl Saul, Cl Patterson

AGAINST: Cl Hauville

2019.562

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Saul

That we delay confidential item 11.3 until after morning tea.

FOR: Cl Williams, Cl Patterson, Cl Campbell, Cl Saul, Cl Morris, Cl Hauville

AGAINST: nil

At this stage 10.09 am the meeting adjourned for a citizenship ceremony and morning tea.

The following people were naturalised and welcomed as Australian Citizens:

Mr Bruce Atkinson (New Zealand)

Mr Thottamkara Biju (India)

Mr James Frazer United (Kingdom)

Ms Marion Frazer (United Kingdom)

Mr Guido Louis Gouverneur (New Zealand)

Mr Jason Klopogge (New Zealand)

Ms Neethu Liza Joseph (India)

Ms Carolynne Parker (New Zealand)

Upon resumption at 10.49 am all present at the adjournment were in attendance.

2019.563

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Saul

That Council form itself into the Confidential Committee of the Whole, and at this stage the meeting be closed to the public to permit discussion of item 11.3 for the reasons as stated in the Agenda.

FOR: Cl Hauville, Cl Patterson, Cl Campbell, Cl Morris, Cl Williams, Cl Saul

AGAINST: nil

11.3 RESCISSION MOTION - TENDER FOR ELECTION SERVICES

Officer Liz Campbell, Mayor

File No F12/1151-01

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 open meeting.

Section 10A(2)(d)(i) – Commercial Position

This report is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it. (Local Government Act 1993, section 10A(2)(d)(i))

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

2019.564

RESOLVED:

MOVED: Cl Campbell

SECONDED: Cl Morris

That resolution number 2019.544 from the Ordinary Meeting held Tuesday 17 September 2019, as printed below be rescinded:

- 1 That the Australian Election Company be awarded this tender as the Single Source provider of Election Services for the period 1 October 2019 to 31 March 2024**
- 2 That provision be allowed for a 2-year contract extension based on satisfactory supplier performance which may take the contract through to 31 March 2026 to allow for the 2024 Local Government election process to be undertaken by this contractor including any byelections that may be conducted during this period**
- 3 That the elections of Council will be administered by the General Manager of the Council for the periods mentioned above under items 1 and 2**
- 4 That Council provides the NSWEC with formal notification of its intention to have the 2020 and 2024 Local Government elections administered by the General Manager**
- 5 That Council, in accordance with Section 224 of the Local Government Act 1993, resolve that it will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.**

FOR: Cl Campbell, Cl Saul, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

2019.565

RESOLVED:

MOVED: Cl Campbell

SECONDED: Cl Morris

- 1 That Council resolve to enter into an arrangement with the Electoral Commissioner to administer the 2020 Local Government election of the Council,**
- 2 That the tender of the Australian Election Company to provide Election Services for the period 1 April 2019 to 31 March 2024 be passed over.**
- 3 That Council, in accordance with Section 224 of the Local Government Act 1993, resolve that Council will comprise of nine councillors, including the Mayor, following the next ordinary Local Government election.**

FOR: Cl Williams, Cl Hauville, Cl Saul, Cl Morris, Cl Campbell, Cl Patterson

AGAINST: nil

2019.566

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Saul

That the ordinary Council meeting in Open Meeting be resumed.

FOR: Cl Campbell, Cl Morris, Cl Saul, Cl Patterson, Cl Hauville, Cl Williams

AGAINST: nil

2019.567

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Hauville

That we bring forward item 9.7 to be dealt with immediately.

FOR: Cl Williams, Cl Patterson, Cl Campbell, Cl Saul, Cl Morris, Cl Hauville

AGAINST: nil

Cl Saul declared a pecuniary interest in item 9.7 Outdoor Dining Approval for the reason that he owns a business that has, or may have, outdoor dining and left the Chamber at 10.57 am.

9.7 OUTDOOR DINING APPROVALS

Officer Gayleen Burley, Manager Commercial Business

File No F18/1349

Attachments 1. Outdoor-dining-policy-guide [9.7.1 - 18 pages]

2019.568

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Patterson

- 1 That the moratorium on the payment of fees and charges associated with the commercial use of footpath areas within the Kempsey Shire, villages and town centres be extended to 30 June 2025.**
- 2 That Council opt in to the NSW Outdoor Dining Policy 2019 and work with Service NSW and the Easy To Do Business program to ensure that all safety and legislative compliance issues are met by business owners through the self-assessment and lodgement process as outlined in the Policy.**
- 3 That Council receive a report to the June 2024 meeting to consider the reintroduction of charges for outdoor dining.**

FOR: Cl Campbell, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

Cl Saul returned to the Chamber at 11.03 am.

9.2 MACLEAY VALLEY COAST ECONOMIC DEVELOPMENT & TOURISM STRATEGY & DESTINATION MANAGEMENT PLAN - FINAL

Officer Gayleen Burley, Manager Commercial Business
File No F12/1860
Attachments 1. Macleay Valley Economic Development & Tourism Strategy Final October 2019 [9.2.1 - 50 pages]
2. Macleay Valley Coast Destination Management Plan Final October 2019 [9.2.2 - 45 pages]

2019.569

RESOLVED:

MOVED: Cl Patterson
SECONDED: Cl Williams

- 1 That Council note the submissions received as detailed in this report.**
- 2 That Council, having considered the submissions, adopt the final Economic Development and Tourism Strategy and the final Destination Management Plan as attached.**

FOR: Cl Campbell, Cl Saul, Cl Patterson, Cl Williams, Cl Morris

AGAINST: Cl Hauville

9.3 2020 LOCAL EVENT DAY APPLICATIONS

Officer Lisa Smith, Executive Officer - Corporate and Commercial
File No F19/1660
Attachments Nil

2019.570

RESOLVED:

MOVED: Cl Morris
SECONDED: Cl Saul

That an application be made to NSW Industrial Relations for:

- a. a half day local event, from 1:00pm, Wednesday, 22 April 2020 for the Kempsey Show, and**
- b. a half day local event, from 1:00pm, Friday, 6 November 2020 for the Kempsey Cup.**

FOR: Cl Campbell, Cl Saul, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

9.6 PROPOSED ROAD CLOSURE AND PURCHASE AT BELLBROOK

Officer Robert Fish, Director Operations & Planning
File No F19/1650
Attachments 1. Area Originally Sought for Closure and Purchase [9.6.1 - 1 page]
2. Amended Area for Closure - Survey Sketch [9.6.2 - 1 page]
3. Submissions [9.6.3 - 2 pages]

2019.571

RESOLVED:

MOVED: CI Patterson
SECONDED: CI Williams

- 1** That Council publish a Notice of Road Closure in the NSW Government Gazette to close that part of East Street, Bellbrook, situated on the western side of Lot 1 DP739113 (land occupied by the Bellbrook Hotel) but excluding an area 3 metres wide situated on the eastern boundary of Lot 8 Section 1 DP758083 (16 Main Street, Bellbrook) as shown in the attached plan prepared by Surveyors M W Rogers & Associates reference 05980RD01.VCD
- 2** That the Notice of Road Closure vest the land in Kempsey Shire Council as operational land.
- 3** That Council sell the land in the closed road to the owner of Lot 1 DP739113 at its market value as determined by Council's Consulting Valuer.
- 4** That Council delegate authority to the General Manager to sign:
 - a.** Survey plan of road closure
 - b.** Contract for the Sale of Land
 - c.** Land Registry Services documents:
 - i.** Application for issue of certificate of title for the land in the closed road
 - ii.** Transfer form.

FOR: CI Campbell, CI Saul, CI Hauville, CI Patterson, CI Williams, CI Morris
AGAINST: nil

9.9 DEVELOPMENT ACTIVITY AND LEP VARIATIONS - QUARTERLY SNAPSHOT

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

2019.572

RESOLVED:

MOVED: CI Morris
SECONDED: CI Patterson

That the information be noted.

FOR: CI Campbell, CI Saul, CI Hauville, CI Patterson, CI Williams, CI Morris
AGAINST: nil

9.10 STATEMENT OF CASH AND INVESTMENTS

Officer Wayne Douglass, Chief Financial Officer
File No N/A
Attachments

- 1.** Investment Performance Chart September 2019 [9.10.1 - 1 page]
- 2.** Investments at September 2019 [9.10.2 - 1 page]

PURPOSE

In accordance with the Local Government (General) Regulation 2005 (the Regulation), a report on investments is to be provided monthly to Council.

2019.573

RESOLVED:

MOVED: CI Patterson

SECONDED: CI Morris

That the report be noted.

FOR: CI Campbell, CI Saul, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 QUESTIONS ON NOTICE

COUNCILLOR D F SAUL	FILE: F19/1945	RAF
QFNM1 What is the process for having a road placed on the 10 year road works program?		
COUNCILLOR A P PATTERSON	FILE: F19/1945	GMB
QFNM1 The location of the return and earn collection bay in town; have the issues of littering been addressed and is this the best location?		
COUNCILLOR A P PATTERSON	FILE: F19/1945	RAF
QFNM2 South West Rocks Roads; when is it on the roads program between Kinchela and South West Rocks?		

11 CONFIDENTIAL MATTERS

2019.574

RESOLVED:

MOVED: CI Morris

SECONDED: CI Patterson

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: CI Campbell, CI Saul, CI Hauville, CI Patterson, CI Williams, CI Morris

AGAINST: nil

11.1 LEGAL MATTERS

Officer Daniel Thoroughgood, Manager Governance & Information Services

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.

2019.575

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Williams

That the information be noted.

FOR: Cl Campbell, Cl Saul, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

2019.576

RESOLVED:

MOVED: Cl Morris

SECONDED: Cl Saul

That the ordinary Council meeting in Open Meeting be resumed.

FOR: Cl Campbell, Cl Saul, Cl Hauville, Cl Patterson, Cl Williams, Cl Morris

AGAINST: nil

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 11.35 am.