



Minutes

Minutes of the Ordinary Council Meeting of
Kempsey Shire Council Tuesday 18 August 2020



The meeting commenced at 9:00am.

PRESENT:

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

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

In accordance with s747A of the Local Government Act 1993, in response to the COVID-19 pandemic, Councillors L J Hauville, and B J Morris attended this meeting by video conference.

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

2020.132

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Saul

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

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

AGAINST: nil

4 CONFIRMATION OF MINUTES

MOVED:

MOVED: Cl Saul

SECONDED: Cl Patterson

That the minutes of the ordinary meeting of Kempsey Shire Council dated 28 July 2020 be confirmed.

An AMENDMENT was MOVED:

MOVED: CI Hauville
SECONDED: CI Morris

That the minutes of the ordinary meeting of Kempsey Shire Council dated 28 July 2020 be confirmed with the following amendments:

At the end of the 4. Confirmation of Minutes add " CI Hauville moved the following amendment which was accepted by the Mover, CI Patterson, into the original motion "the Acknowledgement of Country be amended to "On behalf of the Kempsey Shire Community I acknowledge the Dunghutti people, the original inhabitants of this ancient land, and pay our respects to the Dunghutti Elders and Aboriginal People, and Council acknowledges that this meeting is held on the traditional lands of the Dunghutti People."

7.1 That the resolution be amended by changing Point 3.h to Point 4.

MATTER of URGENCY

Add "Despite 9.4 of the Code of Meeting Practice CI Hauville was not allowed by the Mayor, with advice from the General Manager and Mr Thoroughgood, to speak to the Urgency Motion. Excerpt from KSC Code of Meeting Practice:

9.3 Despite clause 9.1, business may be considered at a meeting of the council even though due notice of the business has not been given to the Councillors if:

- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be conducted is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.2–10.3, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put."

The Urgency Motion submitted, but was not shared with Councillors, was:

1. Council will extend the time for submissions on the "Point Plomer Road Sealing Review of Environmental Factors" to Friday, 14th of August to enable those community members who have not yet been able to make a submission to do so.
2. By Friday 31st July Council will distribute in Crescent Head twenty copies of the Review for people who do not have access to the Internet"

FOR: CI Hauville, CI Morris, CI Shields, CI Williams

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul

The AMENDMENT was PUT to the MEETING and was CARRIED on the Casting vote of the Mayor.

2020.133

RESOLVED:

MOVED: CI Hauville
SECONDED: CI Morris

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At the end of the 4. Confirmation of Minutes add " CI Hauville moved the following amendment which was accepted by the Mover, CI Patterson, into the original motion "the Acknowledgement of Country be amended to "On behalf of the Kempsey Shire Community I acknowledge the Dunghutti people, the original inhabitants of this ancient land, and pay our respects to the Dunghutti Elders and Aboriginal People, and Council acknowledges that this meeting is held on the traditional lands of the Dunghutti People."

7.1 That the resolution be amended by changing Point 3.h to Point 4.

MATTER of URGENCY

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- (a) a motion is passed to have the business considered at the meeting, and
- (b) the business to be conducted is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by the council before the next scheduled ordinary meeting of the council.

9.4 A motion moved under clause 9.3(a) can be moved without notice. Despite clauses 10.2–10.3, only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put."

The Urgency Motion submitted, but was not shared with Councillors, was:

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2. By Friday 31st July Council will distribute in Crescent Head twenty copies of the Review for people who do not have access to the Internet"

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

AGAINST: nil

5 DISCLOSURES OF INTEREST

CI Patterson declared a pecuniary interest in item 9.4, T6-20-220 Hopetoun Street, Kempsey - Continued Use of Factory Additions, for the reason that he is the applicant.

CI Williams declared a pecuniary interest in item 9.2, for the reason that he is the president of one of the major users.

CI Williams declared a non-pecuniary non-significant interest in item 9.1, Point Plomer Road Bitumen Sealing - Review of Environmental Factors, for the reason that he has business dealings with the public forum.

6 ITEMS PASSED BY EXCEPTION

2020.134

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Shields

That the recommendations contained in the following items be adopted:

9.11 KEY PERFORMANCE INDICATORS 2020-21

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

AGAINST: nil

9.11 KEY PERFORMANCE INDICATORS 2020-21

Officer Stephen Mitchell, Director Corporate and Commercial

File No F19/2009

Attachments Nil

2020.135

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Shields

That Council:

1. adopts the proposed KPIs for the 2020-21 financial year
2. notes that reporting on the KPIs will be included as part of the Quarterly Report to Council in November 2020, and February, May and August 2021.

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

AGAINST: nil

7 MAYORAL MINUTES

7.1 LOCAL GOVERNMENT NSW 2020 ANNUAL CONFERENCE

Officer Mayor Liz Campbell

File No F20/1720

Attachments 1. Annual Conference 2020 web version Draft Program 29 July [7.1.1 - 5 pages]

MOVED: Cl Campbell

That Council:

1. That preliminary conference registration and accommodation reservations be made for the attendance of the Mayor and other delegates as nominated by Council.
2. That the two other voting delegates to the conference be determined.
3. That any other Councillors wishing to attend the conference be endorsed for registration.

4. **Suggestions by Councillors for motions to be submitted to the conference must be submitted to the General Manager, in writing, by 27 August 2020.**

An AMENDMENT was MOVED:

**MOVED: Cl Hauville
SECONDED: Cl Morris**

That Council:

1. **That preliminary conference registration and accommodation reservations be made for the attendance of the Mayor and other delegates as nominated by Council.**
2. **That the two other voting delegates to the conference be determined at September Council.**
3. **That any other Councillors wishing to attend the conference be endorsed for registration.**
4. **Council is to organise a workshop for all Councillors to decide on what motions can be put forward to the conference for consideration. Any motions selected are to be ratified by September Council before submitting them by the closing date of midnight, Monday 28th September.**

FOR: Cl Hauville

AGAINST: Cl Campbell, Cl Baxter, Cl Morris, Cl Patterson, Cl Saul, Cl Shields, Cl Williams

2020.136

RESOLVED:

MOVED: Cl Campbell

That Council:

1. **That preliminary conference registration and accommodation reservations be made for the attendance of the Mayor and other delegates as nominated by Council.**
2. **That the two other voting delegates to the conference be determined.**
3. **That any other Councillors wishing to attend the conference be endorsed for registration.**
4. **Suggestions by Councillors for motions to be submitted to the conference must be submitted to the General Manager, in writing, by 27 August 2020.**

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

AGAINST: nil

Cl Hauville raised a POINT of ORDER regarding the Mayor not allowing him to ask a question after the resolution was taken due to video conference delay. The POINT of ORDER was not UPHELD by CHAIR.

MOVED:

MOVED: Cl Hauville

A MOTION of DISSENT was MOVED by Cl Hauville.

Cl Hauville raised a POINT of ORDER as the Mayor must speak to the MOTION of DISSENT. The POINT of ORDER was not UPHELD by the CHAIR.

FOR: Cl Hauville

AGAINST: Cl Campbell, Cl Baxter, Cl Morris, Cl Patterson, Cl Saul, Cl Shields, Cl Williams

The General Manager called for nominations for voting delegates:

CI Morris self-nominated.
CI Williams nominated CI Saul.
CI Saul nominated CI McGinn.
CI Hauville self-nominated.

The General Manager called for a vote by show of hands for voting delegates in the order of nomination. Each Councillor was allocated one vote.

CI Morris received votes from Councillors Morris, Baxter and Hauville
CI Saul received votes from Councillors Saul, Patterson and Campbell.
CI McGinn received votes from Councillors Williams and Shields.
CI Hauville received no votes.

CI Morris and CI Saul were selected as voting delegates.

The General Manager called for expressions of interests from Councillors to attend the conference. All Councillors wished to attend the conference.

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 POINT PLOMER ROAD BITUMEN SEALING - REVIEW OF ENVIRONMENTAL FACTORS

Officer	Robert Fish, Director Operations & Planning
File No	F18/2387/01
Attachments	1. Submissions Collated [9.1.1 - 221 pages] 2. Consultant Response to Submissions Regarding Aboriginal Heritage [9.1.2 - 4 pages] 3. Review of Environmental Factors (Revised) [9.1.3 - 418 pages]

MOVED:

MOVED: CI Saul
SECONDED: CI Patterson

That Council:

1. Note that the Review of Environmental Factors for the bitumen sealing of Point Plomer Road has been prepared in accordance with clause 5.5 of the Environmental Planning and Assessment act 1979, clause 228 of the Environmental Planning and Assessment Regulation 2000 and the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007.
2. Determine that the bitumen sealing of Point Plomer Road will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.

3. **Accept the Review of Environmental Factors and determine that the proposal may now proceed with the construction of the work, per the 2020-21 project included in Council's 2020-2030 Long Term Financial Plan, in accordance with the mitigation measures outlined within the Review of Environmental Factors.**

CI Hauville raised a POINT of ORDER regarding Councillors speaking whilst the Mayor is. The POINT of ORDER was NOT UPHeld by the CHAIR.

CI Hauville raised a POINT of ORDER that the practice of allowing only one speaker against for each speaker be dispensed with due to the public interest. The POINT of ORDER was UPHeld by the CHAIR.

CI Morris raised a POINT of ORDER that CI Baxter should confine his comments to the relevance of the Review of Environmental Factors. The POINT of ORDER was UPHeld by the CHAIR.

CI Shields raised a POINT of ORDER that CI Baxter should confine his comments to the relevance of the Review of Environmental Factors. The POINT of ORDER was UPHeld by the CHAIR.

An AMENDMENT was MOVED:

**MOVED: CI Hauville
SECONDED: CI Morris**

That Council:

1. **Note that the Review of Environmental Factors for the bitumen sealing of Point Plomer Road has been prepared in accordance with clause 5.5 of the Environmental Planning and Assessment act 1979, clause 228 of the Environmental Planning and Assessment Regulation 2000 and the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007.**
2. **Determine that the bitumen sealing of Point Plomer Road will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.**
3. **Accept the Review of Environmental Factors and determine that the proposal may now proceed with the construction of the work, per the 2020-21 project included in Council's 2020-2030 Long Term Financial Plan, in accordance with the mitigation measures outlined within the Review of Environmental Factors**
4. **Council will request that Transport for NSW, after finalisation of the design phase, determine speed limits and report to the Kempsey Traffic Committee prior to completion of construction and sealing of the road.**

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

An AMENDMENT was MOVED:

**MOVED: CI Morris
SECONDED: CI Hauville**

That council notes the details in the review of environmental factors as amended following the public exhibition.

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

An AMENDMENT was MOVED:

**MOVED: CI Hauville
SECONDED: CI Morris**

That Council:

- 1. Note that the Review of Environmental Factors for the bitumen sealing of Point Plomer Road has been prepared in accordance with clause 5.5 of the Environmental Planning and Assessment act 1979, clause 228 of the Environmental Planning and Assessment Regulation 2000 and the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007.**
- 2. Accept the Review of Environmental Factors and determine that the proposal may now proceed with the construction of the work, per the 2020-21 project included in Council's 2020-2030 Long Term Financial Plan, in accordance with the mitigation measures outlined within the Review of Environmental Factors.**

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

2020.137

RESOLVED:

**MOVED: CI Saul
SECONDED: CI Patterson**

That Council:

- 1. Note that the Review of Environmental Factors for the bitumen sealing of Point Plomer Road has been prepared in accordance with clause 5.5 of the Environmental Planning and Assessment act 1979, clause 228 of the Environmental Planning and Assessment Regulation 2000 and the relevant provisions of the State Environmental Planning Policy (Infrastructure) 2007.**
- 2. Determine that the bitumen sealing of Point Plomer Road will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement.**
- 3. Accept the Review of Environmental Factors and determine that the proposal may now proceed with the construction of the work, per the 2020-21 project included in Council's 2020-2030 Long Term Financial Plan, in accordance with the mitigation measures outlined within the Review of Environmental Factors.**

FOR: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

AGAINST: CI Hauville, CI Morris

9.2 KEMP STREET SPORTS COMPLEX AND SERVICE CLUBS PARK MASTER PLANS

Officer	Steve Pellen, Coordinator Parks Projects
File No	F19/2507
Attachments	<ol style="list-style-type: none">1. 1 Your Say Macleay Service Clubs Parks Draft Master Plan Comments [9.2.1 - 19 pages]2. 2 Your Say Macleay Naming Of Service Clubs Park Comments [9.2.2 - 13 pages]3. 3 Your Say Macleay Kemp Street Sports Complex Draft Master Plan

- Comments [9.2.3 - 29 pages]
4. 4 Kemp Street Master Plan Report - FINAL [9.2.4 - 30 pages]
 5. 5 Appendix A Kemp Street Sports Complex Master Plan [9.2.5 - 1 page]
 6. 6 Appendix B Kemp Street Sports Complex Cost Plan [9.2.6 - 1 page]
 7. 7 Service Clubs Park Master Plan Report - FINAL [9.2.7 - 27 pages]
 8. 8 Appendix A Service Clubs Park Master Plan [9.2.8 - 1 page]
 9. 9 Appendix B Service Clubs Park Cost Plan [9.2.9 - 1 page]

Cl Williams declared a pecuniary interest in item 9.2, for the reason that he is the president of one of the major users. Cl Williams left the Chamber at 09:57 am.

MOVED:

MOVED: Cl Patterson

SECONDED: Cl Shields

That Council:

1. **Adopt the Kemp Street Sporting Complex and Service Clubs Park Master Plans**
2. **Retains the name Service Clubs Park subject to further review of naming public spaces across the Shire as a longer-term consideration**

An AMENDMENT was MOVED:

MOVED: Cl Hauville

SECONDED: Cl Morris

That Council:

1. **Adopt the Kemp Street Sporting Complex and Service Clubs Park Master Plans**
2. **Retains the name Service Clubs Park and seek naming history from the Macleay River Historical Society for appropriate future signage.**

FOR: Cl Hauville, Cl Morris

AGAINST: Cl Campbell, Cl Baxter, Cl Patterson, Cl Saul, Cl Shields

2020.138

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Shields

That Council:

1. **Adopt the Kemp Street Sporting Complex and Service Clubs Park Master Plans**
2. **Retains the name Service Clubs Park subject to further review of naming public spaces across the Shire as a longer-term consideration.**

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

AGAINST: nil

Cl Williams returned to Chamber at 10:07 am.

9.3 COMMUNITY GRANT PROGRAM

Officer Lyndal Harper, Manager Community Partnerships

File No F20/1658
Attachments Nil

2020.139

RESOLVED:

MOVED: CI Shields
SECONDED: CI Hauville

That Council:

1. Support increasing the grant funds available to community organisations to a total of \$65,000 across four funding categories as outlined in this report.
2. Approve the allocation of funds from the Environmental Levy to fund the Environmental Levy Grant Program.
3. Note the eligibility criteria, application and assessment process as outlined in this report.
4. Note that continued review and implementation of a best practice grants management process will require updates to associated Policy and Procedures.

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

AGAINST: nil

9.4 T6-20-220 HOPETOUN STREET, KEMPSEY - CONTINUED USE OF FACTORY ADDITIONS

Officer Karen Price, Town Planner
File No T6-20-220
Attachments 1. T 6-20-220 Plans [9.4.1 - 2 pages]
2. T 6-20-220 Recommended Conditions of Consent [9.4.2 - 2 pages]

CI Patterson declared a pecuniary interest in item 9.4, T6-20-220 Hopetoun Street, Kempsey - Continued Use of Factory Additions, for the reason that he is the applicant. CI Patterson left the Chamber at 10:12 am.

MOVED:

MOVED: CI Saul
SECONDED: CI Shields

That development consent be granted to development application T6-20-220, which seeks consent for the continued use of factory additions at 10 Hopetoun Street, Kempsey, subject to the conditions contained in the attachment (*Attachment – T6-20-220 Recommended Conditions of Consent*).

An AMENDMENT was MOVED:

MOVED: CI Hauville
SECONDED: CI Morris

The application be referred for an independent assessment and future report to Council for decision.

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Saul, CI Shields, CI Williams

Cl Saul raised a POINT of ORDER that Cl Morris was out of order for continuing to question the General Manager's answer. The POINT of ORDER was NOT UPHELD by the CHAIR.

2020.140

RESOLVED:

MOVED: Cl Saul
SECONDED: Cl Shields

That development consent be granted to development application T6-20-220, which seeks consent for the continued use of factory additions at 10 Hopetoun Street, Kempsey, subject to the conditions contained in the attachment (*Attachment – T6-20-220 Recommended Conditions of Consent*).

FOR: Cl Campbell, Cl Baxter, Cl Morris, Cl Saul, Cl Shields, Cl Williams

AGAINST: Cl Hauville

Cl Patterson returned to Chamber at 10:23 am.

9.5 T6-20-75 STEWART STREET CRESCENT HEAD

Officer	Shane Reinhold, Coordinator Development Assessment
File No	T6-20-75
Attachments	1. Clause 4.6 Variation Request T6-20-75 [9.5.1 - 12 pages] 2. Feasibility and Impacts of Future Dwelling T6-20-75 [9.5.2 - 24 pages] 3. T6-20-75 Conditions of Consent [9.5.3 - 7 pages]

MOVED:

MOVED: Cl Patterson
SECONDED: Cl Williams

That Council:

1. Support the Clause 4.6 request to vary Clause 4.1 of Kempsey Local Environmental Plan 2013 (KLEP 2013), minimum lot size for subdivision.
2. Grant Development Consent to development application T6-20-75, which seeks consent for a one into two lot subdivision at 18 Stewart Street, Crescent Head, subject to the conditions contained in attachment (*Attachment 3 – Appendix T6-20-75 Conditions of Consent*).

An AMENDMENT was MOVED:

MOVED: Cl Hauville

That we defer this item to September Council and include the submission for Councillor review.

The AMENDMENT LAPSED for want of a SECONDER.

2020.141

RESOLVED:

MOVED: Cl Patterson
SECONDED: Cl Williams

That Council:

1. Support the Clause 4.6 request to vary Clause 4.1 of Kempsey Local Environmental Plan 2013 (KLEP 2013), minimum lot size for subdivision.
2. Grant Development Consent to development application T6-20-75, which seeks consent for a one into two lot subdivision at 18 Stewart Street, Crescent Head, subject to the conditions contained in attachment (*Attachment 3 – Appendix T6-20-75 Conditions of Consent*).

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

AGAINST: Cl Hauville

At this stage 10.37 am the meeting adjourned for morning tea and upon resumption at 10.58 am all present at the adjournment were in attendance.

9.6 MARIA RIVER ROAD PROJECT MEMORANDUM OF UNDERSTANDING

Officer Robert Fish, Director Operations & Planning

File No F20/2750/03

Attachments 1. Maria River Road Upgrade Memorandum of Understanding [9.6.1 - 9 pages]

MOVED:

MOVED: Cl Patterson

SECONDED: Cl Shields

That Council:

1. Enter into a Memorandum of Understanding with Port Macquarie-Hastings Council for the delivery and governance of the project to seal Maria River Road.
2. Note that in 2020-21 design and investigation work shall commence for the delivery of the multi-year project, with the construction phase anticipated to commence in the 2021-22 Financial Year.

An AMENDMENT was MOVED:

MOVED: Cl Hauville

SECONDED: Cl Morris

That Council:

1. Note the status of the Maria River Road Upgrade project as detailed within this report including the recently announced \$17 Million NSW Government Grant.
2. Note the proposed lead in delivering the overall Project Management of the Maria River Road Upgrade project across both the Port Macquarie-Hastings and Kempsey Shire Council segments of the project will be Port Macquarie-Hastings Council.
3. Enter a Memorandum of Understanding with Port Macquarie-Hastings Council for delivery and governance of the Maria River Road Upgrade project.
4. Note that in the years 2020-21 design and investigation work shall commence for the delivery of the multi-year project, with the construction phase anticipated to commence in the 2021-22 Financial Year.

FOR: Cl Hauville, Cl Morris

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

CI Morris raised a POINT of ORDER stating CI Baxter needs to ensure speaking to the relevance of the motion. The POINT of ORDER was UPHeld by the CHAIR.

2020.142

RESOLVED:

MOVED: CI Patterson

SECONDED: CI Shields

That Council:

1. Enter into a Memorandum of Understanding with Port Macquarie-Hastings Council for the delivery and governance of the project to seal Maria River Road.
2. Note that in 2020-21 design and investigation work shall commence for the delivery of the multi-year project, with the construction phase anticipated to commence in the 2021-22 Financial Year.

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

AGAINST: nil

9.7 OPERATIONAL PLAN 2019-20 - END OF YEAR REPORT

Officer Kathryn Parker, Corporate Performance Coordinator

File No F19/2079

Attachments 1. Exception Report 2019-20 Operational Plan [9.7.1 - 12 pages]

MOVED:

MOVED: CI Shields

SECONDED: CI Saul

That Council notes the progress achieved in delivering the 2019-20 Operational Plan.

An AMENDMENT was MOVED:

MOVED: CI Hauville

That Council:

1. Notes the progress achieved in delivering the 2019-20 Operational Plan.
2. That the Exception Report 2020-21 include all items in the Exception Report 2019-20, which have not been commenced or completed, for update.

The AMENDMENT LAPSED for want of a SECONDER.

CI Morris left the Video Conference at 11:13 am.

CI Morris returned to the Video Conference at 11:14 am.

2020.143

RESOLVED:

MOVED: CI Shields

SECONDED: CI Saul

That Council notes the progress achieved in delivering the 2019-20 Operational Plan.

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

9.8 DELIVERY PROGRAM 2017-2021 PROGRESS REPORT

Officer Kathryn Parker, Corporate Performance Coordinator
File No F19/2079
Attachments 1. KSC Delivery Program 2017-2021 - Six monthly Review January - June 2020
[9.8.1 - 33 pages]

MOVED:

MOVED: Cl Shields
SECONDED: Cl Patterson

That Council notes the progress achieved in this sixth six monthly report on the Delivery Program 2017-2021.

An AMENDMENT was MOVED:

MOVED: Cl Hauville

That Council notes the progress in this six monthly report on the Delivery Program 2017-2021 with eighty-eight percent of the 116 actions either commenced, completed, or achieved.

The AMENDMENT LAPSED for want of a SECONDER.

2020.144

RESOLVED:

MOVED: Cl Shields
SECONDED: Cl Patterson

That Council notes the progress achieved in this sixth six monthly report on the Delivery Program 2017-2021.

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

Cl Hauville raised a POINT OF ORDER that he should be allowed to speak against the motion as the mover reserved their right to speak. The POINT OF ORDER was UPHeld by the CHAIR.

9.9 RECOVERY UPDATE

Officer Jo McGoldrick, Coordinator Recovery
File No F19/2673
Attachments 1. Recover Action Plan AU G 20 [9.9.1 - 25 pages]
2. Strength, support and community [9.9.2 - 19 pages]
3. August Recovery Newsletter [9.9.3 - 4 pages]

MOVED: CI Patterson
SECONDED: CI Williams

That the information be noted.

An AMENDMENT was MOVED:

MOVED: CI Hauville
SECONDED: CI Morris

- 1. Council notes the information in this report.**
- 2. The General Manager is to communicate to staff the Council's thanks and commendation for their outstanding work in enabling such achievements as found in this Recovery Report**
- 3. The Council thanks the General Manager for his excellent leadership and work in this Shire's Bushfire Crisis Recovery Program.**

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

2020.145

RESOLVED:

MOVED: CI Patterson
SECONDED: CI Williams

That the information be noted.

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

AGAINST: nil

9.10 QUARTERLY REPORT - AUGUST 2020

Officer	Ron Wood, Manager Finance
File No	F18/2009
Attachments	<ol style="list-style-type: none">1. Financial Sustainability Program [9.10.1 - 6 pages]2. Quarterly KPI Report [9.10.2 - 5 pages]3. Action List 11 August 2020 [9.10.3 - 49 pages]4. Grant Status Summary - Quarterly Report [9.10.4 - 5 pages]5. Project Completion Reports [9.10.5 - 29 pages]

MOVED:

MOVED: CI Baxter
SECONDED: CI Saul

That:

- the Financial Sustainability Program status is noted;**
- the Key Performance Indicators report is noted;**

- the Action List is noted;
- the Grants Status Summary is noted; and
- the Project Practical Completion Reports are noted.

An AMENDMENT was MOVED:

MOVED: CI Hauville

That:

- the Financial Sustainability Program status is noted;
- the Key Performance Indicators report is noted;
- the Action List is noted, and renamed Matters in Progress report from now on;
- the Grants Status Summary is noted; and
- the Project Practical Completion Reports are noted.

The AMENDMENT LAPSED for want of a SECONDER.

2020.146

RESOLVED:

MOVED: CI Baxter

SECONDED: CI Saul

That:

- the Financial Sustainability Program status is noted;
- the Key Performance Indicators report is noted;
- the Action List is noted;
- the Grants Status Summary is noted; and
- the Project Practical Completion Reports are noted.

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

AGAINST: nil

9.12 STATEMENT OF CASH AND INVESTMENTS - JULY 2020

Officer Ron Wood, Manager Financial Services

File No N/A

Attachments 1. Statement of Cash & Investments [9.12.1 - 3 pages]

2020.147

RESOLVED:

MOVED: CI Shields

SECONDED: CI Baxter

That the information be noted.

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

AGAINST: nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 NOM PHYSICAL DISTANCING - COUNCIL MESSAGING

Councillor Bruce Morris, Councillor
File No F20/1789
Attachments Nil

CI Campbell FORESHADOWED a MOTION.

MOVED:

MOVED: CI Morris
SECONDED: CI Hauville

That Council implements a 1.5 metre Physical (Social) Distancing requirement or, where this action is not possible or reasonably practical, that a mask be worn, whilst such messaging is provided to the community by the NSW State Government.

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

2020.148

RESOLVED:

MOVED: CI Campbell
SECONDED: CI Patterson

That Council continue to follow the current COVID-19 Public Health Orders and manage risks to staff and other people in accordance with NSW Government Work Health and Safety laws and that they are updated as restrictions and advice changes for the duration of this pandemic.

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

AGAINST: nil

10.2 QUESTIONS ON NOTICE

COUNCILLOR L J HAUVILLE	GB
QFNM1 In regard to the leasing of the Airport Terminal, why were tender(s) rejected for non-compliance?	

COUNCILLOR L J HAUVILLE	GB
QFNM2 What maintenance issues are there with the four Kempsey Shire Council pools and what is the plan for rectification?	

COUNCILLOR L J HAUVILLE	GB
QFNM3 Would the present lease for the Kempsey Airport Terminal be able to be terminated by Council if an Airline offered to commence regular passenger transport?	

COUNCILLOR L J HAUVILLE	GB
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QFNM4

What was the Council income from the June auction sale of the thirteen Crescent Head cabins at the Kempsey Shire Council Tourist Park?

COUNCILLOR L J HAUVILLE**GB****QFNM5**

What is the number of leases at Kempsey Airport where the leasee is operating more than one aircraft which do not pay landing charges and therefore are not subject to the Fees and Charges for landing fees for the second or more aircraft?

COUNCILLOR L J HAUVILLE**GB****QFNM6**

Does the stormwater drain commencing at the north-west corner of the Kempsey Regional Saleyards yards, which would have water inflow from the yards, and goes north-west across Saleyard Roads, to discharge into a paddock, have any possibility of introducing waste water into Christmas Creek?

COUNCILLOR D F SAUL**RW****QFNM1**

What is the average cost per rate notice of council's environmental levy in 2021?

COUNCILLOR D F SAUL**DR****QFNM2**

Do we have a proposed completion date for the renewal of Saleyards Road Bridge on Saleyards Road over Christmas Creek?

COUNCILLOR D F SAUL**GB****QFNM3**

Can consideration be given for an airport hangar lessee to have their hangar lease drawn up using local solicitors?

COUNCILLOR A P PATTERSON**DR****QFNM1**

What reason do Council or contractors add lime powder to road base for?

COUNCILLOR A P PATTERSON**DR****QFNM2**

What extra cost does this add to the gravel price per m3?

COUNCILLOR A P PATTERSON**DR****QFNM3**

Two Crescent Head Road jobs completed by Council, one Gowings Hill Road job, have these had lime added to them and at what extra cost?

11 CONFIDENTIAL MATTERS**2020.149****RESOLVED:****MOVED: 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: CI Campbell, CI Baxter, CI Hauville, CI Morris, CI Patterson, CI Saul, CI Shields, CI Williams

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.

CI Saul FORESHADOWED a MOTION.

MOVED:

MOVED: CI Hauville

SECONDED: CI Morris

1 That the information be noted.

2 Council is to seek written legal advice on the validity of Council resolving “Any business or individuals in litigation with KSC should, if possible, not be accepted by KSC as providing paid services for Council until resolution.” This advice should be reported to Council for appropriate action.

FOR: CI Hauville, CI Morris

AGAINST: CI Campbell, CI Baxter, CI Patterson, CI Saul, CI Shields, CI Williams

2020.150

RESOLVED:

MOVED: CI Patterson

SECONDED: CI Williams

That the information be noted.

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

AGAINST: nil

11.2 AUDIT AND RISK COMMITTEE MEETING MINUTES - 15 JULY 2020

Officer Matthew Bentley, Internal Auditor
File No F20/2510

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.

PURPOSE

The purpose of this report is to provide Council with a copy of the draft minutes from the July 2020 Audit and Risk Committee meeting for information.

2020.151

RESOLVED:

MOVED: Cl Saul
SECONDED: Cl Patterson

That Council note the draft meeting minutes from the Audit and Risk Committee, 15 July 2020.

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

AGAINST: nil

2020.152

RESOLVED:

MOVED: Cl Hauville
SECONDED: Cl Shields

That the ordinary Council meeting be resumed.

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

AGAINST: nil

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12.27 pm.