



Minutes

Minutes of the Ordinary Council Meeting of Kempsey Shire Council
Tuesday 15 September 2020



The meeting commenced at 9.00 am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), M J Baxter, L J Hauville, S E McGinn, 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

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

4 CONFIRMATION OF MINUTES

MOVED:

MOVED: Cl Patterson

SECONDED: Cl Saul

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

An AMENDMENT was MOVED:

MOVED: Cl Morris

SECONDED: Cl Hauville

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 August 2020 be confirmed, subject to the following amendment to item 9.2:

Item 9.2

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.

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

An AMENDMENT was MOVED:

MOVED: Cl Morris
SECONDED: Cl Hauville

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.

This amendment was accepted by the Mover and adopted as the Motion.

2020.138

RESOLVED:

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

FOR: Cl Hauville, Cl Morris

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

2020.153

RESOLVED:

MOVED: Cl Patterson
SECONDED: Cl Saul

1. That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 August 2020 be confirmed.
2. That a workshop be conducted on minute taking.

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

AGAINST: Cl Hauville, Cl Morris

5 DISCLOSURES OF INTEREST

The General Manager, Mr Craig Milburn, declared a pecuniary interest in item 11.2, 2019-20 Annual General Manager Performance Review, for the reason that it concerns his employment.

2020.154

RESOLVED:

MOVED: Cl Campbell
SECONDED: Cl McGinn

That the confidential item 11.2 be brought forward to 9.30am to allow our independent facilitator Graeme Fleming to attend by zoom.

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

AGAINST: nil

Cl Shields declared a non-pecuniary non-significant interest in item 9.4 - Kempsey Regional Saleyards Business Plan, for the reason that Cl Shields is a user of the Saleyards.

Cl Patterson declared a non-pecuniary non-significant interest in item 9.4 - Kempsey Regional Saleyards Business Plan, for the reason that Cl Patterson is a user of the Saleyards.

Cl Saul declared a non-pecuniary non-significant interest in item 9.4 - Kempsey Regional Saleyards Business Plan, for the reason that Cl Saul has property within three kilometres of the Saleyards.

Cl McGinn declared a non-pecuniary non-significant interest in item 9.4 - Kempsey Regional Saleyards Business Plan, for the reason that Cl McGinn would like it noted.

6 ITEMS PASSED BY EXCEPTION

2020.155

RESOLVED:

MOVED: Cl Shields
SECONDED: Cl McGinn

That the recommendations contained in the following items be adopted:

9.10 STATEMENT OF CASH AND INVESTMENTS - AUGUST 2020

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

9.10 STATEMENT OF CASH AND INVESTMENTS - AUGUST 2020

Officer Ron Wood, Manager Financial Services
File No N/A
Attachments 1. Statement of Cash & Investments [9.10.1 - 3 pages]

2020.156

RESOLVED:

MOVED: Cl Shields
SECONDED: Cl McGinn

That the information be noted.

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

2020.158

RESOLVED:

MOVED: Cl Saul
SECONDED: Cl 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 and that Mr Graeme Fleming be invited to remain as an advisor.

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

MOTION FOR CONFIDENTIAL SESSION

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Set out below is section 10A(2) of the Local Government Act 1993 in relation to matters which can be dealt with in the closed part of a meeting.

The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors)
- (b) the personal hardship of any resident or ratepayer
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
- (d) commercial information of a confidential nature that would, if disclosed;
 - (i) prejudice the commercial position of the person who supplied it,or
 - (ii) confer a commercial advantage on a competitor of the Council,

or

- (iii) reveal a trade secret
- (e) information that would, if disclosed, prejudice the maintenance of law
- (f) matters affecting the security of the Council, councillors, council staff or Council property
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Councillors are reminded of their statutory obligations in relation to the non-disclosure to any outside person of matters included in this section.

11.2 2019-20 ANNUAL GENERAL MANAGER PERFORMANCE REVIEW

Officer Liz Campbell, Mayor
File No MIL/23552

Section 10A(2)(a) – Personnel Matters

This report is submitted on a confidential basis as it involves personnel matters concerning 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.

MOVED: CI Campbell

The information provided in this report be noted

AN AMENDMENT WAS MOVED:

**MOVED: CI Patterson
SECONDED: CI Williams**

1. The information provided in this report be noted

2. That the Mayor be given authority to negotiate with the General Manager for a new 5 year contract and that Graeme Fleming be engaged to assist with negotiations

3. That a report come back to Council for consideration

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

AN AMENDMENT WAS MOVED:

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

The General Manager will ensure diligent service to Council and Councillors in implementing s335(b) of the Local Government Act 1993.

FOR: Cl Hauville

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

2020.159

RESOLVED:

MOVED: Cl Patterson

SECONDED: Cl Williams

1. The information provided in this report be noted

2. That the Mayor be given authority to negotiate with the General Manager for a new 5 year contract and that Graeme Fleming be engaged to assist with negotiations

3. That a report come back to Council for consideration

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

AGAINST: Cl Hauville

2020.160

RESOLVED:

MOVED: Cl McGinn

SECONDED: Cl Saul

That Item 11.1 be brought forward and dealt with immediately while the meeting is already closed to avoid vacating the public gallery a second time.

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

2020.161

RESOLVED:

MOVED: Cl Shields

SECONDED: Cl Hauville

That the information be noted.

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

AGAINST: nil

2020.162

RESOLVED:

MOVED: Cl McGinn

SECONDED: Cl Patterson

That the ordinary Council meeting be resumed.

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

AGAINST: nil

7 MAYORAL MINUTES

7.1 LOCAL GOVERNMENT REPRESENTATION ON THE NATIONAL CABINET

Officer Liz Campbell, Mayor
File No F20/1789
Attachments Nil

MOVED: Cl Campbell

That Council:

- 1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jodi McKay, Mr Pat Conaghan MP, Member for Cowper, The Honourable Melinda Pavey MP, Member for Oxley respectively, the Prime Minister of Australia, the Hon. Scott Morrison MP, Federal Leader of the Opposition, the Hon. Anthony Albanese MP, Federal Local Government Minister, the Hon. Mark Coulton MP, Shadow Minister for Regional Services, Territories and Local Government, the Hon. Jason Clare MP, NSW Minister for Local Government The Hon. Shelley Hancock MP, and NSW Shadow Minister for Local Government, Mr Greg Warren, which highlights the Council's disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.**
- 2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.**
- 3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.**

An AMENDMENT was MOVED:

MOVED: Cl Hauville

SECONDED: Cl Morris

That Council:

1. Urgently send letters to:

- a. the Prime Minister of Australia, the Hon. Scott Morrison MP,
- b. Federal Leader of the Opposition, the Hon. Anthony Albanese MP,
- c. Federal Local Government Minister, the Hon. Mark Coulton MP,
- d. Premier of NSW, the Hon. Gladys Berejiklian MP,
- e. NSW Leader of the Opposition, the Hon. Jodi McKay MP,
- f. NSW Minister for Local Government, the Hon. Shelley Hancock MP,
- g. Member for Cowper, Mr Pat Conaghan MP,
- h. Member for Oxley, the Hon. Melinda Pavey MP,

and highlight the Kempsey Shire Council's overwhelming disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.

2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda. Such a meeting to include the GM, Mayor and two elected Councillors.

3. Notes that the Australian Local Government Association (ALGA), Local Government NSW (LGNSW) and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

4. Sends letters of support to ALGA and LGNSW for their continued action to support Local Government on this issue.

5. Any responses received be made available to Councillors on receipt.

FOR: Cl Hauville, Cl Morris

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

2020.157

RESOLVED:

MOVED: Cl Campbell

That Council:

- 1. Agrees to send a letter to the Premier of NSW Gladys Berejiklian, NSW Leader of the Opposition Jodi McKay, Mr Pat Conaghan MP, Member for Cowper, The Honourable Melinda Pavey MP, Member for Oxley respectively, the Prime Minister of Australia, the Hon. Scott Morrison MP, Federal Leader of the Opposition, the Hon. Anthony Albanese MP, Federal Local Government Minister, the Hon. Mark Coulton MP, Shadow Minister for Regional Services, Territories and Local Government, the Hon. Jason Clare MP, NSW Minister for Local Government The Hon. Shelley Hancock MP, and NSW Shadow Minister for Local Government, Mr Greg Warren, which highlights the Council's disappointment that Local Government is not represented on the newly formed National Cabinet and seeks their assistance in requesting that First Ministers review the decision to exclude Local Government.**

2. Seeks a meeting with our local Federal and State Members to discuss in more detail the importance of having local government representation on National Cabinet and the value of partnerships with Councils in achieving the objectives of the National Cabinet and the national reform agenda.
3. Notes that the Australian Local Government Association, Local Government NSW and other state/territory local government associations will continue to advocate for local government representation on the National Cabinet and for Local Government's interests in all relevant forums.

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

AGAINST: nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 ELECTION OF DEPUTY MAYOR

Officer	Daniel Thoroughgood, Manager – Governance and Information Services
File No	F19/514
Attachments	<ol style="list-style-type: none"> 1. Nomination for Office of Deputy Mayor [9.1.1 - 1 page] 2. Local Government (General) Regulation 2005 - Extract of Clause 394 and Schedule 7 [9.1.2 - 4 pages]

MOVED: Cl Hauville
SECONDED: Cl Morris

That Council:

1. elects a Deputy Mayor for a 12-month term, and
2. conducts the election, if required, for the position of Deputy Mayor by preferential ballot.

An AMENDMENT was MOVED:

MOVED: Cl McGinn
SECONDED: Cl Patterson

That Council:

1. elects a Deputy Mayor for a 12-month term, and
2. conducts the election, if required, for the position of Deputy Mayor by open voting.

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

AGAINST: Cl Hauville

2020.163

RESOLVED:

MOVED: Cl McGinn
SECONDED: Cl Patterson

That Council:

1. elects a Deputy Mayor for a 12-month term, and
2. conducts the election, if required, for the position of Deputy Mayor by open voting.

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

AGAINST: Cl Hauville

The General Manager as returning officer advised that three nominations had been received for Deputy Mayor being Councillors Patterson, Morris and Hauville.

Councillor Hauville at this time withdrew his nomination.

An election by a show of hands was held.

Voting for Councillor Patterson were Councillors Baxter, Campbell, McGinn, Patterson, Saul, Shields, and Williams

Voting for Councillor Morris were Councillors Hauville and Morris

The General Manager declared Councillor Anthony Patterson elected as Deputy Mayor.

9.2 YOUR FUTURE MACLEAY - GROWTH & CHARACTER LOCAL STRATEGIC PLANNING STATEMENT

Officer	Peter Orr, Senior Strategic Planning Officer
File No	F19/2576
Attachments	<ol style="list-style-type: none">1. Draft Future Macleay Growth & Character LSPS [9.2.1 - 34 pages]2. DPIE Northern - agency response [9.2.2 - 3 pages]3. DPIE Resilience Planning - agency response [9.2.3 - 1 page]4. DPI Fisheries - agency response [9.2.4 - 3 pages]5. DPIE Crown Lands - agency response [9.2.5 - 2 pages]6. School Infrastructure NSW - agency response [9.2.6 - 2 pages]7. Transport for NSW - agency response [9.2.7 - 4 pages]8. DPIE Biodiversity Conservation Division - agency response [9.2.8 - 6 pages]9. NSW Health - agency response [9.2.9 - 8 pages]10. DPIE Open Space Branch - agency response [9.2.10 - 3 pages]11. Public Submissions from the Your Say Macleay Website [9.2.11 - 22 pages]

2020.164

RESOLVED:

MOVED: Cl McGinn
SECONDED: Cl Patterson

That Council:

1. Adopt by resolution, the *Your Future Macleay – Growth & Character Local Strategic Planning Statement*.
2. Authorise Council staff to request the Department of Planning, Industry and Environment to endorse the adopted *Your Future Macleay – Growth & Character Local Strategic Planning Statement (LSPS)* and upload the LSPS to the NSW Planning Portal.

3. Acknowledges the matters within the report to be considered for amendment when the LSPS is reviewed.
4. Supports the conduct of a review of the LSPS in conjunction with the development of the new Community Strategic Plan.

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

AGAINST: CI Saul

9.3 YOUR FUTURE MACLEAY - PLACES AND SPACES, COMMUNITY INFRASTRUCTURE STRATEGY

Officer	Steve Schwartz, Coordinator Strategic and Environmental Planning
File No	F19/2619
Attachments	<ol style="list-style-type: none"> 1. Your Future Macleay - Places and Spaces, Community Infrastructure Strategy [9.3.1 - 34 pages] 2. Consultation Summary [9.3.3 - 56 pages] 3. Audit Report [9.3.4 - 72 pages]

MOVED: CI McGinn

SECONDED: CI Williams

That Council:

1. Endorse the attached *Your Future Places and Spaces Community Infrastructure Strategy*
2. Note that steps from the Strategy's action plan have informed the current Operational Plan and will be further considered to inform actions in future Delivery Program and Operational Plans.

An AMENDMENT was MOVED:

MOVED: CI Morris

SECONDED: CI Hauville

That:

1. Council endorse the attached *Your Future Places and Spaces Community Infrastructure Strategy*
2. Council note that steps from the Strategy's action plan have informed the current Operational Plan and will be further considered to inform actions in future Delivery Program and Operational Plans.
3. Prior to the upgrade of any facilities that do not meet the minimum levels of development, facility provision, and activity opportunities as outlined in the indicative desired standards of service that a report be presented to Council for consideration outlining the deficiencies and any mitigating factors to be implemented.

2020.165

RESOLVED:

MOVED: CI Shields

That the AMENDMENT be PUT

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

An AMENDMENT was MOVED:

MOVED: Cl Morris
SECONDED: Cl Hauville

That:

1. Council endorse the attached *Your Future Places and Spaces Community Infrastructure Strategy*
2. Council note that steps from the Strategy's action plan have informed the current Operational Plan and will be further considered to inform actions in future Delivery Program and Operational Plans.
3. Prior to the upgrade of any facilities that do not meet the minimum levels of development, facility provision, and activity opportunities as outlined in the indicative desired standards of service that a report be presented to Council for consideration outlining the deficiencies and any mitigating factors to be implemented.

FOR: Cl Hauville, Cl Morris

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

2020.166

RESOLVED:

MOVED: Cl McGinn
SECONDED: Cl Williams

That Council:

1. Endorse the attached *Your Future Places and Spaces Community Infrastructure Strategy*
2. Note that steps from the Strategy's action plan have informed the current Operational Plan and will be further considered to inform actions in future Delivery Program and Operational Plans.

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

AGAINST: Cl Hauville

9.4 KEMPSEY REGIONAL SALEYARDS - BUSINESS PLAN

Officer	Gayleen Burley, Manager Commercial Business
File No	F18/2079
Attachments	1. Kempsey Regional Saleyards Draft Business Plan 20200908 - BP Version [9.4.1 - 89 pages]

2020.167

RESOLVED:

MOVED: Cl Saul
SECONDED: Cl Patterson

That Council notes:

1. The draft Business Plan for Kempsey Regional Saleyards;

2. That an EOI will be advertised to assess the market interest of third parties in leasing and operating the Kempsey Regional Saleyards by 30 September 2020;
3. That a report be provided, together with the final version of the Business Plan, to a future Council meeting recommending the preferred management option for the Kempsey Regional Saleyards post the EOI process, and adoption of the final Business Plan should Council elect to continue operating the Kempsey Regional Saleyards.
4. That under all operating models, Kempsey Regional Saleyards will remain available as a stock refuge at no cost to Kempsey LGA residents when advice from the appropriate emergency service organisation is to move livestock due to an impending emergency.
5. Kempsey Shire Council's long term diligence in the provision of the Kempsey Regional Saleyards as a service to local farmers, the Shire's economy and industry

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

AGAINST: nil

9.5 PLANNING PROPOSAL (KLEP2013-AM-1) CRESCENT HEAD

Officer	Peter Orr, Senior Strategic Planning Officer
File No	KLEP2013-AM-1
Attachments	<ol style="list-style-type: none"> 1. Amended Planning Proposal August 2020 [9.5.1 - 30 pages] 2. App A Amended Preliminary Layout [9.5.2 - 1 page] 3. App A Amended Preliminary Layout with Aerial [9.5.3 - 1 page] 4. App A Shared pathway [9.5.4 - 1 page] 5. App B State Environmental Planning Policies [9.5.5 - 5 pages] 6. App C 9.1 Ministerial Directions [9.5.6 - 6 pages] 7. App D Visual Impact Assessment [9.5.7 - 15 pages] 8. App E pBDAR (Flora & Fauna) [9.5.8 - 236 pages] 9. App F Flood access [9.5.9 - 1 page] 10. App F Geotech Soils Water Contamination [9.5.10 - 98 pages] 11. App G Aboriginal Archaeological Assessment [9.5.11 - 29 pages] 12. App G Kempsey Local Aboriginal Land Council Cultural Heritage Assessment [9.5.12 - 8 pages] 13. App H Traffic Impact Assessment [9.5.13 - 34 pages] 14. App I Bushfire Hazard Assessment [9.5.14 - 7 pages] 15. App J Water Quality & Stormwater [9.5.15 - 56 pages] 16. Original Gateway Determination [9.5.16 - 6 pages] 17. Alteration of Gateway Determination [9.5.17 - 2 pages] 18. KLEP Land Zone [9.5.18 - 1 page] 19. KLEP Minimum Lot Size [9.5.19 - 1 page] 20. KLEP Scenic Protection [9.5.20 - 1 page] 21. KLEP Building Height [9.5.21 - 1 page] 22. Combined Public Submissions [9.5.22 - 415 pages] 23. Draft Chapter D5 - KDCP2013 [9.5.23 - 3 pages]

MOVED: Cl Baxter
SECONDED: Cl Morris

That Council:

- 1. Note the amendments to the planning proposal (KLEP2013-AM-1) dated August 2020, and the Alteration of Gateway issued by the Department of Planning, Industry & Environment dated 18 August 2020.**
- 2. Place the amended planning proposal (KLEP2013-AM-1) and the draft amendment to Kempsey Development Control Plan 2013 (draft Chapter D5 – Crescent Head Urban Investigation Area) on public exhibition for a minimum period of 28 days.**
- 3. Provide the amended planning proposal to the following State agencies and allow at least 21 days to comment on the proposal:**
 - a. Department of Planning, Industry and Environment (Division of Biodiversity & Conservation)**
 - b. Department of Planning, Industry and Environment (Division of Resources and Geoscience)**
 - c. NSW Department of Primary Industries – Agriculture**
 - d. NSW Rural Fire Service**
- 4. Receive a report at the conclusion of the exhibition period to consider the submissions made and the finalisation of KLEP2013-AM-1.**

AN AMENDMENT WAS MOVED:

MOVED: Cl Hauville

That Council:

- 1. Note the amendments to the planning proposal (KLEP2013-AM-1) dated August 2020, and the Alteration of Gateway issued by the Department of Planning, Industry & Environment dated 18 August 2020.**
- 2. Place the amended planning proposal (KLEP2013-AM-1) and the draft amendment to Kempsey Development Control Plan 2013 (draft Chapter D5 – Crescent Head Urban Investigation Area) on public exhibition for a minimum period of 28 days.**
- 3. Provide the amended planning proposal to the following State agencies and allow at least 21 days to comment on the proposal:**
 - a. Department of Planning, Industry and Environment (Division of Biodiversity & Conservation)**
 - b. Department of Planning, Industry and Environment (Division of Resources and Geoscience)**
 - c. NSW Department of Primary Industries – Agriculture**
 - d. NSW Rural Fire Service**
- 4. Receive a report at the conclusion of the exhibition period to consider the submissions made and the finalisation of KLEP2013-AM-1.**
- 5. All submissions be forwarded to Councillors for their consideration two weeks before the relevant Council Meeting.**

The AMENDMENT LAPSED for want of a SECONDER.

POINT OF ORDER was made by Cl McGinn as Cl Hauville was inferring that Councillors are not well informed. NOT UPHELD by the CHAIR.

2020.168

RESOLVED:

MOVED: CI Baxter
SECONDED: CI Morris

That Council:

- 1. Note the amendments to the planning proposal (KLEP2013-AM-1) dated August 2020, and the Alteration of Gateway issued by the Department of Planning, Industry & Environment dated 18 August 2020.**
- 2. Place the amended planning proposal (KLEP2013-AM-1) and the draft amendment to Kempsey Development Control Plan 2013 (draft Chapter D5 – Crescent Head Urban Investigation Area) on public exhibition for a minimum period of 28 days.**
- 3. Provide the amended planning proposal to the following State agencies and allow at least 21 days to comment on the proposal:**
 - a. Department of Planning, Industry and Environment (Division of Biodiversity & Conservation)**
 - b. Department of Planning, Industry and Environment (Division of Resources and Geoscience)**
 - c. NSW Department of Primary Industries – Agriculture**
 - d. NSW Rural Fire Service**
- 4. Receive a report at the conclusion of the exhibition period to consider the submissions made and the finalisation of KLEP2013-AM-1.**

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

AGAINST: nil

9.6 BACK CREEK FORESHORE AND OPEN SPACE UPGRADE

Officer	Dylan Reeves, Manager Infrastructure Delivery
File No	F18/2475/07
Attachments	<ol style="list-style-type: none">1. Revised Concept Design with Roundabout Removed [9.6.1 - 1 page]2. Submissions Received Through Your Say Macleay With Officer Responses [9.6.2 - 20 pages]3. Responses Received Through Your Say Macleay [9.6.3 - 34 pages]4. Transport for NSW Submission - Back Creek Foreshore Design [9.6.4 - 1 page]5. NSW Police Force Submission - Back Creek Foreshore Design [9.6.5 - 2 pages]

2020.169

RESOLVED:

MOVED: CI Shields
SECONDED: CI Williams

That Council adopt the Back Creek Revised Concept Plan as presented.

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

AGAINST: nil

9.7 COVID-19 PANDEMIC UPDATE

Officer Stephen Mitchell, Director Corporate and Commercial
File No F20/2701
Attachments 1. KSC Covid Safe Businesses [9.7.1 - 2 pages]

2020.170

RESOLVED:

MOVED: CI McGinn

SECONDED: CI Saul

That Council:

1. Note the information included in this COVID-19 Pandemic Update report;
2. Not implement any further COVID-19 hardship relief measures other than those already in place at this time; and
3. Continue the Local Preference Purchasing Procedure with the notional offset to 10%, or a maximum of \$50k, until September 30 2021.

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

AGAINST: nil

9.8 CARRY OVER AND REVOTE BUDGETS

Officer Ron Wood, Chief Financial Officer
File No F19/1930
Attachments 1. Attachment - List of Carryover & Revote Projects [9.8.1 - 3 pages]

2020.171

RESOLVED:

MOVED: CI Patterson

SECONDED: CI Shields

That Council adopt the 2019-2020 carry-over and revote projects outlined in this report for inclusion in the 2020-2021 budget.

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

AGAINST: nil

9.9 2019-20 FINANCIAL STATEMENTS AUDIT

Officer Ron Wood, Chief Financial Officer
File No F19/1907
Attachments 1. GPFS Statement by Councillors and Management [9.9.1 - 1 page]
2. SPFS Statement by Councillors and Management [9.9.2 - 1 page]

2020.172

RESOLVED:

MOVED: CI McGinn

SECONDED: CI Shields

That Council:

1. Note that the draft Financial Statements for the year ended 30 June 2020 were reported to Council's Audit & Risk Committee on 11 September who will then refer them for audit.
2. Authorise the Statement by Councillors and Management be signed by the Responsible Accounting Officer, the General Manager, the Mayor and a Councillor as required by the Local Government Act 1993.

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

AGAINST: nil

9.11 NOTICE OF MOTION TO LGNSW CONFERENCE - LOCAL GOVERNMENT ELECTIONS

Officer Craig Milburn, General Manager

File No F20/1720

Attachments 1. Proposed Motion for LGNSW Annual Conference [9.11.1 - 1 page]

2020.173

RESOLVED:

MOVED: Cl Hauville

SECONDED: Cl Morris

That Council supports the attached motion to be submitted for possible debate at the 2020 LGNSW Annual Conference, as varied by Councillor Hauville below:

Council Name - Kempsey Shire

Contact Details of Relevant Council Officer - General Manager Craig Milburn

Motion Category - Governance and accountability (Supports Principles I and J.)

Motion Title - Covid-19 Action utilising Universal Postal Voting

Motion Wording - That LGNSW advocates to the State Government to permit the usage of Universal Postal Voting for Local Government Elections by the State Electoral Commission and Councils, if the safety of electors is at risk due to the possible ongoing Covid-19 pandemic.

Background - Protecting our Local Democracy was negated by the unilateral decision of the State Government to extend the four-year term of Councillors by another year. Local community participation in this decision was nil. Councillors were not asked. The decision was imposed. Community members compact and understanding at the 2016/17 elections were that they were electing local representatives for a fixed term of four years.

There is no surety that the pandemic will be concluded during 2021 to enable "normal elections" and therefore LGNSW needs to enable local democracy by supporting universal postal voting as soon as possible for Council Elections. Other jurisdictions in Australia have successfully used Universal Postal Voting for Local Government Elections.

Fundamental Principles Conflict - No

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

AGAINST: Cl Baxter, Cl McGinn, Cl Patterson

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 QUESTIONS ON NOTICE

COUNCILLOR A P PATTERSON	FILE: F19/1945	GS
QFNM1 What is Council's policy on the removal of burnt out or abandoned cars when registered, and unregistered?		

COUNCILLOR A P PATTERSON	FILE: F19/1945	SMM
QFNM2 Moparrabah Road has been blocked by a landslide; when will that be reopened?		

COUNCILLOR A P PATTERSON	FILE: F19/1945	SMM
QFNM3 Frederickton Park upgrade has not included the lighting of the boat ramp which is dangerous while using at night, can lighting be put there?		

COUNCILLOR S M MCGINN	FILE: F19/1945	SMM
QFNM3 Feral cats living at the back of Woolworths in Kempsey; who is responsible for managing these pests? Is it a Council responsibility and if so can any action be taken or is it a matter for LLS and can they be notified please?		

COUNCILLOR L J HAUVILLE	FILE: F19/1945	SMM
QFNM1 After the generalised previous answer to a similar question what is the specific answer to the method of how Kempsey Shire Council staff selected the name "Country University Centre Macleay Valley" (CUCMV) and what other names were considered to be put in the recommendation at the 17th September 2019 Council Meeting seeking the CUCMV Grant Funding, which was before the establishment and first meeting of this Board?		

12:11 POINT OF ORDER was RAISED by CI McGinn that CI Hauville was not discussing Macleay Valley term when resolved. The CHAIR UPHELD the POINT OF ORDER.

MOTION OF DISSENT MOVED:

MOVED: CI Hauville

MOTION OF DISSENT was raised by CI Hauville against the POINT OF ORDER UPHELD by the CHAIR.

FOR: CI Hauville

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

COUNCILLOR L J HAUVILLE	FILE: F19/1945	SM
--------------------------------	-----------------------	-----------

QFNM1

What will be the Council cost on behalf of the community in undertaking the detailed video imaging and condition assessment of the Kempsey Shire's 1,250km road network and 73km of footpaths and shared access ways?

COUNCILLOR L J HAUVILLE	FILE: F19/1945	RF
--------------------------------	-----------------------	-----------

QFNM2

What is the usual industry-standard frequency of undertaking detailed video imaging and condition assessment of Council road network, footpaths, and shared access ways?

COUNCILLOR L J HAUVILLE	FILE: F19/1945	GB
--------------------------------	-----------------------	-----------

QFNM3

How many Aboriginal Land Claims are current upon Kempsey Shire managed Crown Lands areas, what areas are claimed, which organisation(s) are claiming, when was/were each claimed and what is the expectation on the approximate date(s) of determination?

COUNCILLOR L J HAUVILLE	FILE: F19/1945	SM
--------------------------------	-----------------------	-----------

QFNM4

What was the cost to Council for the sponsorship of the world premiere of "Slim and I" movie at Riverside Movies (including staff time)?

COUNCILLOR L J HAUVILLE	FILE: F19/1945	RF
--------------------------------	-----------------------	-----------

QFNM5

With reference to the 2019/2020 Bushfire recovery, have any Development Applications or plans to Kempsey Shire Council involved establishing Individual or Community Bush Fire Refuges, as outlined in the Construction of Community Bush Fire Refuges Handbook published by the Australian Building Codes Board and has this bushfire protective measure been promoted by the Recovery team?

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12.17 pm.