



Minutes

Minutes of the Ordinary Council Meeting of Kempsey Shire Council

Tuesday 29 June 2021



The meeting commenced at 9:00 am.

PRESENT:

Councillors E A Campbell (Mayor and Chairperson), M J Baxter, L J Hauville, S E McGinn, B J Morris, 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; Manager Governance and Information Services, D S Thoroughgood and Minute Taker, M L Peterson.

In accordance with cl237 of the Local Government (General) Regulation 2005, in response to the COVID-19 pandemic, Councillors L J Hauville, S E McGinn, 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

An opening prayer was conducted.

2 ACKNOWLEDGEMENT OF COUNTRY

An Acknowledgement of the Traditional Aboriginal Landowners was provided.

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2021.87 RESOLVED (CI Baxter/CI Shields):

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

CARRIED (7 / 1)

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

AGAINST: CI Hauville

4 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 May 2021 and extraordinary meeting dated 2 June 2021 be confirmed.

MOVED (CI Hauville/CI Morris):

That we deal with the two minutes separately.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

MOVED (Cl Hauville/Cl Morris):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 May 2021 with the following amendments to item 9.1, Slim Dusty Centre - Transfer of Ownership:

Add after the Voting record:

“Cr Hauville was asking a question on the accompanying report in relation to the Tourist Information Centre being moved to the Slim Dusty Centre.

Cl McGinn raised a point of order that Cl Hauville's questions were not relevant to the motion before Council. The chair upheld the point of order and asked Cl Hauville to confine his questions to the motion.

Cr Hauville requested clarity from the Chair. The Chair ruled that questions can only be put about the recommendation and not relate to the report accompanying the recommendation.

Cl McGinn again raised a point of order that Cl Hauville's questions were not relevant to the motion before Council. The chair upheld the point of order and asked Cl Hauville to confine his questions to the motion.

AMENDMENT (Cl McGinn/Cl Shields):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 May 2021 be confirmed.

CARRIED (6 / 2)

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

AGAINST: Cl Hauville, Cl Morris

AMENDMENT (Cl Hauville):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 May 2021 with the following amendments to item 9.3, Community Survey and Engagement:

Add before “The amendment lapsed for want of a seconder.” Without seeking the call Cr McGinn spoke against the amendment.

The amendment lapsed for want of a seconder.

2021.88 RESOLVED (Cl McGinn/Cl Shields):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 18 May 2021 be confirmed.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

MOVED (Cl Hauville/Cl Morris):

That the minutes of the Extraordinary meeting of Kempsey Shire Council dated 2 June 2021 with the following amendment to Item 3, Apologies and Application for Leave of Absence by Councillors:

The Chair asked for any apologies, and none were evident for CIs Williams and Morris.

2021.83 Resolved (CI Patterson/CI McGinn)

Council notes the absences of CI William and CI Morris.

Carried (7/0)

AMENDMENT (CI McGinn/CI Saul):

That the minutes of the Extraordinary meeting of Kempsey Shire Council dated 2 June 2021 be accepted.

CARRIED (6 / 2)

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

AGAINST: CI Hauville, CI Morris

CI McGinn raised a point of order that CI Morris's comments are not relevant to the amendment. The chair did not uphold the point of order.

2021.89 RESOLVED (CI McGinn/CI Saul):

That the minutes of the Extraordinary meeting of Kempsey Shire Council dated 2 June 2021 be accepted.

CARRIED (7 / 1)

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

AGAINST: CI Hauville

5 DISCLOSURES OF INTEREST

CI McGinn declared a non-pecuniary non-significant interest in item 7.1, Health Advocacy, as she is a governing board member of the Mid North Coast Local Health District.

CI McGinn declared a non-pecuniary non-significant interest in item 11.1, Legal Matters, as she is known to one of the parties named in the report.

2021.90 RESOLVED (CI Saul/CI Williams):

That the declared interests of Councillors be noted.

CARRIED UNANIMOUSLY (8 / 0)

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

6 ITEMS PASSED BY EXCEPTION

Nil

7 MAYORAL MINUTES

7.1 JUNE 2021 HEALTH ADVOCACY

Councillor Liz Campbell, Mayor
File No F19/2048
Attachments Nil

RECOMMENDATION

That Council:

- 1. Acknowledge the complexities across multiple levels of government that impact on the supply of medical professionals to regional areas.**
- 2. Note the advocacy being undertaken at a local level.**
- 3. Support the adopted position of NSW Country Mayors Association to advocate for solutions that dedicate government and medical resources to correcting the imbalance of access to medical services in rural and regional areas.**

MOVED (Cl Campbell):

That Council:

- 4. Acknowledge the complexities across multiple levels of government that impact on the supply of medical professionals to regional areas.**
- 5. Note the advocacy being undertaken at a local level.**
- 6. Support the adopted position of NSW Country Mayors Association to advocate for solutions that dedicate government and medical resources to correcting the imbalance of access to medical services in rural and regional areas.**

AMENDMENT (Cl McGinn):

That Council:

- 1. Acknowledge the complexities across multiple levels of government that impact on the supply of medical professionals to regional areas.**
- 2. Note the advocacy being undertaken at a local level.**
- 3. Support the adopted position of NSW Country Mayors Association to advocate for solutions that dedicate government and medical resources to correcting the imbalance of access to medical services in rural and regional areas compared to our city counterparts.**

The amendment was accepted into the motion by the mover.

AMENDMENT (CI Hauville):

That Council:

- 1. Acknowledge the complexities across multiple levels of government that impact on the supply of medical professionals to regional areas.**
- 2. Note the advocacy being undertaken at a local level.**
- 3. Support the adopted position of NSW Country Mayors Association to advocate for solutions that dedicate government and medical resources to correcting the imbalance of access to medical services in rural and regional areas compared to our city counterparts.**
- 4. Council is to write the Federal Minister for Regional Health, Dr David Gillespie, MP requesting that South West Rocks be reinstated to the Distribution Priority Area (DPA) scheme. Any replies should be forwarded to Councillors.**

The amendment was accepted into the motion by the mover.

2021.91 RESOLVED (CI McGinn/CI Morris):

That Council move into Committee of the Whole.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2021.92 RESOLVED (CI Morris/CI McGinn):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2021.93 RESOLVED (CI Campbell):

That Council:

- 1. Acknowledge the complexities across multiple levels of government that impact on the supply of medical professionals to regional areas.**
- 2. Note the advocacy being undertaken at a local level by council and the local community and support the efforts of the local community for improved access to medical services.**
- 3. Support the adopted position of NSW Country Mayors Association to advocate for solutions that dedicate government and medical resources to correcting the imbalance of access to medical services in rural and regional areas, compared to our city counterparts.**
- 4. Continues to advocate with appropriate federal and state ministers and shadow ministers for the reinstatement of the Distribution Priority Area Scheme where appropriate.**

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

8 REPORTS OF COMMITTEES

8.1 LOCAL TRAFFIC COMMITTEE - MINUTES 1 JUNE 2021

Officer Cliff Toms, Investigations Engineer
File No F19/1958
Attachments 1. Minutes of 1 June 2021 [8.1.1 - 15 pages]

RECOMMENDATION

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 1 June 2021.

MOVED (Cl McGinn/Cl Saul):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 1 June 2021.

AMENDMENT (Cl Hauville):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 1 June 2021 with the following request for the local traffic committee in relation to item 4.3, Pedestrian Refuge Crossing - Gregory Street, South West Rocks:

Send the issue back and request the Committee find other options.

The amendment lapsed for want of a seconder.

2021.94 RESOLVED (Cl McGinn/Cl Saul):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 1 June 2021.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9 REPORTS TO COUNCIL

9.1 INTEGRATED PLANNING AND REPORTING SUITE FOR 2021-22

Officer Kathryn Parker, Corporate Performance Coordinator
File No F21/2839
Attachments 1. Attachment 1 Delivery Program Operational Plan 2021-22 [9.1.1 - 46 pages]
2. Attachment 2_Final Long Term Financial Plan 2021-31 [9.1.2 - 33 pages]
3. Attachment 3_Final Revenue Policy 2021-22 [9.1.3 - 10 pages]
4. Attachment 4 Final Schedule Fees and Charges 2021-22 [9.1.4 - 98 pages]
5. Attachment 5_Final Rates Maps 2021-22 [9.1.5 - 11 pages]
6. Attachment 6_Council Responses to Public Submissions [9.1.6 - 35 pages]
7. Attachment 7_Combined Submissions Redacted 2021 [9.1.7 - 54 pages]

RECOMMENDATION

That Council adopt the following Integrated Planning and Reporting documents for the 2021-22 year:

1. Delivery Program and Operational Plan 2021-22
2. Long Term Financial Plan 2021-2031
3. Revenue Policy 2021-22
4. Schedule of Fees and Charges 2021-22
5. Rates Maps 2021-22

MOVED (Cl McGinn/Cl Morris):

That Council adopt the following Integrated Planning and Reporting documents with the changes outlined in this report, including the investigation of flood immunity options for Crescent Head Road at Rudders Lagoon, for the 2021-22 year:

1. Delivery Program and Operational Plan 2021-22
2. Long Term Financial Plan 2021-2031
3. Revenue Policy 2021-22
4. Schedule of Fees and Charges 2021-22
5. Rates Maps 2021-22

At this stage 10.28 am the meeting adjourned for morning tea and upon resumption at 10.50 am all present at the adjournment were in attendance.

2021.95 RESOLVED (Cl McGinn/Cl Morris):

That Council adopt the following Integrated Planning and Reporting documents with the changes outlined in this report, including the investigation of flood immunity options for Crescent Head Road at Rudders Lagoon, for the 2021-22 year:

1. Delivery Program and Operational Plan 2021-22
2. Long Term Financial Plan 2021-2031
3. Revenue Policy 2021-22
4. Schedule of Fees and Charges 2021-22
5. Rates Maps 2021-22

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.2 DOG WALKING ACCESS & SIGNAGE REVIEW

Officer	Shaun Tomaszewski, Team Leader Rangers
File No	F20/1652
Attachments	<ol style="list-style-type: none">1. Attachment 1 - Summary Report Your Say Macleay Survey [9.2.1 - 35 pages]2. Attachment 2 - Maps of Current and Proposed Options [9.2.2 - 10 pages]3. Attachment 3 - Maps for Locations Not Requiring Rezoning [9.2.3 - 5 pages]4. Attachment 4 - Preferred Access Option Maps [9.2.4 - 4 pages]

RECOMMENDATION

That Council:

- 1. Note the results of the Your Say Macleay survey and the preferred access and signage options for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.**
- 2. Adopt the access options for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head as detailed in Attachment 4 – Preferred Access Option Maps.**
- 3. Approve a budget parameter of \$15,000 in the 2021/22 Regulatory Services budget to commence implementation of the revised access signage for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.**
- 4. Continue to advocate for access to alternative or extended beach off-leash areas in the Crescent Head area with National Parks & Wildlife Services.**

MOVED (CI Baxter/CI McGinn):

That Council:

- 1. Note the results of the Your Say Macleay survey and the preferred access and signage options for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.**
- 2. Adopt the access options for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head as detailed in Attachment 4 – Preferred Access Option Maps.**
- 3. Approve a budget parameter of \$15,000 in the 2021/22 Regulatory Services budget to commence implementation of the revised access signage for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.**
- 4. Continue to advocate for access to alternative or extended beach off-leash areas in the Crescent Head area with National Parks & Wildlife Services.**

2021.96 RESOLVED (CI Saul/CI McGinn):

That Council move into Committee of the Whole.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2021.97 RESOLVED (CI Shields/CI Saul):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

2021.98 RESOLVED (CI Baxter/CI McGinn):

That Council:

1. Note the results of the Your Say Macleay survey and the preferred access and signage options for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.
2. Adopt the access options for dog walking at Hat Head, South West Rocks and Grassy Head as detailed in Attachment 4 – Preferred Access Option Maps. Adopt the access options map for Crescent Head option 1 in attachment 2.
3. Approve a budget parameter of \$15,000 in the 2021/22 Regulatory Services budget to commence implementation of the revised access signage for dog walking at Hat Head, South West Rocks, Crescent Head and Grassy Head.
4. Continue to advocate for access to alternative or extended beach off-leash areas in the Crescent Head area with National Parks & Wildlife Services and lobby appropriate state and shadow ministers for support for possible re-gazettal and/or changes to plans of management.
5. Report to a Councillor briefing around May/June 2022 to provide review and assessment on outcomes of the changes being implemented for Dogs on and off leash areas.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.3 T6-21-102 ATTACHED DUAL OCCUPANCY & SUBDIVISION (ONE LOT INTO TWO LOTS) - OCEAN STREET, SOUTH WEST ROCKS

Officer	Karen Price, Town Planner
File No	T6-21-102
Attachments	1. T6 21 102 Recommended Conditions [9.3.1 - 10 pages] 2. T6 21 102 Clause 4.6 Request [9.3.2 - 7 pages]

RECOMMENDATION

That Council:

1. Support the requested variation to the building height development standards in Clause 4.3 of KLEP 2013.
2. Grant development consent to T6-21-102 for an attached dual occupancy and subdivision (one lot into two lots), subject to the conditions contained in the attachment (*Attachment – T6-21-102 Recommended Conditions*).

Cl Baxter left the Chamber at 12:14 pm.

Cl Baxter returned to Chamber at 12:16 pm.

2021.99 RESOLVED (Cl Shields/Cl Williams):

That Council:

1. Support the requested variation to the building height development standards in Clause 4.3 of KLEP 2013.
2. Grant development consent to T6-21-102 for an attached dual occupancy and subdivision (one lot into two lots), subject to the conditions contained in the attachment (*Attachment – T6-21-102 Recommended Conditions*).

CARRIED (7 / 1)

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

AGAINST: Cl Hauville

9.4 T6-20-454 SUBDIVISION (ONE LOT INTO TWO LOTS) - EAST STREET, CRESCENT HEAD

Officer Karen Price, Town Planner

File No T6-20-454

Attachments 1. T 6-20-454 Draft Conditions of Consent [9.4.1 - 9 pages]
2. T 6-20-454 Clause 4.6 Variation Request [9.4.2 - 11 pages]

RECOMMENDATION

That Council:

1. **Support the requested variation to the minimum lot size for subdivision standard in Clause 4.1 of KLEP 2013.**
2. **Grant development consent to T6-20-454 for a two (2) lot subdivision at 24 East Street, Crescent Head, subject to the conditions contained in the attachment (*T6-20-454 Recommended Conditions of Consent*).**

Cl Williams left the Chamber at 12:17 pm.

Cl Williams returned to Chamber at 12:20 pm.

2021.100 RESOLVED (Cl Shields/Cl McGinn):

That Council:

1. **Support the requested variation to the minimum lot size for subdivision standard in Clause 4.1 of KLEP 2013.**
2. **Grant development consent to T6-20-454 for a two (2) lot subdivision at 24 East Street, Crescent Head, subject to the conditions contained in the attachment (*T6-20-454 Recommended Conditions of Consent*).**

CARRIED (6 / 2)

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

AGAINST: Cl Hauville, Cl Saul

9.5 BELGRAVE STREET TRAFFIC STUDY

Officer Erin Fuller, Manager Strategic & Asset Planning

File No F20/2719

Attachments 1. Belgrave Street Traffic Study Final Report [9.5.1 - 85 pages]

RECOMMENDATION

That Council:

1. **Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and**
2. **Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and**

3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review.

MOVED (CI Shields/CI Hauville):

That Council:

1. Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and
2. Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and
3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review.

AMENDMENT (CI Hauville):

That Council:

1. Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and
2. Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and
3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review including any impact for the second bridge crossing.

The amendment was accepted into the motion by the mover.

AMENDMENT (CI Morris):

That Council:

1. Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and
2. Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and
3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review including any impact for the second bridge crossing or by June 2023.

The amendment was accepted into the motion by the mover.

MOVED (CI Shields/CI Hauville):

That Council:

1. Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and
2. Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and

3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review including any impact for the second bridge crossing or by June 2023.

2021.101 RESOLVED (CI Shields/CI Morris):

That Council:

1. Endorse the completion of the Belgrave Street Traffic Study as the first phase in the development of the Belgrave Street Master Plan; and
2. Defer the development of the Belgrave Street Master Plan until the completion of the NSW Government's State and Regional Road classification review; and
3. Receive a further report on the development of the Belgrave Street Master Plan on completion of the road classification review including any impact for the second bridge crossing or by June 2023.

CARRIED UNANIMOUSLY (8 / 0)

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

AGAINST: nil

9.6 ROAD OPENING AND ROAD CLOSING - DOWLINGS FALLS ROAD, TOOROOKA

Officer	Tara Gordon, Executive Officer
File No	F20/2765
Attachments	1. Photo of Collapsed Bridge [9.6.1 - 1 page] 2. Aerial Image [9.6.2 - 1 page] 3. Plan of Acquisition and Road Closure [9.6.3 - 2 pages]

RECOMMENDATION

That Council:

1. Pursuant to Section 38D of the *Roads Act 1993* publish a Notice of Road Closure in the *NSW Government Gazette* to close that part of Dowlings Falls Road shown as Lots 1 and 5 in the Plan of Acquisition for Road Purposes Within Lot 2 DP752425 and Lot 484 DP829632 and Proposed Road Closing Under the *Roads Act 1993* dated 21 November 2020 prepared by Surveyor Graham McLeod Burns.
2. On closure, vest Lots 1 and 5 comprising the closed road as operational land.
3. Pursuant to Section 44 of the *Roads Act 1993* give the land in the closed road (Lots 1 and 5) to the owners of Lot 2 DP752425 and Lot 484 DP829632 as compensation for the acquisition of land for road purposes (Lots 2 and 4).
4. Pursuant to Section 10 of the *Roads Act 1993*, dedicate Lots 2 and 4 as public road.
5. Ensure that the road opening and road dedication occurs either prior to, or simultaneous to, the publication of the Notice of Road Closure.
6. Pay the legal/land conveyancing costs reasonably incurred by the owners of Lot 2 DP752425 and Lot 484 DP829632 arising from the Section 44 *Roads Act 1993* proposal.
7. Pursuant to Section 377 of the *Local Government Act 1993* delegate Authority to the General Manager to sign:
 - a. Survey plan of Acquisition and Road Closing
 - b. Deed of Road Closure and Road Opening
 - c. Subdivision Application

d. Land Registry Services Forms

Cl Morris left the Chamber at 12:30 pm and did not return and offered his apologies for the remainder of the meeting.

2021.102 RESOLVED (Cl Saul/Cl McGinn):

That Council:

1. Pursuant to Section 38D of the *Roads Act 1993* publish a Notice of Road Closure in the *NSW Government Gazette* to close that part of Dowlings Falls Road shown as Lots 1 and 5 in the Plan of Acquisition for Road Purposes Within Lot 2 DP752425 and Lot 484 DP829632 and Proposed Road Closing Under the Roads Act 1993 dated 21 November 2020 prepared by Surveyor Graham McLeod Burns.
2. On closure, vest Lots 1 and 5 comprising the closed road as operational land.
3. Pursuant to Section 44 of the *Roads Act 1993* give the land in the closed road (Lots 1 and 5) to the owners of Lot 2 DP752425 and Lot 484 DP829632 as compensation for the acquisition of land for road purposes (Lots 2 and 4).
4. Pursuant to Section 10 of the *Roads Act 1993*, dedicate Lots 2 and 4 as public road.
5. Ensure that the road opening and road dedication occurs either prior to, or simultaneous to, the publication of the Notice of Road Closure.
6. Pay the legal/land conveyancing costs reasonably incurred by the owners of Lot 2 DP752425 and Lot 484 DP829632 arising from the Section 44 *Roads Act 1993* proposal.
7. Pursuant to Section 377 of the *Local Government Act 1993* delegate Authority to the General Manager to sign:
 - a. Survey plan of Acquisition and Road Closing
 - b. Deed of Road Closure and Road Opening
 - c. Subdivision Application
 - d. Land Registry Services Forms

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

9.7 MAKING THE RATES AND ANNUAL CHARGES FOR 2021-2022

Officer	Ron Wood, Manager Financial Services
File No	F12/1859
Attachments	Nil

RECOMMENDATION

1. That whereas Council has given public notice of its Draft Operational Plan for the year 2021/2022 it is now resolved:
 - a. That in accordance with Section 494 of the *Local Government Act 1993* Council makes the Base Amount plus Ad valorem amount of the ordinary rate as set out hereunder for the various categories of all rateable land in the area for the year commencing 1 July 2021:

Category	Base amount \$	% S500 LG Act	Plus Ad valorem \$
Farmland	657.00	29.96	\$0.004879
Residential	603.00	49.97	\$0.004042
Business – Other	642.00	26.99	\$0.009228
Business – Urban	712.00	21.98	\$0.011114
Environmental Levy	12.00	20.67	\$0.000272

- b. That in accordance with Section 496 of the *Local Government Act 1993* Council makes the following annual charges for the Domestic Waste Management Service for the year commencing 1 July 2021:

Category	Charge per Annum (\$)
Domestic Waste Charge (Standard Service)	424.00
Domestic Waste Charge (Small Service)	350.00
Domestic Waste Charge (Standard Service with 360L Recycle)	436.00
Domestic Waste Charge (Small Service with 360L Recycle)	363.00
Domestic Waste Management Charge – Vacant Residential Land within Defined Residential Areas	43.00

- c. That in accordance with Section 501 of the *Local Government Act 1993* Council makes the following Commercial Waste Service charges for the year commencing 1 July 2021:

Category	Charge per Annum (\$)
Commercial 140 litre Mixed Solid Waste per single – Weekly service	350.00
Commercial 240 litre Mixed Solid Waste per single – Weekly service	450.00
Commercial 240 litre Recycling Waste Service – Fortnightly service	109.00
Commercial 360 litre Recycling Waste Service – Fortnightly service	129.00
Commercial 140 litre Green Waste – Weekly	100.00

Service	
Commercial 240 litre Green Waste – Weekly Service	140.00

- d. That the Domestic Waste Management Service and the Commercial Waste Service charges be based on the number of separate occupancies or domiciles (whether actually occupied or not) contained within each rateable property for which the service is available.
- e. That in accordance with Section 496A of the Local Government Act 1993 Council makes the following annual charges for Stormwater Management Services – Urban areas for year commencing 1 July 2021:

Category	Charge per Annum (\$)
Stormwater Management Service – Urban areas	25.00
Stormwater Management Service – Urban areas Strata Units	12.50

- f. That in accordance with Sections 501 of the Local Government Act 1993 Council makes the following annual water access charges for the year commencing 1 July 2021:

A charge per meter of:	
Meter Size (mm)	Access Charge per annum (\$)
Unconnected Properties (vacant)	358.00
20	358.00
25	554.00
32	901.00
40	1,403.00
50	2,187.00
80	5,573.00
100	8,704.00
150	19,572.00
200	35,348.00
Fire Service	975.00

- g. That in accordance with Section 501 of the Local Government Act 1993 Council makes the following annual sewerage access charges for the year commencing the 1 July 2021:

i	Access Charge	Charge per Annum (\$)
	Residential – Sewerage Base Charge Connected Properties (Per annum)	1,288.00
	Residential – Sewerage Base Charge Unconnected Properties (Per annum)	782.00
	Non-Residential (per connection size)	
	Meter Size (mm)	Access Charge (\$)
	Unconnected Properties (vacant)	782.00
	20	1,189.00
	25	1,870.00
	32	2,743.00
	40	4,241.00
	50	6,707.00
	80	17,202.00
	100	26,836.00
	150	63,905.00
ii	Section 501 Charge	
	Flats (per unit per annum)	1,288.00
	Holiday Flats (per unit per annum)	1,288.00

- h. That in accordance with Section 501 of the Local Government Act 1993 Council makes the following Onsite Sewerage Management System – Annual approval charge for the year commencing 1 July 2021:

System	Charge per system (\$)
Single dwelling	85.00
Small commercial systems	188.00
Large commercial systems	350.00

2. In accordance with the provisions of Section 566 of the *Local Government Act 1993* resolves that the maximum allowable interest rate of 6% be applied to all outstanding rates and charges for the year commencing 1 July 2021.

2021.103 RESOLVED (CI McGinn/CI Saul):

1. That whereas Council has given public notice of its Draft Operational Plan for the year 2021/2022 it is now resolved:
- a. That in accordance with Section 494 of the *Local Government Act 1993* Council makes the Base Amount plus Ad valorem amount of the ordinary rate as set out hereunder for the various categories of all ratable land in the area for the year commencing 1 July 2021:

Category	Base amount \$	% S500 LG Act	Plus Ad valorem \$
Farmland	657.00	29.96	\$0.004879
Residential	603.00	49.97	\$0.004042
Business – Other	642.00	26.99	\$0.009228
Business – Urban	712.00	21.98	\$0.011114
Environmental Levy	12.00	20.67	\$0.000272

- b. That in accordance with Section 496 of the *Local Government Act 1993* Council makes the following annual charges for the Domestic Waste Management Service for the year commencing 1 July 2021:

Category	Charge per Annum (\$)
Domestic Waste Charge (Standard Service)	424.00
Domestic Waste Charge (Small Service)	350.00
Domestic Waste Charge (Standard Service with 360L Recycle)	436.00
Domestic Waste Charge (Small Service with 360L Recycle)	363.00
Domestic Waste Management Charge – Vacant Residential Land within Defined Residential Areas	43.00

- c. That in accordance with Section 501 of the *Local Government Act 1993* Council makes the following Commercial Waste Service charges for the year commencing 1 July 2021:

Category	Charge per Annum (\$)
Commercial 140 litre Mixed Solid Waste per single – Weekly service	350.00
Commercial 240 litre Mixed Solid Waste per single – Weekly service	450.00
Commercial 240 litre Recycling Waste Service – Fortnightly service	109.00
Commercial 360 litre Recycling Waste Service – Fortnightly service	129.00
Commercial 140 litre Green Waste – Weekly Service	100.00
Commercial 240 litre Green Waste – Weekly Service	140.00

- d. That the Domestic Waste Management Service and the Commercial Waste Service charges be based on the number of separate occupancies or domiciles (whether actually occupied or not) contained within each ratable property for which the service is available.
- e. That in accordance with Section 496A of the Local Government Act 1993 Council makes the following annual charges for Stormwater Management Services – Urban areas for year commencing 1 July 2021:

Category	Charge per Annum (\$)
Stormwater Management Service – Urban areas	25.00
Stormwater Management Service – Urban areas Strata Units	12.50

- f. That in accordance with Sections 501 of the Local Government Act 1993 Council makes the following annual water access charges for the year commencing 1 July 2021:

A charge per meter of:	
Meter Size (mm)	Access Charge per annum (\$)
Unconnected Properties (vacant)	358.00
20	358.00
25	554.00
32	901.00

40	1,403.00
50	2,187.00
80	5,573.00
100	8,704.00
150	19,572.00
200	35,348.00
Fire Service	975.00

- g. That in accordance with Section 501 of the Local Government Act 1993 Council makes the following annual sewerage access charges for the year commencing the 1 July 2021:**

i	Access Charge	Charge per Annum (\$)
	Residential – Sewerage Base Charge Connected Properties (Per annum)	1,288.00
	Residential – Sewerage Base Charge Unconnected Properties (Per annum)	782.00
	Non-Residential (per connection size)	
	Meter Size (mm)	Access Charge (\$)
	Unconnected Properties (vacant)	782.00
	20	1,189.00
	25	1,870.00
	32	2,743.00
	40	4,241.00
	50	6,707.00
	80	17,202.00
	100	26,836.00
	150	63,905.00
ii	Section 501 Charge	

Flats (per unit per annum)	1,288.00
Holiday Flats (per unit per annum)	1,288.00

- h. That in accordance with Section 501 of the Local Government Act 1993 Council makes the following Onsite Sewerage Management System – Annual approval charge for the year commencing 1 July 2021:

System	Charge per system (\$)
Single dwelling	85.00
Small commercial systems	188.00
Large commercial systems	350.00

2. In accordance with the provisions of Section 566 of the *Local Government Act 1993* resolves that the maximum allowable interest rate of 6% be applied to all outstanding rates and charges for the year commencing 1 July 2021.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

9.8 MAYORAL AND COUNCILLOR FEES FOR 2021/2022

Officer Daniel Thoroughgood, Manager – Governance and Information Services

File No F19/2261

Attachments 1. Local Government Remuneration Tribunal - Annual report and determination 2021 [9.8.1 - 16 pages]

RECOMMENDATION

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2021/2022 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal, being \$45,140 for the Mayor and \$20,690 for Councillors

MOVED (CI Saul/CI McGinn):

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2021/2022 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal, being \$45,140 for the Mayor and \$20,690 for Councillors.

AMENDMENT (CI Hauville):

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2021/2022 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal, being \$45,140 for the Mayor and \$20,690 for Councillors, including the Mayor.

The amendment was accepted into the motion by the mover.

MOVED (CI Saul/CI McGinn):

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2021/2022 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal, being \$45,140 for the Mayor and \$20,690 for Councillors, including the Mayor.

2021.104 RESOLVED (CI Saul/CI McGinn):

That the Kempsey Shire Council Mayor and Councillor fees payable for the 2021/2022 year be the maximum allowed for regional rural categorised councils as determined by the Local Government Remuneration Tribunal, being \$45,140 for the Mayor and \$20,690 for Councillors, including the Mayor.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

9.9 STATEMENT OF CASH AND INVESTMENTS - JUNE 2021

Officer Ron Wood, Manager Financial Services
File No N/A
Attachments 1. Statement of Cash & Investments [9.9.1 - 31 pages]

RECOMMENDATION

That the information be noted.

2021.105 RESOLVED (CI Shields/CI McGinn):

That the information be noted.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

9.10 FLOOD LOCAL ENVIRONMENTAL PLAN (LEP) CLAUSES

Officer Marnie Jeffery, Town Planner
File No KLEP2013-AM-32
Attachments 1. Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 [9.10.1 - 5 pages]
2. SEPP Amendment (Flood Planning) 2021 [9.10.2 - 9 pages]
3. Draft Flood Local Environmental Plan Clauses [9.10.3 - 5 pages]
4. Draft Local Planning Direction [9.10.4 - 2 pages]

RECOMMENDATION

That Council, after considering the attached draft clause, recommended amendments and guidance material, authorise the General Manager to provide formal confirmation to the Department of Planning Industry and Environment that Kempsey Shire Council wishes to incorporate Clause 5.22 Special Flood Considerations into the Kempsey Local Environmental Plan (KLEP) 2013 inclusive of the following 'sensitive and hazardous development' purposes:

- a. boarding houses,
- b. caravan parks,
- c. correctional centres,
- d. emergency services facilities,
- e. group homes,
- f. hospitals,
- g. hostels,
- h. residential care facilities,
- i. seniors housing,
- j. tourist and visitor accommodation.

2021.106 RESOLVED (CI Hauville/CI Baxter):

That Council, after considering the attached draft clause, recommended amendments and guidance material, authorise the General Manager to provide formal confirmation to the Department of Planning Industry and Environment that Kempsey Shire Council wishes to incorporate Clause 5.22 Special Flood Considerations into the Kempsey Local Environmental Plan (KLEP) 2013 inclusive of the following 'sensitive and hazardous development' purposes:

- k. boarding houses,
- l. caravan parks,
- m. correctional centres,
- n. emergency services facilities,
- o. group homes,
- p. hospitals,
- q. hostels,
- r. residential care facilities,
- s. seniors housing,
- t. tourist and visitor accommodation.

CARRIED (6 / 1)

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

AGAINST: CI Saul

2021.107 RESOLVED (CI Shields/CI Saul):

That under clause 18.2 of the Code of Meeting Practice this meeting conclude not later than 4.00 pm

CARRIED (6 / 1)

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

AGAINST: CI McGinn

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Question 1 from Councillor McGinn:

Adjoining properties on Livingstone Street where two homes are unsightly and in significant disrepair, what can be done to clean up the site?

Question 1 from Councillor Hauville:

As the installed sign within Kempsey Central (outside the entrance to the cinema) does not reference any money amount (\$2 million from both Council and Federal funds) is it disingenuous to claim acknowledgment when there is no reference to the money amount on the installed sign?

Question 2 from Councillor Hauville:

When the question asking about the cost of installing a suitably inscribed plaque outside and adjacent to the ramp entrance the Kempsey Central Shopping Centre acknowledging the actual monetary contributions of \$2 million from each of Council and Federal Government for the construction of the Cinema, why were answers given to unasked questions (ie Has a sign been installed in the shopping centre? Are there plans for inscribed plaque outside Kempsey Central? Are there resources allocated to this installation?)?

Question 3 from Councillor Hauville:

What would the cost be (in numbers of dollars) to replace the historical plaque that went missing when there was an upgrade of the Clyde Street Mall?

Question 4 from Councillor Hauville:

As the May Council Meeting Question on Notice 2 from Councillor Hauville asked for possible sites in South West Rocks that would cater for a specific design of the Lennox Head Community Centre and Library (provided by Ballina Shire Council at the request of Councillor Hauville), and the question remains unanswered, would Council staff determine the actual measurements and ascertain if there are any sites available in South West Rocks, and, in pursuit of openness and transparency for the Shire Community, provide the specifics of such sites?

Question 5 from Councillor Hauville:

In Answer to the fourth Question on Notice (QoN) by Councillor Hauville at the May Council meeting on why the answers to QoNs were not recorded in Minutes with the answer being "If answers were at any time included in the draft minutes this was due to an administrative oversight." was this administrative oversight failure ongoing for the Minutes of Meetings for September, November, and December 2016, Meetings for February, March, April, May, June, July, August, September, October, November, and December 2017, and Meetings for February, March and April 2018, and a plethora of Meetings dating back to at least 2013?

Question 6 from Councillor Hauville:

What is the answer to the non-addressed question from Councillor Morris put at May Council concerning the Federal Government Phase 3 of the Local Roads and Community Infrastructure Program, which allocated \$1.6 million to Kempsey Shire Council, will there be any community engagement for any such allocation?

Question 7 from Councillor Hauville:

What is the plan to incorporate Electric Vehicles into the Council fleet?

Question 8 from Councillor Hauville:

Why have not-for-profit community organisations (such as the Macleay River Historical Society and the SWR Maritime Precinct), who have leased Council buildings, now being expected to fund all maintenance costs of the Council assets, and is this a practice used in other Local Government areas?

Question 9 from Councillor Hauville:

What were the days and total weekly hours of operation of the Tourist Information Centre at the Val Melville centre?

Question 10 from Councillor Hauville:

What are the days and total weekly hours of operation of the Tourist Information Centre at the Slim Dusty Centre?

Question 11 from Councillor Hauville:

What was the State allocation for all Kempsey Shire Council Regional Roads from 2020/2021 Regional Road Funding and what percentage of this amount was expended on each itemised Regional Road that Council maintains?

Question 12 from Councillor Hauville:

As members of Statewide Mutual's Board of Management are appointed by Member Councils how did Kempsey Shire Council appoint Cr S McGinn to the Board without consideration at a Council Meeting?

Question 13 from Councillor Hauville:

The attendance at the ALGA Conference by the Mayor and General Manager was discussed at May Council. Councillors were informed that an enabling resolution was not required despite "6.30 Approval to attend a conference or seminar shall wherever possible be approved by the full council who will authorise attendance and number of Councillors to attend." Why was this provision of Payment Of Expenses And Provision Of Facilities for Councillors Procedure 5.1.5 not implemented?

Question 15 from Councillor Hauville:

In the debate about the Crescent Head Petition at the May meeting why was the actual numbers signing the petition considered to be a "very, very minor technicality" when the scale of the petition support (be it 800 or 8,000, or 80,000) would have given the community and Councillors a pertinent and relevant idea of support, and it being a requirement of the Code of Meeting Practice?

Question 16 from Councillor Hauville:

What are Council plans to improve road surface and water runoff, and residential access to homes in Dulconghi Street, Crescent Head, where there are substantial issues regarding short term rentals and do these plans include restricting on-street parking?

Question 1 from Councillor Williams:

Council recently applied for Stronger Community Fund Grant to install lighting at Kempsey Sports Ground, exactly what fields will be light and upgraded as part of the application?

Question 1 from Councillor Saul:

Why didn't the proposed West Kempsey Bike Pump track come before Council for consideration?

Question 2 from Councillor Saul:

Can council request the local traffic committee, give serious consideration to restoring the give way sign at the corner of Main and Rawson Street Smithtown, after numerous traffic incidents in the recent months.

Question 3 from Councillor Saul

Can council consider issuing a clean up order for 68 and 70 Middleton Street South Kempsey after complaints of unsightly appearances and reports of vermin have been made.

Question 1 from Councillor Morris:

Given that immediately prior to taking the vote for Item 3 Apologies and Applications for a leave of Absence by Councillors at the Extraordinary Meeting of Council held on 2 June 2021, the Mayor clearly stated 'That we all agree that we will note that they are absent', why did the draft minutes, which have been subsequently adopted by Council read 'That the apology submitted by Councillors Morris and Williams for non-attendance at the meeting be accepted and a leave of absence be granted'?

Question 2 from Councillor Morris:

Is it normal practice to record in Council Minutes what is traditional custom and practice, what the Councillors thought they were voting on, or should the Minutes reflect what is actually stated in the meeting, as can be verified by the YouTube stream of the meeting?

Question 3 from Councillor Morris:

Given that Councils Code of Meeting Practice does not state the actual process for submitting an apology for a Council Meeting, except that 'A councillor's request for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which a councillor intends to be absent and the grounds upon which the leave of absence is being sought' what is the recommended process to be followed? Who should be notified?

Question 4 from Councillor Morris:

Why was the apology and request for leave of absence for the Extra-ordinary Council Meeting of 2 June 2021 by Councillor Morris, not acknowledged, given that an apology was submitted by email at 3:53pm 18 May 2021, to the General Manager, who was absent from the meeting, and another staff member that was in attendance at the meeting?

Question 5 from Councillor Morris:

What is the anticipated completion date for the Clyde Street Car Park works?

Question 6 from Councillor Morris:

Will the work at the Clyde Street Car Park result in any change to the number of Car Park spaces? If so, will this be an increase or decrease and by how many spaces?

Question 7 from Councillor Morris:

What is the current status of the Southern Interchange sewerage works?

Question 8 from Councillor Morris:

When is it anticipated that works will commence on the Southern Interchange sewerage works?

Question 9 from Councillor Morris:

When is it anticipated that the Southern Interchange sewerage works will be completed and commissioned?

Question 10 from Councillor Morris:

What is the current status of the Stuarts Point sewer design and tender documentation?

Question 11 from Councillor Morris:

When is it anticipated that work will commence on the Stuarts Point sewer scheme?

Question 12 from Councillor Morris:

When is it anticipated that the Stuarts Point sewer scheme will be operational?

Question 13 from Councillor Morris:

What action is proposed by Council to repair the several asphalt failures, that are continuing to deteriorate, in the east bound lane of South Street commencing slightly east of the entrance to Akubra?

Question 14 from Councillor Morris:

What action is proposed by Council to repair the outer wheel path failure in the east bound lane of South Street, between West Street and the entrance to Akubra?

Question 15 from Councillor Morris:

An asphalt failure has developed in Sandstock Road near the intersection with South Street, will Council repair this failure prior to more extensive failure/deterioration?

Question 16 from Councillor Morris:

Grassy Head Road has experienced considerable damage as a result of the March 2021 flood event. When can the local community anticipate that the damaged sections will be repaired?

Question 17 from Councillor Morris:

What was the Communities investment for the attendance of the Mayor and General Manager at the ALGA National General Assembly in Canberra during June 2021?

Question 18 from Councillor Morris:

When will Council be presented with a Delegates Report for the ALGA National General Assembly?

Question 19 from Councillor Morris:

What is the Communities investment for the attendance of the Mayor at the Country Mayors Meetings during the past financial year?

Question 20 from Councillor Morris:

What was Council's investment in sponsoring the Macleay Valley Business Awards that were held on 19 June 2021?

Question 21 from Councillor Morris:

What would be the impact on Councils Long Term Financial Plan and General Fund Operating position be by way of reductions in Depreciation, Capital Works and Repairs and Maintenance, if the State Government Road Classification Review accepts Councils request for the transfer / reclassification of regional and local roads as requested by Council?

Question 22 from Councillor Morris:

Can Councillor Fees be reported to the Australian Taxation Office in a similar manner to the one touch reporting mechanism, thereby automatically populating Councillor Fees as income for Taxation Return purposes?

Question 23 from Councillor Morris:

What actions are included in the Operating Plan for implementation of Long Term Energy Strategy?

Question 24 from Councillor Morris:

When is it anticipated that the Solar PV array at the Civic Centre will be installed?

Question 25 from Councillor Morris:

When will the development of the Sustainability Strategy as outlined within the Long Term Energy Strategy commence?

Question 26 from Councillor Morris:

When will a programme of works for the repairs to the numerous damaged traffic islands across the Council area be finalised? When is it anticipated that these works will commence?

Question 27 from Councillor Morris:

Given my questions at previous Council Meetings concerning the accuracy of information on Councils website, why is the Mayor recorded as the Councillor representative on the Local Traffic Committee?

Question 28 from Councillor Morris:

Given my questions at previous Council Meetings concerning the accuracy of information on Councils website, why is the Deputy Mayor, Councillor Patterson not listed as a member of the General Managers Performance Review Panel?

Question 29 from Councillor Morris:

When is it anticipated that the Banner Pole that was recently damaged and subsequently removed within the roundabout at the intersection of Macleay Valley Way and Middleton Street be replaced?

11 CONFIDENTIAL MATTERS

2021.108 RESOLVED (CI Shields/CI McGinn):

That Council form itself into the Confidential Session, and at this stage, the meeting be closed to the public to permit discussion of the confidential business items listed for the reasons as stated in the Agenda.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

11.1 LEGAL MATTERS

Officer Melanie Peterson, Coordinator Governance and Information Management

File No F19/1960

Section 10A(2)(g) – Legal Proceedings

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

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

2021.109 RESOLVED (CI McGinn/CI Saul):

That the information be noted.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

11.2 AUDIT AND RISK COMMITTEE MEETING MINUTES - 28 APRIL 2021

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.

2021.110 RESOLVED (CI McGinn/CI Shields):

That Council note the draft meeting minutes from the Audit and Risk Committee, 28 April 2021.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

11.3 TENDER TQE20/38 PROVISION OF METER READING SERVICES

Officer Ron Wood, Manager Financial Services

File No TQE20/38

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.

2021.111 RESOLVED (CI Shields/CI Saul):

That Council accept the lump sum tender submitted by Skilltech Consulting Services Pty Ltd for the provision of Water Meter Reading Services for a total sum of \$443,217.86 (GST exclusive) for a period of three years with two one-year options, in accordance with the tender submission and the tender documentation.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

11.4 CONSTRUCTION OF WASTE FACILITY CELL 4 TENDER TQE21/16 - QUALITY ASSURANCE REPORT

Officer Stephen Mitchell, Director Corporate & Commercial

File No TQE21/16

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.

2021.112 RESOLVED (CI Saul/CI Shields):

That Council, in accordance with clause 178 of the Local Government (General) Regulation 2005:

- 1. Reject all tenders for the quality assurance reporting for the construction of Cell 4 at the KSC Waste Management Centre, Crescent Head Road, Kempsey on the basis that tender prices significantly exceeded available budget; and**
- 2. Enter into negotiations with other person(s) with a view to entering into a contract in relation to the subject matter of the tender.**

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: nil

2021.113 RESOLVED (CI McGinn/CI Shields):

That the ordinary Council meeting be resumed.

CARRIED (7 / 0)

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

AGAINST: nil

12 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 1:10 pm.