


Minutes

Minutes of the Ordinary Council Meeting held on Tuesday 25 January 2022

I hereby certify that this is a true and correct record of the minutes of the Kempsey Shire Council ordinary meeting held Tuesday 25 January 2022


Mayor (Feb 18, 2022 15:32 GMT+11)
Kempsey Shire Mayor

The meeting commenced at 09:00 am.

PRESENT:

Councillors L J Hauville (Mayor and Chairperson), I A Bain, E A Campbell, V Craigie, S R A Fergusson, J D Freeman, A P Patterson, K A Riddington and A D Wyatt

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

The Mayor noted that all councillors had, on Friday 21 January 2022, taken their Oath or Affirmation of Office in satisfaction of s233A of the *Local Government Act 1993*.

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

Cr Freeman delivered the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Craigie delivered the Acknowledgement of Country.

2022.1 RESOLVED (Cr Hauville):

That council permit Councillor Hauville to move a motion of condolence in memory of Councillor Jenny Sproule.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

The Mayor then read the following motion:

I would like to pay tribute to Councillor Jennifer Anne Sproule who died on the 14th of January and on behalf of Council I would like to acknowledge her extensive contributions to our Shire community, including her eight years as a Kempsey Shire Councillor.

Jenny Sproule was first elected to Council at the election held in September 1999 and served a four-year term with distinction. She was re-elected for her second term again in 2008, at the election held on 13 September.

The minutes of Council meetings from that period show that Jenny was an active member of Council. For example, in 2009 alone she was a member of the Aboriginal Consultative Working Party, the Crescent Head Works Prioritisation Committee, the Kempsey Masterplan Implementation Committee, the Local Heritage Committee, the Macleay Floodplain Project, the Mid North Coast Regional Arts Board, and the Smithtown Works Prioritisation Committee.

Outside of Council she was very active in the Community. She was an Official Visitor to the Kempsey Correctional Centre, a member of the Community Union Alliance and an active member of the University of the Third Age, U3A, serving as its President in 2016.

In 2015 she was awarded a Women of the Macleay award which honours local women who have made a positive difference to the lives of many through volunteering, strong leadership and advocating for change.

As recently as 2020 she worked as the secretary for Kempsey Advisory Training Enterprises which supported local students and education organisations.

Sadly, Jenny has been unwell for quite some time but she continued to make the most of every moment with her family, her friends and the wider community.

Councillor Sproule leaves a legacy of her fulsome community involvement, and her work for Kempsey Shire Council.

Jenny and her colourful scarves will be sadly missed by all who knew her.

Would all Councillors, staff and members of public gallery stand in silence as a mark of respect for Councillor Jenny Sproule.

2022.2 RESOLVED (Cr Hauville):

That the Mayor write to Councillor Sproule's family, to pass on Council's condolences, to her husband Steve, and sons Sam and Tim. Further, that Council acknowledges her life and contribution by flying flags at half-mast on Friday at all its sites.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

The Mayor took the opportunity to introduce each of the new councillors to the community.

Councillor Arthur Bain is a former teacher. Arthur Bain has lived and worked in the shire for 28 years and is an active member of the rural fire service, a founding member of Save Our Macleay River and CEO of the Thunggutti Aboriginal Land Council

Councillor Liz Campbell is a former Mayor of Kempsey Shire Council who was born and educated in the Kempsey District and elected to Council in 2008.

Councillor Anthony Patterson started his own business in 1994 and employs 10 locals. He is a returning councillor who has also held the role of Deputy Mayor.

Councillor Joshua Freeman is the youngest member of our Shire elected to council and has previously worked at Macleay Valley Options.

Councillor Vj Craigie is a proud Pitta Pitta man and a highly skilled and talented project manager, trained at the University of Sydney. I believe he is the first Aboriginal person elected to council.

Councillor Simon Fergusson is a farmer with property in Toorooka where he lives with his wife and two children.

Councillor Alexandra Wyatt is a board member of YP Space and the Kempsey Neighbourhood Centre with degrees in science, landscape planning and environmental law and experience in land management, conservation, and fire management.

Councillor Kerrie Riddington is a long-term resident of Arakoon, South West Rocks and was previously the human and environmental resource manager for Eversons Food Processors and owner of Chillati Gelato and Heritage Seaside Café in South West Rocks.

4 CONFIRMATION OF MINUTES

2022.3 RESOLVED (Cr Campbell/Cr Patterson):

That the minutes of the ordinary meeting of Kempsey Shire Council dated 16 November 2021 be confirmed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

5 DISCLOSURES OF INTEREST

The General Manager, Mr Craig Milburn, declared a pecuniary interest in item 9.3, Appointment of Councillors to General Managers Performance Review Panel, for the reason that it concerns his employment.

6 ITEMS PASSED BY EXCEPTION

Nil

7 MAYORAL MINUTES

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL

9.1 Election of Deputy Mayor

Officer	Daniel Thoroughgood, Manager Governance & Information Services
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File Number	F22/514
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MOVED (Cr Patterson/Cr Riddington):

That Council:

- 1. elects a deputy mayor until the September 2022 ordinary meeting of council; and**
 - 2. conducts the election, if required, for the position of deputy mayor by open voting.**
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AMENDMENT (Cr Hauville)

That Council:

1. elects a deputy mayor until the September 2022 ordinary meeting of council; and
2. conducts the election, if required, for the position of deputy mayor by ordinary ballot.

The amendment lapsed for want of a seconder.

2022.4 RESOLVED (Cr Patterson/Cr Riddington):

That Council:

1. elects a deputy mayor until the September 2022 ordinary meeting of council; and
2. conducts the election, if required, for the position of deputy mayor by open voting.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

The General Manager as returning officer advised that two nominations had been received for the position of deputy mayor being Councillors Campbell and Wyatt. No further nominations were forthcoming.

An election by a show of hands was held.

Voting for Councillor Campbell were Councillors Campbell, Fergusson, Patterson and Riddington.

Voting for Councillor Wyatt were Councillors Bain, Craigie, Freeman, Hauville and Wyatt.

The General Manager declared Councillor Alexandra Wyatt elected as deputy mayor.

9.2 Selection of Voting Delegates for Local Government New South Wales Special Conference

Officer	Daniel Thoroughgood, Manager Governance & Information Services
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File Number	F21/1720
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MOVED (Cr Bain/Cr Fergusson):

That Council:

1. authorise the attendance of the mayor and other delegates as nominated by council;
2. determine the two other voting delegates;
3. authorise the attendance of any other councillors wishing to attend the conference; and
4. request that suggestions by councillors for motions to be submitted to the conference be submitted to the general manager, in writing, immediately.

AMENDMENT (Cr Campbell)

That Council:

1. authorise the attendance of the mayor and other delegates as nominated by council;

2. determine the two other voting delegates to be the deputy mayor, if available, and one other councillor;
3. authorise the attendance of any other councillors wishing to attend the conference; and
4. request that suggestions by councillors for motions to be submitted to the conference be submitted to the general manager, in writing, immediately.

The amendment was accepted by the mover and became the motion.

2022.5 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. authorise the attendance of the mayor and other delegates as nominated by council;
2. determine the two other voting delegates to be the deputy mayor, if available, and one other councillor;
3. authorise the attendance of any other councillors wishing to attend the conference; and
4. request that suggestions by councillors for motions to be submitted to the conference be submitted to the general manager, in writing, immediately.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

Councillors Hauville and Wyatt, being already selected as voting delegates the General Manager then called for nominations from the floor for Councillors to become the third voting delegate.

Councillor Bain self-nominated as a voting delegate.

Being the only nominee Councillor Bain was elected unopposed as the third voting delegate.

9.3 Appointment of Councillors to General Managers Performance Review Panel

Officer	Daniel Thoroughgood, Manager Governance & Information Services
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File Number	MIL/23552/01
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The General Manager, Mr Craig Milburn, declared a pecuniary interest in item 9.3, Appointment of Councillors to General Managers Performance Review Panel, for the reason that it concerns his employment, and left the Chamber at 9:27 am.

2022.6 RESOLVED (Cr Campbell/Cr Craigie):

That Council appoint the mayor, deputy mayor and one other councillor to the General Manager's Performance Review Panel.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

The Mayor then called for nominations from the floor of the meeting for the remaining position.

Councillor Bain nominated Councillor Riddington.

Councillor Patterson nominated Councillor Campbell; Councillor Campbell declined the nomination.

Councillor Patterson self-nominated.

The Director Corporate & Commercial as returning officer advised that two nominations had been received for the remaining position on the General Manager's Performance Review Panel being Councillors Riddington and Wyatt.

An election by a show of hands was held.

Voting for Councillor Riddington were Councillors Bain, Campbell, Craigie, Hauville, Riddington and Wyatt.

Voting for Councillor Patterson were Councillors Fergusson, Freeman and Patterson.

The Director Corporate & Commercial declared Councillor Kerrie Riddington elected as the councillor member on the General Manager's Performance Review Panel.

The General Manager, Mr Craig Milburn, returned to the Chamber at 9:32 am.

9.4 Countback By-elections

Officer	Daniel Thoroughgood, Manager Governance & Information Services
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File Number	F19/2667
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2022.7 RESOLVED (Cr Patterson/Cr Freeman):

That pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act) Kempsey Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act, and directs the general manager to notify the Electoral Commissioner of New South Wales of the Council's decision within 7 days of the decision.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

9.5 Statement of Cash and Investments - November and December 2021

Officer	Ron Wood, Manager Financial Services
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File Number	F22/3106
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2022.8 RESOLVED (Cr Riddington/Cr Wyatt):

That Council receive and note the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

10 NOTICES OF MOTION/QUESTIONS WITH NOTICE

10.1 NOTICES OF MOTION

Nil

10.2 QUESTIONS WITH NOTICE

Nil

11 CONFIDENTIAL REPORTS

2022.9 RESOLVED (Cr Campbell/Cr Freeman):

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 (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

11.1 Legal Matters

Officer	Daniel Thoroughgood, Manager Governance & Information Services
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File Number	F19/1960
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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.

2022.10 RESOLVED (Cr Patterson/Cr Fergusson):

That Council receive and note the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

2022.11 RESOLVED (Cr Campbell/Cr Freeman):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Campbell, Cr Craigie, Cr Fergusson, Cr Freeman, Cr Hauville, Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Nil

12 CONCLUSION

There being no further business, the Mayor then closed the meeting, the time being 10:39 am.


220125 - Ordinary Council Meeting - 25 January 2022 - Confirmed Minutes


Final Audit Report


2022-02-18


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