

Confirmed Minutes

Confirmed minutes of the Ordinary Council Meeting held on Tuesday 18 July 2023

Signature: 

Leo Hauville (Aug 30, 2023 14:59 GMT+10)

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The meeting commenced at 9:00 am.

PRESENT:

Councillors L J Hauville (Mayor and Chairperson), I A Bain, C S Butterfield, S R A Fergusson, A P Patterson, K A Riddington, K Ring, D F Saul and A D Wyatt.

General Manager, C L Milburn; Director Corporate and Commercial, S M Mitchell; Director Operations and Planning, M B Jackson; Director Utilities, W J Trotter; Group Manager Governance and Information Services, D S Thoroughgood; and Minute Takers, M L Peterson and S J Hunter.

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 Hauville provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Bain provided an acknowledgement of country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

Cr Riddington provided an acknowledgement of service men, women and families.

4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS

Cr Patterson left the meeting at 9.05 am.

2023.106 RESOLVED (Cr Fergusson/Cr Saul):

That Council permit Councillors Patterson and Ring to attend this meeting by audio-visual link for the reason that they are both currently outside of the local government area.

CARRIED (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

5 CONFIRMATION OF MINUTES

Cr Patterson returned to meeting 9.08am.

2023.107 RESOLVED (Cr Butterfield/Cr Bain):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 27 June 2023 be confirmed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

6 DISCLOSURES OF INTEREST

Nil.

7 ITEMS PASSED BY EXCEPTION

2023.108 RESOLVED (Cr Riddington/Cr Saul):

That the recommendations contained in the following items be adopted:

10.4 Statement of Cash & Investments – June 2023

12.1 Legal Matters

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

10.4 Statement of Cash and Investments - June 2023

Officer	Michael Woolnough, Finance Manager
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File No	F22/3106
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2023.109 RESOLVED (Cr Riddington/Cr Saul):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

12 CONFIDENTIAL MATTERS

12.1 Legal Matters

Officer	Daniel Thoroughgood, Group Manager Governance and Information Services
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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 an open meeting.

2023.110 RESOLVED (Cr Riddington/Cr Saul):

That Council receive and note the report.

CARRIED UNANIMOUSLY (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

2023.111 RESOLVED (Cr Bain/Cr Riddington):

That Council bring forward 11.1, Notice of Motion - Maintenance Shed - Crescent Head Holiday Park and 11.2, Notice of Motion - Voice Education to be dealt with immediately.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

11 REPORTS FROM COUNCILLORS

11.1 Notice of Motion - Maintenance Shed - Crescent Head Holiday Park

Councillor Cr Wyatt, Councillor

File Number F23/3447

MOVED (Cr Wyatt/Cr Riddington):

That Council removes the newly constructed maintenance shed in the Crescent Head Holiday Park from its location adjacent to the Reserve Road.

AMENDMENT (Cr Fergusson/Cr Saul):

That Council:

- 1. note the concerns raised by the community in relation to the impact of the Holiday Park Maintenance Shed;**

2. acknowledge that improvements in its processes around informing the community of the works to be undertaken are required;
3. reduce the height of the shed to minimise the visual impacts of the structure;
4. complete the landscape works proposed to reduce the visual impacts of the structure; and
5. align the path to the north-eastern side of the shed.

2023.113 RESOLVED (Cr Riddington/Cr Bain):

That Council move into Committee of the Whole.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

Cr Bain raised a Point of Order that Cr Patterson is speaking to the original motion and not the amendment. The Mayor ruled the Point of Order for Cr Patterson to contain his remarks to the current amendment.

Cr Bain and Cr Riddington raised a Point of Order. The Mayor ruled that Cr Patterson was imputing improper motives to Cr Wyatt and requested Cr Patterson to apologise. Cr Patterson provided an apology.

2023.114 RESOLVED (Cr Saul/Cr Bain):

That the ordinary Council meeting be resumed.

CARRIED (8 / 1)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring and Cr Saul

AGAINST: Cr Wyatt

AMENDMENT (Cr Fergusson/Cr Saul):

That Council:

1. note the concerns raised by the community in relation to the impact of the Holiday Park Maintenance Shed;
2. acknowledge that improvements in its processes around informing the community of the works to be undertaken are required;
3. reduce the height of the shed to minimise the visual impacts of the structure;
4. complete the landscape works proposed to reduce the visual impacts of the structure; and
5. align the path to the north-eastern side of the shed.

CARRIED (5 / 4)

FOR: Cr Butterfield, Cr Fergusson, Cr Patterson, Cr Ring and Cr Saul

AGAINST: Cr Bain, Cr Hauville, Cr Riddington and Cr Wyatt

2023.115 RESOLVED (Cr Fergusson/Cr Saul):

That Council:

1. note the concerns raised by the community in relation to the impact of the Holiday Park Maintenance Shed;
2. acknowledge that improvements in its processes around informing the community of the works to be undertaken are required;
3. reduce the height of the shed to minimise the visual impacts of the structure;
4. complete the landscape works proposed to reduce the visual impacts of the structure; and
5. align the path to the north-eastern side of the shed.

CARRIED (6 / 3)

FOR: Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Ring and Cr Saul

AGAINST: Cr Bain, Cr Riddington and Cr Wyatt

At this stage 10:08 am the meeting adjourned to receive an Introduction to Dunghutti Language from students of East Kempsey Public School and Morning Tea and upon resumption at 10:56 am all present at the adjournment were in attendance with exception of Cr Patterson, who offered his apologies for the remainder of the meeting.

2023.116 RESOLVED (Cr Wyatt/Cr Riddington):

That Council establish a Crescent Head Focus Group and recruit members via an Expression of Interest with selection approval to come to Council for endorsement:

- a. to inform, consult, involve and collaborate on planning and development matters at Crescent Head,
- b. to repair and rebuild relationships between the Crescent Head community and Kempsey Shire Council,
- c. that has a clearly defined purpose and scope, and
- d. that has a currency period of two years at which times its need is re-evaluated.

CARRIED (6 / 2)

FOR: Cr Bain, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring and Cr Wyatt

AGAINST: Cr Butterfield and Cr Saul

11.2 Notice of Motion - Voice Education

Councillor Cr Bain, Councillor

File Number F22/1768

2023.117 RESOLVED (Cr Bain/Cr Ring):

That Council:

1. notes that the LGNSW Policy Platform acknowledges the significance of the Statement from the Heart issued at the 2017 First Nations National Constitutional Convention at

Uluru and supports the principle of the Constitutional recognition of Aboriginal and Torres Strait Islander Australians.

2. includes accurate information regarding the referendum in regular Council communications including but not limited to:
 - a. What is a referendum?;
 - b. Wording of the constitutional amendment;
 - c. Encouraging young people to enrol to vote;
 - d. Providing links to resources; and
 - e. Allowing community groups access to Council facilities to promote culturally safe and respectful dialogue about the referendum.

CARRIED (6 / 2)

FOR: Cr Bain, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring and Cr Wyatt

AGAINST: Cr Butterfield and Cr Saul

8 MAYORAL MINUTES

Nil

9 REPORTS OF COMMITTEES

Nil

10 REPORTS TO COUNCIL

10.1 South West Rocks Structure Plan

Officer Marnie Jeffery, Strategic Planning Officer

File Number F20/2796

2023.118 RESOLVED (Cr Riddington/Cr Bain):

That Council adopt the South West Rocks Structure Plan with lot 7009 DP1058863 at Gordon Young Drive in South West Rocks proposed to be zoned as C2 in its entirety with a 40 Ha minimum lot size.

CARRIED (7 / 1)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring and Cr Wyatt

AGAINST: Cr Saul

10.2 Kemp Street Sports Complex Masterplan Amendments

Officer Michael Jackson, Director Operations & Planning

File Number F19/250

2023.119 RESOLVED (Cr Hauville/Cr Riddington):

That Council adopt the amended masterplan as attached to this report.

CARRIED UNANIMOUSLY (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

10.3 Disposal of Surplus Council Land - Sewer Land - East St, South Kempsey - Lot 22 DP553475

Officer Jason Doyle, Senior Property Consultant

File Number F20/2765

MOVED (Cr Fergusson/Cr Ring):

That Council:

1. dispose of Lot 22 DP553475, being an irregular shaped 15ha parcel of land, for an amount in line with the market valuation, on the basis that this asset is no longer required by Council;
2. engage a licensed real estate agent to dispose of Lot 22 DP553475 for sale under private treaty, for an amount in line with the market valuation; and
3. authorise the General Manager to sign any documents necessary to effect the transfer of land to the purchaser.

2023.120 RESOLVED (Cr Riddington/Cr Wyatt):

That Council move into Committee of the Whole.

CARRIED (7 / 1)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Saul and Cr Wyatt

AGAINST: Cr Ring

2023.121 RESOLVED (Cr Fergusson/Cr Riddington):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

AMENDMENT (Cr Wyatt/Cr Riddington):

That Council investigate the potential for that parcel of land for location in the NSW Biodiversity Offset Scheme.

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

Cr Ring left the Chamber at 12:10 pm.

Cr Ring returned to the Chamber at 12:11 pm.

2023.122 RESOLVED (Cr Fergusson/Cr Ring):

That Council investigate the potential for that parcel of land for inclusion in the NSW Biodiversity Offset Scheme.

CARRIED UNANIMOUSLY (8 / 0)

FOR: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12:15 pm.


230718 - Ordinary Council Meeting - 18 July 2023 - Confirmed Minutes Final

Final Audit Report

2023-08-30

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