

Minutes

Confirmed minutes of the Ordinary Council Meeting held on Tuesday 21
November 2023



L Hamilton

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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; and Group Manager Governance and Information Services, D S Thoroughgood.

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 Butterfield provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Bain provided an acknowledgement of country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

Cr Saul 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

Nil.

5 CONFIRMATION OF MINUTES

2023.218 RESOLVED (Cr Bain/Cr Ring):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 17 October 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

Cr Patterson declared a non-pecuniary non-significant interest in item 10.1, Special Rate Variation, for the reason that he pays rates on a number of properties.

Cr Wyatt declared a non-pecuniary non-significant interest in item 10.3, Community Grant Program, for the reason that she has associations with a number of organisations and a family member is a member of one.

The General Manager, Craig Milburn, declared a non-pecuniary non-significant interest in item 11.1, Rescission Motion - General Manager's Performance Review, for the reason that it relates to his performance and indicated that he will leave the Chamber for consideration of this item.

2023.219 RESOLVED (Cr Bain/Cr Riddington):

That Council brings forward Items 10.10 Petition - Special Rate Variation and 10.1 Special Rate Variation to be dealt with immediately after Item 7 Items Passed by Exception.

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

7 ITEMS PASSED BY EXCEPTION

2023.220 RESOLVED (Cr Ring/Cr Saul):

That the recommendations contained in the following items be adopted:

10.5 Alcohol Free Zones

10.6 Local Event Day Applications

10.7 Annual Financial Statements

10.8 Development Activity and LEP Variations

10.9 Code of Conduct Complaint Statistics

10.11 Statement of Cash and Investments

12.1 Legal Matters

12.2 Audit, Risk & Improvement Committee Meeting Minutes

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

10.5 Alcohol Free Zones

Officer Carissa Graham, Group Manager Community Partnerships

File Number F23/496

2023.234 RESOLVED (Cr Ring/Cr Saul):

That Council:

1. re-establish the Alcohol Free Zones in the Kempsey CBD, West Kempsey CBD, Crescent Head CBD, Smithtown and South West Rocks to the extent highlighted in the attached maps for a 4-year period from 1 December 2023 to 30 November 2027;
2. re-establish the Alcohol Free Zone ('special event') in Hat Heat Residential area from 1 December to 31 January each year for a 4-year period from 1 December 2023 to 30 November 2027;
3. does not re-establish the Alcohol Free Zones in West Kempsey residential area, South Kempsey residential area and Greenhill residential area; and
4. establish West Kempsey Pump Track, Polwood Street, West Kempsey as a new 24-hour, 7 day per week Alcohol Prohibited Area.

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

10.6 Local Event Day Applications

Officer Russell Pell, Community Development Manager

File Number F23/1660

2023.235 RESOLVED (Cr Ring/Cr Saul):

That Council make an application to the Minister for Public Service and Employee Relations, under the *Public Holidays Act 2010 (NSW)* for the declaration of:

1. A part-day local event day from 12:00pm to 6:00pm on Wednesday, 10 April 2024 for the Kempsey Show; and
2. A part-day local event day from 12:00pm to 6:00pm on Friday, 8 November 2024 for the Kempsey Cup.

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

10.7 Annual Financial Statements

Officer Kerryn Batten, Group Manager Corporate Services

File Number F19/1907

2023.236 RESOLVED (Cr Ring/Cr Saul):

That Council:

1. notes the approved extension of the deadline, to 22 December 2023, for the lodgement of the audited financial statements to the Office of Local Government;
2. notes the updated financial statements as tabled at this meeting;
3. authorises 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;
4. notes the ongoing governance role played by Council's Audit, Risk & Improvement Committee in overseeing the preparation and finalisation of the audited 2022-23 financial statements; and
5. notes that Council's external auditor will present the audited 2022-23 financial statements at the December 2023 Council meeting.

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

10.8 Development Activity and LEP Variations - Quarterly Snapshot

Officer Jack Dickey, A/Group Manager Development and Compliance

File Number F19/1831

2023.237 RESOLVED (Cr Ring/Cr Saul):

That Council receives and notes the report.

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

10.9 Code of Conduct Complaint Statistics

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/2017

2023.238 RESOLVED (Cr Ring/Cr Saul):

That Council receive and note the report.

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

10.11 Statement of Cash and Investments - October 2023

Officer Michael Woolnough, Finance Manager

File No F22/3106

2023.239 RESOLVED (Cr Ring/Cr Saul):

That Council receives and notes the report.

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

12.1 Legal Matters

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F23/2510

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.

2023.240 RESOLVED (Cr Ring/Cr Saul):

That Council receives and notes the report.

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

12.2 Audit, Risk & Improvement Committee Meeting Minutes - 25 October 2023

Officer Matthew Bentley, Internal Auditor

File Number F23/2510

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 an open meeting.

2023.241 RESOLVED (Cr Ring/Cr Saul):

That Council notes the draft meeting minutes from the Audit, Risk & Improvement Committee, 25 October 2023.

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

10.10 Petition - Special Rate Variation

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F23/3642

2023.221 RESOLVED (Cr Bain/Cr Riddington):

That Council receives and notes the report.

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

10.1 Special Rate Variation

Officer Stephen Mitchell, Director Corporate and Commercial

File Number F23/3642

MOVED (Cr Riddington/Cr Patterson):

That Council:

- 1. notes the content of the Community Engagement Summary Reports;**
- 2. notes the content of the Capacity to Pay Report;**
- 3. commits to proceed with a permanent Special Rate Variation application under s508A of the *Local Government Act 1993* to the NSW Independent Pricing and Regulatory Tribunal (IPART) by 5 February 2024 to address Council's financial sustainability and maintain essential community infrastructure including Council's road network;**
- 4. in recognition of community feedback and capacity to pay considerations, rejects the original Special Rate Variation options two and three and proceed with a revised option**

- one of 42.7% cumulative including the rate peg over a three-year period commencing in 2024-25, to be permanently retained within the rate base;
5. notes that the proposed increase in 2024-25 be limited to 7.9% including the rate peg to minimise the initial impacts on ratepayers and provide time for ratepayers to prepare for proposed increases of 15% including the rate peg in both 2025-26 and 2026-27;
 6. notes that a decision to implement any approved Special Rate Variation increase and the size of that increase is made annually at the June Council meeting immediately prior to the increase taking effect from 1 July;
 7. places the updated Long Term Financial Plan 2023-2033, which includes the recommended Special Rate Variation as Scenario option one, on public exhibition between 22 November 2023 and 12 January 2024;
 8. places the updated Strategic Asset Management Plan 2023-2033 on public exhibition between 22 November 2023 and 12 January 2024;
 9. places the updated Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure on public exhibition between 22 November 2023 and 12 January 2024 to ensure it is fit for purpose and supports local residents with fairness and integrity, particularly in the context of a Special Rate Variation;
 10. convenes an extraordinary meeting of Council on 30 January 2024 for the purpose of:
 - a. receiving submissions on the updated Long Term Financial Plan, Strategic Asset Management Plan, Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure;
 - b. adopting the revised Long Term Financial Plan, Strategic Asset Management Plan, Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure to be published on Council's website and submitted to IPART as part of the Special Rate Variation application; and
 - c. noting the community feedback received regarding the decision to apply for a Special Rate Variation, which will be submitted to IPART as part of the Special Rate Variation application.
 11. commits to:
 - a. undertaking further analysis and service reviews to identify additional cost savings and productivity improvements to improve Council's forecast financial position, potentially reducing the size of the future rate increases to be implemented;
 - b. reviewing the rating structure to ensure it remains fair and equitable, both across and within the Residential, Farmland, Business Urban and Business Other rating categories;
 - c. continuing to advocate to the Commonwealth and NSW governments for improved and increased funding of the local government sector and for improved outcomes regarding cost-of-living pressures; and
 - d. developing and implementing a communications plan to ensure ratepayers understand the timing and impact of any approved future rate increases and the revised hardship relief processes available to minimise impacts on ratepayer's capacity to pay.

2023.222 RESOLVED (Cr Bain/Cr Patterson):

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

At this stage 10:32 am the meeting adjourned for morning tea.

Upon resumption of the meeting at 11:01 am all present at the adjournment were in attendance.

2023.223 RESOLVED (Cr Patterson/Cr Saul):

That the ordinary Council meeting be resumed.

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

2023.224 RESOLVED (Cr Riddington/Cr Patterson):

That Council:

1. notes the content of the Community Engagement Summary Reports;
2. notes the content of the Capacity to Pay Report;
3. commits to proceed with a permanent Special Rate Variation application under s508A of the *Local Government Act 1993* to the NSW Independent Pricing and Regulatory Tribunal (IPART) by 5 February 2024 to address Council's financial sustainability and maintain essential community infrastructure including Council's road network;
4. in recognition of community feedback and capacity to pay considerations, rejects the original Special Rate Variation options two and three and proceed with a revised option one of 42.7% cumulative including the rate peg over a three-year period commencing in 2024-25, to be permanently retained within the rate base;
5. notes that the proposed increase in 2024-25 be limited to 7.9% including the rate peg to minimise the initial impacts on ratepayers and provide time for ratepayers to prepare for proposed increases of 15% including the rate peg in both 2025-26 and 2026-27;
6. notes that a decision to implement any approved Special Rate Variation increase and the size of that increase is made annually at the June Council meeting immediately prior to the increase taking effect from 1 July;
7. places the updated Long Term Financial Plan 2023-2033, which includes the recommended Special Rate Variation as Scenario option one, on public exhibition between 22 November 2023 and 19 January 2024;
8. places the updated Strategic Asset Management Plan 2023-2033 on public exhibition between 22 November 2023 and 19 January 2024;
9. places the updated Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure on public exhibition between 22 November 2023 and 19 January 2024 to ensure it is fit for purpose and supports local residents with fairness and integrity, particularly in the context of a Special Rate Variation;
10. convenes an extraordinary meeting of Council on 30 January 2024 for the purpose of:
 - a. receiving submissions on the updated Long Term Financial Plan, Strategic Asset Management Plan, Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure;

- b. adopting the revised Long Term Financial Plan, Strategic Asset Management Plan, Hardship Relief to Ratepayers Procedure and Recovery of Unpaid Rates, Charges and Other Debts Procedure to be published on Council's website and submitted to IPART as part of the Special Rate Variation application; and
- c. noting the community feedback received regarding the decision to apply for a Special Rate Variation, which will be submitted to IPART as part of the Special Rate Variation application.

11. commits to:

- a. undertaking further analysis and service reviews to identify additional cost savings and productivity improvements to improve Council's forecast financial position, potentially reducing the size of the future rate increases to be implemented;
- b. reviewing the rating structure to ensure it remains fair and equitable, both across and within the Residential, Farmland, Business Urban and Business Other rating categories;
- c. continuing to advocate to the Commonwealth and NSW governments for improved and increased funding of the local government sector and for improved outcomes regarding cost-of-living pressures; and
- d. developing and implementing a communications plan to ensure ratepayers understand the timing and impact of any approved future rate increases and the revised hardship relief processes available to minimise impacts on ratepayer's capacity to pay.

CARRIED (8 / 1)

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

AGAINST: Cr Wyatt

At this stage at 11:49 am the meeting adjourned for 10 minutes.

Upon resumption at 12:06 pm am all present at the adjournment were in attendance.

8 MAYORAL MINUTES

8.1 Visitor Information Centre at South West Rocks Maritime Museum

Councillor Cr Hauville, Mayor

File Number F12/279

2023.225 RESOLVED (Cr Hauville):

That Council:

- 1. request the General Manager to undertake a review of the Visitor Information Services Review regarding the Visitor Information Centre at South West Rocks Maritime Museum by working collaboratively with the Museum Maritime Precinct Committee to:
 - a. examine the implications of withdrawing the present Council funding to the Maritime Museum;

- b. assess any means of possibly maintaining the funding to the Maritime Museum; and
 - c. examine possible alternate means of managing the volunteers with minimal supervision time for Council staff in the process.
2. receive a report to a future Council meeting on these preceding three points with a recommendation for implementing the recommendations relating to the South West Rocks Visitor Information Centre in full, in part or not at all.

CARRIED (7 / 2)

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

AGAINST: Cr Saul and Cr Wyatt

2023.226 RESOLVED (Cr Ring/Cr Bain):

The Council resolves under clause 17.2 of the Kempsey Shire Council Code of Meeting Practice that this meeting conclude no later than 4.00 pm, rather than 1.00 pm.

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

At this stage 12:28 pm the meeting adjourned for lunch.

Upon resumption at 1:15 pm all present at the adjournment were in attendance.

9 REPORTS OF COMMITTEES

Nil

10 REPORTS TO COUNCIL

10.2 2023-24 Quarter 1 Corporate Performance Report

Officer	Lisa Young, Corporate Performance Project Manager
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File Number	F23/3642/04
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2023.227 RESOLVED (Cr Patterson/Cr Riddington):

That Council:

1. adopt the Quarterly Budget Review for the period ended 30 September 2023 and approve the variations contained therein;
2. note the progress achieved in delivering the Delivery Program and Operational Plan 2023-24;
3. note the Financial Sustainability Program status report;
4. note the Key Performance Indicators report;
5. note the Grants Status Summary; and
6. note the Payment of Expenses to Councillors report.

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

10.3 Community Grant Program

Officer Russell Pell, Community Development Manager

File Number F22/3407

2023.228 RESOLVED (Cr Wyatt/Cr Butterfield):

That Council pursuant to s356 *Local Government Act 1993*, grant financial assistance from the Community Grants Program 2023-24 for the total amount of \$45,003.00, to be distributed as follows:

Mayoral Community Fund:

Community Group	Project	Amount
Kempsey Childrens Services	Sensory room fit out	\$2,251.00
Gladstone CWA Evening Branch	Market stall gazebo & equipment	\$3,207.00
Stuarts Point and District Community Organisation	Catering for Community Meetings	\$500.00
Aboriginal Employment Strategy	Free Community Movie night	\$5,000.00
Natureland Classic Motorbike Club	Defibrillator, first aid kit & training	\$3,175.00
Kinchela Boys Home Aboriginal Corporation	Bike safety workshops & school holiday activities	\$3,370.00
	Total:	\$17,503.00

Environmental Levy Fund:

Community Group	Project	Amount
Stuarts Point and District Community Organisation (SPADCO)	Weed eradication at Grassy Head	\$5,000.00
South West Rocks Community Dune Care	Weed clearing at Back Creek	\$5,000.00
Hat Head Dune Care	Weed clearing at Hat Head	\$5,000.00
Big Nobby Bush Care Group	Weed clearing at Crescent Head	\$5,000.00
	Total:	\$20,000.00

Sporting Fund:

Community Group	Project	Amount
Macleay Valley Rangers	New line marker & BBQ	\$2,500.00
Kempsey Crescent Head Surf Life Saving Club	New nipper boards	\$2,500.00
	Total:	\$5,000.00

Quick Grant – Seniors Festival:

Community Group	Project	Amount
Crescent Head P&C	Intergenerational Storytime	\$500.00
Gladstone CWA	Seniors' morning tea	\$500.00
Dalaigur Pre-school	Intergenerational morning tea	\$500.00
South West Rocks CWA	Seniors' luncheon	\$500.00
Kempsey Family History Group	Seniors' day trip to Frank Partridge Museum	\$500.00
	Total:	\$2,500.00

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 Verge 1 Sporting Field Masterplan

Officer Steve Pellen, Coordinator Parks Projects

File Number F12/1475

2023.229 RESOLVED (Cr Patterson/Cr Saul):

That Council adopt the Verge 1 Sporting Complex Masterplan

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 Rescission Motion - General Manager's Performance Review**

Councillor Cr Patterson, Councillor

Cr Saul, Councillor

Cr Butterfield, Councillor

File Number MIL/23552/01

The General Manager, Craig Milburn, declared a non-pecuniary non-significant interest in item 11.1, Rescission Motion - General Manager's Performance Review, for the reason that it relates to his performance and left the Chamber at 1:44 pm.

2023.230 RESOLVED (Cr Patterson/Cr Saul):

That Council rescind resolution number 2023.216 from the Ordinary Meeting held 17 October 2023 as printed below:

That Council notes the outcomes of the General Manager's Annual Performance Review; and endorses the recommendation of the Performance Review Panel not to increase the General Manager's Total Remuneration Package.

CARRIED (6 / 3)

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

AGAINST: Cr Bain, Cr Hauville and Cr Riddington

MOVED (Cr Patterson/Cr Ring):

That Council:

1. notes that the General Manager's Annual Performance Review outcomes were consistently high;
2. notes that the General Manager had another very strong year with progress made across a wide range of projects and Council priorities;
3. congratulates the General Manager on his performance given the challenges faced with record grant funding, the ongoing pandemic and natural disasters; and
4. endorses the recommendation of the Performance Review Panel not to increase the General Manager's Total Remuneration Package due to the following factors:
 - a. a strong likelihood that Council could be seeking community support for a Special Rate Variation (SRV) above the State Government approved rate increase, to ensure Council's ongoing financial viability;
 - b. not creating unnecessary negative response from the community;
 - c. not impacting unnecessarily on Councils financial bottom line/budget;
 - d. consideration of any unintended political, personnel, community, and financial consequences of a decision to increase or not increase the TRP package; and
 - e. the current economic climate isn't favourable to an increase in his Remuneration package.

AMENDMENT (Cr Wyatt):

That Council:

1. notes that the General Manager's Annual Performance Review outcomes were consistently high as determined by the General Manager's Performance Management Review Panel;

2. notes that the General Manager had another very strong year with progress made across a wide range of projects and Council priorities;
3. congratulates the General Manager on his performance given the challenges faced with record grant funding, the ongoing pandemic and natural disasters; and
4. endorses the recommendation of the Performance Review Panel not to increase the General Manager's Total Remuneration Package due to the following factors:
 - a. a strong likelihood that Council could be seeking community support for a Special Rate Variation (SRV) above the State Government approved rate increase, to ensure Council's ongoing financial viability;
 - b. not creating unnecessary negative response from the community;
 - c. not impacting unnecessarily on Council's financial bottom line/budget;
 - d. consideration of any unintended political, personnel, community, and financial consequences of a decision to increase or not increase the TRP package; and
 - e. the current economic climate isn't favourable to an increase in his Remuneration package.

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

2023.231 RESOLVED (Cr Patterson/Cr Ring):

That Council:

1. notes that the General Manager's Annual Performance Review outcomes were consistently high as determined by the General Manager's Performance Management Review Panel;
2. notes that the General Manager had another very strong year with progress made across a wide range of projects and Council priorities;
3. congratulates the General Manager on his performance given the challenges faced with record grant funding, the ongoing pandemic and natural disasters; and
4. endorses the recommendation of the Performance Review Panel not to increase the General Manager's Total Remuneration Package due to the following factors:
 - a. a strong likelihood that Council could be seeking community support for a Special Rate Variation (SRV) above the State Government approved rate increase, to ensure Council's ongoing financial viability;
 - b. not creating unnecessary negative response from the community;
 - c. not impacting unnecessarily on Council's financial bottom line/budget;
 - d. consideration of any unintended political, personnel, community, and financial consequences of a decision to increase or not increase the TRP package; and
 - e. the current economic climate isn't favourable to an increase in his Remuneration package.

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

The General Manager, Craig Milburn, returned to the Chamber at 2:22 pm.

12 CONFIDENTIAL MATTERS

2023.232 RESOLVED (Cr Saul/Cr Ring):

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 Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

AGAINST: Nil

12.3 Tender for Multi Purpose Pavilion - Verge & Eden Street - TQE22/6

Officer Steve Pellen, Coordinator Parks Projects

File Number TQE22/6

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 an open meeting.

2023.233 RESOLVED (Cr Patterson/Cr Saul):

That Council:

1. in accordance with Section 178 Local Government (General) Regulation 2021:
 - a. decline to accept all tenders for Construction of a multipurpose pavilion (TQE22/6), noting that the tendered prices exceeded the original budget;
 - b. enter into direct negotiations with Building Heights Pty Ltd.
2. note that the General Manager has the authority to approve the negotiation process and outcome of the negotiations within his delegated authority and the approved budget.

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

2023.242 RESOLVED (Cr Bain/Cr Ring):

That the ordinary Council meeting be resumed.

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

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 2:36 pm.