

Minutes

Minutes of the Ordinary Council Meeting held on Tuesday 18 June 2024

I hereby certify that this is a true and correct record of the minutes of the Kempsey Shire Council ordinary meeting held Tuesday 18 June 2024



Mayor L J Hauville



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, L A Davies; 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.

MAYORAL MINUTE - CONDOLENCE MOTION FOR JOHN BOWELL OAM

2024.102 RESOLVED (Cr Hauville):

That Council offers our sincere condolences to the family, and the many friends, of John Bowell OAM, on his sad passing.

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

1 OPENING PRAYER

Cr Fergusson provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Wyatt provided an acknowledgement of country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

Cr Bain 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

2024.103 RESOLVED (Cr Bain/Cr Fergusson):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 21 May 2024 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 Saul declared a pecuniary interest in item 10.13, Outdoor Dining Fees, for the reason that they own a business impacted by the report.

Cr Riddington declared a non-pecuniary non-significant interest, for the reason they are known to people in the area, in items:

- 10.6. DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks
- 10.7. DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks
- 10.8. DA2400965 Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks
- 10.9. DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks
- 10.10. DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks
- 10.11. DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks

Cr Patterson declared a non-pecuniary non-significant interest, for the reason they are known to people in the area, in items:

- 10.6. DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks
- 10.7. DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks
- 10.8. DA2400965 Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks
- 10.9. DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks

- 10.10. DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks
10.11. DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks

7 ITEMS PASSED BY EXCEPTION

2024.104 RESOLVED (Cr Bain/Cr Patterson):

That the recommendations contained in the following items be adopted:

- 10.14. Mayoral and Councillor Fees for 2024-25
- 10.15. Statement of Cash and Investments - May 2024
- 12.1. Legal Matters
- 12.2. Audit, Risk & Improvement Committee Meeting Minutes - 8 May 2024

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

10.14 Mayoral and Councillor Fees for 2024-25

Officer Daniel Thoroughgood, Group Manager Governance and Information Services

File Number F22/2261

2024.105 RESOLVED (Cr Bain/Cr Patterson):

That Council:

1. fix the fees payable to a Councillor for the 2024-25 financial year to be the maximum allowed for regional rural categorised Councils as determined by the Local Government Remuneration Tribunal, being \$22,540, in accordance with s248 *Local Government Act 1993*;
2. fix the fees payable to the Mayor for the 2024-25 financial year to be the maximum allowed for regional rural categorised Councils as determined by the Local Government Remuneration Tribunal, being \$49,200, in accordance with s249 *Local Government Act 1993*;
3. resolves that superannuation payments are to be made to Councillors in accordance with s254B *Local Government Act 1993*; and
4. notes that the Mayor receives both the Mayor and Councillor fee, and as such, receives the superannuation payments for both the Councillor and Mayoral fee.

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

10.15 Statement of Cash and Investments - May 2024

Officer Stacey Milligan, Finance Manager

File No F22/3106

2024.106 RESOLVED (Cr Bain/Cr Patterson):

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 F22/1960

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.

2024.107 RESOLVED (Cr Bain/Cr Patterson):

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 - 8 May 2024

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.

2024.108 RESOLVED (Cr Bain/Cr Patterson):

That Council notes the draft meeting minutes from the Audit, Risk & Improvement Committee, 8 May 2024.

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

8 MAYORAL MINUTES

Nil

9 REPORTS OF COMMITTEES

9.1 Local Traffic Committee Meeting Minutes

Officer Michael Jackson, Director Operations & Planning

File Number F21/1958

MOVED (Cr Riddington/Cr Patterson):

That Council:

1. notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 28 May 2024;
2. refers to the Committee and the Director for North Region of Traffic for NSW (TfNSW) the following: Council requests an urgent review of the decision to lower the posted speed limit on the Macleay Valley Way (MVW) between Kempsey and Frederickton to 80 km/hr with an aim to restore it to 100 km/hr, which it was for many years whilst it was the Pacific Highway. The review should consider alternative means to enable safer vehicle movements at the intersection of MVW AND Second Lane, such as Stop signs for east bound traffic on Second Lane, and elimination of the acceleration lane for drivers turning right and heading south on the MVW out of Second Lane; and
3. is disappointed with the process followed by TfNSW in lowering the speed limit without input from the Kempsey Traffic Committee or public consultation, and the installation of the changed speed limit on the 20 May despite a report to the Kempsey Traffic Committee saying it would occur in June.

2024.109 RESOLVED (Cr Patterson/Cr Riddington):

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

2024.110 RESOLVED (Cr Riddington/Cr Saul):

That the ordinary Council meeting be resumed.

CARRIED UNANIMOUSLY (7 / 0)

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

AGAINST: Nil

2024.111 RESOLVED (Cr Riddington/Cr Patterson):

That Council:

1. notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 28 May 2024;
2. refers to the Committee and the Director for North Region of Traffic for NSW (TfNSW) the following: Council requests an urgent review of the decision to lower the posted speed limit on the Macleay Valley Way (MVW) between Kempsey and Frederickton to 80 km/hr with an aim to restore it to 100 km/hr, which it was for many years whilst it was the Pacific Highway. The review should consider alternative means to enable safer vehicle movements at the intersection of MVW AND Second Lane, such as Stop signs for east bound traffic on Second Lane, and elimination of the acceleration lane for drivers turning right and heading south on the MVW out of Second Lane; and
3. is disappointed with the process followed by TfNSW in lowering the speed limit without input from the Kempsey Traffic Committee or public consultation, and the installation of the changed speed limit on the 20 May despite a report to the Kempsey Traffic Committee saying it would occur in June.

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 REPORTS TO COUNCIL

10.1 Integrated Planning and Reporting 2024-2025

Officer Carissa Graham, Integrated Planning and Reporting Manager

File Number F20/2703

MOVED (Cr Patterson/Cr Fergusson):

That Council:

1. adopts the following Integrated Planning and Reporting documents with the changes outlined in this report for the 2024-25 year:
 - a. Delivery Program 2022-26 and Operational Plan 2024-25;
 - b. Revenue Policy 2024-25;
 - c. Schedule of Fees and Charges 2024-25;
 - d. Rates Maps 2024-25; and
 - e. Long Term Financial Plan 2024-34.
2. notes ongoing advocacy regarding financial sustainability per the two submissions attached;
3. notes that Roads to Recovery funding will increase and once full program details are known will be included in Quarterly Budget Review and a future Long Term Financial Plan; and
4. notes that, as detailed in the revised Financial Sustainability Plan, that a workshop will be held with the newly elected councillors within three months of the election.

2024.112 RESOLVED (Cr Wyatt/Cr Riddington):

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 10:33 am the meeting adjourned for morning tea.

Upon resumption of the meeting at 10:55 am all present at the adjournment were in attendance.

2024.113 RESOLVED (Cr Saul/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

2024.114 RESOLVED (Cr Patterson/Cr Fergusson):

That Council:

1. adopts the following Integrated Planning and Reporting documents with the changes outlined in this report for the 2024-25 year:
 - a. Delivery Program 2022-26 and Operational Plan 2024-25;

- b. Revenue Policy 2024-25;
 - c. Schedule of Fees and Charges 2024-25;
 - d. Rates Maps 2024-25; and
 - e. Long Term Financial Plan 2024-34.
2. notes ongoing advocacy regarding financial sustainability per the two submissions attached;
 3. notes that Roads to Recovery funding will increase and once full program details are known will be included in Quarterly Budget Review and a future Long Term Financial Plan; and
 4. notes that, as detailed in the revised Financial Sustainability Plan, that a workshop will be held with the newly elected councillors within three months of the election.

CARRIED (8 / 1)

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

AGAINST: Cr Wyatt

10.2 Making the Rates

Officer Nicole Poe, Team Leader Revenue

File Number F22/1809

2024.115 RESOLVED (Cr Bain/Cr Saul):

That:

1. Council notes the decision of the Independent Pricing and Regulatory Tribunal (IPART) to approve a permanent Special Variation of 24.09% over 2 years from 2024-25 (7.9% in 2024-25 and 15% in 2025-26);
2. whereas Council has given public notice of its Draft Operational Plan for the year 2024-2025 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 2024:

Category	Base amount \$	% S500 LG Act	Plus Ad valorem \$
Farmland	751.00	30	\$0.003159
Residential	684.00	50	\$0.002449
Business – Other	737.00	27	\$0.006319
Business – Urban	840.00	22	\$0.009266
Environmental Levy	14.00	22	\$0.000162

- 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 2024:

Category	Charge per Annum (\$)
Domestic Waste Charge (Standard Service)	503.00
Domestic Waste Charge (Small Service)	415.00
Domestic Waste Charge (Standard Service with 360L Recycle)	518.00
Domestic Waste Charge (Small Service with 360L Recycle)	431.00
Domestic Waste Management Charge – Vacant Residential Land within Defined Residential Areas	48.00

- c. that in accordance with Section 501 of the *Local Government Act 1993* Council makes the following Commercial Waste Service charge for the year commencing 1 July 2024:

Category	Charge per Annum (\$)
Commercial 140 litre Mixed Solid Waste per single – Weekly service	389.00
Commercial 240 litre Mixed Solid Waste per single – Weekly service	546.00
Commercial 240 litre Recycling Waste Service – Fortnightly service	144.00
Commercial 360 litre Recycling Waste Service – Fortnightly service	171.00
Commercial 140 litre Green Waste – Weekly Service	133.00
Commercial 240 litre Green Waste – Weekly Service	186.00

- 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 2024:

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 the 1 July 2024:

A charge per meter of:	
Meter Size (mm)	Access Charge per annum (\$)
Unconnected Properties (vacant)	406.00
20	406.00
25	628.00

32	1,021.00
40	1,591.00
50	2,480.00
80	6,318.00
100	9,867.00
150	22,189.00
200	40,075.00
Fire Service	1,105.00

- 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 2024:

i	Access Charge	Charge per Annum (\$)
	Residential – Sewerage Base Charge Connected Properties (Per annum)	1,599.00
	Residential – Sewerage Base Charge Unconnected Properties (Per annum)	971.00
	Non-Residential (per connection size)	
	Meter Size (mm)	Access Charge (\$)
	Unconnected Properties (vacant)	971.00
	20	1,475.00
	25	2,320.00
	32	3,404.00
	40	5,262.00
	50	8,322.00
	80	21,343.00
	100	33,297.00
	150	79,290.00
ii	Section 501 Charge	
	Flats (per unit per annum)	1,599.00
	Holiday Flats (per unit per annum)	1,599.00

- 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 2024:

System	Charge per system (\$)
Single dwelling	96.00
Small commercial systems	213.00
Large commercial systems	398.00

3. Council, in accordance with provisions of Section 566 of the *Local Government Act 1993*, resolves that the maximum allowable interest rate of 10.5% be applied to all outstanding rates and charges for the year commencing 1 July 2024.

CARRIED (8 / 1)

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

10.12 Loan Borrowings - June 2023 Report

Officer Stacey Milligan, Finance Manager

File Number F22/1809

2024.116 RESOLVED (Cr Fergusson/Cr Butterfield):

That Council brings forward Item 10.12, Loan Borrowings - June 2024 Report, 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

2024.117 RESOLVED (Cr Riddington/Cr Fergusson):

That Council:

1. approves the additional proposed borrowings for the General Fund of a \$10 million loan to be repaid over 20-years;
2. authorises the General Manager to accept the loan offer for from Commonwealth Bank of Australia fixed at 5.87% per annum over 20-years; and
3. authorises the Council seal to be affixed to the loan documents.

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

2024.118 RESOLVED (Cr Riddington/Cr Bain):

The Council determine 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

10.3 Crescent Head Holiday Park - Revised Concept Plan

Officer Peter Allen, Group Manager Commercial Business

File Number F19/2551

MOVED (Cr Wyatt/Cr Riddington):

That Council:

1. notes the responses to the Your Say Macleay public exhibition on the Crescent Head Holiday Park Revised Concept Plan and thank respondents for their submissions, including the collaborative involvement by the Crescent Head Residents and Ratepayers Association (CHRARA);
2. commits to the following undertakings, in response to community feedback:
 - a. Area 9 to remain within the Holiday Park boundary until at least 2027, with further consideration of this area to occur as part of broader foreshore master planning to be presented to a future Council meeting,
 - a. remove 6 cabins planned in Area 5, reducing the total number of cabins planned in Areas 3 and 5 from 14 to 8 cabins. This includes replacing the eight existing cabins in Area 3 (noting the new cabins take up a larger footprint) and only one additional disability accessible cabin being placed at an appropriate location within the park, with the remaining area as powered sites,
 - b. noting the potential lost revenue in items A and B above, commit to replacing powered sites with cabins in Area 8, in the short-to-medium term,
 - c. cease the Holiday Park's exclusive use of the overflow parking area in Willow St from February 2025,
 - d. conduct a comprehensive investigation to identify additional Crescent Head parking spaces and assess the feasibility of implementing time limits,
 - e. maintains permanent vehicle and pedestrian access along Reserve Road through to the foreshore car park and 24-hour public access along the Killick Creek footpath,
 - f. realign the new fence at the entrance to Reserve Road to provide more public greenspace around the footpath entrance,
 - g. create additional parking spaces within the holiday park, where possible, to accommodate larger cabins,
 - h. prepare a landscape design to remove weeds and replant along the south-eastern edge of the park, and
 - i. continue long-term planning for a two-storey managers residence, noting that the building will not encroach on the former Health/Christian Surfer building site and that the design will be revisited to connect with local environment and consider an increased setback from the road, if possible;
3. notes the importance of the Crescent Head Holiday Park in welcoming visitors to the region and in generating revenue to maintain and improve Crown Land reserves and facilities and reduce the burden on ratepayers; and
4. adopts the 2024 Crescent Head Holiday Park Concept Plan, which has been amended in-line with community feedback, noting that any development identified within the Concept Plan is subject to business case assessment and budget allocation or grant funding.

At this stage 12:33 pm the meeting adjourned for lunch.

Upon resumption at 1:25 pm all present at the adjournment were in attendance.

AMENDMENT (Cr Patterson/Cr Butterfield):

That Council:

1. notes the responses to the Your Say Macleay public exhibition on the Crescent Head Holiday Park Revised Concept Plan and thank respondents for their submissions, including the collaborative involvement by the Crescent Head Residents and Ratepayers Association (CHRARA);
2. commits to the following undertakings, in response to community feedback:
 - a. Area 9 to remain within the Holiday Park boundary until at least 2027, with further consideration of this area to occur as part of broader foreshore master planning to be presented to a future Council meeting,
 - b. noting the potential lost revenue in items A above, commit to replacing powered sites with cabins in Area 8, in the short-to-medium term,
 - c. cease the Holiday Park's exclusive use of the overflow parking area in Willow St from February 2025,
 - d. conduct a comprehensive investigation to identify additional Crescent Head parking spaces and assess the feasibility of implementing time limits,
 - e. maintains permanent vehicle and pedestrian access along Reserve Road through to the foreshore car park and 24-hour public access along the Killick Creek footpath,
 - f. realign the new fence at the entrance to Reserve Road to provide more public greenspace around the footpath entrance,
 - g. create additional parking spaces within the holiday park, where possible, to accommodate larger cabins,
 - h. prepare a landscape design to remove weeds and replant along the south-eastern edge of the park, and
 - i. continue long-term planning for a two-storey managers residence, noting that the building will not encroach on the former Health/Christian Surfer building site and that the design will be revisited to connect with local environment and consider an increased setback from the road, if possible;
3. commit to installing 14 cabins in areas 3 and 5 and to installing cabins in area 11 in the long-term;
4. notes the importance of the Crescent Head Holiday Park in welcoming visitors to the region and in generating revenue to maintain and improve Crown Land reserves and facilities and reduce the burden on ratepayers; and
5. adopts the 2024 Crescent Head Holiday Park Concept Plan, which has been amended in-line with community feedback, noting that any development identified within the Concept Plan is subject to business case assessment and budget allocation or grant funding.

LOST (3 / 6)

FOR: Cr Butterfield, Cr Patterson and Cr Saul

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

2024.119 RESOLVED (Cr Wyatt/Cr Riddington):

That Council:

1. notes the responses to the Your Say Macleay public exhibition on the Crescent Head Holiday Park Revised Concept Plan and thank respondents for their submissions, including the collaborative involvement by the Crescent Head Residents and Ratepayers Association (CHRARA);
2. commits to the following undertakings, in response to community feedback:
 - a. Area 9 to remain within the Holiday Park boundary until at least 2027, with further consideration of this area to occur as part of broader foreshore master planning to be presented to a future Council meeting,
 - a. remove 6 cabins planned in Area 5, reducing the total number of cabins planned in Areas 3 and 5 from 14 to 8 cabins. This includes replacing the eight existing cabins in Area 3 (noting the new cabins take up a larger footprint) and only one additional disability accessible cabin being placed at an appropriate location within the park, with the remaining area as powered sites,
 - b. noting the potential lost revenue in items A and B above, commit to replacing powered sites with cabins in Area 8, in the short-to-medium term,
 - c. cease the Holiday Park's exclusive use of the overflow parking area in Willow St from February 2025,
 - d. conduct a comprehensive investigation to identify additional Crescent Head parking spaces and assess the feasibility of implementing time limits,
 - e. maintains permanent vehicle and pedestrian access along Reserve Road through to the foreshore car park and 24-hour public access along the Killick Creek footpath,
 - f. realign the new fence at the entrance to Reserve Road to provide more public greenspace around the footpath entrance,
 - g. create additional parking spaces within the holiday park, where possible, to accommodate larger cabins,
 - h. prepare a landscape design to remove weeds and replant along the south-eastern edge of the park, and
 - i. continue long-term planning for a two-storey managers residence, noting that the building will not encroach on the former Health/Christian Surfer building site and that the design will be revisited to connect with local environment and consider an increased setback from the road, if possible;
3. notes the importance of the Crescent Head Holiday Park in welcoming visitors to the region and in generating revenue to maintain and improve Crown Land reserves and facilities and reduce the burden on ratepayers; and
4. adopts the 2024 Crescent Head Holiday Park Concept Plan, which has been amended in-line with community feedback, noting that any development identified within the Concept Plan is subject to business case assessment and budget allocation or grant funding.

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

2024.120 RESOLVED (Cr Saul/Cr Bain):

That Council brings forward the following items to be dealt with immediately:

10.13 Outdoor Dining Fees

12.3 Kempsey Regional Saleyards Infrastructure Upgrade Tender (TQE24/44)

10.6 DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks

10.7 DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks

10.8 DA2300965 - Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks

10.9 DA2300969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks

10.10 DA2300997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks

10.11 DA2300998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks

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

10.13 Outdoor Dining Fees

Officer Ashley Gray, A/Economic Development and Tourism Manager

File Number F18/1349

Cr Saul declared a pecuniary interest in item 10.13, Outdoor Dining Fees, for the reason that they own a business impacted by the report, and left the Chamber at 1:53 pm.

2024.121 RESOLVED (Cr Ring/Cr Patterson):

That Council continues the moratorium on fees and charges for the commercial use of footpath areas, in line with the recent NSW Government Vibrancy Reforms, until such time that a reintroduction of the fees is deemed appropriate to be considered as Fees and Charges are set each year.

CARRIED (7 / 1)

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

AGAINST: Cr Hauville

Cr Saul returned to the Chamber at 2:05 pm.

2024.122 RESOLVED (Cr Riddington/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 Kempsey Regional Saleyards Infrastructure Upgrade Tender (TQE24/44)

Officer Peter Allen, Group Manager Commercial Business

File Number TQE24/44

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.

2024.123 RESOLVED (Cr Patterson/Cr Fergusson):

That Council:

- 1. notes the attached Tender Evaluation Report;**
- 2. authorises the General Manager to enter into a GC21 Construction Contract (design and construct) with Van Mal Group for the tendered amount of \$5,284,000 (including GST); and**
- 3. authorises the General Manager to approve claims and variations relating to the GC21 Contract (TQE23/44) between Kempsey Shire Council and Van Mal Group up to the total value of the grant funded project budget to deliver the scope of the project, including any amendments as approved or directed by the Grant funding body.**

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

2024.124 RESOLVED (Cr Bain/Cr Fergusson):

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

10.6 DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

File Number DA2300939

2024.125 RESOLVED (Cr Bain/Cr Riddington):

That Council deals with the following items concurrently:

- 10.6. DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks
- 10.7. DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks
- 10.8. DA2400965 - Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks
- 10.9. DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks
- 10.10. DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks
- 10.11. DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks

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

MOVED (Cr Riddington/Cr Fergusson):

That Council:

1. defers consideration to the July ordinary meeting of Council and conducts a site inspection in relation to the following reports:
 - 10.6. DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks
 - 10.7. DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks
 - 10.8. DA2400965 - Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks
 - 10.9. DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks
 - 10.10. DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks
 - 10.11. DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks
2. notes that Council is continuing to lobby for local councils in New South Wales to be given appropriate planning powers to meet the needs of their communities.

LOST (3 / 6)

FOR: Cr Patterson, Cr Riddington and Cr Wyatt

AGAINST: Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Ring and Cr Saul

Cr Bain foreshadowed a motion.

2024.126 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. adopts the recommendations in the following reports:
 - 10.6. DA2300939 - Proposed Dual Occupancy and Strata Subdivision - 20 Rosedale Avenue, South West Rocks
 - 10.7. DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks
 - 10.8. DA2400965 - Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks
 - 10.9. DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks
 - 10.10. DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks
 - 10.11. DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks
2. notes that the proposed development is of a character that Council does not support in this area;
3. notes that there is currently no valid planning grounds for refusal of these developments; and
4. notes that Council is continuing to lobby for local councils in New South Wales to be given appropriate planning powers to meet the needs of their communities.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

2024.127 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the following requirements set out in Chapter C1 of Kempsey Development Control Plan (KDCP):
 - a. minimum site area density, and
 - b. maximum driveway crossing width; and
2. grants development consent to DA2300939 for a dual occupancy and strata subdivision subject to the conditions contained in the attachment DA2300939 Recommended Conditions.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.7 DA2300945 - Proposed Dual Occupancy and Strata Subdivision - 24 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

File Number DA2300945

2024.128 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the following requirements set out in Chapter C1 of Kempsey Development Control Plan (KDCP):
 - a. minimum site area density, and
 - b. maximum driveway crossing width;
2. grants development consent to DA2300945 for a dual occupancy and strata subdivision subject to the conditions contained in the attachment DA2300945 Recommended Conditions.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.8 DA2400965 - Proposed Dual Occupancy and Strata Subdivision - 26 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

File Number DA2400965

2024.129 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the maximum driveway crossing width development requirement set in Chapter C1 of Kempsey Development Control Plan 2013.
2. grants development consent to DA2400965 for a dual occupancy and strata subdivision subject to the conditions contained in the attachment DA2400965 Recommended Conditions.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.9 DA2400969 - Proposed Dual Occupancy and Strata Subdivision - 29 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

2024.130 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the following requirements set out in Chapter C1 of Kempsey Development Control Plan (KDCP):
 - a. minimum site area density,
 - b. maximum driveway crossing width, and
 - c. minimum site frontage; and
2. grants development consent to DA2400969 for a dual occupancy and strata subdivision subject to the conditions contained in the attachment DA2400969 Recommended Conditions.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.10 DA2400997 - Proposed Dual Occupancy and Strata Subdivision - 27 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

File Number DA2400997

2024.131 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the following requirements set out in Chapter C1 of Kempsey Development Control Plan (KDCP):
 - a. maximum driveway crossing width, and
 - b. minimum site frontage; and
2. grants development consent to DA2400997 for a dual occupancy and strata subdivision subject to the conditions contained in (DA2400997 *Recommended Conditions*).

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.11 DA2400998 - Proposed Dual Occupancy and Strata Subdivision - 25 Rosedale Avenue, South West Rocks

Officer Retha du Preez, Group Manager Development and Compliance

File Number DA2400998

2024.132 RESOLVED (Cr Bain/Cr Fergusson):

That Council:

1. supports variation to the following requirements set out in Chapter C1 of Kempsey Development Control Plan (KDCP):
 - a. minimum site area density,
 - b. maximum driveway crossing width, and
 - c. minimum site frontage;
2. grants development consent to DA2400998 for a dual occupancy and strata subdivision subject to the conditions contained in the attachment DA2400998 Recommended Conditions.

CARRIED (7 / 2)

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

AGAINST: Cr Patterson and Cr Wyatt

10.4 Establishment of Crescent Head Community Advisory Group (CAG)

Officer Caro Szary, Group Manager Strategic and Asset Planning

File Number F19/1812

2024.133 RESOLVED (Cr Wyatt/Cr Ring):

That Council:

1. endorses the proposed representative for the Crescent Head Community Advisory Group:
 - a. Chloe Hobden Welch,
 - b. Lloyd Mather,
 - c. Ross Foster,
 - d. Scott Jansma,
 - e. Matthew Shannon,
 - f. Fred Andrews,
 - g. Josh Dennis,
 - h. Gail Ryan,
 - i. Pamela Bryant,
 - j. Kerry Hudson,
 - k. Jann Eason,
 - l. Susie Hughes,
 - m. Tom Vermeulen,
 - n. Daniel Williams, and

- o. one Local Indigenous representative appointed by the General Manager in consultation with relevant stakeholders; and
- 2. thanks the unsuccessful applicants for their interest and submissions;
- 3. notes the change to the Crescent Head Holiday Park Concept Plan and Crown Land Plan of Management; and
- 4. endorses the change in the terms of reference for the Community Advisory Group to include:
 - a. Willow Street Carparking (Area 55 within Crescent Head Public Domain Plan), including the vacant land between the Holiday Park boundary, and Pacific Street and Willow Street,
 - b. consideration of Area 9 of the Crescent Head Holiday Park Footprint.

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 Council-managed Crown Land Plan of Management

Officer Peter Allen, Group Manager Commercial Business

File Number F20/2800

2024.134 RESOLVED (Cr Bain/Cr Riddington):

That Council:

- 1. acknowledges and thanks those community members and community organisations that made submissions during public exhibition period; and
- 2. adopts the draft Plan of Management for Council-Managed Community Crown Land.

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

MAYORAL MINUTE - NAMING OF KEMP STREET SPORTS COMPLEX

2024.138 RESOLVED (Cr Hauville):

That Council investigates and reports back to August Council on renaming the Kemp Street Sports Complex to "Terry Giddy OAM Sports Fields".

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 Delegates Report - LGNSW Rural and Regional Summit

Councillor Cr Hauville, Mayor

File Number F22/1720

2024.135 RESOLVED (Cr Hauville/Cr Fergusson):

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

11.2 Delegates Report - Country Mayors Association May Meeting

Councillor Cr Hauville, Mayor

File Number F22/1720

2024.136 RESOLVED (Cr Hauville/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

11.3 Delegates Report - Understanding Local Government Finances

Councillor Cr Bain, Councillor

File Number F22/1720

2024.137 RESOLVED (Cr Bain/Cr Butterfield):

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

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 3:50 pm.