

Draft Minutes

Draft minutes of the Ordinary Council Meeting held on Tuesday 15 April 2025



kempsey.nsw.gov.au

The meeting commenced at 9:00 am.

PRESENT:

Councillors K Ring (Mayor and Chairperson), I A Bain, A M Lawrence, A M Matchett, J A Coburn, B T Paix, D F Saul, N S Selby and A D Wyatt.

General Manager, M B Jackson; Director Corporate and Commercial, L A Davies; Director Operations and Planning, D S Thoroughgood; Director Utilities, W J Trotter; Group Manager Governance and Information Services, V A Thomas; Group Manager Corporate Performance, W Douglas; and Governance Advisor, T S Randle.

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 Saul provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Coburn 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

2025.41 RESOLVED (Cr Paix/Cr Selby):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 18 March 2025 be confirmed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

2025.42 RESOLVED (Cr Saul/Cr Coburn):

That the minutes of the Extraordinary Meeting of Kempsey Shire Council dated 26 March 2025 be confirmed.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

6 DISCLOSURES OF INTEREST

Nil

7 ITEMS PASSED BY EXCEPTION

2025.43 RESOLVED (Cr Saul/Cr Matchett):

That the recommendations contained in the following items be adopted:

10.3 DA2501197 – KSC Depot, Dangar Street, West Kempsey

10.5 Wigay Park Update

10.6 Statement of Cash and Investments – March 2025

12.1 Legal Matters

12.2 Audit, Risk & Improvement Committee – February 2025 Meeting Minutes and Annual ARIC and Internal Audit Performance Report to Council

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.3 DA2401197 - KSC DEPOT, DANGAR STREET, WEST KEMPSEY

Officer	Marnie Jeffery, Development Services Manager
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File Number	DA2401197
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2025.44 RESOLVED (Cr Saul/Cr Matchett):

That Council grant development consent to DA2401197 for the removal/demolition of an existing office building, internal fencing and shed, removal of two site sheds and construction of a new Office Building at Lot 282 DP752439 subject to the conditions contained in the attached Draft Conditions of Consent.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.5 WIGAY PARK UPDATE

Officer	Daniel Thoroughgood, A/Director Operations and Planning
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File Number	F19/2061
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2025.45 RESOLVED (Cr Saul/Cr Matchett):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.6 Statement of Cash and Investments - March 2025

Officer	Elizabeth Patterson, A/Finance Manager
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File No	F22/3106
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2025.46 RESOLVED (Cr Saul/Cr Matchett):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

12.1 Legal Matters

Officer	Vicki Thomas, A/Group Manager Governance and Information Services
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File Number	F22/1960
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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 an open meeting.

2025.47 RESOLVED (Cr Saul/Cr Matchett):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

12.2 Audit, Risk & Improvement Committee - February 2025 Meeting Minutes and Annual ARIC and Internal Audit Performance Report to Council

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.

2025.48 RESOLVED (Cr Saul/Cr Matchett):

That Council notes:

- 1. draft meeting minutes from the Audit, Risk & Improvement Committee, 5 February 2025; and**
- 2. Annual Audit, Risk & Improvement Committee and Internal Audit Performance Report for 2024**

That Council endorses:

- 1. Strategic ARIC and Internal Audit Work Plan - 2024-2028 (includes 2024-25 audit plan)**

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

8 MAYORAL MINUTES

Nil

9 REPORTS OF COMMITTEES

Nil

10 REPORTS TO COUNCIL

10.1 DRAFT INTEGRATED PLANNING AND REPORTING SUITE OF DOCUMENTS

Officer Carissa Graham, Integrated Planning and Reporting Manager

File Number F25/3802

Cr Lawrence left the Chamber at 10:35 am.

Cr Lawrence returned to the Chamber at 10:37 am.

MOVED (Cr Saul/Cr Bain):

That Council:

1. places the draft Integrated Planning and Reporting suite of documents on public exhibition for a period of 28 days including:
 - a. Delivery Program 2025-2029
 - b. Long Term Financial Plan 2025-2035
 - c. Strategic Asset Management Plan 2025-2035
 - d. Workforce Management Plan 2025-2029
 - e. Operational Plan 2025-26
 - f. Revenue Policy 2025-26
 - g. Rates Map 2025-26
 - h. Fees and Charges 2025-26
2. notes that the 2025-26 budget, Schedule of Fees and Charges 2025-26 and Long Term Financial Plan 2025-35 assume that a 7.5% Special Rate Variation will be applied to general rates in the 2025-26 year (as opposed to the 15% approved by IPART) and that a 10.59% rates “catchup” will apply in 2026-27;
3. notes that the Financial Sustainability Program included within the draft Long Term Financial Plan has been revised to reflect key actions to be undertaken during the 2025-26 financial year; and
4. receives a report at the June 2025 Council meeting detailing the submissions received during the public exhibition period on the drafts and presenting the final integrated planning and reporting documents for adoption by Council.

At this stage 10:39 am the meeting adjourned for morning tea.

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

2025.49 RESOLVED (Cr Saul/Cr Bain):

That Council:

1. places the draft Integrated Planning and Reporting suite of documents on public exhibition for a period of 28 days including:
 - a. Delivery Program 2025-2029
 - b. Long Term Financial Plan 2025-2035
 - c. Strategic Asset Management Plan 2025-2035
 - d. Workforce Management Plan 2025-2029
 - e. Operational Plan 2025-26
 - f. Revenue Policy 2025-26
 - g. Rates Map 2025-26
 - h. Fees and Charges 2025-26

2. notes that the 2025-26 budget, Schedule of Fees and Charges 2025-26 and Long Term Financial Plan 2025-35 assume that a 7.5% Special Rate Variation will be applied to general rates in the 2025-26 year (as opposed to the 15% approved by IPART) and that a 10.59% rates “catchup” will apply in 2026-27;
3. notes that the Financial Sustainability Program included within the draft Long Term Financial Plan has been revised to reflect key actions to be undertaken during the 2025-26 financial year; and
4. receives a report at the June 2025 Council meeting detailing the submissions received during the public exhibition period on the drafts and presenting the final integrated planning and reporting documents for adoption by Council.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.2 COMMUNITY GRANTS PROGRAM - ROUND 2

Officer Keely Halliday, Community Projects Officer

File Number F24/3789

2025.50 RESOLVED (Cr Bain/Cr Wyatt):

That Council, pursuant to s356 *Local Government Act 1993*, grant financial assistance from the Community Grants Program 2024-25 (Round 2), for the total amount of \$20,257.00 to be distributed as follows:

Sporting Fund:

Organisation:	Project:	Amount:
Macleay Valley Rangers Soccer Club	New equipment	\$2,500.00
Kempsey Pickleball	New equipment	\$1,528.00
The Valley Equestrian Club	Self-lowering trailer ramp	\$2,250.00
South West Rocks Netball Club	PA Speaker	\$500.00
South West Rocks Football Club	New BBQ	\$1,479.00
Total:		\$8,257.00

Creative Macleay Fund:

Organisation:	Project:	Amount:
Samaritans Community Services (Headspace)	Cultural Healing Art Workshops	\$5,000.00

YP Space	Ngurra Creatives – free youth program offering art and music workshops	\$5,000.00
Total:		\$10,000.00

NAIDOC Week Micro Grants:

Organisation:	Project:	Amount:
South West Rocks Figtree Descendants	On Country by the Sea Community Day	\$500.00
Dalaigur Preschool	NAIDOC event at Dalaigur	\$500.00
South Kempsey School P&C	Macleay Schools NAIDOC celebrations	\$500.00
Annecto	Aboriginal Elders Luncheon	\$500.00
Total:		\$2,000.00

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.4 DEMENTIA FRIENDLY ORGANISATION

Officer Russell Pell, Community Development Manager

File Number F19/1969

2025.51 RESOLVED (Cr Bain/Cr Wyatt):

That Council:

- Note the research undertaken by staff to determine the feasibility and cost of Kempsey Shire Council becoming a Dementia Friendly Organisation.**
- Note that Dementia Friendly Community Workshops for councillors, senior leaders, customer-facing staff, and community members were held on 12 and 13 March 2025, with representation from key teams including Library, Customer Service, Environmental Health, Governance, Engagement, Community Development and Revenue.**
- Confirm that it will not pursue formal accreditation as a Dementia Friendly Organisation through Dementia Australia, due to the resourcing requirements involved and the need to provide our resources equitably across all forms of disability.**
- Note staff will give consideration of dementia-awareness initiatives during the development of the updated Disability Inclusion Action Plan (DIAP) in 2025–26, including but not limited to:**

- a. A focus on improving staff awareness of the needs of people with dementia;
- b. Potential options to support local dementia-focused groups as per Council's existing community support processes;
- c. Practical, community-focused actions that promote dementia inclusion; and
- d. Opportunities to strengthen awareness of invisible disabilities such as dementia within Council's broader inclusion efforts.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

11 REPORTS FROM COUNCILLORS

11.1 Notice of Motion - Superannuation Greenwashing

Councillor Cr Bain, Councillor

File Number F23/1930

Cr Matchett left the Chamber at 12:08pm.

Cr Matchett returned to the Chamber at 12:09pm.

2025.52 RESOLVED (Cr Bain/Cr Wyatt):

That Council:

1. Notes that:

- a. the Local Government Super Scheme (LGSS) was established by LGNSW in 1997 for the benefit of local government employees, was re-branded as Active Super in 2021, and merged with Vision Super on 1 March 2025;
- b. LGNSW is a 50 per cent shareholder of LGSS / Active Super / Vision Super
- c. in June 2024, the Federal Court found that former NSW Local Government Super Fund Active Super (LGSS PL) engaged in deceptive and misleading conduct and breached 12DB(1)(a) and 12DF(1) of the ASIC Act;
- d. on 18 March 2025 the Federal court imposed a penalty of \$10.5 million on Active Super for greenwashing; <https://download.asic.gov.au/media/rj4lqhcy/25-042mr-asic-v-lgss-pty-ltd-no-3-judgment.pdf>
- e. Active Super / Vision Super policy holders will have a portion of their superannuation investment reduced to pay part of the costs arising from the penalty.

2. Resolves to:

- a. write to the President and CEO of LGNSW as the 50 per cent shareholder of LGSS / Active Super / Vision Super and peak advocacy body of Local Government in NSW and calls on them to:

- i. publish a full written explanation and apology in the LGNSW email circular;
- ii. review the newly merged Vision Super's status as the preferred Super Fund of local government employees in NSW;
- iii. outline the steps it has taken to ensure that Vision Super has adequate safeguards in place to prevent any false and misleading conduct occurring in future.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

11.2 Delegates Report - Country Mayors Association

Councillor Cr Ring, Mayor

File Number F23/1930

2025.53 RESOLVED (Cr Ring/Cr Selby):

That Council receives and notes the report.

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

11.3 Notice of Motion - Crown Land Management

Councillor Cr Coburn, Councillor

File Number F23/1930

MOVED (Cr Coburn/Cr Bain):

That Council presents a briefing to councillors on council managed holiday parks within the next couple of months.

AMENDMENT (Cr Paix):

That Council receives:

- 1. A briefing on council managed holiday parks within the next couple of months.**
- 2. A briefing on the broader crown land management, and how it's funded, as a later briefing.**

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

2025.54 RESOLVED (Cr Coburn/Cr Bain):

That Council receives:

- 1. A briefing on council managed holiday parks within the next couple of months.**
- 2. A briefing on the broader crown land management, and how it's funded, as a later briefing.**

CARRIED UNANIMOUSLY (9 / 0)

FOR: Cr Bain, Cr Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

13 CONCLUSION OF THE MEETING

There being no further business, the Mayor then closed the meeting, the time being 12:46pm.

DRAFT