

Minutes

Minutes of the Ordinary Council Meeting held on Tuesday 17 June 2025

I hereby certify that this is a true and correct record of the minutes of the Kempsey Shire Council ordinary meeting held Tuesday 17 June 2025



Mayor K Ring



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.

Chief Executive Officer, A Meddle; Director Corporate and Commercial, D S Thoroughgood; Director Operations and Planning, M B Jackson; Director Utilities, W J Trotter; Group Manager Governance and Information Services, V A Thomas; 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 Paix provided the opening prayer.

2 ACKNOWLEDGEMENT OF COUNTRY

Cr Matchett provided an acknowledgement of country.

3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES

Cr Coburn 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

2025.85 RESOLVED (Cr Saul/Cr Bain):

That the minutes of the Ordinary Meeting of Kempsey Shire Council dated 20 May 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

Cr Paix declared a non-pecuniary non-significant interest in items relating to the May 2025 Floods being 8.1 Mayoral Minute - May 2025 Floods and 10.3 May 2025 Flood Event - Property Owner Assistance, for the reason that he owns property and a business in the flood impact zone and assisted with the Council recovery process.

7 ITEMS PASSED BY EXCEPTION

2025.86 RESOLVED (Cr Paix/Cr Matchett):

That the recommendations contained in the following items be adopted:

9.1 Local Traffic Committee Meeting Minutes – 27 May 2025

10.5 Statement of Cash and Investments – May 2025

12.1 Legal Matters

12.2 TQE 25-06 Verge St Pavillion & Netball Amenities Block

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

9.1 Local Traffic Committee Meeting Minutes - 27 May 2025

Officer	Maddison Cummins, Executive Officer - Operations & Planning
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File Number	F12/1958
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2025.87 RESOLVED (Cr Paix/Cr Matchett):

That Council notes the minutes and adopts the recommendations of the Local Traffic Committee meeting held 27 May 2025.

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 Statement of Cash and Investments - May 2025

Officer	Wayne Douglass, Group Manager Corporate Performance
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File Number	F22/3106
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2025.88 RESOLVED (Cr Paix/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

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 an open meeting.

2025.89 RESOLVED (Cr Paix/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 TQE 25-06 Verge St Pavillion & Netball Amenities Block

Officer Steve Pellen, Coordinator Civic Services

File Number TQE25/06

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.

2025.90 RESOLVED (Cr Paix/Cr Matchett):

That Council:

- 1. accepts the tender TQE 25-06 Verge Street Pavilion to Van Mal Construction Group for the lump sum amount of \$5,390,000.00 (including GST); and**
- 2. delegates to the Chief Executive Officer authority to authorise variations up to the project budget.**

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

8.1 Mayoral Minute - May 2025 Floods

Councillor Cr Ring, Mayor

File Number F23/1930

2025.91 RESOLVED (Cr Ring):

That Council:

1. acknowledge the significant effort by government agencies, the NSW State Emergency Service (SES), Fire + Rescue, Rural Fire Service (RFS) , Marine Rescue, Surf Life Saving NSW as well as Disaster Relief Australia in responding to the flood emergency and delivering immediate relief.
2. acknowledges Local Emergency Operations Controller (LEOCON), Superintendent Shane Cribb of the Mid North Coast Police District and SES North Zone Commander, Mr Andrew Cribb and Kempsey Nambucca Commander, Greg Steele, for their contributions during the event.
3. Council acknowledges the leadership and contribution of Kempsey Shire Council Acting General Manager, Michael Jackson; Director Corporate and Commercial, Daniel Thoroughgood; Director Utilities, Wes Trotter; and Acting Director Operations and Planning, Dylan Reeves – along with the support staff in the Emergency Operations Centre and Recovery Taskforce – during the May 2025 Macleay Valley Natural Flood Disaster.
4. acknowledge the substantial effort by Kempsey Shire Council staff in responding to the emergency and supporting the community during this challenging time, particularly to those field-based staff who worked through challenging conditions to help keep the community safe and ensure critical infrastructure remained operational where impacts allowed.
5. acknowledges and sincerely thanks the Kempsey Shire community members, small businesses, volunteers and community groups who supported one another during the May 2025 flood event, once again demonstrating the strength and resilience of our region.
6. acknowledge that much of our community, including property owners, small businesses and primary producers across the Shire have suffered significant loss to property, livelihood, and well-being as a result of the 2025 flood.
7. urgently calls on the Minns and Albanese Governments to stand with our community in this time of crisis by activating Category D funding. Without this critical support, our path out of recovery remains uncertain. Our families, farmers, and small businesses cannot rebuild alone. They need meaningful action now to restore hope, livelihoods, and the future of the Macleay.

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 REPORTS TO COUNCIL

10.1 Making the Rates

Officer Wayne Douglass, Group Manager Corporate Performance

File Number F22/1809

2025.92 RESOLVED (Cr Bain/Cr Matchett):

That:

1. Council notes the decision of the Independent Pricing and Regulatory Tribunal (IPART) to approve a permanent Special Rate Variation (SRV) of 24.09% over two years from 2024-25 (7.9% in 2024-25 and 15% in 2025-26);
2. the ordinary rate increases underpinning the IP&R documents and as outlined below, are based on a 7.5% increase representing half of the approved 2025-26 SRV of 15%;
3. whereas Council has given public notice of its Draft Operational Plan for the year 2025-2026 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 2025:

Category	Base amount \$	S500 LG Act ¹ %	Plus Ad Valorem
Residential	737.00	50	\$0.002640
Farmland	810.00	30	\$0.003398
Business Urban	912.00	22	\$0.010018
Business Other	779.00	27	\$0.006214
Environmental Levy	14.00	22	\$0.000170

- 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 2025:

Category	Charge per Annum (\$)
Domestic Waste Charge (Standard Service)	544.00
Domestic Waste Charge (Standard Service with 360L Recycle)	564.00
Domestic Waste Charge (Small Service)	515.00
Domestic Waste Charge (Small Service with 360L Recycle)	534.00
140 Litre Mixed Waste Service, Fortnightly (Additional Bin)	320.00
240 Litre Mixed Waste Service, Fortnightly (Additional Bin)	394.00
240 Litre Recycling Waste Service, Fortnightly (Additional Bin)	175.00
360 Litre Recycling Waste Service, Fortnightly (Additional Bin)	185.00
140 Litre Green Waste Service, Weekly (Additional Bin)	175.00

240 Litre Green Waste Service, Weekly (Additional Bin)	185.00
Domestic Waste Management Charge - Vacant Residential Land within Defined Residential Areas	65.00

- 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 2025:

Category	Charge per Annum (\$)
Commercial 140 Litre Green Waste – Weekly Service	250.00
Commercial 140 Litre Mixed Solid Waste – Weekly service	525.00
Commercial 240 Litre Green Waste – Weekly Service	275.00
Commercial 240 Litre Mixed Solid Waste – Weekly service	575.00
Commercial 240 Litre Recycling Waste Service – Fortnightly service	275.00
Commercial 360 Litre Recycling Waste Service – Fortnightly service	295.00

- 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 2025:

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 2025:

A charge per meter of:	
Meter Size (mm)	Access Charge per annum (\$)
Unconnected Properties (vacant)	416.00
20	416.00
25	643.00
32	1,046.00
40	1,629.00
50	2,540.00
80	6,470.00
100	10,104.00
150	22,722.00
200	41,037.00
Fire Service	1,132.00

- 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 2025:

i	Access Charge	Charge per Annum (\$)
	Residential – Sewerage Base Charge Connected Properties (Per annum)	1,637.00
	Residential – Sewerage Base Charge Unconnected Properties (Per annum)	994.00
	Non-Residential (per connection size)	
	Meter Size (mm)	Access Charge (\$)
	Unconnected Properties (vacant)	994.00
	20	1,510.00
	25	2,376.00
	32	3,486.00
	40	5,388.00
	50	8,522.00
	80	21,855.00
	100	34,096.00
	150	81,193.00
ii	Fire Service	755.00
	Section 501 Charge	
	Flats (per unit per annum)	1,637.00
	Holiday Flats (per unit per annum)	1,637.00

- 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 2025:

System	Charge per system (\$)
On-site Sewer Management Fee - Residential	100.00
On-site Sewer Management Fee – Commercial, Small	230.00
On-site Sewer Management Fee – Commercial, Large	425.00

4. 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 2025.

CARRIED (5 / 4)

FOR: Cr Bain, Cr Lawrence, Cr Matchett, Cr Ring and Cr Saul

AGAINST: Cr Coburn, Cr Paix, Cr Selby and Cr Wyatt

10.2 INTEGRATED PLANNING AND REPORTING

Officer Carissa Graham, Integrated Planning and Reporting Manager

File Number F25/3802

MOVED (Cr Saul/Cr Bain):

That Council adopts the following Integrated Planning and Reporting documents with the changes outlined in this report:

1. Delivery Program 2025-2029
2. Workforce Management Plan 2025-2029
3. Strategic Asset Management Plan 2025-2035
4. Long Term Financial Plan 2025-2035
5. Operational Plan 2025-26
6. Revenue Policy 2025-26
7. Rates Maps 2025-26
8. Fees and Charges 2025-26

2025.93 RESOLVED (Cr Wyatt/Cr Bain):

That Council move into Committee of the Whole.

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

Cr Selby left the Chamber at 10:22am

Cr Selby returned to the Chamber at 10:24am

Cr Lawrence left the Chamber at 10:24am

Cr Lawrence returned to the Chamber at 10:26am

Cr Matchett left the Chamber at 10:35am

Cr Matchett returned to the Chamber at 10:36am

At this stage 10:42am the meeting adjourned for morning tea.

Upon resumption of the meeting at 11:05am all present at the adjournment were in attendance.

MOVED (Cr Saul/Cr Matchett):

That the ordinary Council meeting be resumed.

LOST (4 / 5)

FOR: Cr Lawrence, Cr Matchett, Cr Ring and Cr Saul

AGAINST: Cr Bain, Cr Coburn, Cr Paix, Cr Selby and Cr Wyatt

2025.94 RESOLVED (Cr Bain/Cr Lawrence):

That the ordinary Council meeting be resumed.

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

AMENDMENT (Cr Paix):

That Council:

- 1. adopts the following Integrated Planning and Reporting documents with the changes outlined in this report:**
 - a. Delivery Program 2025-2029,**
 - b. Workforce Management Plan 2025-2029,**
 - c. Strategic Asset Management Plan 2025-2035,**
 - d. Long Term Financial Plan 2025-2035,**
 - e. Operational Plan 2025-26,**
 - f. Revenue Policy 2025-26,**
 - g. Rates Maps 2025-26, and**
 - h. Fees and Charges 2025-26;**
- 2. notes that the recent flood event will impact council project delivery timelines and further updates will be incorporated into the budget at the first quarterly budget review;**
- 3. receives a series of workshops to undertake a comprehensive review of the adopted budget before the first quarterly budget review is reported to Council in November 2025; and**
- 4. notes that the Chief Executive Officer and the Mayor will communicate this outcome to the community.**

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

2025.95 RESOLVED (Cr Saul/Cr Bain):

That Council:

1. adopts the following Integrated Planning and Reporting documents with the changes outlined in this report:
 - a. Delivery Program 2025-2029,
 - b. Workforce Management Plan 2025-2029,
 - c. Strategic Asset Management Plan 2025-2035,
 - d. Long Term Financial Plan 2025-2035,
 - e. Operational Plan 2025-26,
 - f. Revenue Policy 2025-26,
 - g. Rates Maps 2025-26, and
 - h. Fees and Charges 2025-26;
2. notes that the recent flood event will impact council project delivery timelines and further updates will be incorporated into the budget at the first quarterly budget review;
3. receives a series of workshops to undertake a comprehensive review of the adopted budget before the first quarterly budget review is reported to Council in November 2025; and
4. notes that the Chief Executive Officer and the Mayor will communicate this outcome to the community.

CARRIED (8 / 1)

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

AGAINST: Cr Wyatt

10.3 May 2025 Flood Event - Property Owner Assistance

Officer	Daniel Thoroughgood, Director Corporate and Commercial
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File Number	F22/1770
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MOVED (Cr Lawrence/Cr Selby):

That Council:

1. notes a one-off payment extension on outstanding rates and charges, interest free, is available for current property owners affected by the May 2025 Flood Event, accessible via a phone request to Council;
2. notes that ratepayers experiencing longer term financial hardship due to the floods, who are unable to secure external relief, can apply for assistance under the Hardship Relief to Ratepayers Procedure;

3. notes that ratepayers that can demonstrate a substantial increase in water usage as a result of the flood event can request water usage charges be considered to be waived; and
4. notes that residents and businesses flood damaged waste is being removed at no charge.

AMENDMENT (Cr Paix):

That Council:

1. notes a one-off payment extension on outstanding rates and charges, interest free, is available for current property owners affected by the May 2025 Flood Event, accessible via a phone request to Council;
2. notes that ratepayers experiencing longer term financial hardship due to the floods, who are unable to secure external relief, can apply for assistance under the Hardship Relief to Ratepayers Procedure;
3. notes that ratepayers that can demonstrate a substantial increase in water usage as a result of the flood event can request water usage charges be considered to be waived;
4. notes that residents and businesses flood damaged waste is being removed at no charge; and
5. investigates whether rate interest relief can be applied geographically.

The amendment was accepted by the mover and became the motion

2025.96 RESOLVED (Cr Lawrence/Cr Selby):

That Council:

1. notes a one-off payment extension on outstanding rates and charges, interest free, is available for current property owners affected by the May 2025 Flood Event, accessible via a phone request to Council;
2. notes that ratepayers experiencing longer term financial hardship due to the floods, who are unable to secure external relief, can apply for assistance under the Hardship Relief to Ratepayers Procedure;
3. notes that ratepayers that can demonstrate a substantial increase in water usage as a result of the flood event can request water usage charges be considered to be waived;
4. notes that residents and businesses flood damaged waste is being removed at no charge; and
5. investigates whether rate interest relief can be applied geographically.

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

2025.97 RESOLVED (Cr Matchett/Cr Selby):

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 Coburn, Cr Lawrence, Cr Matchett, Cr Paix, Cr Ring, Cr Saul, Cr Selby and Cr Wyatt

AGAINST: Nil

10.4 DA2100258 Rev03 - Modification to increase the residential lots from 109 lots to 117 lots

Officer Melissa Ziade, Principal Planner

File Number DA2100258

2025.98 RESOLVED (Cr Saul/Cr Matchett):

That Development Application DA2100258 Rev03 be granted, subject to amended Conditions of Consent contained in the attachment (Attachment DA2100258 Rev03 Modified Conditions of Consent).

CARRIED (7 / 2)

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

AGAINST: Cr Coburn and Cr Wyatt

11 REPORTS FROM COUNCILLORS

11.1 Notice of Motion - Spooners Avenue

Councillor Cr Wyatt, Councillor

File Number F19/1859

MOVED (Cr Wyatt/Cr Paix):

That Council:

1. receives a report to a future meeting on the bitumen sealed road priorities projected for the next four years, including:
 - a. All roads identified to be sealed,
 - b. GIS/PDF Map of those roads,
 - c. Status of planning approval,
 - d. Status of 'shovel readiness' (e.g. ability to deliver, design specifications and procurement documents), and

- e. Status of funding; and
- 2. Informs the community when Spooners Avenue can be expected to be bitumen sealed.

AMENDMENT (Cr Wyatt):

That Council:

1. receives a report to a future meeting on the bitumen sealed road priorities projected for the next four years, including:
 - a. All roads identified to be sealed,
 - b. Status of planning approval,
 - c. Status of 'shovel readiness' (e.g. ability to deliver, design specifications and procurement documents), and
 - d. Status of funding; and
2. undertake the partnership advocacy required to secure funding to bitumen seal Spooners Ave, that includes raising the Christmas Creek bridge and upgrading the railway overpass to increase its tare weight.

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

2025.99 RESOLVED (Cr Wyatt/Cr Paix):

That Council:

1. receives a report to a future meeting on the bitumen sealed road priorities projected for the next four years, including:
 - a. All roads identified to be sealed,
 - b. Status of planning approval,
 - c. Status of 'shovel readiness' (e.g. ability to deliver, design specifications and procurement documents), and
 - d. Status of funding; and
2. undertake the partnership advocacy required to secure funding to bitumen seal Spooners Ave, that includes raising the Christmas Creek bridge and upgrading the railway overpass to increase its tare weight.

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 1:21pm.