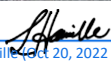


# Minutes

Confirmed minutes of the Ordinary Council Meeting held on Tuesday 30 August 2022

Signature:

  
Leo Hauville (Sat 20, 2022 20:27 GMT+11)

Email: [leo.hauville@kempsey.nsw.gov.au](mailto:leo.hauville@kempsey.nsw.gov.au)

The meeting commenced at 09:00 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, S P Beasley; and 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 Saul provided the opening prayer.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Cr Bain provided an acknowledgement of country.

**3 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**4 CONFIRMATION OF MINUTES**

**2022.140 RESOLVED (Cr Riddington/Cr Bain):**

**That the minutes of the ordinary meeting of Kempsey Shire Council dated 19 July 2022 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

**5 DISCLOSURES OF INTEREST**

**Cr Hauville declared a non-pecuniary non-significant interest in item 9.3, Planning Agreement for a Park at Crescent Head, for the reason that is known to two directors of one of the three companies that are proposing this development.**

## 6 ITEMS PASSED BY EXCEPTION

### 2022.141 RESOLVED (Cr Saul/Cr Wyatt):

That the recommendations contained in the following items be adopted:

- 9.7 Key Performance Indicators 2022-2023
- 9.9 Statement of Cash and Investments – July 2022
- 11.2 Audit, Risk and Improvement Committee Meeting Minutes – 27 July 2022

#### 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

#### 9.7 Key Performance Indicators 2022-2023

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**Officer** Sandra Hollins, Corporate Performance Coordinator

**File Number** F20/2703

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### 2022.142 RESOLVED (Cr Saul/Cr Wyatt):

That Council:

1. adopts the proposed KPIs for the 2022-23 financial year; and
2. notes the reporting on KPIs will be included as part of the Quarterly Corporate Performance Report to Council in November 2022, and February, May and August 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

#### 9.9 Statement of Cash and Investments - July 2022

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**Officer** Ron Wood, Manager Financial Services

**File No** F22/3106

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### 2022.143 RESOLVED (Cr Saul/Cr Wyatt):

That the report is received and noted.

#### 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 Audit, Risk and Improvement Committee Meeting Minutes - 27 July 2022

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**Officer** Matthew Bentley, Internal Auditor

**File Number** F22/2510

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### **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 open meeting.

### **2022.144 RESOLVED (Cr Saul/Cr Wyatt):**

**That Council note the draft meeting minutes from the Audit, Risk and Improvement Committee, 27 July 2022.**

### **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 MAYORAL MINUTES**

Nil

## **8 REPORTS OF COMMITTEES**

Nil

## **9 REPORTS TO COUNCIL**

### **9.1 Election of Deputy Mayor**

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**Officer** Daniel Thoroughgood, Manager Governance & Information Services

**File Number** F22/514

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### **2022.145 RESOLVED (Cr Bain/Cr Riddington):**

**That Council:**

- 1. elects a Deputy Mayor until the September 2023 ordinary meeting of Council; and**
- 2. conducts the election, if required, for the position of Deputy Mayor by open voting.**

### **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

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The Mayor called an election for Deputy Mayor, and appointed the General Manager as returning officer.

The General Manager as returning officer advised that 2 nominations had been received for Deputy Mayor being Councillors Wyatt and Patterson. No further nominations were forthcoming.

At this stage Councillor Wyatt and then Councillor Patterson addressed Council on the opportunity to be elected as Deputy Mayor.

An election by a show of hands was held.

Voting for Councillor Wyatt were Councillors Bain, Hauville, Riddington and Wyatt.

Voting for Councillor Patterson were Councillors Butterfield, Fergusson, Patterson, Ring and Saul.

The General Manager declared Councillor Patterson elected as Deputy Mayor.

### **9.2 Planning Proposal PP-2021-7144 – 1022 Crescent Head Road, Crescent Head**

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**Officer** Marnie Jeffery, Strategic Planning Officer

**File Number** KLEP2013-AM-35

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**2022.146 RESOLVED (Cr Saul/Cr Fergusson):**

**That Council:**

1. endorse the progression of this planning proposal, which applies to Lot 17 DP 818185, 1022 Crescent Head Road, Crescent Head, to the making of the amendment to the Kempsey Local Environmental Plan (KLEP) 2013;
2. request the Parliamentary Counsel's Office to draft the legal instrument under s3.36(1) of the Environmental Planning and Assessment Act 1979 to give effect to the final planning proposal;
3. authorise the General Manager to exercise delegation from the Minister for Planning to make the amending instrument; and
4. request the Department of Planning and Environment to notify the plan on the NSW Legislation webpage upon the making of the KLEP 2013 amendment.

**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

### **9.3 Planning Agreement for a Park at Crescent Head**

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**Officer** Shane Reinhold, Town Planner

**File Number** DA2100258

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**2022.147 RESOLVED (Cr Patterson/Cr Butterfield):**

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**That Council:**

1. receive the proposed Planning Agreement relating to Lot 2 DP1276195, Crescent Head;
2. authorise public notification of the proposed Planning Agreement for a period of 28 days; and
3. delegate to the General Manager the authority to execute the agreement if he is satisfied that there are no further changes required following the public notification period.

**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

#### **9.4 Carry Over and Revote Budgets**

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**Officer** Wayne Douglass, Manager Corporate Projects

**File Number** F22/2213

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**2022.148 RESOLVED (Cr Riddington/Cr Ring):**

**That Council approve the rollover of 2021-22 budget for carry-over and revote projects outlined in this report for inclusion in the 2022-23 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

#### **9.5 LGNSW Annual Conference 2022**

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**Officer** Daniel Thoroughgood, Manager Governance & Information Services

**File Number** F22/1720

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**2022.149 RESOLVED (Cr Bain/Cr Patterson):**

**That Council:**

1. authorise the attendance of the Mayor and other delegates as nominated by Council;
2. determine the two other voting delegates;
3. authorise the attendance of any other Councillors wishing to attend the conference; and
4. request that suggestions by Councillors for motions to be submitted to the conference be submitted to the General Manager, in writing, as soon as possible.

**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

**2022.150 RESOLVED (Cr Riddington/Cr Bain):**

**That Council move into Committee of the Whole.**

**CARRIED UNANIMOUSLY (9 / 0)**

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

**AGAINST:** Nil

**The Mayor called an election for 2 Councillors to be appointed as voting delegates to the 2022 LGNSW Annual Conference and appointed the General Manager as returning officer.**

**Councillor Patterson nominated Councillors Saul and Riddington.**

**Councillor Bain self-nominated Councillor Bain.**

**The General Manager as returning officer called for further nominations from the floor of the meeting. No further nominations were forthcoming.**

**An election by a show of hands was held with each Councillor receiving two votes.**

**Voting for Councillor Riddington were Councillors Bain, Butterfield, Fergusson, Hauville, Patterson, Riddington, Ring, Saul and Wyatt.**

**Voting for Councillor Saul were Councillors Butterfield, Patterson and Saul.**

**Voting for Councillor Bain were Councillors Bain, Fergusson, Hauville, Riddington, Ring and Wyatt.**

**The General Manager declared Councillors Bain and Riddington elected as voting delegates to the 2022 LGNSW Annual Conference.**

**COMMITTEE RECOMMENDATION:**

**That Council appoint Councillors Bain and Riddington as voting delegates to the 2022 LGNSW Annual Conference in addition to the Mayor.**

**2022.151 RESOLVED (Cr Bain/Cr Riddington):**

**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

**2022.152 RESOLVED (Cr Fergusson/Cr Butterfield):**

**That Council appoint Councillors Bain and Riddington as voting delegates to the 2022 LGNSW Annual Conference in addition to the Mayor.**

**CARRIED (8 / 1)**

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

**AGAINST:** Cr Saul

#### **9.6 Corporate Performance Report 2021-22 - Quarter 4**

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**Officer** Sandra Hollins, Corporate Performance Coordinator

**File Number** F19/2079

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#### **2022.153 RESOLVED (Cr Wyatt/Cr Bain):**

**That Council:**

1. notes the provisional full year financial result for the year ending 30 June 2022, in advance of the 2021-22 Annual Financial Statements being referred to audit;
2. notes the Financial Sustainability Program status report;
3. notes the 2021-22 Key Performance Indicators report;
4. notes the progress achieved in delivering the 2021-22 Delivery Program and Operational Plan; and
5. notes the Grants Status Summary.

#### **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 11:05 am the meeting adjourned for morning tea.**

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

#### **9.8 KLEP2013 - Employment Zones Reforms**

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**Officer** Marnie Jeffery, Strategic Planning Officer

**File Number** F21/1789

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#### **2022.154 RESOLVED (Cr Bain/Cr Patterson):**

**That Council receive and note the submissions made on the Employment Zones reforms for KLEP 2013.**

#### **CARRIED (8 / 1)**

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

**AGAINST:** Cr Hauville

### **10 NOTICES OF MOTION/QUESTIONS WITH NOTICE**

#### **10.1 NOTICES OF MOTION**

Nil



## 11 CONFIDENTIAL REPORTS

### 2022.155 RESOLVED (Cr Saul/Cr Butterfield):

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

### 11.1 Legal Matters

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**Officer** Daniel Thoroughgood, Manager Governance & Information Services

**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 open meeting.

### 2022.156 RESOLVED (Cr Bain/Cr Riddington):

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

### 2022.157 RESOLVED (Cr Butterfield/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

## 12 CONCLUSION

There being no further business, the Mayor then closed the meeting, the time being 11:56 am.

# 220830 Ordinary Council Meeting 30 August 2022 Confirmed Minutes

Final Audit Report

2022-10-20

Created:	2022-10-18
By:	Melanie Peterson (melanie.peterson@kempsey.nsw.gov.au)
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