



MINUTES OF THE ORDINARY MEETING OF KEMPSEY SHIRE COUNCIL

15 December 2015 commencing at 9.04am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), E A Green, L L Kesby, S E McGinn, B J Morris, A P Patterson, D F Saul, A T Shields and A J Williams

General Manager, D L Rawlings; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Director Infrastructure Services, R J Scott; Director Corporate Management, D B Hagger; Manager Information Management and Governance, D S Thoroughgood; and Minute Taker D M Pearson.

1 OPENING PRAYER

“Dear Lord, help us in our deliberations today so that our decisions will be for the greater good for the whole of Kempsey Shire - Amen”.

2 ACKNOWLEDGEMENT OF THE TRADITIONAL ABORIGINAL LAND OWNERS

“Council acknowledges that this meeting is being held on the traditional lands of the Dunghutti People”.

3 APOLOGIES

Nil

4 DECLARATIONS OF INTEREST

Councillor Kesby declared a non-pecuniary significant interest in item 11 for the reason that his property faces the park in the report.

Councillor Patterson declared a non-pecuniary non-significant interest in item 11 as he is a ratepayer and a keen fisherman and water user.

5 ASSESSMENT OF ITEMS LISTED FOR CONFIDENTIAL CONSIDERATION

2015.275 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. McGinn*

That the confidential reports be considered in the confidential section of the meeting.

6 CONFIRMATION OF MINUTES

2015.276 RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Patterson*

That the minutes of the ordinary meeting of Kempsey Shire Council dated 17 November 2015 be confirmed.

7 CITIZENSHIP CEREMONIES

Nil

8 PUBLIC FORUM / PRESENTATIONS

Public Forum

- 1 - Mr Phil Watt addressed Council speaking in relation to a non-agenda item – widespread community gardens and a public banking system.

2015.277 RESOLVED:

*Moved: Cl. Patterson
Seconded: Cl. Morris*

That Mr Watt be granted an extension of 3 minutes to further his presentation

- 2 - Mr Garry Mayhew addressed Council speaking against item 5 Macleay Valley Coast Holiday Parks 2015/2016 Fees And Charges.

Presentations

Mayoral Community Fund

Mr Allan Anderson from About You Medical & Allied Health gave a short presentation and thanked Council for the cheque from the Mayoral Community Fund.

Ms Kelly Wade from the Macleay Campdraft Club gave a short presentation and presented Council with a certificate of appreciation and letter of thank you for the cheque from the Mayoral Community Fund.

9 CONSIDERATION OF MOTIONS FOR SUPPLEMENTARY REPORTS AND MOTIONS

FOR CHANGES TO THE ORDER OF BUSINESS

2015.278 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. McGinn*

That the Agenda Order of Business be adopted and the late reports be considered in conjunction with the relevant Councillor or Community Strategic Plan reports.

10 CONSIDERATION OF REPORTS RELATING TO PUBLIC FORUM MATTERS

2015.279 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. Williams*

That the reports addressed in public forum be brought forward and dealt with immediately.

ITEM 5 MACLEAY VALLEY COAST HOLIDAY PARKS 2015/2016 FEES AND CHARGES

REPORT SUMMARY

Reporting on recommended fees for permanent and holiday vans at Council owned Macleay Valley Coast Holiday Parks.

MOVED:

*Moved: Cl. Patterson
Seconded: Cl. Saul*

That the 2015/2016 Fees & Charges be amended as follows:

- a Individual water and power charges be paid by Permanent Van owners at Crescent Head and Stuarts Point and that a 12.5% rental increase be applicable for the 2015/2016 and 2016/2017 financial years.
- b The third and final Holiday Van fee increases be charged for the 2015/2016 financial year to address the fee anomaly identified in 2012, being a:
 - i) 7% increase from \$4,300 to \$4,600 for Crescent Head;
 - ii) 8.3% increase from \$3,600 to \$3,900 for Hat Head;
 - iii) 11.9% increase from \$3,305 to \$3,700 for Stuart's Point; and
 - iv) 9.7% increase from \$3,100 to \$3,400 for Grassy Head.

COMMITTEE OF THE WHOLE

2015.280 **RESOLVED:** *Moved: Cl. Shields*
Seconded: Cl. McGinn

That Council move into Committee of the Whole for discussions related to item 5.

2015.281 **RESOLVED:** *Moved: Cl. Shields*
Seconded: Cl. Morris

That the Council Meeting be resumed.

STANDING ORDERS

2015.282 **RESOLVED:** *Moved: Cl. Morris*
Seconded: Cl. Patterson

That Standing Orders be suspended to allow consideration of the Horseshoe Bay Kiosk (Part Reserve 82364), Crescent Head Caravan Park (Part Reserve 63725), Grassy Head Caravan Park (Part Reserve 63879), Hat Head Caravan Park (Part Reserve 50808) And Stuarts Point Caravan Park (Part Reserve 61657) Trusts Meeting.

MINUTES OF THE HORSESHOE BAY KIOSK (PART RESERVE 82364), CRESCENT HEAD CARAVAN PARK (PART RESERVE 63725), GRASSY HEAD CARAVAN PARK (PART RESERVE 63879), HAT HEAD CARAVAN PARK (PART RESERVE 50808) AND STUARTS POINT CARAVAN PARK (PART RESERVE 61657) TRUSTS MEETING

15 December 2015 commencing at 10.17am.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), E A Green, L L Kesby, S E McGinn, B J Morris, A P Patterson, D F Saul, A T Shields and A J Williams

General Manager, D L Rawlings; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Director Infrastructure Services, R J Scott; Director Corporate Management, D B Hagger; Manager Information Management and Governance, D S Thoroughgood; and Minute Taker D M Pearson.

1 APOLOGIES

Nil

2 REPORT

BUSINESS MANAGEMENT PLAN FOR COUNCIL CARAVAN PARKS

REPORT SUMMARY

Reporting on the draft 2016-2021 Plan of Management for Council's five (5) caravan parks located at Crescent Head, Hat Head, Horseshoe Bay, Grassy Head and Stuarts Point, for which the endorsement of Council (as Trust Manager of the respective Crown Reserves) is sought to progress a new management contract.

MOVED:

Moved: Cl. Patterson

Seconded: Cl. Shields

That the draft Future Holiday Park Business Strategy 2016 to 2021 be endorsed and reflected in the EOI and Tender process for the management control for the five (5) caravan parks at Crescent Head, Hat Head, Horseshoe Bay, Grassy Head and Stuarts Point.

WORKSHOP

2015.283

RESOLVED:

Moved: Cl. Patterson

Seconded: Cl. McGinn

That Council move into workshop to allow discussion in open Council on the draft Future Holiday Park Business Strategy 2016 to 2021.

MOTION TO RESUME COUNCIL MEETING

2015.284

RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Morris*

That the formal Council meeting be resumed.

2015.285

The MOTION was PUT to the MEETING and was CARRIED.

3 CONCLUSION

There being no further business, the meeting terminated at 10.34am.

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At this stage 10.35am the meeting adjourned for morning tea and upon resumption at 10.57am all present at the adjournment were in attendance.

ITEM 5 MACLEAY VALLEY COAST HOLIDAY PARKS 2015/2016 FEES AND CHARGES

An Amendment was MOVED:

Moved: Cl. Morris

*Seconded: Cl. **

That the 2015/2016 Fees & Charges be amended as follows:

- a Individual water and power charges be paid by Permanent Van owners at Crescent Head and Stuarts Point and that a 12.5% rental increase be applicable for the 2015/2016 and 2016/2017 financial years.
- b The third and final Holiday Van fee increases be charged for the 2015/2016 financial year to address the fee anomaly identified in 2012, being a;
 - i) 7% increase from \$4,300 to \$4,600 for Crescent Head
 - ii) 8.3% increase from \$3,600 to \$3,900 for Hat Head
 - iii) increase from \$3,305 to \$3,400 for Stuart's Point; and
 - iv) increase from \$3,100 to \$3,200 for Grassy Head.

The Amendment LAPSED for want of a SECONDER.

2015.286 The MOTION was PUT to the MEETING and was CARRIED.

11 CONSIDERATION OF REPORTS RELATING TO A CONSENSUS MOTION

2015.287 RESOLVED:

Moved: Cl. Shields

Seconded: Cl. Green

That recommendations contained in items 7 – 10, 13 and 14 in the current agenda as listed be adopted.

ITEM 7 REVISED PLACEMENT OF ACCESS ROAD FOR LAND OFF BAKER DRIVE CRESCENT HEAD

REPORT SUMMARY

Reporting to Council that a request has been received to consider acquisition of land for access arrangements for land off Baker Drive in Crescent Head.

2015.288 RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Green*

- 1 That the acquisition of land for the creation of a public road, in the revised location be supported.
- 2 That the acquisition of the land as indicated on the relevant plan be supported, subject to the proponent agreeing to fund the purchase (acquisition) of the land, the Development Application, construction of the road and any other associated costs.

ITEM 8 TENDER FOR SEWER INVESTIGATION REHABILITATION AND RELINING

REPORT SUMMARY

To consider the Tender Evaluation Panel's recommendation to accept tenders for a three year term Contract for the provision of sewer rehabilitation and relining within the Kempsey Shire.

2015.289 RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Green*

- 1 That the Sewer Relining 3 Year contract be awarded to Interflow Pty Ltd.
- 2 That the Manhole component for this contract be awarded to a panel consisting of FITT Resources as the primary contractor and Interflow Pty Ltd as the secondary contractor.

ITEM 9 STATEMENT OF CASH AND INVESTMENTS

REPORT SUMMARY

Reporting on the statement of bank balance and investments for the month of November 2015.

2015.290 RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Green*

That the information be noted.

ITEM 10 DEVELOPMENT APPROVALS AND CONSTRUCTION CERTIFICATES

REPORT SUMMARY

Reporting that the following applications have been approved for the period of November 2015 and

includes approvals by Private Certifiers.

2015.291	RESOLVED:	<i>Moved: Cl. Shields</i> <i>Seconded: Cl. Green</i>
 That the information be noted.		

ITEM 13 KEY PERFORMANCE INDICATORS

REPORT SUMMARY

Reporting on the key performance indicators for the month ending 30 November 2015

2015.292	RESOLVED:	<i>Moved: Cl. Shields</i> <i>Seconded: Cl. Green</i>
 That the information be noted.		

ITEM 14 VARIOUS LEGAL MATTERS

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.

REPORT SUMMARY

Reporting on the current position regarding legal matters.

2015.293	RESOLVED:	<i>Moved: Cl. Shields</i> <i>Seconded: Cl. Green</i>
 That the information be noted.		

12 MAYORAL MINUTES

Nil

13 STAFF REPORTS

ITEM 1 RURAL LAND-SHARING COMMUNITY AT CRESCENT HEAD

REPORT SUMMARY

Reporting that an application has been received seeking to modify development consent T6-02-109 (REV 2) for the Goolawah rural land-sharing community at Crescent Head in relation to required road upgrading for which objections have been received..

Applicant: Goolawah Co-operative Ltd
Property: Lot 1 DP1191860
Nevertire Road & Illa Langhi Road, Crescent Head
Zone: RU1 Primary Production
RU2 Rural Landscape
E2 Environmental Conservation

MOVED:

*Moved: Cl. Shields
Seconded: Cl. Saul*

- 1 That the application to modify development consent T6-02-109 REV 2 be refused for the following reasons:
 - a) Pursuant to clause 9(1)(e) of *State Environmental Planning Policy No. 15 – Rural Landsharing Communities*, the modification would not provide an adequate standard of public road access to the land on which the rural land sharing community is situated, having regard to the level of traffic generated by the development.
 - b) Pursuant to clause 7.9(e) of *Kempsey Local Environmental Plan 2013*, the modification would not provide suitable vehicular access to the development, having regard to the level of traffic generated by the development.
 - c) The modification would result in unacceptable traffic, safety and amenity impacts, having regard to the level of traffic generated by the development.
 - d) The modification would set an undesirable precedent for not providing vehicular access of an appropriate standard for rural developments, which could pose larger scale traffic, safety and amenity impacts throughout the Kempsey Local Government Area.
- 2 That the objectors be advised of Council's decision.

An Amendment was MOVED:

*Moved: Cl. Morris
Seconded: Cl. Green*

That this matter be deferred and considered in conjunction with the confidential report on the same matter.

The AMENDMENT was PUT to the Meeting and was LOST.

2015.294 The MOTION was PUT to the MEETING and was CARRIED.
A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

ITEM 2 FREDERICKTON PLANNING REVIEW

REPORT SUMMARY

Reporting on the results of public exhibition of the Frederickton Planning Review.

MOVED:

*Moved: Cl. Saul
Seconded: Cl. Shields*

That the strategic direction for the Frederickton Planning Review be endorsed and progressed as detailed in the following report.

An Amendment was MOVED:

*Moved: Cl. Green
Seconded: Cl. **

That this matter be deferred until a works inspection is conducted in Frederickton.

The Amendment LAPSED for want of a SECONDER.

2015.295 The MOTION was PUT to the MEETING and was CARRIED.

A Division resulted in the following votes.

F = Voted For

A = Voted Against

Campbell	F	Green	F	Kesby	F	McGinn	F	Morris	F
Patterson	F	Saul	F	Shields	F	Williams	F		

ITEM 3 EXPANSION OF NSW RURAL FIRE SERVICE FIRE CONTROL CENTRE, 175-177 RIVER STREET, WEST KEMPSEY – CHANGE OF CONSTRUCTION CONTRACTOR

REPORT SUMMARY

To consider the recommendation to terminate the current contract for the expansion of the NSW Rural Fire Service (RFS) Control Centre, 175-177 River Street, West Kempsey and enter into a new contract with the next best tenderer.

2015.296

RESOLVED:

Moved: Cl. Morris

Seconded: Cl. Saul

- 1 That Castlereagh Construction Group Pty Ltd be permitted to withdraw and effectively terminate the contract.
- 2 That the lump sum tender price submitted by Osborne & Dowling Pty Ltd for the amount of \$673,529.23 (excluding GST) now be accepted.
- 3 That if Osborne & Dowling Pty Ltd are unable to meet an acceptable construction timetable the tender from the next highest scoring tenderer be accepted.
- 4 That the contract documents be executed under the seal of Council.

ITEM 4 SHERWOOD BRIDGE LITTER REDUCTION PROGRAM

REPORT SUMMARY

Further investigation into reducing litter near Sherwood Bridge in response to resolution 2015.272 from Council's meeting on 17 November 2015.

2015.297

RESOLVED:

Moved: Cl. Patterson

Seconded: Cl. Green

- 1 That a litter reduction program at the Sherwood Bridge be implemented as detailed in the report.
- 2 Overt surveillance and access controls be investigated and implemented at the Sherwood Bridge site.
- 3 That opportunities to pursue actions detailed in the Less Litter Live Better publication and Keep NSW Beautiful be considered in the 2016/2017 Operating Plan.

ITEM 5 MACLEAY VALLEY COAST HOLIDAY PARKS 2015/2016 FEES AND CHARGES

This report was dealt with earlier in the meeting just after PUBLIC FORUM.

ITEM 6 VIDEO SURVEILLANCE ON PUBLIC AND OTHER LANDS PROCEDURE

REPORT SUMMARY

Reporting on the Draft Video Surveillance on Public and Other Lands Procedure following the Public Exhibition period.

2015.298

RESOLVED:

Moved: Cl. Morris
Seconded: Cl. Shields

That the Video Surveillance on Public and Other Lands Procedure be adopted.

14 RESCISSION MOTIONS

Nil

At this stage 11.28am Councillor Kesby declared a non-pecuniary significant interest in item for the reason that his property faces the park in the report and retired from the Chamber.

15 NOTICES OF MOTION

ITEM 11 INSTALLATION OF LIGHTS AT OLD FERRY ROAD PICNIC AREA, GREEN HILL

REPORT SUMMARY

MOVED:

Moved: Cl. Patterson
Seconded: Cl. Green

That Council install lights at Old Ferry Road picnic area, Green Hill.

An Amendment was MOVED:

Moved: Cl. Morris
Seconded: Cl. Shields

That the installation of lights at Old Ferry Road picnic area, Greenhill be listed on the unfunded list to be considered for funding in accordance with other like facilities.

WORKSHOP

2015.299

RESOLVED:

Moved: Cl. McGinn
Seconded: Cl. Morris

That Council move into workshop to allow discussion in open Council on item 11.

MOTION TO RESUME COUNCIL MEETING

2015.300 RESOLVED:

*Moved: Cl. Williams
Seconded: Cl. Morris*

That the formal Council meeting be resumed.

2015.301 The AMENDMENT was PUT to the MEETING and was CARRIED, became the MOTION and was CARRIED.

At this stage 11.51am Councillor Kesby returned to the Chambers.

16 DELEGATES REPORT

Nil

17 COMMITTEE REPORTS

ITEM 12 LOCAL TRAFFIC COMMITTEE MEETING HELD ON 23 NOVEMBER 2015

REPORT SUMMARY

For Council to adopt the Minutes of the Local Traffic Committee meeting held on 23 November 2015.

2015.302 RESOLVED:

*Moved: Cl. Morris
Seconded: Cl. Green*

That the recommendations of the Local Traffic Committee meeting held on 23 November 2015 be adopted.

18 DELIVERY PROGRAM PERFORMANCE INDICATORS

19 COUNCILLOR QUESTIONS

2015-12-15	x
CAD-01-06	RBP
COUNCILLOR A P PATTERSON	FILE: F12/227-04
QFNM1	
What will it take to get a budget for the removal of the flying foxes?	

2015-12-15	x
HD-02-06	RJS
COUNCILLOR A T SHIELDS	FILE: F12/227-04
QFNM1 When will the old oil terminal footbridge at SWR be replaced? Is this an opportunity to allow for emergency 4WD beach access?	

2015-12-15	x
WD-03-02	RBP
COUNCILLOR D F SAUL	FILE: F12/227-04
QFNM1 When will Council be given a feasibility study on the proposed cinema complex?	

2015-12-15	x
WD-03-03	RJS
COUNCILLOR D F SAUL	FILE: F12/227-04
QFNM2 What is the breakdown of costs of the \$80,000 allocated to consultants for advertising Smith Street?	

2015-12-15	x
SOD-01-01	RBP
COUNCILLOR E A GREEN	FILE: F12/227-04
QFNM1 Would it be a good idea for Council to publicly acknowledge dune care?	

2015-12-15	✓ x
WD-05-02	RBP
COUNCILLOR E A GREEN	FILE: F12/227-04
QFNM2 When will the Flying school commence?	

2015-12-15	x
WD-05-03	RJS
COUNCILLOR E A GREEN	FILE: F12/227-04
QFNM3 Has the directional signage to the Macleay Funerals facility at Chain of Ponds Road been erected? If not, when will they be installed?	

2015-12-15	✓ x
WD-03-02	RBP
COUNCILLOR B J MORRIS	FILE: F12/227-04
QFNM1 Can Council have a workshop covering details including financial sharing regarding the cinema complex?	

2015.303 RESOLVED:

*Moved: Cl. Green
Seconded: Cl. McGinn*

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.

ITEM 15 RURAL LAND-SHARING COMMUNITY AT CRESCENT HEAD

Section 10A(2)(e) of the Local Government Act 1993 – Maintenance of Law

This report is submitted on a confidential basis as it involves information that would, if disclosed, prejudice the maintenance of law.

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.

REPORT SUMMARY

Reporting on the status of compliance with conditions of development consent T6-02-109

Owner: Goolawah Co-operative Ltd
Property: Lot 1 DP1191860
Nevertire Road & Illa Langhi Road, Crescent Head
Zone: RU1 Primary Production
RU2 Rural Landscape
E2 Environmental Conservation

2015.304 RESOLVED:

*Moved: Cl. McGinn
Seconded: Cl. Green*

That the proposed course of action be endorsed.

ITEM 16 EXPANSION OF NSW RURAL FIRE SERVICE FIRE CONTROL CENTRE, 175-177 RIVER STREET, WEST KEMPSEY – CHANGE OF CONSTRUCTION CONTRACTOR

This report is submitted on a confidential basis as it involves commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council. (Local Government Act 1993, section 10A(2)(d)(ii)).

On balance, the public interest in preserving the confidentiality of the commercial information, outweighs the public interest in openness and transparency in council decision making by discussing the matter in open meeting.

REPORT SUMMARY

Reporting on the recommendation to terminate the current contract awarded to Castlereagh Construction Group Pty Ltd for building alterations and additions to the NSW Rural Fire Service Fire Control Centre, West Kempsey – Tender No. TQE15/9.

2015.305

RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. Morris*

That the information be noted.

OPEN COUNCIL

2015.306

RESOLVED:

*Moved: Cl. Green
Seconded: Cl. McGinn*

That the Open Council Meeting be resumed.

21 CONCLUSION

There being no further business, the meeting terminated at 12.06pm.

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MINUTES OF THE SOUTH WEST ROCKS HOLIDAY & LEISURE RESERVES RESERVE (82364) TRUST MEETING

15 December 2015 commencing at 12.06pm.

PRESENT:

Councillors E A Campbell (Mayor and Chairman), E A Green, L L Kesby, S E McGinn, B J Morris, A P Patterson, D F Saul, A T Shields and A J Williams

General Manager, D L Rawlings; Director Sustainable Environment, R B Pitt; Director Community Engagement, K E Oliver; Director Infrastructure Services, R J Scott; Director Corporate Management, D B Hagger; Manager Information Management and Governance, D S Thoroughgood; and Minute Taker D M Pearson.

1 APOLOGIES

Nil

2 REPORT

PROPOSED ALTERATION TO THE SOUTH WEST ROCKS NETBALL COURTS

File: F12/166-04, LA21491 LA21493

REPORT SUMMARY

To consider a request from the South West Rocks Country Club to modify the existing netball courts at South West Rocks so that they are clear of land that is owned by the Club.

2015.307

RESOLVED:

*Moved: Cl. Shields
Seconded: Cl. McGinn*

- 1 That the proposal for minor relocation of the South West Rocks netball courts to the west of their current position clear of the land owned by the South West Rocks Country Club be approved.
- 2 That assignment of the lease be sought to Kempsey Shire Council in its capacity as Reserve Trust Manager for the adjoining facilities and properties.

3 CONCLUSION

There being no further business, the meeting terminated at 12.07pm.

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