

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

The following document is the minutes of the Ordinary Council meeting held **16 MAY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 30 May 2024 and therefore subject to change. Please refer to the minutes of 30 May 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr John Wilson (Deputy Mayor)

Cr James Angel
Cr Ricky Buchanan
Cr Troy Vance

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Rochelle McMurray (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)

APOLOGIES

Apologies (leave granted)

Nil

Apologies

Cr David Jones

Evan Webb (Chief Financial Officer)

ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

PRAYER

Reverend Peter Shayler-Webb from the Macksville Anglican Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 24 APRIL 2024

140/24 **RESOLVED:** (Wilson/Jenvey)

That the minutes of the Ordinary Council Meeting of 24 April 2024 be confirmed.

PUBLIC FORUM

That the following delegations be heard:

i James Parker on behalf of Taverner Research Group - Community Satisfaction Survey results

PUBLIC FORUM

i James Parker on behalf of Taverner Research Group, addressed Council with notes placed on 24157/2024 SF 3424.

141/24 **RESOLVED:** (Angel/Vance)

An extension of time be granted to the speaker.

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	160524	Outstanding Actions and Reports
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142/24 **RESOLVED:** (Angel/M Ballangarry)

That Council note the list of outstanding actions and reports.

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ITEM 9.2 SF35 160524 Acting General Manager for the period 1 July 2024 to 30 June 2025

143/24 **RESOLVEDS:** (Vance/Buchanan)

- 1 That Council appoints the Director Engineering Services to act in the role of General Manager when the General Manager is absent between 1 July and 30 September 2024.
 - 2 That Council appoints the Director Corporate Services to act in the role of General Manager when the General Manager is absent between 1 October and 31 December 2024.
 - 3 That Council appoints the Director Engineering Services to act in the role of General Manager when the General Manager is absent between 1 January and 31 March 2025.
 - 4 That Council appoints the Director Corporate Services to act in the role of General Manager when the General Manager is absent between 1 April and 30 June 2025.
 - 5 That, in the event a Director acting in the role of General Manager is absent, the other Director act in the role of General Manager.
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DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3399 160524 Results of 2024 Community Satisfaction Survey

144/24 **RESOLVED:** (Wilson/Jenvey)

That Council notes the results of the February 2024 Community Satisfaction Survey of Council Services.

ITEM 10.2 SF3492 160524 Minutes of the Audit, Risk and Improvement Committee Meeting held 10 April 2024

145/24 **RESOLVED:** (Wilson/Buchanan)

That Council notes the following recommendations from the Audit, Risk and Improvement Committee Meeting held 10 April 2024:

- 1 That the Committee confirm the Minutes of the Meeting held 17 January 2024.
- 2 Progress update on findings from Internal Audits.
 - a) *That the reports on the previous Internal Audit Reviews be received and noted.*
 - b) *Committee resolved that the GM prioritises outstanding internal audit actions including providing anticipated timeframes so that we can discuss future audits. To be reported to the July 2024 meeting ARIC meeting.*
- 3 Progress Update on External Audit Findings.

The Audit Risk and Improvement Committee note that there is one prior year matter not resolved by management (Issue 1 - Project costing methodology - Low Risk) and two current year

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matters raised (Issue 1 Financial reporting process – Medium Risk and Issue 2 IT policies and procedures – Medium Risk).

4 Audit Office of New South Wales reports on Local Government 2023 and Cyber Security in Local Government.

- a) *The Audit Office of New South Wales reports on Local Government 2023 and Cyber Security in Local Government be received and noted.*
- b) *The assessment of Councils Information and Communications Technology network against Cyber Security Guidelines – Local Government Functional Requirements as referred to in the Audit Office of New South Wales report on Cyber Security in Local Government be received and noted.*

5 Audit Annual Engagement Plan 2024.

That the Audit Office of NSW Annual Engagement Plan 2024 be received and noted.

6 Enterprise Risk Management Plan and Risk Control Action Plan Updates.

- a) *That Council note the report on the Enterprise Risk Management Plan and Risk Control Action Plan Updates.*
- b) *The Committee resolved to remove the Old Pacific Highway handover and add the Cabomba Weed risk to Council's dam to the Enterprise Risk Management Plan.*

7 CONFIDENTIAL - Matters Regarding Realised or Potential Losses.

That the Audit Risk and Improvement Committee note the information concerning incidents where there is a realised or potential loss of funds and/or reputation.

8 Delivery Program and Operational Plan Update - 6 months to 31 December 2023.

That the Audit Risk and Improvement Committee note the status of the Delivery Program and Operational Plan as at 31 December 2023.

9 Audit, Risk and Improvement Outstanding Actions and Reports.

That the list of Audit, Risk and Improvement outstanding actions and reports be noted and received for information by the Committee.

10 Audit Risk and Improvement Committee 4 year work plan 2024 to 2027.

- a) *The Audit, Risk and Improvement Committee defer the Audit, Risk and Improvement Committee 2024 to 2027 Work Plan to the next meeting 10 July 2024.*
- b) *That the executive bring forward the report regarding the Audit, Risk and Improvement Committee 2024 to 2027 Work Plan which takes into consideration the status of the current ARIC workplan. (Refer to Item 4.1- on Internal Audit Findings)*
- c) *The Audit, Risk and Improvement Committee establish key performance indicators for the council's Audit, Risk and Improvement Committee four-year strategic work plan and annual work plan and these be reported to the 10 July 2024 Audit, Risk and Improvement Committee meeting.*

11 General Business.

That the Audit Risk and Improvement Committee notes the following items of General Business:

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- a) *The Office of Local Government is currently reviewing the Guidelines to ensure they are consistent with a new internal auditing standard and reviewing the model Internal Audit Charter in consultation with the Institute of Internal Auditors Australia.*
- b) *The Office of Local Government is considering prescribing a requirement under the Regulation for councils to adopt a lobbying policy.*
- c) *ICAC has made several recommendations in recent investigations which are being considered by OLG and it is likely that a more regulatory rather than aspirational approach will be taken to addressing ICAC's recommendations.*
- d) *The Office of Local Government is currently developing procurement guidelines for councils, providing best practice guidance on all steps of the tendering process, procurement below the tendering threshold, probity, and contract management and evaluation.*

ITEM 10.3 SF3409 160524 Minutes of the Nambucca Valley Council Access Committee meeting held 24 April 2024

146/24 **RESOLVED:** (Jenvey/Angel)

That Council notes the Minutes of the Nambucca Valley Council Access Committee meeting held 23 April 2024.

ITEM 10.4 SF251 160524 Schedule of Council Meetings - 30 May 2024 to 17 October 2024

147/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Council note the schedule of meeting dates for 30 May 2024 to 17 October 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 160524 Undetermined Development Applications greater than 12 months, where submissions have been received, or where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

148/24 **RESOLVED:** (Wilson/Buchanan)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 6 May 2024, and development applications determined from 17 April to 6 May 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

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ITEM 11.2 SF453 160524 Bulky Goods Collection 2024

149/24 **RESOLVED:** (Jenvey/Buchanan)

That Council notes the dates of this year's bulky goods collection.

ITEM 11.3 SF453 160524 Waste Management Quarterly Report - January to March 2024

150/24 **RESOLVED:** (Wilson/M Ballangarry)

That Council notes the information provided in the quarterly report for the period 1 January to 31 March 2024.

ITEM 11.4 SF983 160524 Faringdon Fields Revegetation for Koala Habitat and Screening of a Culturally Sensitive Site

MOTION: (Angel/M Ballangarry)

That Council:

- 1 Prepares a draft Plan of Management for the Faringdon Fields – Lot 76 DP 832082 in accordance with section 36 of the Local Government Act 1993 which categorises the land as an area of cultural significance and facilitates the revegetation of the land.
- 2 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.

AMENDMENT: (Buchanan/ Ballangarry)

That Council:

- 1 Prepares a draft Plan of Management for the Faringdon Fields – Lot 76 DP 832082 in accordance with section 36 of the Local Government Act 1993 which categorises the land as an area of cultural significance and facilitates the revegetation of the land.
- 2 Contact members of Council Aboriginal stakeholders database, Gaagal Wanggaan Board of Management and extend the invitation to consult with Council on the Plan of Management through a nominated representative.
- 3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.
- 4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.

The amendment was declared carried and became the motion.

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151/24 **RESOLVED:** (Buchanan/ Ballangarry)

That Council:

- 1 Prepares a draft Plan of Management for the Faringdon Fields – Lot 76 DP 832082 in accordance with section 36 of the Local Government Act 1993 which categorises the land as an area of cultural significance and facilitates the revegetation of the land.
 - 2 Contact members of Council Aboriginal stakeholders database, Gaagal Wanggaan Board of Management and extend the invitation to consult with Council on the Plan of Management through a nominated representative.
 - 3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.
 - 4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.
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ITEM 11.5 SF1148 160524 Council's Rangers' Report and Penalties Issued for March 2024

152/24 **RESOLVED:** (Angel/Wilson)

That Council notes the Rangers' Impounding Statistics and the penalties issued for the month of March 2024.

ITEM 11.6 SF3410 160524 2024 April - Approved Construction Certificates and Complying Development Applications

153/24 **RESOLVED:** (Angel/Buchanan)

That Council notes the Construction Certificates and Complying Developments approved for April 2024.

ITEM 11.7 SF3410 160524 2024 April - Development Applications and Complying Development Applications Received

154/24 **RESOLVED:** (Wilson/Jenvey)

That Council notes the Development Applications and Complying Developments received in April 2024.

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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

155/24 **RESOLVED:** (Buchanan/Jenvey)

- 1 That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.
- 2 That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.

Reason reports are in Closed Meeting:

DIRECTOR CORPORATE SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF1970 160524 Water Leak Adjustment - Water Account 11212801

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (b) of the Local Government Act, 1993, on the grounds that the report contains a discussion in relation to the personal hardship of a resident or ratepayer.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 160524 Matters Regarding Realised or Potential Losses

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:36PM.

RESUME IN OPEN MEETING

156/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:44 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

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DIRECTOR CORPORATE SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF1970 160524 Water Leak Adjustment - Water Account 11212801

157/24 **RESOLVED:** (Angel/Vance)

That Council resolves to write off \$17,741.66, being made up of \$8,048.30 for water usage and \$9,693.36 for sewer usage for water account number 11212801.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 160524 Matters Regarding Realised or Potential Losses

158/24 **RESOLVED:** (Wilson/Angel)

That Council notes the information concerning incidents where there is a realised or potential loss of funds and/or reputation.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:46 PM.

Confirmed and signed by the Mayor on **16 MAY 2024**.

**Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)**