

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

The following document is the minutes of the Ordinary Council meeting held **30 MAY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 13 June 2024 and therefore subject to change. Please refer to the minutes of 13 June 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 David Jones

ALSO PRESENT

Matthew Sykes (Acting General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Evan Webb (Acting Director Corporate Services)
Daniel Walsh (Manager Development Environment)

APOLOGIES

Apologies (leave granted)

Bede Spannagle (General Manager)

Apologies

Cr Troy Vance

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

Minister Peter Allen from the Nambucca Baptist Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Manager Development Environment Daniel Walsh declared a pecuniary interest in Item 9.2 *Zombie Development Consent Inquiry* under the *Local Government Act 1993* as he owns a lot in Nambucca Heads which has a development consent that is older than 5 years and has been physically commenced.

Councillor Angel declared a non-pecuniary - less significant conflict of interest in Item 12.1 *Bowraville Sporting Hub* under the *Local Government Act 1993* as Cr Angel is providing voluntary catering at function at Bowraville Sports Hub on Saturday 1 June 2024.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 16 MAY 2024

159/24 **RESOLVED:** (Buchanan/Wilson)

That the minutes of the Ordinary Council Meeting of 16 May 2024 be confirmed.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

i William Heapy - Red Ash Road Subdivision

PUBLIC FORUM

i William Heapy - Red Ash Road Subdivision, addressed Council with notes placed on 26956/2024 SF3424

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	300524	Outstanding Actions and Reports
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160/24 **RESOLVED:** (Wilson/Angel)

That Council note the list of outstanding actions and reports.

Daniel Walsh left the meeting before the commencement of this item, the time being 5:55 PM.

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ITEM 9.2 SF802 300524 Zombie Development Consent Inquiry

161/24 **RESOLVED:** (Jenvey/Jones)

That Council makes a submission to the historical development consent inquiry as outlined in attachment 1.

Daniel Walsh returned to the meeting at the completion of this item, the time being 5:58 PM

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3327 300524 2023/2024 Service Reviews

162/24 **RESOLVED:** (Angel/Jenvey)

That Council notes

- 1 The 2023/24 Service Review reports for Animal Control, Public Toilets, and Biosecurity.**
 - 2 A further report will be presented to the 30 August 2024 Council meeting that provides management's responses to the recommendations made in the Centium Service Review reports on Animal Control, Public Toilets and Biosecurity.**
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ITEM 10.2 SF3358 300524 Investment Report for April 2024

163/24 **RESOLVED:** (Wilson/Buchanan)

That Council

- 1 Notes the Chief Financial Officer's report on Investments for the period April 2024.**
 - 2 Adopts the certification of the Responsible Accounting Officer for the period of April 2024.**
-

ITEM 10.3 SF3400 300524 March 2024 Quarterly Budget Review

164/24 **RESOLVED:** (Angel/Wilson)

That Council

- 1 Receives the budget review for the quarter ended 31 March 2024.**
 - 2 Notes the recommended increases and decreases in votes be included as subsequent votes for the financial year 2023/24.**
-

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ITEM 10.4 SF265 300524 G 46 Land Acquisition Policy

165/24 **RESOLVED:** (Wilson/Jenvey)

That Council adopts the G 46 Land Acquisition Policy.

ITEM 10.5 SF1092 300524 Draft Plan of Management - Wellington Park - Post Public
Exhibition

166/24 **RESOLVED:** (Angel/Wilson)

That Council adopts the attached draft Plan of Management for Wellington Park Reserve 81262.

ITEM 10.6 SF695 300524 Lease to Nambucca River Jockey Club Ltd - Bowraville
Racecourse - Post Public Exhibition

167/24 **RESOLVED:** (Jenvey/Angel)

That Council as Crown Land Manager

- 1 Authorises the lease of Bowraville Racecourse being Crown Land R540002, Lot 75 DP 755549 to the Nambucca River Jockey Club Ltd.**
- 2 Executes the lease under the seal of Council and signed by the Mayor and General Manager.**

ITEM 10.7 SF632 300524 Road Closure - Part Lower Buckra Bendinni Road - Post Public
Exhibition Report

168/24 **RESOLVED:** (Jones/Wilson)

That Council

- 1 Notes that no public submissions were lodged relating to the public exhibition of proposed closure of part Lower Buckra Bendinni Road, Buckra Bendinni.**
- 2 Approves proceeding with partial closure of part Lower Buckra Bendinni Road, Buckra Bendinni.**

Upon being put to the meeting, the motion was declared carried.

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry and
Wilson
Total (7)

Against the Motion: Nil
Total (0)

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ITEM 10.8 SF251 300524 Schedule of Council Meetings - 30 May 2024 to 31 October 2024

169/24 **RESOLVED:** (Jones/Buchanan)

That Council notes the schedule of meeting dates for 30 May 2024 to 31 October 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 DA2022/115 300524 Classification of Land as Community Land - Lot 3 DP 1289987 Coronation Street, Bowraville

170/24 **RESOLVED:** (Jenvey/Wilson)

That Council reclassify Lot 3 DP 1289987 - Coronation Street, Bowraville as community land in accordance with section 33 of the Local Government Act 1993.

ITEM 11.2 SF2278 300524 Electric Vehicle Charger Locations

171/24 **RESOLVED:** (Angel/Jenvey)

That Council

- 1 Supports the installation of EV charging stations at Gordon Park or Bellwood Park, subject to power supply investigations.**
 - 2 Supports the installation of an EV charging station at the Nambucca Heads Library.**
 - 3 Notes that grant funding applications have been submitted for the above EV charging stations and another investigation report will be prepared for sites in Macksville and Scotts Head.**
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ITEM 11.3 SF1148 300524 Council's Rangers' Report and Penalties Issued for April 2024

172/24 **RESOLVED:** (Jones/Wilson)

That Council

- 1 Receives the Rangers' Impounding Statistics for the month of April 2024.**
 - 2 Notes the penalties issued for the month of April 2024.**
-

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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

173/24 **RESOLVED:** (Jones/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 SF3420 300524 Bowraville Sporting Hub

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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Refers to reduced market price for proposed sale of land, and alternative option which contradicts previous Council resolution).

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 300524 Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127

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) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 300524 Request for extended rates payment arrangement and write off of accrued interest - Rates Account Number 11118722

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 12.4 SF3420 300524 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.

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CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:22 PM.

RESUME IN OPEN MEETING

174/24 **RESOLVED:** (Buchanan/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6:35 PM.

FROM COUNCIL IN CLOSED MEETING

The Acting General Manager then read the Confidential resolutions.

DIRECTOR CORPORATE SERVICES REPORTS

David Moloney left the meeting, the time being 6:22 PM

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 300524 Bowraville Sporting Hub

175/24 **RESOLVED:** (Angel/M Ballangarry)

That Council

- 1 Sells the newly created Lot 1/DP1289987 containing the newly built sporting hub facility to Bowraville Recreation Club Co-op Limited for \$1.00.
- 2 Executes the transfer of land in accordance with section 377 (1) (h) of the *Local Government Act 1993*. That is, affix the Council seal and be signed by the Mayor and General Manager.
- 3 Will be responsible for the cost of conveyancing limited to Council's solicitor's tax invoice, and note that the Bowraville Recreation Club Co-op Limited will be responsible for the cost of their own solicitor's tax invoice and any NSW Transfer of land duty payable as a result of this transfer.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 300524 Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127

176/24 **RESOLVED:** (Angel/Jenvey)

That Council

- 1 Provides Owner's Consent for the lodgement of a Development Application of Lots 9, 17 and 18 /DP884316 using the attached plan.
 - 2 Approves Council staff proceeding with negotiations with the owners of Lot 1/DP374127 (190 Albert Drive, Warrell Creek) for the proposed boundary adjustment, with any agreement to be subject to the formal approval of Council.
-

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For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 300524 Request for extended rates payment arrangement and write off of accrued interest - Rates Account Number 11118722

177/24 **RESOLVED:** (Jones/Angel)

That Council

- 1 Approves the proposed payment arrangement for rates account number 11118722 of \$150.00 per fortnight and agree to waive interest whilst the arrangement is maintained or the debt balance reduced to \$5,000.00, whichever comes first.
- 2 Approves the write off \$4,310.51 of interest on overdue rates on rates account number 11118722 once the rates balance outstanding reaches \$5,000.00.

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 300524 Matters Regarding Realised or Potential Losses

178/24 **RESOLVED:** (Jones/Angel)

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

David Moloney returned to the meeting, the time being 6:35 PM

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:39 PM.

Confirmed and signed by the Mayor on **13 JUNE 2024**

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