

NAMBUCCA VALLEY COUNCIL

MINUTES OF THE HELD ON

The following document is the minutes of the Ordinary Council meeting held . These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 11 July 2024 and therefore subject to change. Please refer to the minutes of 11 July 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

Cr James Angel
Cr Ricky Buchanan
Cr David Jones
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Bede Spannagle (General Manager)
Evan Webb (Acting Director Corporate Services)
Rochelle McMurray (Minute Secretary)

David Moloney (Director Engineering Services)
Daniel Walsh (Manager Development Environment)

APOLOGIES

Apologies (leave granted)

Matthew Sykes (Director Corporate Services)

Apologies

Nil

Absent

Nil

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

Pastor Tim Turner from the Seventh Day Adventist Church Nambucca Heads, offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

NAMBUCCA VALLEY COUNCIL

MINUTES OF THE HELD ON

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 13 JUNE 2024

196/24 **RESOLVED:** (Jones/Ballangarry)

That the minutes of the Ordinary Council Meeting of 13 June 2024 be confirmed.

PUBLIC FORUM

RECOMMENDATION

That the following delegations be heard:

- i Ms Liane Gourlay – Petition - Off leash dog park*

PUBLIC FORUM

- i Ms Liane Gourlay addressed Council with notes placed on 32231/2024 SF 3424.*

197/24 **RESOLVED:** (Jenvey/Jones)

That Council receive a report into a fenced off leash dog park and potential locations within the Valley.

DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

- ii Ms Carole Anderson – on behalf of the Valla Beach Community Association Committee of Management*
- iii Ms Melissa Hilson – for the recommendation.*

DELEGATIONS

- ii Ms Carole Anderson – addressed Council with notes placed on 31962/2024 SF 3424.*
 - iii Ms Melissa Hilson – addressed Council with notes placed on 32521/2024 SF 3424.*
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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.

NAMBUCCA VALLEY COUNCIL

MINUTES OF THE HELD ON

ASKING OF QUESTIONS WITH NOTICE

ITEM 7.1 SF2897 270624 Question with Notice - Rule 72 Valla Beach Road Intersection

MOTION: (Hoban/Buchanan)

That Council:

- 1 Write to Transport for NSW (TfNSW) seeking clarification on the appropriateness of their interpretation of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* through the application of Regulation 72 at the intersection of Giinagay Way and Valla Beach Road; and
- 2 Write to the Local State Member, Mr. Michael Kemp MP and request that he make representations to the appropriate Minister or State Government Agency regarding the residents safety concerns at the intersection of Giinagay Way and Valla Beach Road;

AMENDMENT (Angel/Vance)

That Council:

- 1 Write to Transport for NSW (TfNSW) seeking clarification on the appropriateness of their interpretation of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* through the application of Regulation 72 at the intersection of Giinagay Way and Valla Beach Road; and
- 2 Write to the Minister for Regional Roads and copy the Local State Member, Mr. Michael Kemp MP requesting action regarding the residents safety concerns at the intersection of Giinagay Way and Valla Beach Road; and the inconsistent application of Rule 72.
- 3 If favourable advice is not received within one month, seek legal opinion on the application of Rule 72 to T – intersections.

198/24 **RESOLVED:** (Angel/Vance)

That Council:

- 1 **Write to Transport for NSW (TfNSW) seeking clarification on the appropriateness of their interpretation of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* through the application of Regulation 72 at the intersection of Giinagay Way and Valla Beach Road; and**
- 2 **Write to the Minister for Regional Roads and copy the Local State Member, Mr. Michael Kemp MP requesting action regarding the residents safety concerns at the intersection of Giinagay Way and Valla Beach Road; and the inconsistent application of Rule 72.**
- 3 **If favourable advice is not received within one month, seek legal opinion on the application of Rule 72 to T – intersections.**

NAMBUCCA VALLEY COUNCIL

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GENERAL MANAGER REPORTS

ITEM 9.1 SF959 270624 Outstanding Actions and Reports

199/24 **RESOLVED:** (Jones/Buchanan)

That Council note the list of outstanding actions and reports.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3503 270624 2025/26 to 2034/35 Community Strategic Plan Community Engagement

200/24 **RESOLVED:** (Wilson/Jenvey)

That Council note the plan by staff to engage consultants to undertake community engagement for the review of the Community Strategic Plan.

ITEM 10.2 SF270 270624 Remuneration Tribunal Determination

201/24 **RESOLVED:** (Jones/Angel)

That Council adopt the maximum amount for the Regional Rural Council category for the Mayoral Fee for the 2024/25 financial year of \$49,200 and the Councillor Fee for the 2024/25 financial year of \$22,540 as recommended by the Local Government Remuneration Tribunal.

ITEM 10.3 SF3358 270624 Investment Report for May 2024

202/24 **RESOLVED:** (Angel/Wilson)

That Council

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

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ITEM 10.4 SF3334 270624 2023/2024 Section 356 Donation Request for Approval

203/24 **RESOLVED:** (Jenvey/Jones)

That Council approve a \$500 donation to Animal Rescue Support Incorporated.

ITEM 10.5 SF3409 270624 Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024

204/24 **RESOLVED:** (Buchanan/Wilson)

That Council:

- 1 Notes the Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024.**
- 2 Develop a business survey to garner feedback from business operators in the Valley on the challenges or concerns relating to employing people with disabilities.**

ITEM 10.6 SF251 270624 Schedule of Council Meetings - 11 July 2024 to 14 November 2024

205/24 **RESOLVED:** (Angel/Buchanan)

That Council notes the schedule of meeting dates for 11 July 2024 to 14 November 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF2284 270624 Submission to NSW EPA - Waste Levy Review and Food Organics and Garden Organics (FOGO) Mandate

206/24 **RESOLVED:** (Jenvey/Ballangarry)

That Council makes a submission to NSW Environmental Protection Authority (EPA) regarding the waste levy review and proposed Food Organics and Garden Organics (FOGO) mandate as outlined within attachment 3.

NAMBUCCA VALLEY COUNCIL

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ITEM 11.2 SF3410 270624 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

207/24 **RESOLVED:** (Wilson/Angel)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 19 June 2024, and development applications determined from 5 June to 19 June 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.3 SF3490 270624 Minutes of the Nambucca Valley Catchments and Coastline Management Committee Meeting - 16 May 2024

208/24 **RESOLVED:** (Vance/Buchanan)

That Council notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 16 May 2024.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

209/24 **RESOLVED:** (Angel/Vance)

- 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:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 270624 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.

NAMBUCCA VALLEY COUNCIL

MINUTES OF THE HELD ON

For Confidential Business Paper in Closed Meeting

ITEM 12.2 Q008/2024 270624 Request for Quotation - Q008/2024 Supply and Delivery of one 11T GVM Dual Cab Tipper Truck

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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:00 PM.

RESUME IN OPEN MEETING

210/24 **RESOLVED:** (Buchanan/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:22 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 270624 Matters Regarding Realised or Potential Losses

211/24 **RESOLVED:** (Jenvey/Angel)

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

For Confidential Business Paper in Closed Meeting

ITEM 12.2 Q008/2024 270624 Request for Quotation - Q008/2024 Supply and Delivery of one 11T GVM Dual Cab Tipper Truck

212/24 **RESOLVED:** (Angel/Vance)

That Council accepts the quotation by MCTRUCKS Pty Ltd via Request for Quotation (Q008/2024) for the supply of one (1) 11 tonne GVM dual cab tipper truck in the amount of \$210,813.00 excluding GST.

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

For the Motion: Councillors Angel, Ballangarry, Buchanan, Hoban, Jenvey, Jones, Vance and Wilson.

Total (8)

Against the Motion: Nil

Total (0)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:25 PM.

Confirmed and signed by the Mayor on **11 JULY 2024**.

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