

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

The following document is the minutes of the Ordinary Council meeting held **11 JULY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 25 July 2024 and therefore subject to change. Please refer to the minutes of 25 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)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Evan Webb (Acting Director Corporate 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 Marshall Hodgekiss from the Action Church Macksville offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Jenvey declared a non-pecuniary - significant conflict of interest in Item 10.2 Planning Proposal - 44 Kookaburra Road, Bowraville under the Local Government Act as Cr Jenvey is on the association with one of the tenants in common on the planning application.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 27 JUNE 2024

213/24 **RESOLVED:** (Buchanan/Vance)

That the minutes of the Ordinary Council Meeting of 27 June 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 110724 Notice of Motion - Request for Leave - CR Rhonda Hoban
OAM 12 July 2024 to 24 July 2024

214/24 **RESOLVED:** (Hoban/Angel)

That Cr Rhonda Hoban OAM be granted leave of absence in accordance with Section 234(1)(d) of the *Local Government Act 1993* for the period of 12 July 2024 to 24 July 2024 inclusive.

PUBLIC FORUM

RECOMMENDATION

That the following delegations be heard:

- i Mr Brett Etchells – on behalf of South Arm Hall Committee – Welcome*
- ii Ms Ilse Noble - on behalf of South Arm Hall Committee - Proposal of modernising the hall and toilets*
- iii Ms Anama Tesser – Condition of South Arm Road*
- iv Mr Robert Mackay – Access road to Bowraville Recreation Club*
- v Ms Joy van Son - on behalf of the Roads Actions Group – Road maintenance in the Shire, Antenno and communication*
- vi Ms Joy van Son - Removal of timber next to South Arm Hall*

PUBLIC FORUM

- i Mr Brett Etchells addressed Council with notes placed on 35859/2024 SF3424*
- ii Ms Ilse Noble addressed Council with notes placed on 35737/2024 SF3424*

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

iii Ms Anama Tesser addressed Council with notes placed on 34974/2024 SF3424

iv Mr Robert Mackay addressed Council with notes placed on 35534/2024 SF3424

v Ms Joy van Son addressed Council with notes placed on 35733/2024 SF3424

vi Ms Joy van Son addressed Council with notes placed on 35734/2024 SF3424

215/24 **RESOLVED** (Hoban/Angel)

That Council receive a report containing staff comments or responses to each of the matters raised by public forum speakers at the 11 July 2024 ordinary meeting at South Arm Hall.

DELEGATIONS

216/24 **RESOLVED** (Buchanan/Jones)

That Council bring Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville forward.

That the following delegations be heard:

Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville

vii Ron Hawkins – for the recommendation

DELEGATIONS

Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville

vii Ron Hawkins addressed Council with notes placed on 35711/2024 SF3424

Councillor Susan Jenvey changed her disclosure of interest from Non-Pecuniary, less significant conflict, to Non-Pecuniary, significant conflict and left the meeting after the commencement of this item, the time being 6:17 PM.

ITEM 10.2 SF3507 110724 Planning Proposal - 44 Kookaburra Road, Bowraville

217/24 **RESOLVED:** (Jones/Angel)

That

- 1 Council forward the attached planning proposal to amend the Nambucca Local Environmental Plan 2010 to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry, Vance and Wilson Total (7)
Against the Motion:	Nil Total (0)

Councillor Susan Jenvey returned to the meeting at the completion of this item, the time being 6:25 PM

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.

ASKING OF QUESTIONS WITH NOTICE

ITEM 7.1	SF2897	110724	Question with Notice - Model Code of Meeting Practice - Cr Susan Jenvey
----------	--------	--------	---

ITEM 7.2	SF2897	110724	General Manager's Response to Question with Notice - Model Code of Meeting Practice
----------	--------	--------	---

218/24 **RESOLVED:** (Jenvey/Buchanan)

That Council notes the General Manager's response.

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	110724	Outstanding Actions and Reports
----------	-------	--------	---------------------------------

219/24 **RESOLVED:** (Wilson/Jenvey)

That Council note the list of outstanding actions and reports.

220/24 **RESOLVED:** (Jenvey/Jones)

That Council do not consider the EOI's for the Visitor Information Centre until the tourism reports are finalised.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 10.1 SF3379 110724 Housekeeping Amendments to the Nambucca Local
Environmental Plan 2010

MOTION: (Angel/Vance)

That Council exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.

FORESHADOWED MOTION: (Jenvey/Jones)

That Council exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1 with the exception of 'B'.

Upon being put to the meeting, the foreshadowed motion was declared lost.

For the Motion: Councillors Jenvey, Jones and M Ballangarry
Total (3)
Against the Motion: Councillors Angel, Buchanan, Hoban, Vance and Wilson
Total (5)

AMENDMENT: (Hoban/Angel)

That Council:

- 1 Exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.
- 2 Only proceed with the rezoning of Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek if written agreement is received from Transport for NSW that each lot will only be sold and consolidated into adjoining land.

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

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry,
Vance and Wilson
Total (8)
Against the Motion: Nil
Total (0)

221/24 **RESOLVED:** (Hoban/Angel)

That Council:

- 1 **Exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.**
- 2 **Only proceed with the rezoning of Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek if written agreement is received from Transport for NSW that each lot will only be sold and consolidated into adjoining land.**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson Total (8)
Against the Motion:	Nil Total (0)

Item 10.2 was dealt with under delegations.

ITEM 10.3 SF3410 110724 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

222/24 **RESOLVED:** (Jones/Wilson)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 3 July 2024, and development applications determined from 20 June to 3 July 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 10.4 SF1148 110724 Council's Rangers' Report and Penalties Issued for May 2024

223/24 **RESOLVED:** (Jenvey/Angel)

That Council

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

ITEM 10.5 SF3410 110724 2024 June - Development Applications and Complying Development Applications Received

224/24 **RESOLVED:** (Wilson/Vance)

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

ITEM 10.6 SF3410 110724 2024 June - Approved Construction Certificates and Complying Development Applications

225/24 **RESOLVED:** (Jones/Buchanan)

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 11.1 SF3339 110724 Temporary Road Closure Application - Volkswagen Spectacular Nambucca Heads - 3 August 2024

226/24 **RESOLVED:** (Jenvey/Angel)

That Council

- 1 Approves the temporary road closures of Bowra Street and Mann Street, Nambucca Heads from West Street to Ridge Street between 0800 and 1300 hours on 3 August 2024 for the Volkswagen Spectacular event noting the following documentation being received by Council:
 - Certificate of Currency for Public Liability Insurance
 - Confirmation of clear path of 2.5 metres being provided for access by emergency service vehicles through the road closure
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
 - Police advice on the road closure.
 - 2 Approves signs and devices necessary to affect the road closure.
 - 3 Advertises the road closure more than seven (7) days prior to the event.
-

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:22 PM.

Confirmed and signed by the Mayor on **25 JULY 2024**

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)