

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 JULY 2024

The following document is the minutes of the Ordinary Council meeting held **25 JULY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 15 August 2024 and therefore subject to change. Please refer to the minutes of 15 August 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Ricky Buchanan
Cr David Jones

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

ALSO PRESENT

Bede Spannagle (General Manager)
Keith Williams (Manager Technical Services)
Evan Webb (Chief Financial Officer)
Rochelle McMurray (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Andrea Baillie (Property Officer)

APOLOGIES

Apologies (leave granted)

David Moloney (Director Engineering Services)

Apologies

Cr James Angel

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

Reverend Leslie Fotakis from the Anglican Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mr Keith Williams declared a non-pecuniary - less significant conflict of interest in Item 5.1 Daniel Williams - Young Athlete Representing Australia under the Local Government Act as Daniel Williams is Mr Keith Williams son.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 11 JULY 2024

227/24 **RESOLVED:** (Buchanan/Wilson)

That the minutes of the Ordinary Council Meeting of 11 July 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3407 250724 Daniel Williams - Young Athlete Representing Australia

228/24 **RESOLVED:** (Hoban/Jenvey)

That Council

- 1 **Notes the advice from Athletics New South Wales that local resident Daniel Williams has been selected to represent Australia in the 1500m at the 2024 World Athletics Under 20s Championships in Lima Peru next month.**
- 2 **Congratulates Daniel on his selection and wish him every success in his chosen event.**

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.2 SF46 250724 Remembrance Wall at Scotts Head

229/24 **RESOLVED:** (Hoban/Buchanan)

That Council receives a report on the necessary steps to revisit the 2018 proposal, plans and recommendation to create a remembrance wall at a suitable location in Scotts Head.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

- i Mr Peter Rundle - T-Intersection Giinagay Way and Link Roads*
- ii Mr Raymond Fowke on behalf of Scotts Head Community Group Inc -Submission of a 978 signature community petition to Council*

PUBLIC FORUM

- i Mr Peter Rundle addressed Council with notes placed on 36153/2024 SF3424.*
- ii Mr Raymond Fowke addressed Council with notes placed on 37538/2024 SF3424.*

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DELEGATIONS

230/24 **RESOLVED:** (Jones/Buchanan)

That Item 12.3 be brought forward.

That the following delegations be heard:

Item 12.3- Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands

iii Mr Raymond Fowke on behalf of Scotts Head Community Group Inc

DELEGATIONS

Item 12.3- Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands

iii Mr Raymond Fowke addressed Council with notes placed on 37992/2024 SF3424.

ITEM 12.3	SF382	250724	Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands
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231/24 **RESOLVED:** (Jenvey/Buchanan)

That Council

- 1 Endorses the preparation of a master plan for the core visitor precinct at Scotts Head, and surrounding community lands in consultation with Reflections Holidays, National Parks and Wildlife Service, Nambucca Valley Council and the community.**
- 2 Endorses opportunities for funding (in full or part) a master plan under the Nambucca Valley Coastal Management Program and in partnership with Reflections Holiday Parks.**
- 3 Notes the master plan will directly inform future work needed to update the Scotts Reserve and Adin Street Reserve statutory management plans.**

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.

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GENERAL MANAGER REPORTS

ITEM 9.1 SF959 250724 Outstanding Actions and Reports

232/24 **RESOLVED:** (Wilson/Jones)

That Council notes the list of outstanding actions and reports.

ITEM 9.2 SF3415 250724 Request to Support the Rotary Club of Nambucca Valley with Corporate Membership

233/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Council joins the Nambucca Valley Rotary Club as a corporate member.

ITEM 9.3 SF262 250724 Transport for NSW Response to Council's questions regarding the Macksville Bridge Rehabilitation Project

234/24 **RESOLVED:** (Wilson/Jenvey)

That Council notes the report from Transport for NSW regarding Council feedback.

ITEM 9.4 SF1865 250724 Lease to NSW Crown Holiday Parks - part Scotts Head Reserve

235/24 **RESOLVED:** (Hoban/Wilson)

That Council executes the lease of part Adin Street Reserve, Scotts Head being Folio Identifier 2/1202794 to NSW Crown Holiday Parks Land Manager under the seal of Council and signed by the Mayor and General Manager.

GENERAL MANAGER REPORTS - LATE

ITEM 9.5 LF7302 250724 Execution of document under Council seal

236/24 **RESOLVED:** (M Ballangarry/Buchanan)

That Council execute the contract of sale of Lot 1 DP 1288566 pursuant to section 377 (1) (h) of the *Local Government Act 1993* by affixing Council's seal in the presence of the Mayor and General Manager.

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DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3358 250724 Investment Report for June 2024

237/24 **RESOLVED:** (Jenvey/Wilson)

That Council

- 1 Notes the Chief Financial Officer's report on Investments for the period June 2024.**
 - 2 Adopts the certification of the Responsible Accounting Officer for the period of June 2024.**
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ITEM 10.2 SF3504 250724 Requests for Section 356 Donations - Nambucca Macksville Evening VIEW Club (Venue hire fees) and Nambucca Christmas Festival

238/24 **RESOLVED:** (Jones/Wilson)

That Council

- 1 Approves Section 356 donation to Nambucca Macksville Evening VIEW Club for \$161.00**
 - 2 Approves Section 356 donation to Nambucca Christmas Festival Committee for \$500.00.**
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ITEM 10.3 SF3504 250724 Donation Request - Request for rates relief for Nambucca Valley Youth Services Centre Inc

239/24 **RESOLVED:** (Jenvey/M Ballangarry)

That Council approves a donation of the requested \$1,301.54 for rates relief to the Nambucca Valley Youth Services Centre Inc.

ITEM 10.4 SF251 250724 Schedule of Council Meetings - 15 August 2024 to 14 November 2024

240/24 **RESOLVED:** (Wilson/Buchanan)

That Council notes the schedule of meeting dates for 15 August 2024 to 14 November 2024.

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MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 250724 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

241/24 **RESOLVED:** (Jones/Buchanan)

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

ITEM 11.2 SF3424 250724 Response to Questions relating to the Horticulture Planning Proposal

242/24 **RESOLVED:** (Jones/Wilson)

That Council notes the information contained within the report.

ITEM 11.3 SF2278 250724 Minutes of the Clean Energy Committee Meeting - 4 June 2024

243/24 **RESOLVED:** (Jenvey/Buchanan)

That Council

- 1 Notes the minutes of the Clean Energy Committee meeting held on 4 June 2024.**
 - 2 Include net zero targets for itself and the community in the community strategic plan.**
 - 3 Include investigation of opportunities for the circular economy in the community strategic plan.**
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DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF721 250724 V Wall Access to Beach - Wellington Drive Nambucca Heads

244/24 **RESOLVED:** (Jenvey/Jones)

That Council notes the information contained in this report.

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ITEM 12.2 PRF32 250724 Camphor Laurel Removal at Hennessey Tape Oval

245/24 **RESOLVED:** (Wilson/Buchanan)

That Council

- 1 Supports the removal of the camphor laurel trees at Hennessey Tape Oval, Bowraville to enable native trees in the understory to revegetate.
- 2 Allocates any funds from the sale of the camphor logs into the weeds maintenance budget.

Item 12.3 was dealt with under delegations.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

246/24 **RESOLVED:** (Buchanan/M Ballangarry)

- 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 13.1 SF3420 250724 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.

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3500 250724 General Manager's Half-Yearly Performance Review

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) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

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For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 250724 Transfer of Land Required for Road Realignment Rodeo Drive,
Bowraville

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.

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF931 250724 Supply of Ready Mix Concrete For Period 1 January 2024 to 31
December 2025

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 6.38 PM.

RESUME IN OPEN MEETING

247/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6.46 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 13.1 SF3420 250724 Matters Regarding Realised or Potential Losses

248/24 **RESOLVED:** (Buchanan/Jones)

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

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For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3500 250724 General Manager's Half-Yearly Performance Review

249/24 **RESOLVED:** (Hoban/Jones)

That Council defer Item 13.2.

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 250724 Transfer of Land Required for Road Realignment Rodeo Drive,
Bowraville

250/24 **RESOLVED:** (Jones/Wilson)

That Council

- 1 Agrees to transfer folio identifier 3/1282241 to Jillian Elizabeth Dorrian upon Mrs Dorrian's execution of the Deed of Release by Executor and Sole Beneficiary.**
- 2 Executes the transfer of land document and the Deed of Release by Executor and Sole Beneficiary document pursuant to section 377 (1) (h) of the *Local Government Act 1993* under Council seal, signed by the Mayor and General Manager.**

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF931 250724 Supply of Ready Mix Concrete For Period 1 January 2024 to
31 December 2025

251/24 **RESOLVED:** (Buchanan/Jenvey)

That Council

- 1 Awards Tender (T352324MNC) for the supply of "ready mix concrete" as Panel Source Tender for the period of 1 January 2024 to 31 December 2025.**
- 2 Delegates to the General Manager, to sign a 12 month extension to (T352324MNC) based on satisfactory supplier performance, which will take this contract through to 31 December 2026.**
- 3 Updates the Contract Register.**

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

For the Motion: Councillors Buchanan, Hoban, Jenvey, Jones, M Ballangarry and Wilson
Total (6)
Against the Motion: Nil
Total (0)

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CLOSURE

There being no further business the Mayor then closed the meeting the time being 6.49 PM.

Confirmed and signed by the Mayor on **15 AUGUST 2024**.

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