

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

The following document is the minutes of the Ordinary Council meeting held **15 AUGUST 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 29 August 2024 and therefore subject to change. Please refer to the minutes of 29 August 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)
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Michael Grieve (Manager Economic Development and Tourism)

Suzanne Sullivan (Minute Secretary)

APOLOGIES

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 Dave Bosshard from the Nambucca Valley Christian Community Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mayor Rhonda Hoban OAM declared a pecuniary interest in *Item 11.3 Draft Development Controls for Horticulture* under the Local Government Act as she has previously declared a pecuniary interest in relation to the blueberry industry which is a form of horticulture. Mayor Rhonda Hoban left the meeting for this item.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2024

252/24 **RESOLVED:** (Angel/Jones)

That the minutes of the Ordinary Council Meeting of 25 July 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 150824 TfNSW Assessment of Link Road Giinagay Way

253/24 **RESOLVED:** (Hoban/Wilson)

That Council:

- 1 Requests that Transport for New South Wales (TfNSW) conduct an assessment of options at Link Road – Giinagay Way intersection to:**
 - a Improve traffic flow efficiency and safety outcomes by ensuring that preference is given to the major traffic movement**
 - b Options such as roundabouts and change in the priority of traffic movement be considered**
- 2 Include a copy of the presentation made in the Public Forum at the Council meeting of 25 July 2024.**

254/24 **RESOLVED:** (Hoban/Angel)

That Council bring forward Item 9.1.

ITEM 9.1 SF3422 150824 GM Response to Notice of Motion Item 5.2 Strategies and Plans for Affordable Housing

255/24 **RESOLVED:** (Jenvey/Buchanan)

That Council notes the General Manager's advice on Notice of Motion Item 5.2 Strategies and Plans for Affordable Housing.

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NOTICE OF MOTION - CR JENVEY

ITEM 5.2 SF3422 150824 Strategies and Plans for Affordable Housing

MOTION: (Jenvey/Jones)

That Council:

- 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.
- 2 Considers affordable housing for inclusion in the Community Strategic Plan.
- 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.

AMENDMENT: (Angel/Vance)

That Council:

- 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.
- 2 Considers affordable housing for inclusion in the Community Strategic Plan.
- 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.
- 4 Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.

The amendment was declared carried and became the motion.

256/24 **RESOLVED:** (Angel/Vance)

That Council:

- 1 **Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.**
- 2 **Considers affordable housing for inclusion in the Community Strategic Plan.**
- 3 **Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.**
- 4 **Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, Vance and Wilson Total (6)
Against the Motion:	Councillors Jenvey and M Ballangarry Total (2)

PUBLIC FORUM

RESOLVED

That the following Public Forum be heard:

- i Mr Glen Davidson on behalf of the Nambucca Valley Youth Services Centre, history and current programs of the Youthie*
- ii Mr Chris Hewgill on behalf of the Nambucca Valley Youth Services Centre, youth in the community and the Youth Centre*
- iii Ms Ellie Tree on behalf of YOUth Speak, YOUth Speak Project*

PUBLIC FORUM

- i Mr Glen Davidson addressed Council with notes placed on 41541/2024 SF3424*

257/24 **RESOLVED:** (Vance/Ballangarry)

That Council grant an extension of time.

258/24 **RESOLVED:** (Angel/Jones)

That Council receive a report on options for assisting the Youthie in obtaining grant funding to sustain the current service and working with them or partnering with them.

- ii Mr Chris Hewgill addressed Council with notes placed on 39345/2024 SF3424*

- iii Ms Ellie Tree addressed Council with notes placed on 41658/2024 SF3424*

ASKING OF QUESTIONS WITH NOTICE

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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 was brought forward.

ITEM 9.2 SF959 150824 Outstanding Actions and Reports

259/24 **RESOLVED:** (Jones/Buchanan)

That Council notes the list of outstanding actions and reports.

ITEM 9.3 SF266 150824 Staff Wellbeing - R U OK? Day - Thursday 5 September 2024

260/24 **RESOLVED:** (Wilson/Jenvey)

That Council notes that the R U OK? Day staff wellbeing event will be held on Thursday 5 September 2024 and all Councillors are invited to attend.

ITEM 9.4 SF1535 150824 Licence for Bowraville Recreation Club Co-Op Ltd for Part Lot 3/DP1289987

261/24 **RESOLVED:** (Vance/Wilson)

That Council:

- 1 Enters into a 5 year licence agreement to the Bowraville Recreation Club Co-Op Ltd for part lot 3/DP1289987 for the permitted use of operating a golf course**
 - 2 Places the draft licence agreement to the Bowraville Recreation Club Co-Op Ltd for part lot 3/DP1289987 on public exhibition for 28 days.**
-

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ITEM 9.5 LF4381 150824 Council to Become Crown Land Manager of Reserve 90906, Valla Beach Reserve

262/24 **RESOLVED:** (Angel/Vance)

That Council writes to Department Planning, Housing and Infrastructure – Crown lands requesting appointment as Crown Land Manager of Crown Reserve 90906, Valla Beach Reserve.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3492 150824 Minutes of the Audit, Risk and Improvement Committee Meeting held 10 July 2024

263/24 **RESOLVED:** (Wilson/Buchanan)

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

- a That the Committee confirm the Minutes of the Meeting held 10 April 2024.
- b Interim Audit Management Letter 2024.

i) The report on the Interim Audit Management Letter dated 25 June 2024 be received.

ii) A report be submitted to Audit, Risk and Improvement Committee Meeting indicating the progress made by management in addressing each of the issues detailed in the Interim Audit Management Letter.

- c Progress update on Internal Audit findings.

That the Audit Risk and Improvement Committee defer this report to the next meeting where the executive team can provide a priority list of action items including timeframes with an estimated completion date. Noting items on the list may be redundant, rationale behind that decision to be provided.

- d Progress update on findings from External Audits.

That the Audit Risk and Improvement Committee note the updates to the prior 3 years matters.

- e 2024 Penetration Testing Results.

That the Audit Risk and Improvement Committee note the External Network Risk Summary from 2024 Penetration Testing and the related action taken by Council staff to address the issues identified from the testing.

- f The Audit Risk and Improvement Committee Workplan for the CFO 2024 to 2027.

That the Audit, Risk and Improvement Committee adopt the new amended workplan for the CFO.

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g 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.

h Matters for information of the Audit Risk and Improvement.

That the Audit Risk and Improvement Committee notes the ICAC Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector) and the seven corruption prevention recommendations made by the Commission.

i Project Management Framework.

That the Audit, Risk and Improvement Committee note the Project Management Framework.

j Changes to the Investment Policy.

That the Audit, Risk and Improvement Committee endorse the following changes prior to recommending to Council for adoption:

i) Council change the current Investment Policy to include the following 2 statements where, preference is to be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if:

- the investment is compliant with Council's Investment Policy; and*
- the investment rate of interest is equivalent to or more favourable to Council relative to other similar investments that may be on offer to Council at the time of the investment.*

ii) That Council amend point 8.8 in the current Investment Policy to read 'All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis. Removing the words, "including fair value movements."

k Nambucca Valley Council's - Software Systems.

That the Audit Risk and Improvement Committee notes the main software systems used operationally by Nambucca Valley Council.

l CONFIDENTIAL - Matters Regarding Realised or Potential Losses.

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

2 That Council approves the revised Investment Policy CS 08 as attached per the Committee's recommendation.

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ITEM 10.2 SF42 150824 OLG Complaint Statistics

264/24 **RESOLVED:** (Angel/M Ballangarry)

That Council notes the Office of Local Government report on 2021/22 and 2022/23 Complaint Statistics.

ITEM 10.3 SF296 150824 The Future of Nambucca Heads Visitor Information Centre and Tourism Marketing

265/24 **RESOLVED:** (Jenvey/Wilson)

That Council:

- 1 Approves the operations of the Visitor Information Centre function being brought back into the operations of Council on the understanding that there will be no impact on the 2024/25 budget.**
 - 2 Approves the operations of tourism marketing function being brought back into the operations of Council on the understanding that there will be no impact on the 2024/25 budget.**
 - 3 Notes that to implement recommendations 1 and 2, Council will engage a part time Tourism Officer within the allocation of the 2024/25 budget.**
-

ITEM 10.4 SF3328 150824 2023/24 Carry Forwards and Revotes

266/24 **RESOLVED:** (Jones/Wilson)

That Council:

- 1 That Council note the 2023/24 carry forward expenditure of \$25,396,031 to be added to the 2024/2025 budget**
 - 2 That Council approve all 2023/24 revotes of \$296,000 to be added to the 2024/25 budget.**
-

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ITEM 10.5 SF3504 150824 Request for a Section 356 Donation - St Jimmy's Christmas Lunch Committee - 2024 Christmas Day Lunch in the Bowraville community.

267/24 **RESOLVED:** (Angel/Vance)

That Council approves a Section 356 donation of \$500 to the St Jimmy's Christmas Lunch Committee to host the 2024 Christmas Day Lunch to be held in the Bowraville community.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 150824 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

268/24 **RESOLVED:** (Angel/Buchanan)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 7 August 2024, and development applications determined from 13 July to 7 August 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.2 DA2018/115 150824 Determination of Application to Modify Industrial Subdivision

269/24 **RESOLVED:** (Jenvey/Angel)

That Council as the consent authority, pursuant Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, modify development consent DA2018/115 for a sixteen lot subdivision of Lot 2 DP 1173066 – 80 Red Ash Road, Valla, subject to the schedule of conditions outlined in attachment 1 of this report.

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)

Councillor Rhonda Hoban left the meeting before the commencement of this item, the time being 6:42 PM

Deputy Mayor Wilson took the chair.

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ITEM 11.3 SF3508 150824 Draft Development Controls for Horticulture

270/24 **RESOLVED:** (Jenvey/Jones)

That Council exhibit the draft DCP development controls contained within attachment 1 with the planning proposal relating to horticulture within the rural zones.

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

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

Councillor Rhonda Hoban returned to the meeting at the completion of this item, the time being 6:46 PM

ITEM 11.4 SF1148 150824 Council's Rangers' Report and Penalties Issued for June 2024

271/24 **RESOLVED:** (M Ballangarry/Buchanan)

That Council:

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF90 150824 Minutes of the Nambucca Valley Traffic Committee Meeting - 6 August 2024

272/24 **RESOLVED:** (Wilson/Jenvey)

That Council:

- 1 Endorses the Drag-Ens Hot Rod Club Temporary Road Closure application of Bowra Street and Mann Street, Nambucca Heads, from the Ridge Street Intersection to West Street Intersection between 8.00am to 1.00pm on Saturday 5 October 2024, noting the following being received by Council:**
 - Certificate of Currency for Public Liability Insurance;**
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site; and**
 - Police approval for the road closures.**
- 2 Approves signs and devices necessary to affect the road closure.**
- 3 Notes, the endorsement is based on the additional requirement of the Drag-Ens Hot Rod club to mitigate the risk of both pedestrian and vehicle movement on Mann Street for access residences by:**

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-
- a The provision of six volunteers in high visibility clothing to guide vehicles (if necessary) to and from their residence(s) to ensure pedestrian safety is maintained, and
 - b Advice to the residents impacted by the road closures along Mann Street of the true extent of the road closure on their residence(s), being up to six hours.
- 4 Install a 30m bus zone at the eastern end of Adin Street Scotts Head, weekdays only.
- 5 Replace the 30m bus zone with 1-hour time restricted parking weekends.
-

ITEM 12.2 T006/2023 150824 Nambucca Sporting Fields Subsoil Drainage Program
Expenditure Update

273/24 **RESOLVED:** (Buchanan/Jenvey)

That Council allocates an additional \$40,000 to the Nambucca Valley Sporting Fields Subsoil Drainage Program funded from the Green Space Shed Replacement project.

During the discussion Councillor Angel declared a non pecuniary -significant conflict of interest in Item 12.2 Nambucca Sporting Fields Subsoil Drainage Program Expenditure Update under the *Local Government Act 1993* as he is Vice President of the Nambucca Valley Lions. Councillor Angel left the meeting for this item.

Councillor James Angel left the meeting during this item, the time being 6:48 PM

Councillor James Angel returned to the meeting at the completion of this item, the time being 6:50 PM

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

274/24 **RESOLVED:** (Jones/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:

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GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 150824 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 6:51 PM.

RESUME IN OPEN MEETING

275/24 **RESOLVED:** (Jones/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:03 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 150824 Matters Regarding Realised or Potential Losses

276/24 **RESOLVED:** (Jones/Vance)

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 7:05 PM.

Confirmed and signed by the Mayor on **29 AUGUST 2024**

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)