

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 AUGUST 2024

The following document is the minutes of the Ordinary Council meeting held **29 AUGUST 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 12 September 2024 and therefore subject to change. Please refer to the minutes of 12 September 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Susan Jenvey (arrived 5:51PM)
Cr Troy Vance

Cr James Angel
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)
Rochelle McMurray (Minute Secretary)

APOLOGIES

Apologies

Nil

Absent

Cr Martin Ballangarry OAM

Cr Ricky Buchanan

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 Sydney Coetzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

General Manager Bede Spannagle declared a pecuniary interest in *Item 12.2 – General Managers Performance Review* under the Local Government Act as the item is discussing the General Managers Performance review. Mr Bede Spannagle left the meeting for this item.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 15 AUGUST 2024

277/24 **RESOLVED:** (Wilson/Vance)

That the minutes of the Ordinary Council Meeting of 15 August 2024 be confirmed.
Correction to Item 5.2. The motion wasn't lost, remove the line 'The motion was declared lost and an amended motion was put forward.'

PUBLIC FORUM AND DELEGATIONS

That the following Public Forum be heard:

i Mr Darrell Hughes on behalf of Save Nambucca River – sand build up.

PUBLIC FORUM

i Mr Darrell Hughes addressed Council with notes being placed on 44900/2024 SF 3424.

That the following Delegations be heard:

ii Dale Hawkins, secretary on behalf of Bowraville Arts Council.

iii Ricardo Gonsalves, president on behalf of Bowraville Arts Council.

DELEGATIONS

ii Mrs Dale Hawkins, addressed Council with notes being placed on 44757/2024 SF3424.

iii Mr Ricardo Gonsalves, addressed Council with notes being placed on 44761/2024 SF3424.

278/24 **RESOLVED:** (Jones/Angel)

The speaker Mr Ricardo Gonsalves is granted an extension of time.

Bring Forward Item 12.2 Review of the Bowraville Theatre Project

279/24 **RESOLVED:** (Jones/Angel)

That Council bring forward Item 12.2 Review of the Bowraville Theatre Project.

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ITEM 12.2 SF3114 290824 Review of the Bowraville Theatre Project

280/24 **RESOLVED:** (Jones/Vance)

That Council

- 1 Works with the Bowraville Arts Council to explore options to move the project forward including designs and approvals on the existing proposal or a reduced project scope and a financial analysis of the options.**
- 2 Create a project group including Councillors and Arts Community representation to report back to Council.**
- 3 Lobby State and Federal governments for additional funding to support the construction of the Bowraville Theatre Project.**

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 290824 Outstanding Actions and Reports

281/24 **RESOLVED:** (Jones/Angel)

That Council notes the list of outstanding actions and reports.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3327 290824 2023/2024 Service Review Progress Update

282/24 **RESOLVED:** (Wilson/Angel)

That Council notes 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 SF3503 290824 2025/26 to 2034/35 Community Strategic Plan Community Engagement Update

283/24 **RESOLVED:** (Angel/Vance)

That Council notes the progress update on the community engagement project for the review of the Community Strategic Plan.

ITEM 10.3 SF731 290824 Community Improvement Districts - Update

284/24 **RESOLVED:** (Jenvey/Wilson)

That Council notes

- 1 The action taken regarding a submission to Transport for New South Wales for the Draft Bill and Guide on Community Improvement Districts**
- 2 The advice from TfNSW regarding putting Bowraville forward as a Community Improvement District in a future round of the program.**

ITEM 10.4 SF3528 290824 Investment Report for July 2024

285/24 **RESOLVED:** (Angel/Vance)

That Council

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

ITEM 10.5 SF251 290824 Schedule of Council Meetings - 12 September 2024 to 14 November 2024

286/24 **RESOLVED:** (Angel/Jenvey)

That Council notes the schedule of meeting dates for 12 September 2024 to 14 November 2024.

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 AUGUST 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 290824 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

287/24 **RESOLVED:** (Wilson/Vance)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 21 August 2024, and development applications determined from 7 August to 21 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 SF46 290824 Remembrance Wall at Scotts Head

288/24 **RESOLVED:** (Angel/Jenvey)

That Council investigates a suitable location for a remembrance wall in Scotts Head as part of the preparation of the master plan for the core visitor precinct and surrounding community lands.

ITEM 11.3 SF3410 290824 2024 July - Approved Construction Certificates and Complying Development Applications

289/24 **RESOLVED:** (Jones/Wilson)

That Council notes the Construction Certificates and Complying Development Certificates approved for July 2024.

ITEM 11.4 SF3410 290824 2024 July - Development Applications and Complying Development Applications Received

290/24 **RESOLVED:** (Angel/Vance)

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

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DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF3328 290824 Taylors Arm Road Drainage Improvements

MOTION: (Jenvey/Vance)

That Council notes the report on Taylors Arm Road Drainage Improvements.

AMENDMENT: (Vance/Angel)

That Council

- 1 notes the report on Taylors Arm Road Drainage Improvements
- 2 allocates from the existing design and survey budget the funds required to complete the design and survey.

The amendment was declared carried and became the motion.

291/24 **RESOLVED:** (Vance/Angel)

That Council

- 1 **notes the report on Taylors Arm Road Drainage Improvements**
 - 2 **allocates from the existing design and survey budget the funds required to complete the design and survey.**
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Item 12.2 was dealt with under delegations.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

292/24 **RESOLVED:** (Jones/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 13.1 SF3420 290824 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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For Confidential Business Paper in Closed Meeting

ITEM 13.2	SF3420	290824	Outcome of General Manager's 2023-24 Mid-Term Performance Review
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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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:11 PM.

RESUME IN OPEN MEETING

293/24 **RESOLVED:** (Vance/Angel)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:21 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	290824	Matters Regarding Realised or Potential Losses
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294/24 **RESOLVED:** (Vance/Angel)

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

During the discussion General Manager Bede Spannagle declared a pecuniary – significant conflict for Item 12.2 – General Managers Performance Review under the *Local Government Act 1993* for the reason that its discussing the General Managers Performance review. General Manager Bede Spannagle left the meeting for this item.

General Manager Bede Spannagle, Director Corporate Services, Director Engineering Services, Chief Financial Officer, Manager Development Environment left the meeting before the commencement of this item, the time being 7:14 PM

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 AUGUST 2024

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 290824 Outcome of General Manager's 2023-24 Mid-Term
Performance Review

295/24 **RESOLVED:** (Hoban/Wilson)

That Council

- 1 **Notes the Performance Review Committee's ratings distribution which indicate that standards are constantly met and at times exceeded and particular areas of strength and achievement were noted.**
- 2 **Endorses the outcome of the General Manager's Mid-Term Performance Review conducted on 25 July 2024.**

General Manager Bede Spannagle and Director Corporate Services returned to the meeting at the completion of this item, the time being 7:22 PM

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:23 PM.

Confirmed and signed by the Mayor on **12 SEPTEMBER 2024**.

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