

## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

The following document is the minutes of the Ordinary Council meeting held **17 OCTOBER 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 31 October 2024 and therefore subject to change. Please refer to the minutes of 31 October 2024 for confirmation.

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### PRESENT

Cr Gary Lee (Mayor)  
Cr Martin Ballangarry OAM  
Cr David Jones  
Cr Ljubov Simson  
Cr Troy Vance

Cr James Angel  
Cr Susan Jenvey  
Cr Tamara McWilliam  
Cr Jane Smith

### 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

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

Reverend Jo-anne Smalbil from the Uniting Church Nambucca Heads offered a prayer on behalf of Nambucca Minister's Association

### DISCLOSURE OF INTEREST

Nil

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 12 SEPTEMBER 2024**

309/24 **RESOLVED:** (Angel/Vance)

**That the minutes of the Ordinary Council Meeting of 12 September 2024 be confirmed.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

### DELEGATIONS

310/24 **RESOLVED:** (Angel/Vance)

That Item 11.2 be brought forward.

That the following delegations be heard:

Item 11.2 - Determination of Development Application DA2024/122 - 10 Lot Subdivision - Albert Drive, Warrell Creek

- i Mr Geoff Smith – against recommendation*
- ii Mr Jonathon Deans – against recommendation*

### DELEGATIONS

- i Mr Geoff Smith addressed Council with notes placed on 54230/2024 SF3424*
- ii Mr Jonathon Deans addressed Council with notes placed on 54453/2024 SF3424*

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ITEM 11.2 DA2024/122 171024 Determination of Development Application DA2024/122 - 10 Lot Subdivision - Albert Drive, Warrell Creek

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311/24 **RESOLVED:** (Angel/Vance)

**That Council as the consent authority, pursuant Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent for Development Application DA2024/122 for a 10 lot subdivision of Lots 9, 17 & 18 DP 884316, and Lot 1 DP 374127 – Albert Drive, Warrell Creek; subject to the schedule of conditions attached to this report.**

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

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance
	Total (9)
Against the Motion:	Nil
	Total (0)

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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.

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

### GENERAL MANAGER REPORTS

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ITEM 9.1 SF42 171024 Oath or Affirmation of Office

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MOTION:

That Council notes all Councillors have completed the oath or affirmation prior to the meeting.

AMENDMENT:

That Council:

- 1 Note Councillors have completed the oath or affirmation at this meeting.
- 2 At the commencement at the next term of Council that Councillors take the Oath or Affirmation at the first public Meeting of Council.

312/24 **RESOLVED:** (Jenvey/Jones)

**That Council:**

- 1 **Note Councillors have completed the oath or affirmation at this meeting.**
- 2 **At the commencement at the next term of Council that Councillors take the Oath or Affirmation at the first public Meeting of Council.**

Mayor Gary Lee suspended the Ordinary Council meeting at 5:55pm to allow Councillors to take the Oath or Affirmation.

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Mayor Gary Lee resumed the Ordinary Council meeting at 6:04pm.

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ITEM 9.2 SF830 171024 Election of Deputy Mayor

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313/24 **RESOLVED:** (Vance/McWilliam)

**That Council:**

- 1 **Proceed with the election of a Deputy Mayor by ordinary (secret) ballot, if required.**
  - 2 **Receive one nomination for Deputy Mayor from Councillor James Angel.**
  - 3 **Advise the Office of Local Government NSW of the Deputy Mayor Councillor James Angel for a period of 12 months and update Council's website.**
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ITEM 9.3 SF256 171024 Proposed Councillor Training and Induction

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314/24 **RESOLVED:** (Jenvey/Simson)

**That Council notes the information concerning the proposed training and induction for the new Council.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

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ITEM 9.4 SF251 171024 Proposed Frequency and Timing of Future Council Meetings

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315/24 **RESOLVED:** (Smith/Angel)

**That Council defer the proposed frequency and timing of Council meetings for six months.**

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ITEM 9.5 SF3284 171024 Countback Election Instead of By-Election

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316/24 **RESOLVED:** (Jones/Jenvey)

**That Council:**

- 1 Pursuant to Section 291A(1)(b) of the *Local Government Act 1993* (the Act) Nambucca Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors held on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.**
- 2 Notifies the Electoral Commissioner of NSW of the Council's decision within 7 days of the resolution.**

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ITEM 9.6 SF45 171024 2024 LGNSW Annual Conference Voting Delegates

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317/24 **RESOLVED:** (Jenvey/Angel)

**That Council:**

- 1 Nominates the four Councillors to attend the 2024 LGNSW Annual Conference, Mayor Lee, Cr Angel, Cr Smith and Cr Ballangarry.**
- 2 Determines its three Councillor voting delegates for the 2024 LGNSW Annual Conference to be Mayor Lee, Cr Angel and Cr Ballangarry.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 9.7 SF842 171024 Council Advisory Committees

318/24 **RESOLVED:** (Smith/Vance)

**That Council appoints representatives to the list of Advisory Committees as shown in the report.**

Committee	Recommended Council representation	Terms of Reference
Access Committee	Cr Simson, Cr Angel Cr Jenvey (Alternate)	To advise on strategies which aim to ensure that the Nambucca Valley becomes an accessible community to all people, regardless of their abilities/ disabilities.
Arts Mid North Coast	Resolved to defer this decision until June 2025	This is not a committee of Council but rather a regional arts body which receives funding from councils and the State Government and whose mission is to foster and support the creative arts on the Mid North Coast.  Any Council nomination can only be appointed for a maximum of two consecutive terms. The current term finishes 30 June 2025. Each term is 4 years.  (Cr Susan Jenvey until 30 June 2025)
Audit, Risk & Improvement Committee	Cr McWilliam	Committee must review the following aspects of the Council's operations: compliance, risk management; fraud control; financial management; governance; implementation of strategic plan, delivery program and strategies; service reviews; collection of performance measurement data by the Council; any other matters prescribed by regulation.
Clean Energy Committee	Cr Jenvey Cr Simson	To provide advice to Council in respect of: The status of Council's Climate Change Adaptation Plan The implementation of the Climate Change Adaptation Fund of the Environmental Levy Activities related to Council's membership with the Sustainability Advantage Program The sustainable management of Council assets Identifying opportunities for investment in green/sustainable enterprises Promoting capacity building & sustainability education in the community External funding applications/projects and programs related to sustainability.
General Manager's Performance Review Committee	Mayor Lee, Cr Angel, Cr Jenvey, Cr Jones, Cr McWilliam, Cr Smith	Council must undertake a minimum annual review of the General Manager's performance and is facilitated by an independent consultant.
Land Development Committee	All Councillors	The Council has an extensive property portfolio that comprises both operational and community land. The portfolio requires strategic management. The Committee has met infrequently, mainly because many property matters have been reported direct to Council meetings.
Local Traffic Committee (please note that despite the name, the Committee is not a committee of Council but rather the TfNSW)	Mayor Lee	Primarily a technical review committee which is required to advise the Council on matters referred to it (as per the guide to the delegation to councils for the regulation of traffic).  The committee comprises of 1 Councillor and representatives from NSW Police, TfNSW and Local State Member or their nominee.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

Lower North Coast Bushfire Management Committee	Cr Vance	The Committee is responsible for the Lower North Coast Bushfire Risk Management Plan preparation and review for Kempsey and Nambucca LGA's. It meets quarterly.
Nambucca Bushfire Management Committee	Cr Vance	The Committee is primarily concerned with planning for hazard reduction and meets quarterly.
Nambucca Valley Catchments and Coastline Management Committee	Cr Simson, Cr Jones, Cr Smith, Cr McWilliam, Cr Vance, Cr Ballangarry	Provides advice for future management of Nambucca LGA's river estuaries, coastal floodplains, coastal zone and flood risk in accordance with the NSW Coastal Policy, Flood Policy, State Rivers and Estuary Policy and NSW Wetlands Policy. To provide feedback on various investigations and studies that are required to evaluate flood risk, coastal zone and estuarine management options. Provide feedback to Council in the preparation of Flood, Estuary and Coastal Zone Management Plans for all Nambucca Valley's estuaries and coasts in accordance with the State Government Flood, Coast and Estuary Management Manuals. Assist Council in obtaining funding for works and projects that are identified as scheduled actions in Flood, Estuary and/or Coastal Management Plans; deemed necessary to effect improved management of coastal and estuary systems prior to the development of such plans. Act as an advisory body to Council on coastal and estuary issues. Provide a forum for open discussion, debate and education on coast, flood and estuary issues. Provide linkages to other natural resource management committees, the catchment management board and community/stakeholder groups.
NSW North Coast Weed Advisory Committee	Cr Angel	The objectives of the Committee are to promote awareness of noxious and environment weeds, to recommend weed policy, and to educate and train people in all matters pertaining to weeds. The Committee meets about quarterly.
Vehicular Access to Beaches Committee	Cr Vance	Council has a policy of permitting authorised and licensed motor vehicles to gain access to designated beach areas and the Committee meets to address the implementation of the policy including standard of access, signage, repairs to access, fees etc. This Committee generally only meets twice a year to assess beach access points and any repairs which might be necessary.
VUGA Project Control Group (PCG)	Cr Angel, Cr Smith, Cr Jenvey, Cr Vance	Valla Urban Growth Area Project Control Group oversees the development and implementation of both the new industrial and residential subdivisions at Valla.

319/24 **RESOLVED:** (Jenvey/Angel)

**That the National Celebration Day Committee becomes an advisory Committee of Council.**

National Celebration Day	Mayor Lee, Cr McWilliam	To acknowledge the achievement of outstanding individuals, young and old who have made a valuable contribution to the Nambucca Valley community through an annual awards program. Such awards will help inspire and encourage accomplishment in community service and volunteering, sport, education, arts and culture and be truly inclusive.
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# Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 9.8 SF842 171024 Council Section 355 Committees

320/24 **RESOLVED:** (Vance/McWilliam)

**That Council:**

- 1 **Dissolves the Local Disaster Recovery Committee and National Celebration Day Committee**
- 2 **Allocates Councillors to the various Section 355 Committees.**

COMMITTEE OF MANAGEMENT	ROSTER FOR AGM ATTENDANCE
Argents Hill Hall	Cr Jenvey
Bowraville Sports Ground (Hennessey Tape Oval)	Cr Angel
Burratine Public Hall	Cr Simson
Coronation Park	Cr Jones
EJ Biffin Playing Fields	Cr Jones
Eungai District Soldiers Memorial Hall	Cr Simson
Macksville Park and Sports	Cr Angel
Mary Boulton Pioneer Cottage and Museum	Cr Vance
Missabotti Community Centre	Cr Jenvey
Nambucca District Band	Cr Ballangarry
Nambucca District Historical Society & Museum	Cr Jenvey
Nambucca Community and Arts Centre	Cr Smith
North Macksville Playing Fields & Soccer Club	Cr McWilliam
Scotts Head Sports Field	Cr Angel
South Arm Hall	Mayor Lee
Talarm Hall and Welsh Pioneer Park	Cr Simson
Taylors Arm Hall	Mayor Lee
Taylors Arm Sports Reserve	Mayor Lee
Unkya Reserve	Cr Ballangarry
Utungun Community Hall	Cr Simson
Valla Beach Community Association	Cr Jenvey
Valla Public Hall	Cr Smith
Warrell Creek Public Hall	Cr McWilliam
We're Here	Cr Jones

ITEM 9.9 SF959 171024 Outstanding Actions and Reports

321/24 **RESOLVED:** (Jones/Angel)

**That Council notes the list of outstanding actions and reports.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

### DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1 SF42 171024 OLG Councillor Conduct and Meeting Practices A New Framework - Discussion Paper

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322/24 **RESOLVED:** (Angel/Smith)

**That:**

- 1 Council notes the Office of Local Government 'Councillor conduct and meeting practices – A new framework discussion paper'**
  - 2 Councillors can either make a submission individually or send their feedback to the Director Corporate Services by 14 November 2024 to make a submission on behalf of Council.**
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ITEM 10.2 SF355 171024 Tabling of Returns Disclosing Interest of Councillors and Designated Persons

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323/24 **RESOLVED:** (Angel/Smith)

**That Council tables the returns disclosing interests of Councillors and designated persons, for the period ended 30 June 2024.**

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ITEM 10.3 SF1026 171024 Disclosure of Political Donations and Electoral Expenditure

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324/24 **RESOLVED:** (Jenvey/Simson)

**That Council notes the due dates for the 2024/25 financial year for political donation and electoral expenditure disclosures by Councillors to the NSW Electoral Commission.**

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ITEM 10.4 SF3501 171024 National Celebration Day Committee Nominations

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325/24 **RESOLVED:** (Jones/McWilliam)

**That Council:**

- 1 Accepts the nominations from Janine Reed, Lorraine Hemsworth, John Wilson, Ian Flarrey and Lisa Hall to become members of the National Celebration Day Committee.**
  - 2 The successful nominees be provided with a copy of the Terms of Reference, Code of Conduct for Delegates and Volunteer Safety Handbook.**
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

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ITEM 10.5 SF1620 171024 Delivery Program and Operational Plan Update

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326/24 **RESOLVED:** (Smith/Simson)

**That Council notes the status of the Delivery Program and Operational Plan as at 30 June 2024.**

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ITEM 10.6 SF3360 171024 Draft 2023/2024 Annual Financial Statements

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327/24 **RESOLVED:** (Angel/Jenvey)

**That Council resolves:**

- 1 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements for the year ended 30 June 2024 made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW).**
  - 2 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the Special Purpose Financial Statements for the year ended 30 June 2024 made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.**
  - 3 In accordance with Section 413 (1) of the *Local Government Act 1993* (NSW), to refer the 2023/2024 Annual Financial Statements to the Audit Office of NSW for audit.**
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## MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1 SF3410 171024 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

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328/24 **RESOLVED:** (Angel/Vance)

**That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 3 October 2024, and development applications determined from 22 August to 3 October 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.**

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ITEM 11.2 – was dealt with under delegations.

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

### DIRECTOR ENGINEERING SERVICES REPORTS

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ITEM 12.1 SF3339 171024 Request for a Temporary Road Closure - Macksville

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329/24 **RESOLVED:** (Jones/Vance)

**That Council:**

- 1 Approves the temporary road closures in Macksville, from Cooper Street to McKay Street:
  - River Street (west)
  - Wallace Lane, and
  - Princess Street (North)

Between 17:00 22 November and midday 24 November 2024 – for the Nambucca Valley Open Streets Project – Street Festival.

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 of 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.

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### COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

330/24 **RESOLVED:** (Vance/Jenvey)

- 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*

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ITEM 13.1 SF3420 171024 Boundary Realignment 190 Albert Drive Warrell Creek

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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) (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 (Council will seek to sell subsequent subdivided lots in this location, and this valuation should not set a precedent for the market value of those lots.).*

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

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*For Confidential Business Paper in Closed Meeting*

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ITEM 13.2 SF3420 171024 T432021NAM - Supply & Install Galvanised Piles for Valla Footbridge - Tender Assessment

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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) (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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 13.3 SF3420 171024 Matters Regarding Realised or Potential Losses

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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) (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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## CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:14PM.

### RESUME IN OPEN MEETING

331/24 **RESOLVED:** (Angel/Smith)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:42 PM.**

## FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

## GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1 SF3420 171024 Boundary Realignment 190 Albert Drive Warrell Creek

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332/24 **RESOLVED:** (Angel/Simson)

**That Council:**

- 1 Approves the acquisition and disposal of land in accordance with the attached Agreement with the sale of net 166.4 m2 being part lot 18/DP884316 to the owners of 190 Albert Drive, Warrell Creek subject to formal development consent of the proposed subdivision of land.**
- 2 Approves execution of relevant transfer documentation under the seal of Council to be signed by the Mayor and General Manager.**

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

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

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### *For Confidential Business Paper in Closed Meeting*

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ITEM 13.2 SF3420 171024 T432021NAM - Supply & Install Galvanised Piles for Valla  
Footbridge - Tender Assessment

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333/24 **RESOLVED:** (Jenvey/Jones)

#### **That Council:**

- 1 Accepts the quotation from Civil Sydney in response to Regional Procurement Tender in the amount of \$676,500.00, utilising the Regional Government Procurement contract T432021NAM.**
- 2 Updates the Contract Register.**

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

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

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### *For Confidential Business Paper in Closed Meeting*

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ITEM 13.3 SF3420 171024 Matters Regarding Realised or Potential Losses

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334/24 **RESOLVED:** (Jones/Vance)

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

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## CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:45PM.

Confirmed and signed by the Mayor on **31 OCTOBER 2024**.

**Cr Gary Lee**  
**MAYOR**  
**(CHAIRPERSON)**