

## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

The following document is the minutes of the Ordinary Council meeting held **31 OCTOBER 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 14 November 2024 and therefore subject to change. Please refer to the minutes of 14 November 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)  
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

Minister Garry White from the Nambucca River Presbyterian Churches 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 11.1 Planning Proposal – 44 Kookaburra Lane, Bowraville* under the Local Government Act as Cr Jenvey, whilst not a near neighbour, has views onto the subdivision.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 17 OCTOBER 2024**

335/24 **RESOLVED:** (Angel/Jones)

That the minutes of the Ordinary Council Meeting of 17 October 2024 be confirmed.

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### NOTICE OF MOTION - CR VANCE

ITEM 5.1 SF3422 311024 Notice of Motion - Request for Leave - CR Troy Vance 17  
December 2024 to 11 January 2025

336/24 **RESOLVED:** (Vance/Angel)

**That Council grants a leave of absence to Cr Troy Vance in accordance with Section 234(1)(d) of the *Local Government Act 1993* for the period of 17 December 2024 to 11 January 2025 inclusive.**

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### PUBLIC FORUM AND DELEGATIONS

That the following Public Forum be heard:

- i Raewyn Macky – LEP Amendments*
- ii Professor Kirsten Benkendorff – Intensive Horticulture*

#### PUBLIC FORUM

- i Raewyn Macky addressed Council with notes being placed on 56164/2024 SF3424***

337/24 **RESOLVED:** (Jones/Jenvey)

**That Council grant the speaker Raewyn Macky an extension of time.**

- ii Professor Kirsten Benkendorff addressed Council with notes being placed on 56950/2024 SF3424***

338/24 **RESOLVED:** (Jenvey/Jones)

**That Council grant the speaker Professor Kirsten Benkendorff an extension of time.**

That the following delegations be heard:

- iii Ilse Noble, on behalf of South Arm Hall Committee*

#### DELEGATIONS

- iii Ilse Noble addressed Council with notes being placed on 57013/2024 SF3424***

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

Bring Forward Item 12.2 Response to Matters Raised – Public Forum 11 July 2024

339/24 **RESOLVED** (Angel/Smith)

**That Council bring forward Item 12.2 Response to Matters Raised – Public Forum 11 July 2024**

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ITEM 12.2 SF3424 311024 Response to Matters Raised - Public Forum 11 July 2024

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340/24 **RESOLVED**: (Jenvey/Angel)

**That Council:**

- 1 **Notes the report in response to the matters raised by public forum speakers at the Ordinary Meeting of Council on 11 July 2024.**
- 2 **Prioritise a wet room in future budgets for South Arm Hall.**
- 3 **Receive a report outlining a list of projects and priorities for each Council hall.**

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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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## GENERAL MANAGER REPORTS

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ITEM 9.1 SF959 311024 Outstanding Actions and Reports

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341/24 **RESOLVED**: (Jones/McWilliam)

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

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ITEM 9.2 SF45 311024 2024 LGNSW Annual Conference Voting Delegates

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342/24 **RESOLVED**: (Angel/Smith)

**That Council change the third voting delegate from Councillor Ballangarry to Councillor Smith for the 2024 Local Government NSW (LGNSW) Annual Conference.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

### DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1 SF1438 311024 State of Our Valley Report- Progress Report on Implementing the 2022/23 to 2031/32 Community Strategic Plan

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343/24 **RESOLVED:** (Jenvey/Jones)

**That Council:**

- 1 **Notes the State of Our Valley Report on the achievements or otherwise of the actions within the Nambucca Valley Council 2022/23 to 2031/32 Community Strategic Plan.**
  - 2 **Adopt the State of the Valley report with minor amendment;  
- Addition of 'Council promoting the work of local artists and offers professional development and access to grants programs' on page 32 for achievements in relation to continued involvement with Arts Mid North Coast (LW1).**
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ITEM 10.2 SF3503 311024 Community Strategic Plan Consultation Engagement Report

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344/24 **RESOLVED:** (Jenvey/Smith)

**That Council notes the Community Strategic Plan Consultation Engagement Report from Locale Consulting.**

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ITEM 10.3 SF3528 311024 Investment Report for September 2024

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345/24 **RESOLVED:** (Angel/Smith)

**That Council:**

- 1 **Notes the Chief Financial Officer's report on Investments for the period September 2024.**
  - 2 **Adopts the certification of the Responsible Accounting Officer for the period of September 2024.**
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ITEM 10.4 SF1031 311024 Draft CS38 Artificial Intelligence Governance Policy

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346/24 **RESOLVED:** (Angel/Jenvey)

**That Council adopts the new draft policy CS 38 Artificial Intelligence Governance.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

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ITEM 10.5 SF3504 311024 Request for a 2024/2025 Section 356 Donation - Assist with purchases of AED units for Girralong community

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347/24 **RESOLVED:** (Jones/Smith)

**That Council approves a Section 356 donation of \$500 to the Girralong Residents' Group Automatic Electronic Defibrillator (AED) Project Team.**

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ITEM 10.6 SF963 311024 Nominations to Council Section 355 Committees of Management

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348/24 **RESOLVED:** (Angel/McWilliam)

**That Council:**

- 1 Accepts the new nominations to the following Section 355 Committees of Management as per the table in the body of the report.**
  - 2 Provides the successful nominees with a copy of the Terms of Reference, Code of Conduct for Delegates, Section 355 Committee Guidelines and Volunteer Safety Handbook.**
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## MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1 SF3507 311024 Planning Proposal - 44 Kookaburra Road, Bowraville

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349/24 **RESOLVED:** (Angel/Jones)

**That Council make the local environmental plan as outlined within the planning proposal contained within attachment 1 in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.**

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

|                     |  |
|---------------------|--|
| For the Motion:     | Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance |
|                     | Total (8)  |
| Against the Motion: | Nil  |
|                     | Total (0)  |

Councillor Susan Jenvey left the meeting before the commencement of this item, the time being 7:15 PM  
Councillor Susan Jenvey returned to the meeting at the completion of this item, the time being 7:16 PM

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

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ITEM 11.2 SF3410 311024 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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350/24 **RESOLVED:** (Angel/Smith)

**That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 22 October 2024, and development applications determined from 3 – 22 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 11.3 DA2022/377 311024 Community Facility (Gumbaynggirr Keeping Place) - Modification to Development Consent and Subdivision Certificate for Two Lot Subdivision

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351/24 **RESOLVED:** (Angel/Jenvey)

**That Council:**

- 1 Approves the application to modify the consent for DA2022/377 in accordance with the determination shown in attachment 1 and the plans shown in attachment 2.**
- 2 Notes the Subdivision Certificate for DA2022/377 will be issued upon compliance with the consent conditions, including a Notice of Compliance from Essential Energy. Further, the applicant be advised that if the subdivision proceeds in advance of the Occupation Certificate they will need to ensure any required easements are identified in advance of the construction.**
- 3 Notes that the Land Council entity be responsible for all costs associated with the transfer of the land including but not limited to infrastructure, survey, legal, stamp duty and plan registration.**
- 4 Enter a deed of agreement prior to the commencement of construction between the parties wherein the Council agrees to the transfer of ownership of the land for one dollar upon the issue of an Occupation Certificate and where the Land Council entity agrees to accept the transfer of ownership.**
- 5 Include a condition of transfer of the land in the deed that in the event the Land Council entity is wound up or seeks to transfer the land for any reason, Council have first right of refusal to resume ownership of the land for one dollar.**

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

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

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

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ITEM 11.4 SF3410 311024 2024 August - Approved Construction Certificates and  
Complying Development Applications

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352/24 **RESOLVED:** (Angel/McWilliam)

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

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ITEM 11.5 SF3410 311024 2024 August - Development Applications and Complying  
Development Applications Received

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353/24 **RESOLVED:** (Jenvey/Simson)

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

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ITEM 11.6 SF3410 311024 2024 September - Approved Construction Certificates and  
Complying Development Applications

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354/24 **RESOLVED:** (Smith/Jones)

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

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ITEM 11.7 SF3410 311024 2024 September - Development Applications and Complying  
Development Applications Received

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355/24 **RESOLVED:** (Smith/Angel)

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

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ITEM 11.8 SF1148 311024 Council's Rangers' Report and Penalties Issued for August  
2024

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356/24 **RESOLVED:** (Ballangarry/Simson)

**That Council notes the Rangers' impounding statistics and the penalties issued for August 2024.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

### DIRECTOR ENGINEERING SERVICES REPORTS

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ITEM 12.1 SF1676 311024 Update on the 2024/25 Civil and Building Capital Works Report as at 30 September 2024

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357/24 **RESOLVED:** (Jenvey/Smith)

That Council notes the update on the 2024/25 Civil and Building Capital Works as at 30 September 2024.

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ITEM 12.2 - was dealt with under delegations.

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

358/24 **RESOLVED:** (Jenvey/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*

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ITEM 13.1 SF3420 311024 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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NAMBUCCA VALLEY COUNCIL

**Ordinary Council Meeting**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 OCTOBER 2024

**CLOSED MEETING**

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:31PM.

**RESUME IN OPEN MEETING**

359/24 **RESOLVED:** (Angel/Smith)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:41PM.**

**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 311024 Matters Regarding Realised or Potential Losses

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360/24 **RESOLVED:** (Angel/Smith)

**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 7:43PM.

Confirmed and signed by the Mayor on **14 NOVEMBER 2024**

**Cr Gary Lee  
MAYOR  
(CHAIRPERSON)**