

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 NOVEMBER 2024

The following document is the minutes of the Ordinary Council meeting held **14 NOVEMBER 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 28 November 2024 and therefore subject to change. Please refer to the minutes of 28 November 2024 for confirmation.

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

David Moloney (Acting General Manager)
Kristian Enevoldson (Acting Director Corporate Services)
Rochelle McMurray (Minute Secretary)

Daniel Walsh (Manager Development Environment)
Evan Webb (Chief Financial Officer)

APOLOGIES

Apologies

Bede Spannagle (General Manager)

Matthew Sykes (Director Corporate Services)

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

Councillors and Public Speakers are also being video recorded for internal training purposes.

PRAYER

Pastor Tim Turner from the Seventh Day Adventist Church Nambucca Heads, offered a prayer on behalf of the Nambucca Minister's Association.

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DISCLOSURE OF INTEREST

Councillor James Angel declared a non-pecuniary - less significant conflict of interest in Item 9.3 – Licence Part Road Reserve Adjacent to 72 Siding Road Newee Creek under the Local Government Act as Mr Gaddes procures truck tyres from Cr Angel's business. Cr Angel will remain in the meeting for this item.

Councillor Martin Ballangarry declared a non-pecuniary - less significant conflict of interest in Item 11.1 - Amendment to the Nambucca Local Environmental Plan 2010 – Horticulture under the Local Government Act as Cr Ballangarry as an Aboriginal elder, I have co-signed a joint submission. Cr Ballangarry will remain in the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 31 OCTOBER 2024

361/24 **RESOLVED:** (Jones/Angel)

That the minutes of the Ordinary Council Meeting of 31 October 2024 be confirmed.

DELEGATIONS

362/24 **RESOLVED:** (Jones/Smith)

That Council bring forward Delegations on the Agenda.

DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

Item 5.1 Notice of Motion - Feasibility Study and Funding to Construct a Sea Wall at the Southern Side of the Nambucca River

i Mr Gary Nichols - Marine Rescue Nambucca Heads – for recommendation

Item 5.2 Notice of Motion - Request that Staff Investigate a Professional Style Noticeboard for Community Information for Nambucca Heads Town Centre

ii Ms Karin Matejka – community member – for recommendation

Item 11.1 Amendment to the Nambucca Local Environmental Plan 2010 – Horticulture

iii Ms Rachel MacKenzie - Berries Australia – against recommendation

iv Mr Greg Desmond - NSW Farmers Nambucca Valley Branch – against recommendation

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DELEGATIONS

- i Mr Gary Nichols, Marine Rescue Nambucca Heads addressed Council with notes placed on 60161/2024 SF3424.*

363/24 **RESOLVED:** (Simson/Jenvey)

That Item 5.1 be brought forward.

NOTICE OF MOTION - CR LEE

ITEM 5.1 SF3422 141124 Notice of Motion - Feasibility Study and Funding to Construct a Sea Wall at the Southern Side of the Nambucca River

364/24 **RESOLVED:** (Lee/Angel)

That Council writes to the NSW Minister for Transport The Hon Jo Haylen and Member for Oxley Michael Kemp MP to:

- 1 Fund a feasibility study whether a Southern Sea Wall will stop sand build up and create access to Nambucca River
 - 2 Fund a feasibility study into navigational dredging the Nambucca River, to allow access to Maritime Rescue
 - 3 Staff report on NSW coastal dredging strategy and the maritime infrastructure plan to see if Nambucca Valley Council is eligible as a key investment location or a priority regional location
 - 4 Staff report on the feasibility for a marine rescue service with ocean access at other possible beaches like Shelley Beach or Scotts Head
 - 5 Staff report on costs of monitoring of marine sediments in the Nambucca River Mouth with high resolution aerial photography be part of the Nambucca River, Creeks, Estuaries and Coastline Management Committee remit
 - 6 Staff report on what action mid coast council take when the Manning River closes from sand shoaling at Old Bar.
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DELEGATIONS Continued

- ii Ms Karin Matejka, addressed Council with notes placed on 60085/2024 SF3424.*

365/24 **RESOLVED:** (Simson/Angel)

An extension of time be given to the speaker.

366/24 **RESOLVED:** (Jones/Angel)

That Item 5.2 be brought forward.

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NOTICE OF MOTION - CR JENVEY

ITEM 5.2 SF3422 141124 Notice of Motion - Request that Staff Investigate a Professional Style Noticeboard for Community Information for Nambucca Heads Town Centre

367/24 **RESOLVED:** (Jenvey/Jones)

That staff report on the feasibility of establishing a professional style noticeboard for community information in Bowra and Ridge Street CBD areas of Nambucca Heads.

DELEGATIONS Continued:

Item 11.1 - Amendment to the Nambucca Local Environmental Plan 2010 – Horticulture

iii Ms Rachel Mackenzie, Berries Australia addressed Council with notes placed on 58603/2024 SF3424.

iv Mr Greg Desmond, NSW Farmers Association Nambucca Valley Branch addressed Council with notes placed on 59899/2024 SF3424.

368/24 **RESOLVED:** (Simson/Jones)

That Item 11.1 be brought forward.

ITEM 11.1 SF3508 141124 Amendment to the Nambucca Local Environmental Plan 2010 - Horticulture

MOTION: (Lee/Angel)

That Council:

- 1 Defer this item and ask staff to conduct an additional workshop for all Councillors to consider all submissions in detail and site inspections
- 2 Provide all Councillors the opportunity to seek advice or clarification where necessary from EPA and DPI and other necessary stakeholders.

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

For the Motion: Councillors Angel, Lee, McWilliam and Vance
Total (4)

Against the Motion: Councillors Ballangarry, Jenvey, Jones, Simson and Smith
Total (5)

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FORESHADOWED MOTION: (Jenvey/Smith)

That Council:

- 1 Make the local environmental plan as outlined within the planning proposal contained within attachment 3 in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.
- 2 Request a formal meeting with the Department of Primary Industry to discuss points raised in their submission, funding opportunities for proactive testing.
- 3 Contact the EPA to request information of any planned proactive controls, including ongoing testing of the river and watercourses.
- 4 Contact Local Land Services and request a project update on water catchment systems and any supporting funding opportunities.
- 5 Establish a 'Nambucca Valley Farming' Fact Sheet to promote a greater understanding of existing government and regulatory bodies, and the roles they play in managing agriculture in the Nambucca Valley. Not only will this notify farmers of how they can be assisted on establishing or growing their business, but it will also improve the community understanding around existing controls and how they are enforced.
- 6 Contact the Australian Pesticides and Veterinary Medicines Authority (APVMA) for information on how they will continue to monitor and enforce any buffer zones prescribed on the approved chemicals, specifically in the Nambucca Valley.

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

For the Motion:	Councillors Ballangarry, Jenvey, Jones, Simson and Smith Total (5)
Against the Motion:	Councillors Angel, Lee, McWilliam and Vance Total (4)

369/24 **RESOLVED:** (Simson/Jenvey)

That Council:

- 1 **Make the local environmental plan as outlined within the planning proposal contained within attachment 3 in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.**
- 2 **Request a formal meeting with the Department of Primary Industry to discuss points raised in their submission, funding opportunities for proactive testing.**
- 3 **Contact the EPA to request information of any planned proactive controls, including ongoing testing of the river and watercourses.**
- 4 **Contact Local Land Services and request a project update on water catchment systems and any supporting funding opportunities.**
- 5 **Establish a 'Nambucca Valley Farming' Fact Sheet to promote a greater understanding of existing government and regulatory bodies, and the roles they play in managing agriculture in the Nambucca Valley. Not only will this notify farmers of how they can be assisted on establishing or growing their business, but it will also improve the community understanding around existing controls and how they are enforced.**

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- 6 Contact the Australian Pesticides and Veterinary Medicines Authority (APVMA) for information on how they will continue to monitor and enforce any buffer zones prescribed on the approved chemicals, specifically in the Nambucca Valley.
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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.

GENERAL MANAGER REPORTS

ITEM 9.1 SF1535 141124 Licence of part Lot 3/DP1289987 to Bowraville Recreation Club Co-Op Ltd

370/24 **RESOLVED:** (Angel/Jones)

That Council:

- 1 Notes nil submissions were received during the public exhibition period
 - 2 Proceeds with a new licence the Bowraville Recreation Club Co-Op Ltd for part lot 3/DP1289987 for the permitted use of operating a golf course.
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ITEM 9.2 SF1092 141124 Draft Plan of Management - Bowraville Racecourse Reserve 540002 - Public Exhibition

371/24 **RESOLVED:** (Angel/Simson)

That Council places the Draft Plan of Management for Bowraville Racecourse Reserve 540002 on public exhibition for 42 days with all submissions to be reported back to Council.

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ITEM 9.3 SF938 141124 Licence Part Road Reserve Adjacent to 72 Siding Road
Newee Creek

372/24 **RESOLVED:** (Vance/Jenvey)

That Council places the Draft Part Road Reserve Adjacent to 72 Siding Road Licence Agreement with Kevin Gaddes on public exhibition.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3492 141124 Minutes of the Audit, Risk and Improvement Committee
Meeting held 16 October 2024

373/24 **RESOLVED:** (Angel/Jenvey)

That Council notes the Minutes from the Audit, Risk and Improvement Committee Meeting held 16 October 2024.

ITEM 10.2 SF3409 141124 Disability Inclusion Action Plan update to 30 June 2024

374/24 **RESOLVED:** (Simson/Ballangarry)

That Council notes the Year 2 Progress Report of the Disability Inclusion Action Plan 2022-2026 to be submitted to the Department of Communities and Justice.

ITEM 10.3 SF963 141124 Nominations to Council Section 355 Committees of
Management

375/24 **RESOLVED:** (McWilliam/Vance)

That Council:

- 1 Approves 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

Item 11.1 was dealt with under delegations.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7.24PM.

Confirmed and signed by the Mayor on **28 NOVEMBER 2024**.

Cr Gary Lee
MAYOR
(CHAIRPERSON)