

## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

The following document is the minutes of the Ordinary Council meeting held **23 JANUARY 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday **13 February 2025** and therefore subject to change. Please refer to the minutes of **13 February 2025** 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

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

### DISCLOSURE OF INTEREST

Mr Bede Spannagle declared a pecuniary interest in Item 12.4 - General Manager's Annual Performance Review under the Local Government Act as the item is regarding Mr Bede Spannagle's employment as General Manager. Mr Bede Spannagle left the meeting for this item.

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 19 DECEMBER 2024**

1/25 **RESOLVED:** (Angel/Smith)

**That the minutes of the Ordinary Council Meeting of 19 December 2024 be confirmed.**

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## Ordinary Council Meeting

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### PUBLIC FORUM

#### RESOLVED:

That the following Public Forum be heard:

- i Ms Raewyn Macky on behalf of the NEN, Modern Slavery Accommodation on blueberry farms*
- ii Ms Robyn Bunton, neighbour of a blueberry farm*

### PUBLIC FORUM

- i Ms Raewyn Macky addressed Council with notes placed on 3674/2025 SF 3424.*

2/25 **EXTENSION OF TIME:** (Jones/Jenvey)

**That an extension of time be given to the speaker**

- ii Ms Robyn Bunton addressed Council with notes placed on 3677/2025 SF 3424.*

3/25 **EXTENSION OF TIME:** (Jenvey/Simson)

**That an extension of time be given to the speaker**

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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	230125	Outstanding Actions and Reports
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4/25 **RESOLVED:** (Vance/McWilliam)

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

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

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ITEM 9.2 SF1092 230125 Adoption of Plan of Management - Bowraville Racecourse Reserve R540002

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5/25 **RESOLVED:** (Angel/Simson)

**That Council adopts the draft Plan of Management for Bowraville Racecourse Reserve R540002.**

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## DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1 SF355 230125 Tabling of initial Disclosure of Interest Returns for new Councillors

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6/25 **RESOLVED:** (Angel/Smith)

**That Council notes the tabling of the Disclosure of Interest Returns of the Councillors listed in this report**

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ITEM 10.2 SF3528 230125 Investment Report for December 2024

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7/25 **RESOLVED:** (Jenvey/Ballangarry)

**That Council:**

- 1 Notes the Chief Financial Officer's report on Investments for December 2024.**
  - 2 Adopts the certification of the Responsible Accounting Officer for December 2024.**
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ITEM 10.3 SF3504 230125 Request for sponsorship via works in-kind for provision of waste services for the Macksville Music Muster

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8/25 **RESOLVED:** (Smith/McWilliam)

**That Council approves the sponsorship via works in-kind estimated at \$3,600 for the provision of waste services for the Macksville Music Muster for the week of 17-24 February 2025.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

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ITEM 10.4 SF3421.24 230125 Funding Options for Nambucca Youthie

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MOTION: (Jenvey/Ballangarry)

That Council:

- 1 Endorses continuing the current rates decrease of 50% for Nambucca Youthie as a Council Section 356 donation in the 2025/26 budget.
- 2 Continues providing grant advice and application support, including Letters of Support, to the Nambucca Youthie.

AMENDMENT: (Jenvey/Angel)

That Council:

- 1 Endorses decreasing the rates by 100% for Nambucca Youthie as a Council Section 356 donation in the 2025/26 budget.
- 2 Continues providing grant advice and application support, including Letters of Support, to the Nambucca Youthie.

9/25 **RESOLVED:** (Jenvey/Angel)

**That Council:**

- 1 **Endorses decreasing the rates by 100% for Nambucca Youthie as a Council Section 356 donation in the 2025/26 budget.**
  - 2 **Continues providing grant advice and application support, including Letters of Support, to the Nambucca Youthie.**
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ITEM 10.5 SF963 230125 Nominations to Council Section 355 Committees of Management

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10/25 **RESOLVED:** (McWilliam/Smith)

**That Council:**

- 1 **Approves the new nominations to the following Section 355 Committees of Management as per the table in the Discussion section 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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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

### MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1 SF3410 230125 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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11/25 **RESOLVED:** (Angel/Simson)

**That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 13 January 2025, and development applications determined from 18 November 2024-13 January 2025 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 SF1148 230125 Council's Rangers' Report and Penalties Issued for November 2024

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12/25 **RESOLVED:** (Ballangarry/Smith)

**That Council notes the Rangers' Impounding Statistics and the penalties issued for the month of November 2024.**

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ITEM 11.3 SF3410.24 230125 December 2024 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received

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13/25 **RESOLVED:** (McWilliam/Simson)

**That Council notes the Approved Construction Certificates, Approved Complying Development Certificates, Development Applications Received and Complying Development Applications received for December 2024.**

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

14/25 **RESOLVED:** (McWilliam/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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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

### DIRECTOR CORPORATE SERVICES REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF3420 230125 T018/2024 - Supply of Electricity for Contestable Metered Sites and Street Lighting

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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 12.2 SF3145 230125 Minutes of the National Celebration Day Advisory Committee Meeting 9 January 2025

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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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF3420 230125 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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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.4 SF3420 230125 General Manager's Annual 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.*

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## CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:11 PM.

## RESUME IN OPEN MEETING

15/25 **RESOLVED:** (Vance/McWilliam)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:47 PM.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025

### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

### DIRECTOR CORPORATE SERVICES REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF3420 230125 T018/2024 - Supply of Electricity for Contestable Metered Sites and Street Lighting

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16/25 **RESOLVED:** (Jenvey/Angel)

**That Council notes the successful tenderers for tender T018/2024 (Schedule of rates) for the supply of electricity for contestable metered sites and street lighting:**

- 1 Supply of Non-Contestable Electricity (Small Sites) – AGL Sales Pty Ltd – 1.02.2025 to 31.01.2027**
- 2 Supply of Electricity (Large sites) – Shell Energy Retail Pty Ltd – 1.01.2025 to 31.12.2027**
- 3 Supply of Electricity (Street Lighting) – Origin Zero – 1.01.2025 to 31.12.2027**

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3145 230125 Minutes of the National Celebration Day Advisory Committee Meeting 9 January 2025

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17/25 **RESOLVED:** (Angel/McWilliam)

**That Council:**

- 1 Notes the minutes of the National Celebration Day Advisory Committee meeting held on 9 January 2025.**
- 2 Approves the change to the Services to the Community Award within Item 4.1 of the 9 January 2025 meeting minutes of the National Celebration Day Advisory Committee.**

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF3420 230125 Matters Regarding Realised or Potential Losses

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18/25 **RESOLVED:** (Jenvey/Angel)

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

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**NAMBUCCA VALLEY COUNCIL**

**Ordinary Council Meeting**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JANUARY 2025**

6:33PM - Staff members, Mr Bede Spannagle, Mr Matthew Sykes, Mr David Moloney, Mr Evan Webb, Mr Daniel Walsh left the meeting at the beginning of this item

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.4 SF3420 230125 General Manager's Annual Performance Review

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19/25 **RESOLVED:** (Lee/Jenvey)

**That Council:**

- 1 Endorses the Review Committee's appraisal of the General Manager's annual performance review on 5 December 2024 as More than Satisfactory.**
- 2 Endorses the Review Committee's recommendation for a performance-based increase of 5% backdated to the anniversary date of the commencement date of the General Manager.**

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)

6:45PM - Staff members, Mr Bede Spannagle, Mr Matthew Sykes, Mr David Moloney, Mr Evan Webb, Mr Daniel Walsh returned to the meeting after this item.

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**CLOSURE**

There being no further business the Mayor then closed the meeting the time being 6:50 PM.

Confirmed and signed by the Mayor on **13 FEBRUARY 2025**.

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