

## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JANUARY 2024

The following document is the minutes of the Ordinary Council meeting held **18 JANUARY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 15 February 2024 and therefore subject to change. Please refer to the minutes of 15 February 2024 for confirmation.

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### PRESENT

Cr John Wilson (Deputy Mayor)  
Cr Martin Ballangarry OAM  
Cr Susan Jenvey  
Cr Troy Vance

Cr James Angel  
Cr Ricky Buchanan  
Cr David Jones

### ALSO PRESENT

Bede Spannagle (General Manager)  
Keith Williams (Acting Director Engineering Services)  
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)  
Daniel Walsh (Manager Development Environment)  
Rochelle McMurray (Minute Secretary)

### APOLOGIES

Cr Rhonda Hoban OAM (Mayor)

Cr Trevor Ballangarry

### 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

Nick Green Local Community and Police Chaplain, offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Councillor Vance declared a pecuniary interest in Item 11.4 2023 December - Approved Construction Certificates and Complying Development Applications under the Local Government Act as the company has engaged Cr Vance's agency to market and sell the property. Cr Vance left the meeting for this item.

## Ordinary Council Meeting

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### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 14 DECEMBER 2023**

1/24 **RESOLVED:** (Angel/Jones)

That the minutes of the Ordinary Council Meeting of 14 December 2023 be confirmed.

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#### PUBLIC FORUM

That the following Public Forum be heard:

- i Melina Murphy - Blueberry Farming - Concerns regarding impact on water quality.*
- ii Christopher Mulvihill - Blueberry Farming - Buffer Zones and Contamination of the water in Taylors Arm River.*
- iii Alan Manuel – Multiple impacts of Blueberry farming on residents and business in the community.*

#### PUBLIC FORUM

- i Melina Murphy addressed Council with notes placed on 2406/2024 - SF3424*

2/24 **RESOLVED** (Jenvey/Jones)

That Council report back on the need for regular community meetings on land use conflicts and the intensive plant agriculture.

- ii Christopher Mulvihill - addressed Council with notes placed on 2408/2024 - SF3424*
- iii Alan Manuel addressed Council with notes placed on 2428/2024 - SF3424*

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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

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### GENERAL MANAGER REPORTS

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ITEM 9.1    SF959                      180124    Outstanding Actions and Reports

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3/24 **RESOLVED:** (Angel/Vance)

**THAT the list of outstanding actions and reports be noted and received for information by Council.**

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ITEM 9.2    SF251                      180124    Schedule of Council Meetings - February 2024 to June 2024

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4/24 **RESOLVED:** (Buchanan/Jones)

**THAT Council note the schedule of meeting dates for 15 February to 27 June 2024.**

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ITEM 9.3    SF81                              180124    Disaster Ready Funding EOI submitted

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5/24 **RESOLVED:** (Jenvey/Angel)

**THAT Council:**

- 1      Note an EOI application for funding the preliminary studies for the relocation of the Nambucca Emergency Operations Centre (NEOC) has been submitted for the Disaster Ready Funding Round 2.**
  - 2      Consider a budget allocation in the 2024/25 budget if the EOI for funding is unsuccessful, to enable studies to be completed and enable the essential relocation of the Nambucca Emergency Operations Centre (NEOC) project to progress.**
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### DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1   SF3399                      180124    Community Satisfaction Survey

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6/24 **RESOLVED:** (Vance/Jenvey)

**That Council adopt the draft community survey questionnaire subject to any amendments and engage the Taverner Research Group to conduct the survey in February 2024.**

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## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JANUARY 2024

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ITEM 10.2 SF344 180124 Annual General Meeting Minutes 6 December 2023 for the Warrell Creek Hall Committee of Management

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7/24 **RESOLVED:** (Angel/Buchanan)

**THAT Council note the Minutes of the Warrell Creek Hall Committee of Management's Annual General Meeting held on 6 December 2023 and thank ongoing members for their efforts over the past twelve months.**

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ITEM 10.3 SF315 180124 Annual General Meeting Minutes 2 December 2023 for the Mary Boulton's Pioneer Cottage and Museum Committee of Management

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8/24 **RESOLVED:** (Vance/M Ballangarry)

**THAT Council note the Minutes of the Mary Boulton's Pioneer Cottage and Museum Committee of Management's Annual General Meeting held on 2 December 2023 and thank ongoing members for their efforts over the past twelve months.**

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ITEM 10.4 SF306 180124 Annual General Meeting Minutes 18 November 2023 for the Burrupine Hall Committee of Management

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9/24 **RESOLVED:** (M Ballangarry/Vance)

**THAT Council note the Minutes of the Burrupine Hall Committee of Management's Annual General Meeting held on 18 November 2023 and thank ongoing members for their efforts over the past twelve months.**

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ITEM 10.5 SF3358 180124 Investment Report to 31 December 2023

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10/24 **RESOLVED:** (Angel/Jones)

**THAT Council:**

- 1 Note the Chief Financial Officer's report on Investments for the period December 2023.**
  - 2 Adopt the certification of the Responsible Accounting Officer for the period of December 2023.**
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JANUARY 2024

### MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1 SF3290 180124 Undetermined Development Applications greater than 12 months or where submissions received to 10 January 2024 and Development Applications determined from 7 December 2023 to 10 January 2024 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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11/24 **RESOLVED:** (Vance/Jenvey)

**THAT the information on undetermined Development Applications greater than 12 months, or where submissions have been received to 10 January 2024, and Development Applications determined from 7 December 2023 to 10 January 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation, be noted by Council.**

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ITEM 11.2 DA2023/233 180124 Development Application DA2023/233 - Subdivision

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12/24 **RESOLVED:** (Angel/Buchanan)

**That Council, pursuant Section 4.16 of the *Environmental Planning and Assessment Act 1979*, refuse consent for Development Application 2023/233 for the subdivision of the road reserve located within Lot 232 DP 598397– 793 Upper Buckrabendinni Road, Buckra Bendinni, for the following reason:**

- The area of the proposed lot is 3.5ha which is less than the 100ha minimum lot size development standard contained within clause 4.1 of the Nambucca Local Environmental Plan 2010 (LEP). The development standard cannot be varied in accordance with clause 4.6(6)(b) of the LEP.**

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

For the Motion:	Councillors Angel, Buchanan, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (7)
Against the Motion:	Nil
	Total (0)

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ITEM 11.3 SF1148 180124 Council's Rangers' Report and Penalties Issued for November 2023

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13/24 **RESOLVED:** (Vance/Jenvey)

**THAT:**

- 1 The Rangers' Impounding Statistics for the month of November 2023 be received and noted by Council.**
- 2 The penalties issued for the month of November 2023 be noted.**

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Councillor Troy Vance left the meeting before the commencement of this item, the time being 6:21 PM

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ITEM 11.4 SF3290 180124 2023 December - Approved Construction Certificates and  
Complying Development Applications

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14/24 **RESOLVED:** (Jones/Buchanan)

**THAT the Construction Certificates and Complying Developments approved for December 2023 be noted and received for information by Council.**

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Councillor Troy Vance returned to the meeting at the completion of this item, the time being 6:22 PM

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ITEM 11.5 SF3290 180124 2023 December - Development Applications and Complying  
Development Applications Received

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15/24 **RESOLVED:** (Angel/Buchanan)

**THAT the Development Applications and Complying Developments received in December 2023 be received for information.**

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## DIRECTOR ENGINEERING SERVICES REPORTS

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ITEM 12.1 PRF53 180124 River Street Toilet Block Relocation

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16/24 **RESOLVED:** (Vance/M Ballangarry)

**THAT Council:**

- 1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;**
- 2 Engage an architect to progress the design of the proposed new amenities and report back to Council.**

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ITEM 12.2 SF263 180124 Remove Bollards From Watt Creek Cycleway

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MOTION: (Jenvey/Buchanan)

**THAT Council:**

- 1 Remove bollards along the Watt Creek Cycleway that aren't protecting bridge structures from vehicles, and:**

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- 2 Provide additional delineation with linemarking, signs and cats eyes at the approach to remaining bollards protecting structures to increase rider awareness of the impending bollard.

AMENDMENT: (Jenvey/Buchanan)

THAT Council:

- 1 Remove bollards along the Watt Creek Cycleway that aren't protecting bridge structures from vehicles, and:
- 2 Provide additional delineation with linemarking, signs and cats eyes at the approach to remaining bollards protecting structures to increase rider awareness of the impending bollard.
- 3 Relocate bollards protecting structures to either side of the footpath, leaving a 1.6m gap sufficient for cyclists but too narrow for motor vehicles, approximate cost \$3,000.

17/24 **RESOLVED:** (Jenvey/Buchanan)

- 1 **Remove bollards along the Watt Creek Cycleway that aren't protecting bridge structures from vehicles, and:**
- 2 **Provide additional delineation with linemarking, signs and cats eyes at the approach to remaining bollards protecting structures to increase rider awareness of the impending bollard.**
- 3 **Relocate bollards protecting structures to either side of the footpath, leaving a 1.6m gap sufficient for cyclists but too narrow for motor vehicles, approximate cost \$3,000.**

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

18/24 **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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## DIRECTOR ENGINEERING SERVICES REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1	T005/2023 Resurfacing	180124	Request for Quotation T005/2023 - Marion Wood Netball Court
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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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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

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ITEM 13.2	T006/2023	180124	Tender T006/2023 - Nambucca Valley Sporting Fields Subsoil Drainage Program
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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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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

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ITEM 13.3	SF3301	180124	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 6.31 PM.

### RESUME IN OPEN MEETING

19/24 **RESOLVED:** (Vance/Buchanan)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6.52 PM.**

## FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

### DIRECTOR ENGINEERING SERVICES REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1	T005/2023	180124	Request for Quotation T005/2023 - Marion Wood Netball Court Resurfacing
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20/24 **RESOLVED:** (Jenvey/Vance)

#### **THAT Council:**

- 1 Note the engagement under Delegated Authority, by Council's General Manager, of Court Craft to resurface the Marion Wood Netball Courts, for a sum of \$220,300, be noted for information by Council.**
- 2 Update the Contract Register.**



## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 18 JANUARY 2024

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*For Confidential Business Paper in Closed Meeting*

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ITEM 13.2 T006/2023 180124 Tender T006/2023 - Nambucca Valley Sporting Fields Subsoil Drainage Program

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MOTION: (Buchanan/Jenvey)

THAT Council:

- 1 Decline to accept any of the Tenders *as per Section 178(1)(b) of the Local Government (General) Regulation 2021, Part 7.*
- 2 Enters into negotiations with Turf Drain Australia with a view to entering into a contract in relation to the subject matter of the tender - installation of subsoil drainage, *as per the Local Government (General) Regulation 2021, Part 7, Section 178(3)(e).*
- 3 Authorise the General Manager to execute the contract following negotiations as per item 2.
- 4 Once the contract is executed, update the Contract Register.

AMENDMENT: (Angel/Vance)

THAT Council:

- 1 Decline to accept any of the Tenders *as per Section 178(1)(b) of the Local Government (General) Regulation 2021, Part 7.*
- 2 Enters into negotiations with Turf Drain Australia with a view to entering into a contract in relation to the subject matter of the tender - installation of subsoil drainage, *as per the Local Government (General) Regulation 2021, Part 7, Section 178(3)(e).*
- 3 Authorise the General Manager to execute the contract following negotiations as per item 2.
- 4 Once the contract is executed, update the Contract Register.
- 5 Seek additional funds from future grants to complete the works to the small field of the EJ Biffin Playing Fields.

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

For the Motion:	Councillors Angel, Buchanan, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (7)
Against the Motion:	Nil
	Total (0)

21/24 **RESOLVED:** (Angel/Vance)

THAT Council:

- 1 **Decline to accept any of the Tenders *as per Section 178(1)(b) of the Local Government (General) Regulation 2021, Part 7.***
- 2 **Enters into negotiations with Turf Drain Australia with a view to entering into a contract in relation to the subject matter of the tender - installation of subsoil drainage, *as per the Local Government (General) Regulation 2021, Part 7, Section 178(3)(e).***

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- 
- 3 Authorise the General Manager to execute the contract following negotiations as per item 2.
  - 4 Once the contract is executed, update the Contract Register.
  - 5 Seek additional funds from future grants to complete the works to the small field of the EJ Biffin Playing Fields.

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

For the Motion:	Councillors Angel, Buchanan, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (7)
Against the Motion:	Nil
	Total (0)

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

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ITEM 13.3	SF3301	180124	Matters Regarding Realised or Potential Losses
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22/24 **RESOLVED:** (Jones/Angel)

**THAT the information concerning incidents where there is a realised or potential loss of funds and/or reputation be received.**

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## CLOSURE

There being no further business the Deputy Mayor then closed the meeting the time being 6.55 PM.

Confirmed and signed by the Deputy Mayor on 15 February 2024.

**Cr John Wilson**  
**DEPUTY MAYOR**

**(CHAIRPERSON)**