

## NAMBUCCA VALLEY COUNCIL

### Ordinary Council Meeting

#### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024 AT UTUNGUN COMMUNITY HALL

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

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### PRESENT

Cr Rhonda Hoban OAM (Mayor)  
Cr Martin Ballangarry OAM  
Cr David Jones

Cr James Angel  
Cr Ricky Buchanan  
Cr Troy Vance

### ALSO PRESENT

Bede Spannagle (General Manager)  
Keith Williams (Acting Director Engineering Services)  
Stephen Saunders (Manager Economic Development)  
Suzanne Sullivan (Minute Secretary)

Matthew Sykes (Director Corporate Services)  
Daniel Walsh (Manager Development Environment)  
Teresa Boorer (Grants and Contributions Officer)  
Rochelle McMurray (Minute Secretary)

### APOLOGIES

Cr Susan Jenvey  
Evan Webb (Chief Financial Officer)

Cr John Wilson (Deputy Mayor)

### 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 and public gallery observed a minute silence for the passing of Councillor Trevor Ballangarry.**

### COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

### PRAYER

Major Grant Sandercock-Brown from Salvation Army Nambucca River Church, offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 29 FEBRUARY 2024**

67/24 **RESOLVED:** (Buchanan/M Ballangarry)

That the minutes of the Ordinary Council Meeting of 29 February 2024 be confirmed.

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### NOTICE OF MOTION - CR HOBAN OAM

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ITEM 5.1	SF3422	140324	Notice of Motion - Passing of Serving Councillor Trevor Ballangarry
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68/24 **RESOLVED:** (Hoban/Angel)

**THAT:**

- 1 On the passing of Cr Trevor Ballangarry Council apply to the Minister under section 294(2)(a) of the Local Government Act 1993 to dispense with a by-election.**
- 2 The letter of application be copied to the Office of Local Government.**

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### PUBLIC FORUM

That the following public forum be heard:

- i Gwen Green -Presidents Welcome -Utungun Community Centre Committee of Management*
- ii Paul Schadel - History of Utungun Community Centre and current road conditions*
- iii Gary Lee - Utungun Community Hall History and Recreation Reserve*
- iv Doug Urquhart – Penned letter 1991, Boat Harbour Bridge and land strategy*
- v Julie Gooch - Road Action Group update*
- vi Raewyn Macky – Chemical use on Blueberry Farms*

### PUBLIC FORUM

- i Gwen Green addressed Council with notes placed on 12579/2024 SF 3424.***
- ii Paul Schadel addressed Council with notes placed on 12936/2024 and 12938/2024 SF 3424.***
- iii Gary Lee addressed Council with notes placed on 12436/2024 SF 3424.***

69/24 **RESOLVED** (Vance/Angel)

**THAT an extension of 5 minutes be provided to speaker Gary Lee.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

### PUBLIC FORUM *Continued*

- iv Doug Urquhart addressed Council with notes placed on 12566/2024 SF 3424.*
- v Julie Gooch addressed Council with notes placed on 12304/2024 SF 3424.*
- vi Raewyn Macky addressed Council with notes placed on 13088/2024 SF 3424.*

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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	140324	Outstanding Actions and Reports
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70/24 <b>RESOLVED:</b>	(Angel/Vance)
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**THAT the list of outstanding actions and reports be noted and received for information by Council.**

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## DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1	SF331	140324	Annual General Meeting Minutes Scotts Head Sports Field Committee of Management 11 December 2023
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71/24 <b>RESOLVED:</b>	(Angel/Buchanan)
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**THAT Council note the Minutes of Scotts Head Sports Field Committee of Management's Annual General Meeting held on 11 December 2023 and thank ongoing members for their efforts over the past twelve months.**

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ITEM 10.2	SF1120 2024	140324	Grants Status Report - Active Projects - as at 29 February
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72/24 <b>RESOLVED:</b>	(Buchanan/Angel)
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**That Council receive this report for the period up to 29 February 2024.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

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ITEM 10.3	SF3334	140324	Donations Program (Section 356) 2023/2024 - Applications for Approval
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73/24 **RESOLVED:** (Vance/M Ballangarry)

**Council approve all twenty-four (24) eligible applications for monetary donation requests, received for the Donations Program, totalling \$11,940.00, up to the capped amount of \$500.00, or a lesser amount as requested.**

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ITEM 10.4	SF1031	140324	Draft Land Acquisition Policy
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74/24 **RESOLVED:** (Jones/Buchanan)

**That Council defer the report until the next meeting on the 28 March 2024.**

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ITEM 10.5	SF251	140324	Schedule of Council Meetings - 28 March 2024 to 25 July 2024
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75/24 **RESOLVED:** (Angel/Vance)

**THAT Council note the schedule of meeting dates for 29 February 2024 to 25 July 2024.**

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## MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1	SF3410	140324	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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76/24 **RESOLVED:** (Jones/Vance)

**THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 6 March 2024, and development applications determined from 22 February 2024 to 6 March 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.**

## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

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ITEM 11.2 SF453 140324 Waste Management Quarterly Report - October - December 2023

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77/24 **RESOLVED:** (Angel/Buchanan)

**THAT Council receive and note the information provided in the quarterly report for the period 1 October – 31 December 2023.**

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ITEM 11.3 SF2278 140324 Minutes of the Clean Energy Committee Meeting - 20 February 2024

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78/24 **RESOLVED:** (Jones/Vance)

**THAT Council endorse the minutes of the Clean Energy Committee meeting held on 20 February 2024.**

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ITEM 11.4 SF1496 140324 Minutes of the Nambucca River, Creeks, Estuaries and Coastline Management Committee Meeting - 15 February 2024

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79/24 **RESOLVED:** (Vance/M Ballangarry)

**THAT Council:**

- 1 Receive and note the minutes of the Nambucca River, Creeks, Estuaries and Coastline Management Committee meeting held on 15 February 2024.**
  - 2 Adopt the change in committee name of the Nambucca River, Creeks, Estuaries and Coastline Management Committee to the Nambucca Valley Catchments and Coastline Management Committee.**
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ITEM 11.5 SF3410 140324 2024 February - Approved Construction Certificates and Complying Development Applications

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80/24 **RESOLVED:** (Angel/Buchanan)

**THAT Council note the Construction Certificates and Complying Developments approved for February 2024.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

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ITEM 11.6 SF3410 140324 2024 February - Development Applications and Complying  
Development Applications Received

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81/24 **RESOLVED:** (Jones/Angel)

**THAT Council note the Development Applications and Complying Developments received in February 2024.**

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ITEM 11.7 SF1148 140324 Council's Rangers' Report and Penalties Issued for January  
2024

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82/24 **RESOLVED:** (Jones/M Ballangarry)

**THAT Council:**

- 1 Receive the Rangers' Impounding Statistics for the month of January 2024.**
- 2 Note the penalties issued for the month of January 2024.**

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## DIRECTOR ENGINEERING SERVICES REPORTS

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ITEM 12.1 SF843 140324 Minutes of the Vehicular Access to Beaches Committee  
Meeting - 9 February 2024

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83/24 **RESOLVED:** (Vance/M Ballangarry)

**THAT Council:**

- 1 Note the minutes of the Vehicular Access to Beaches Committee meeting held on 9 February 2024.**
- 2 Approve the purchase of 4 motion-sensing cameras for the purpose of monitoring 4WD access on the beaches.**
- 3 Approve the installation of "keep clear" lettering immediately prior to the Swimming Creek bridge to enable emergency vehicle access.**
- 4 Alter the pedestrian access "access by design" to Swimming Creek by adding bollards and directional signage into the picnic area.**
- 5 Staff attend to the pruning of vegetation at Swimming Creek to improve visibility for both pedestrians and 4WD vehicles.**
- 6 Approve NPWS to install a "no dogs" sign on the western side of the end of Forsters Beach, Scotts Head.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 MARCH 2024

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### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1   SF3420                      140324    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 Council did not resolve to go into **CLOSED MEETING** due to the location not being suitable to meet the requirements for a closed meeting.

### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1   SF3420                      140324    Matters Regarding Realised or Potential Losses

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84/24 **RESOLVED:**                      (Hoban/Vance)

**THAT Item 13.1 be deferred to the next Council meeting.**

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### CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:39 PM.

Confirmed and signed by the Mayor on 28 March 2024.

**Cr Rhonda Hoban OAM**  
**MAYOR**  
**(CHAIRPERSON)**