

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 MARCH 2024

The following document is the minutes of the Ordinary Council meeting held **28 MARCH 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 11 April 2024 and therefore subject to change. Please refer to the minutes of 11 April 2024 for confirmation.

PRESENT

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

Cr James Angel
Cr Ricky Buchanan
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Evan Webb (Chief Financial Officer)

APOLOGIES

Cr Susan Jenvey
Daniel Walsh (Manager Development Environment)

Cr Troy Vance

ABSENT

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 Gary White from the Nambucca River Presbyterian Churches offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 14 MARCH 2024

85/24 **RESOLVED:** (Jones/Buchanan)

That the minutes of the Ordinary Council Meeting of 14 March 2024 be confirmed.

DELEGATIONS

86/24 **RESOLVED:** (Jones/Wilson)

That the following delegations be heard:

Item 10.4 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing

i Tamara Mcwilliam - Against the recommendation

Item 10.4 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing

i Tamara Mcwilliam addressed Council with notes placed on 15770/2024 SF 3424.

ITEM 10.4 SF2911 280324 Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing.

87/24 **RESOLVED:** (Hoban/Angel)

THAT Council:

- 1 Note the termination of the current licence with Nambucca Valley Tourism Association for tourism marketing in the Nambucca Valley Council Local Government Area and for the operation of the Nambucca Valley Visitor Information Centre effective 2 April 2024.
 - 2 Note the interim arrangements for tourism marketing in the Nambucca Valley Council Local Government Area and for the operation of the Nambucca Valley Visitor Information Centre. Those arrangements being retaining the employment of a casual Tourism Volunteer Coordinator for 3 hours per week by Nambucca Valley Council and the oversight of other tourism functions by Nambucca Valley Council's Community Development Officer. Both arrangements have nil impact on the 2023/24 budget as these costs are offset by not paying the 1 April 2024 to 30 June 2024 quarterly contribution to the licensee of \$17,250.
 - 3 Council receive a further report exploring options 2 and 3 and the proposal from the Valley Hub.
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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 SF959 280324 Outstanding Actions and Reports

88/24 **RESOLVED:** (Angel/Wilson)

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

ITEM 9.2 PRF73 280324 Council Nominations for Gaagal Wanggaan National Park Board of Management

89/24 **RESOLVED:** (Wilson/Buchanan)

THAT Council seek two nominations from Councillors for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management.

90/24 **RESOLVED:** (Hoban/Buchanan)

THAT Council staff seek advice and notify all Councillors of the details of meeting times and frequency and any interested Councillor put forward their name prior to the next Council meeting for Council endorsement.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3358 280324 Investment Report to 29 February 2024

91/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 Note the Chief Financial Officer's report on Investments for the period February 2024.**
 - 2 Adopt the certification of the Responsible Accounting Officer for the period of February 2024.**
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ITEM 10.2 SF3334 280324 Donations Program (Section 356) 2023/2024 - LATE
Applications for Approval

92/24 **RESOLVED:** (Angel/Buchanan)

THAT Council approve the two (2) late eligible applications for monetary donation requests, received for the Donations Program, totalling \$730.00, up to the capped amount of \$500.00 each, or a lesser amount as requested.

ITEM 10.3 SF1031 280324 Draft Land Acquisition Policy

93/24 **RESOLVED:** (Jones/Angel)

THAT Council:

- 1 Endorse the attached draft Land Acquisition Policy G 46 and place it on public exhibition for 28 days.**
- 2 Note after Public Exhibition, the draft Land Acquisition Policy G 46 will be reported back to Council for adoption.**

94/24 **RESOLVED:** (Hoban/Jones)

When staffing resources permit, Council review the Policy and Procedures Framework Policy.

ITEM 10.4 dealt under delegations.

ITEM 10.5 SF298 280324 Annual General Meeting Minutes Argents Hill Hall Committee
of Management 7 February 2024

95/24 **RESOLVED:** (Angel/Wilson)

THAT Council note the Minutes of Agents Hill Hall Committee of Management's Annual General Meeting held on 7 February 2024 and thank ongoing members for their efforts over the past twelve months.

ITEM 10.6 SF251 280324 Schedule of Council Meetings - 11 April 2024 to 29 August
2024

96/24 **RESOLVED:** (Jones/Buchanan)

THAT Council note the schedule of meeting dates for 11 April 2024 to 29 August 2024.

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MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF1406 280324 Nominations for Northern Regional Planning Panel (NRPP)

97/24 **RESOLVED:** (Angel/Buchanan)

THAT Council appoint Kempsey Shire Council's:

- 1 Mayor - Leo Hauville and Strategic & Environmental Planning Manager - Peter Orr as Nambucca Valley Council's members on the Northern Regional Planning Panel.**
- 2 Group Manager Development and Compliance - Retha du Preez, Principal Planner - Melissa Ziade, and Development Services Manager - Adam Costenoble as alternate members on the Northern Regional Planning Panel.**

ITEM 11.2 SF3410 280324 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

98/24 **RESOLVED:** (Wilson/Buchanan)

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 20 March 2024, and development applications determined from 7 March to 20 March 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.3 SF1545 280324 Budget Variation for Pound Upgrades

99/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 Allocate an additional \$30,000 in the 2023/24 budget to facilitate the first stage of upgrades to Council's Pound.**
 - 2 Note the allocation of \$120,000 in the 2024/25 draft budget to facilitate the second stage of upgrades to Council's Pound.**
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ITEM 11.4	SF1148	280324	Council's Rangers' Report and Penalties Issued for February 2024
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100/24 **RESOLVED:** (Buchanan/Wilson)

THAT Council:

- 1 Receive the Rangers' Impounding Statistics for the month of February 2024.
 - 2 Note the penalties issued for the month of February 2024.
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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

101/24 **RESOLVED:** (Buchanan/Angel)

- 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:

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1	SF2905	280324	Consideration of Rural Fire Service Tender RFT 10063341 - Valla and Newee Creek Building Projects
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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.

For Confidential Business Paper in Closed Meeting

ITEM 12.2	SF3420	280324	T007/2023 - Tender for Provision of Security Services
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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.

For Confidential Business Paper in Closed Meeting

ITEM 12.3	SF3420	280324	Land Acquisition/Disposal - Lower Buckra Bendinni Road
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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

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(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.

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 280324 Matters Regarding Realised or Potential Losses

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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:08 PM.

RESUME IN OPEN MEETING

102/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:31 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

ITEM 12.1 SF2905 280324 Consideration of Rural Fire Service Tender RFT 10063341 - Valla and Newee Creek Building Projects

103/24 **RESOLVED:** (Angel/Buchanan)

THAT Council accept the Tender submitted by Level Projects Pty Ltd at a combined price of \$2,103,040.25 (including GST) as per the *Local Government (General) Regulation 2021* Section 178 (1)(a).

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry and Wilson
	Total (6)
Against the Motion:	Nil
	Total (0)

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For Confidential Business Paper in Closed Meeting

ITEM 12.2	SF3420	280324	T007/2023 - Tender for Provision of Security Services
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104/24 **RESOLVED:** (Angel/Buchanan)

That Council decline to accept any of the tender submissions as *per Local Government (General) Regulation 2021 Section 178 (1)(b)* and cancel the proposal for the contract as per *Local Government (General) Regulation 2021 Section 178 (3)(a)* for Tender T007/2023 for Provision of Security Services due to:

- a MME Security who was the previously approved successful tenderer rejecting the tender offer on the basis that they now do not have the capacity to take on the tender, and**
- b The price difference between the first placed tenderer and the second placed tenderer.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry and Wilson
	Total (6)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 12.3	SF3420	280324	Land Acquisition/Disposal - Lower Buckra Bendinni Road
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105/24 **RESOLVED:** (Jones/Wilson)

THAT Council approve the agreement for land exchange as detailed in the attached document being acquisition of 236.6m2 from Lot 11 DP 1287883 Lower Buckra Bendinni Road in exchange for 236.7m2 of dedicated road reserve to be closed and transferred to Lot 1 DP 1263688 Lower Buckra Bendinni Road in full and adequate compensation, pursuant to clause 377 (1) (h) of the *Local Government Act 1993*.

For Confidential Business Paper in Closed Meeting

ITEM 12.4	SF3420	280324	Matters Regarding Realised or Potential Losses
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106/24 **RESOLVED:** (Jones/Buchanan)

THAT Council note 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 6:36 PM.

Confirmed and signed by the Mayor on **12 APRIL 2024**

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