

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2024

The following document is the minutes of the Ordinary Council meeting held **11 APRIL 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 24 April 2024 and therefore subject to change. Please refer to the minutes of 24 April 2024 for confirmation.

PRESENT

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

Cr James Angel
Cr Susan Jenvey
Cr Troy Vance

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

ABSENT

Cr John Wilson (Deputy Mayor)

Cr Ricky Buchanan

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 Hannelie Coatzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mayor Rhonda Hoban OAM declared a pecuniary interest in *Item 11.2 Horticulture within the Nambucca Valley* under the Local Government Act as the report is a direct result of concerns raised in relation to land use conflicts and the blueberry industry. Mayor Rhonda Hoban lives next door to a blueberry farm. Mayor Rhonda Hoban left the meeting for this item.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 28 MARCH 2024

107/24 **RESOLVED:** (M Ballangarry/Angel)

That the minutes of the Ordinary Council Meeting of 28 March 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 110424 Request for Leave 29 April to 13 May 2024 - CR Rhonda Hoban OAM

108/24 **RESOLVED:** (Hoban/Vance)

That Cr Rhonda Hoban OAM be granted leave of absence in accordance with Section 234(d) of the *Local Government Act 1993* for the period of 29 April 2024 to 13 May 2024 inclusive.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.2 SF3422 110424 Request to Name Side Road and Correct Rural Addressing - Kosekai Road

109/24 **RESOLVED:** (Hoban/Jenvey)

THAT Council:

- 1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest.
- 2 Consult all affected residents on both the side road and Kosekai Road regarding correcting the rural road numbering to aid accurate location for visiting traffic and in particular emergency services.
- 3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.

NAMBUCCA VALLEY COUNCIL

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PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

- i Anthony Crimmins - Scotts Head Community Group*
- ii Janet Granek - Scotts Head Community Group*
- iii John Schmidt - Scotts Head Community Group*
- iv Gary Nichols - Marine Rescue Nambucca Heads*
- v Moira Ryan - condition of Scotts Head Road*
- vi David Booth - Parking and Headland Ideas*

PUBLIC FORUM

- i Anthony Crimmins - Scotts Head Community Group, addressed Council with notes placed on 17544/2024 SF3424*
- ii Janet Granek - Scotts Head Community Group, addressed Council with notes placed on 17545/2024 SF3424*
- iii John Schmidt - Scotts Head Community Group, addressed Council with notes placed on 17335/2024 SF3424*
- iv Gary Nichols - Marine Rescue Nambucca Heads, addressed Council with notes placed on 16937/2024 SF3424*
- v Moira Ryan - condition of Scotts Head Road, addressed Council with notes placed on 17391/2024 SF3424*
- vi David Booth - Parking and Headland Ideas, addressed Council with notes placed on 17577/2024 SF3424*

Councillor Rhonda Hoban left the meeting before the commencement of this item, the time being 6:41 PM

Councillor's Jones and Angel were nominated by the Council to chair Item 11.2 - Horticulture within the Nambucca Valley, a vote was initiated.

Council elected Councillor Jones to Chair Item 11.2 - Horticulture within the Nambucca Valley.

DELEGATIONS

110/24 **RESOLVED:** (Angel/Jenvey)

THAT Council bring Item 11.2 - Horticulture within the Nambucca Valley forward.

That the following Delegations be heard:

Item 11.2 - Horticulture within the Nambucca Valley

- vii James Kellaway from OzGroup – against the recommendation*

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- viii *Kate Tarrant - Secretary Nambucca Environment Network, neither for nor against recommendation*
- iv *Raewyn Macky – Nambucca Environment Network, for the recommendation*

Item 11.2 - Horticulture within the Nambucca Valley

- vii **James Kellaway from OzGroup addressed Council with notes placed on 17733/2024 SF3424.**
- viii **Kate Tarrant - Secretary Nambucca Environment Network, addressed Council with notes placed on 17381/2024 SF3424.**

111/24 **RESOLVED:** (Jones/Angel)
An extension of time be granted to the speaker.

- iv **Raewyn Macky – Nambucca Environment Network, for the recommendation addressed Council with notes placed on 17669/2024 SF3424.**

112/24 **RESOLVED:** (Jones/Angel)

An extension of time be granted to the speaker.

ITEM 11.2	SF2381	110424	Horticulture within the Nambucca Valley
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113/24 **RESOLVED:** (Jenvey/Angel)

THAT:

- 1 **Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, which includes the following amendments to the Nambucca Local Environmental Plan 2010:**
 - a) **The relocation of 'horticulture' from 'permitted without consent' in the land use table for the RU1 Primary Production and RU2 Rural Landscape zones to 'permitted with consent'.**
 - b) **The inclusion of the RU1 Primary Production and RU2 Rural Landscape zones in Schedule 2 so that the specified forms of 'horticulture' become exempt development in the same manner that they currently are in the R5 Large Lot Residential zone and add the prohibition of structures to support the exempt horticultural activity.**
- 2 **If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 **Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

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

For the Motion:	Councillors Angel, Jenvey, Jones, M Ballangarry and Vance
	Total (5)
Against the Motion:	Nil
	Total (0)

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114/24 **RESOLVED:** (Angel/Vance)

Engage a formal meeting with The Hon. Mr Michael Kemp MP and any relevant Minister to pursue the opportunity for further funding for EPA, DPI, NRAR and any other regulatory body.

Councillor Rhonda Hoban returned to the meeting at the completion of this item, the time being 7:23 PM

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 110424 Outstanding Actions and Reports

115/24 **RESOLVED:** (Jones/M Ballangarry)

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

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF695 110424 Lease to Nambucca River Jockey Club Ltd - Bowraville
Racecourse

116/24 **RESOLVED:** (Angel/Vance)

THAT Council:

- 1 Agrees to proceed with the offer of a new 21 year lease over Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to the Nambucca River Jockey Club Ltd, being subject to a 28 day public exhibition period.
- 2 Authorises the draft lease to the Nambucca River Jockey Club Ltd of Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to be placed on public exhibition for not less than 28 days as per Section 38 of the *Local Government Act 1993*.
- 3 Acknowledges a report will be brought back to Council addressing any submissions received during the public exhibition period requesting resolution to formalise the new lease.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 110424 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

117/24 **RESOLVED:** (Angel/M Ballangarry)

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 3 April 2024, and development applications determined from 21 March to 3 April 2024 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 was dealt with under delegations.

ITEM 11.3 SF3477 110424 Valla Urban Growth Area Amendment

118/24 **RESOLVED:** (Jenvey/Jones)

THAT:

- 1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

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

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:33 PM.

Confirmed and signed by the Mayor on **24 APRIL 2024**.

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)