

## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

The following document is the minutes of the Ordinary Council meeting held **24 APRIL 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 16 May 2024 and therefore subject to change. Please refer to the minutes of 16 May 2024 for confirmation.

---

## PRESENT

Cr Rhonda Hoban OAM (Mayor)  
Cr Ricky Buchanan  
Cr David Jones  
Cr John Wilson (Deputy Mayor)

Cr Martin Ballangarry OAM  
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)  
Suzanne Sullivan (Minute Secretary)

## APOLOGIES

### Apologies (leave granted)

Nil

### Apologies

Cr James Angel

### 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

## DISCLOSURE OF INTEREST

General Manager Bede Spannagle declared a pecuniary interest in Item 13.2 *General Manager Performance Agreement* under the *Local Government Act 1993* as he is the subject of this agenda item. Bede Spannagle left the meeting for this item.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 11 APRIL 2024**

119/24 **RESOLVED:** (Jenvey/M Ballangarry)

That the minutes of the Ordinary Council Meeting of 11 April 2024 be confirmed.

---

#### PUBLIC FORUM

##### RECOMMENDATION

That the following Public Forum be heard:

- i Carole Andersen - Valla Beach Tennis Club Inc*
- ii Myra Davidson and Noreen Russel - Accessibility at the V-Wall*
- iii Dr Ljubov Simson - Nambucca Environment Network*

#### PUBLIC FORUM

- i Carole Andersen - Valla Beach Tennis Club Inc, addressed Council with notes placed on 20092/2024 SF3424*
- ii Myra Davidson - Accessibility at the V-Wall, addressed Council with notes placed on 19078/2024 SF3424*

120/24 **RESOLVED:** (Hoban/Jones)

That Council receive a report on the background of the removal of the steps and the work that has been done to date and matters raised in the public forum presentation and petition.

- iii Dr Ljubov Simson - Nambucca Environment Network, addressed Council with notes placed on 19952/2024 SF3424*

---

### 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.

---

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

### GENERAL MANAGER REPORTS

---

ITEM 9.1    SF959                      240424    Outstanding Actions and Reports

---

121/24 **RESOLVED:**            (Jones/Vance)

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

---

ITEM 9.2    PRF73                      240424    Council Nominations for Gaagal Wanggaan National Park  
Board of Management

---

122/24 **RESOLVED:**            (Buchanan/Wilson)

**That Council nominate a Councillor for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management.**

123/24 **RESOLVED:**            (Hoban/Vance)

**That Council put forward Cr Martin Ballangarry as the Council member delegate and Cr Jones as the deputy member.**

---

### DIRECTOR CORPORATE SERVICES REPORTS

---

ITEM 10.1   SF731                      240424    Community Improvement Districts - Draft Bill - Consultation

---

MOTION:            (Jenvey/Wilson)

That Council;

- 1      Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.
- 2      Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.

AMENDMENT:        (Jenvey/Jones)

That Council;

- 1      Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.
- 2      Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.
- 3      Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

---

The amendment was declared carried and became the motion.

124/24 **RESOLVED:** (Jenvey/Jones)

**That Council;**

- 1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.**
- 2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.**
- 3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.**

---

ITEM 10.2 SF84 240424 Reforming the Emergency Services Funding System -  
Consultation Paper

---

125/24 **RESOLVED:** (Buchanan/Wilson)

**That Council;**

- 1 Makes a submission to the Emergency Services Funding Reform – Consultation Paper.**
- 2 Provide any feedback for inclusion in the Council submission to the Director Corporate Services by 15 May 2024.**

---

ITEM 10.3 SF3328 240424 Draft 2024/25 Annual Budget, Draft 2024/25 - 2033/34 Long  
Term Financial Plan, Draft 2024/25 Revenue Policy and the Draft 2024/25 Schedule of  
Fees & Charges

---

126/24 **RESOLVED:** (Hoban/Vance)

**That Council;**

- 1 Adopts the Draft 2024/25 Annual Budget, with the inclusion of \$10,000 toward the Valla Beach Tennis Club lighting and Draft 2024/25-2033/34 Long Term Financial Plan, Draft 2024/25 Revenue Policy and the Draft 2024/25 Schedule of Fees & Charges.**
- 2 Place the documents on public exhibition for 28 days.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

---

ITEM 10.4 SF3358 240424 Investment Report for March 2024

---

127/24 **RESOLVED:** (Wilson/Buchanan)

**That Council:**

- 1 Note the Chief Financial Officer's report on Investments for the period March 2024.**
- 2 Adopt the certification of the Responsible Accounting Officer for the period of March 2024.**

---

ITEM 10.5 SF296 240424 Nambucca Valley Tourist Association Performance Report  
October 2023 to December 2023

---

128/24 **RESOLVED:** (Buchanan/M Ballangarry)

**That Council note the Nambucca Valley Tourism Association Quarterly Performance Report for the period October 2023 to December 2023.**

---

ITEM 10.6 SF3334 240424 Donations Program (Section 356) 2023/2024 - Additional LATE  
Applications for Approval

---

129/24 **RESOLVED:** (Vance/M Ballangarry)

**That Council approves;**

- 1 The donation to Scotts Head Community Group in the amount of \$500.00.**
- 2 The donation to Nambucca Valley Phoenix in the amount of \$500.00.**

130/24 **RESOLVED:** (Vance/Jones)

**That Council approves, that any surplus in the donations program at 30 June 2024 be carried over and added to the following years allocation.**

---

ITEM 10.7 SF251 240424 Schedule of Council Meetings - 16 May 2024 to 12 September  
2024

---

131/24 **RESOLVED:** (Wilson/M Ballangarry)

**That Council note the schedule of meeting dates for 16 May 2024 to 12 September 2024.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

---

### MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

---

ITEM 11.1 SF3410 240424 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

---

132/24 **RESOLVED:** (Jenvey/Buchanan)

**That Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 17 April 2024, and development applications determined from 4 April to 17 April 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.**

---

ITEM 11.2 SF3410 240424 2024 March - Approved Construction Certificates and Complying Development Applications

---

133/24 **RESOLVED:** (Wilson/Vance)

**That Council note the Construction Certificates and Complying Developments approved for March 2024.**

---

ITEM 11.3 SF3410 240424 2024 March - Development Applications and Complying Development Applications Received

---

134/24 **RESOLVED:** (Jones/Wilson)

**That Council note the Development Applications and Complying Developments received in March 2024.**

---

### DIRECTOR ENGINEERING SERVICES REPORTS

---

ITEM 12.1 SF3146 240424 Proposed Skatepark - Scotts Head

---

135/24 **RESOLVED:** (Jenvey/Buchanan)

**That Council, if successful in receiving a grant for the proposed Scotts Head Skate Park project, allocates up to \$50,000 as a co-contribution from the proposed 2024/25 capital works reserve as recommended in the draft 2024/25 budget.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

---

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

136/24 **RESOLVED:** (Buchanan/M Ballangarry)

- 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:*

---

### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

---

ITEM 13.1 SF3420 240424 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.*

---

*For Confidential Business Paper in Closed Meeting*

---

ITEM 13.2 SF3217 240424 General Manager Performance Agreement

---

*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.*

---

### CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:36 PM.

### RESUME IN OPEN MEETING

137/24 **RESOLVED:** (Buchanan/Vance)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:07 PM.**

### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

---

ITEM 13.1	SF3420	240424	Matters Regarding Realised or Potential Losses
-----------	--------	--------	--

---

138/24 **RESOLVED:** (Buchanan/Jenvey)

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

Councillor M Ballangarry left the meeting, the time being 6:49 PM

Bede Spannagle, Matthew Sykes, David Moloney, Daniel Walsh and Evan Webb left the meeting before the commencement of this item, the time being 6:50 PM

Councillor M Ballangarry returned to the meeting, the time being 6:50 PM

---

*For Confidential Business Paper in Closed Meeting*

---

ITEM 13.2	SF3217	240424	General Manager Performance Agreement
-----------	--------	--------	---------------------------------------

---

139/24 **RESOLVED:** (Hoban/Vance)

**That Council;**

- 1 Endorses the priorities outlined in the report for the General Manager and included in the attached Performance Agreement for 2024.**
- 2 Adopts the attached Performance Agreement for the period 15 December 2023 to 14 December 2024.**
- 3 Notes the file number change to SF3500.**

Bede Spannagle, Matthew Sykes and Evan Webb returned to the meeting at the completion of this item, the time being 7:08 PM

---

## CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:10 PM.

Confirmed and signed by the Mayor on **16 MAY 2024**

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