

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

The following document is the minutes of the Ordinary Council meeting held **14 June 2018**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 28 June 2018 and therefore subject to change. Please refer to the minutes of 28 June 2018 for confirmation.

PRESENT

Cr Rhonda Hoban (Mayor)
Cr Martin Ballangarry OAM (Deputy Mayor)
Cr Susan Jenvey
Cr Anne Smyth

Cr John Ainsworth (Arrived 5.40 pm)
Cr Brian Finlayson
Cr David Jones
Cr John Wilson

ALSO PRESENT

Michael Coulter (General Manager)
Paul Gallagher (AGM Engineering Services)

Lorraine Hemsworth (Minute Secretary)

APOLOGIES

Cr Janine Reed

PRAYER

Pastor Paul Richardson (Minister for the Nambucca Heads and Macksville Seventh Day Adventist Churches) offered a prayer on behalf of the Nambucca Minister's Association.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 31 MAY 2018

247/18 RESOLVED: (Smyth/Jenvey)

That the minutes of the Ordinary Council Meeting of 31 May 2018 be confirmed.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

NOTICE OF MOTION - CR HOBAN

ITEM 5.1 SF2433 140618 Notice of Motion - Locality Name - Valla Urban Growth Area

248/18 **RESOLVED:** (Hoban/Jenvey)

- 1 That Council advertise its intention to determine a locality name for the Valla Urban Growth Area (VUGA) and seek naming suggestions from the public.
- 2 That the advertisement include some basic naming guidelines in accordance with Geographical Names Board Policy.
- 3 That Council consult directly with residents in the VUGA area, the Local Aboriginal Land Councils, Muurrbay Aboriginal Language and Culture Co-operative, the Nambucca Heads and Valla Chamber of Commerce and Industry, Nambucca District Historical Society, Valla Beach Community Association, Valla Hall Rural Committee, Nambucca Valley Tourism Association and any other community organisations identified by Councillors or Council staff.
- 4 That Council also seek a report on reinstating the Viewmont locality.

NOTICE OF MOTION - CR HOBAN

ITEM 5.2 SF2433 140618 Notice of Motion - Closure of Macksville Court to Public on Non Court Sitting Days

249/18 **RESOLVED:** (Hoban/Smyth)

That Council write to Attorney General and head of the Justice Cluster the Hon Mark Speakman SC MP and the Member for Oxley the Hon Melinda Pavey MP seeking adequate staffing and the reinstatement of Court services during normal business hours from Monday to Friday at Macksville Court House.

DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

Item 9.9 - Results of Exhibition of the Environmental Levy program 2018/19

i Mr Gary Soyka

Mr Gary Soyka – Addressed Council with prepared notes being placed on File TRIM 21121/2018.

EXTENSION OF TIME FOR DELEGATION

250/18: **RESOLVED:** (Finlayson/Ballangarry)

That there be an extension of time for the delegation.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

ITEM 9.9 SF688 140618 Results of Exhibition of the Environmental Levy program 2018/19

251/18 **RESOLVED:** (Ainsworth/Wilson)

- 1 That Council note the submissions received to the Environmental Levy.
- 2 That Council apply \$15,000 of the Coast and Estuary Funding to the riparian improvements to Hughes Creek.
- 3 That Council seek grant funding through the Office of Environment Heritage to prepare a management plan for Hughes Creek and its immediate catchment.

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 REPORT

ITEM 9.1 SF578 140618 Outcome of Inquiry into Zonal Taxation

252/18 **RESOLVED:** (Ainsworth/Wilson)

- 1 That information concerning the Final Report of the Inquiry into Zonal Taxation conducted by the NSW Legislative Assembly Committee on Investment, Industry and Regional Development be received.
- 2 That Council request Local Government NSW lobby in support of the adoption of the recommendations in the Final Report of the Inquiry into Zonal Taxation in the run up to the next State election in March 2019.

ITEM 9.2 SF1026 140618 Tender for Local Government Election Services

253/18 **RESOLVED:** (Finlayson/Ainsworth)

That Council agree to participate in the Regional Procurement tender for the provision of local government election services.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

ITEM 9.3 SF1856 140618 Board of Local Government NSW - Election to Fill a Casual Vacancy in the Office of Vice President (Rural/Regional Councils)

254/18 **RESOLVED:** (Finlayson/Ainsworth)

That Council nominate the Mayor and Deputy Mayor to be Council's voting delegates in the forthcoming election for the Local Government NSW Board position of Vice President (Rural/Regional Councils).

ITEM 9.4 SF2463 140618 Safe and Secure Water Program - Funding for Water & Sewerage to New Macksville Hospital

255/18 **RESOLVED:** (Ainsworth/Ballangarry)

- 1 Council note that an application for \$ for \$ funding for the provision of water and sewerage services to the new Macksville hospital has now been lodged under the State Government's Growing Local Economies Program.**
 - 2 Council make representations to the Member for Oxley and Minster for Roads and Maritime expressing its disappointment that Council has been unsuccessful in a grant application for \$ for \$ funding under the Safe and Secure Water Program to provide water and sewerage services to the new Macksville hospital and advising that it has now made a funding application on the same terms under the Growing Local Economies Program.**
-

ITEM 9.5 SF1856 140618 Accounting for Rural Fire Service, State Emergency Services and Surf Life Saving Assets

256/18 **RESOLVED:** (Wilson/Ainsworth)

That Council provide the NSW Auditor-General with a copy of this report and advise the Auditor-General that if the differences in reporting arrangements for emergency services assets across NSW councils are not resolved in 2018 that Nambucca Shire Council will investigate an accounting policy for the removal of those assets from its assets schedule.

ITEM 9.6 SF638 140618 Valla Community Pre-School Inc. - Renewal of Licence Agreement to Occupy Land

257/18 **RESOLVED:** (Ainsworth/Ballangarry)

- 1 That Council enter into a new 3 year licence agreement with the Valla Community Pre-School Inc. (including the area for the community garden) with similar terms to the previous licence including that the rent be indexed by the CPI and that Council notify the Valla Beach Community Association of this action.**
 - 2 That Council's seal be attached to the licence documents as required.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

ITEM 9.7 DA2017/291 140618 Development Application DA2017/291 - 3 Adin Street Scotts Head

258/18 **RESOLVED:** (Finlayson/Ainsworth)

That Council as the consent authority, pursuant to Section 8.4 of the *Environmental Planning and Assessment Act 1979*, confirm the approval of development consent DA2017/291 for shop top housing at Lot 15 Sec F DP 20823 – 3 Adin Street, Scotts Head, subject to a change in the conditions of consent as per attachment 1 of this report.

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

For the Motion:	Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones, Smyth and Wilson Total (8)
Against the Motion:	Nil Total (0)

ITEM 9.8 SF688 140618 Environmental Levy 2017-18 and other projects

259/18 **RESOLVED:** (Wilson/Ainsworth)

- 1 That Council revoke remaining funds from WO2838 to finalise grant funded activities to implement parts of the Gordon Park Flying Fox Camp Management Plan.**
 - 2 That Council revoke remaining funds from WO3111 to finalise grant funded activities to prepare the Councils Coastal Zone Management Plan.**
 - 3 That Council revoke remaining funds from WO3047 as works at Dawkins Park will continue into the 2018/19 financial year.**
 - 4 That Council place unspent funds in WO1970 (Upgrade to Nambucca River Flood Warning System) into reserve until the Bureau of Meteorology is in a position to commence the project. Council note that this will be towards the end of 2018.**
 - 5 That Council place unspent funds from WO2305 (Macksville Street Tree Planting and Other Items) into reserve until the works are ready to commence in the 2018/19 works program.**
 - 6 That Council revoke remaining funds from WO3066 (Deep Creek Boat Ramp) as Council awaits approval from the Crown for the works.**
 - 7 That Council revoke remaining funds from WO3238 (RSL boat ramp improvements) as Council awaits approval from the Crown for the works.**
 - 8 That Council use duplicated funds in WO3065 (RSL boat ramp improvements) to support works being undertaken at the V-wall.**
-

Item 9.9 was dealt with under Delegation.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

ITEM 9.10 SF2423 140618 Development Applications greater than 12 months or where submissions received - to 6 June 2018

260/18 **RESOLVED:** (Ainsworth/Finlayson)

That the information contained in the report on Development Applications greater than 12 months or where submissions have been received as at 6 June 2018 be noted by Council.

ITEM 9.11 SF2423 140618 2018 May - Approved Construction and Complying Development Certificates

261/18 **RESOLVED:** (Finlayson/Wilson)

That the Construction and Complying Development Certificates approved for May 2018 be noted and received for information by Council.

ITEM 9.12 SF2423 140618 2018 May - Development and Complying Development Applications Received

262/18 **RESOLVED:** (Ainsworth/Finlayson)

That the Development Applications and Complying Development Applications received in May 2018 be received for information.

ITEM 9.13 SF2368 140618 Investment Report to 31 May 2018

263/18 **RESOLVED:** (Wilson/Ainsworth)

That the Accountants' Report on Investments placed to 31 May 2018 be noted.

ITEM 9.14 SF251 140618 Schedule of Council Public Meetings 2018

264/18 **RESOLVED:** (Ballangarry/Smyth)

That the schedule of dates for Council meetings in 2018 be noted and received for information by Council.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF332 140618 Scotts Head Tennis Club Committee of Management - Annual General Meeting - 10 May 2018

265/18 **RESOLVED:** (Finlayson/Ballangarry)

That Council note the minutes of the Scotts Head Tennis Club Committee of Management Annual General Meeting held on 10 May 2018 and thank the outgoing Committee for their work in the past twelve months.

266/18 **RESOLVED:** (Smyth/Ballangarry)

That Council write to all Section 355 Committees of Management reminding them that it is Council's expectation that they consider increasing their fees by the CPI each year.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF1067 140618 Rock Fishing Safety Act 2016 and Safety Initiative

267/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council not participate in the Rock Fishing Safety Initiative Program and not have the coastline of the Nambucca LGA declared as an area where life jackets are mandatory in accordance with the Rock Fishing Safety Act 2016 (the Act).

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

268/18 **RESOLVED:** (AINSWORTH/WILSON)

- 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 REPORT

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.1 SF1549 140618 INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 JUNE 2018

CLOSED MEETING

THE ORDINARY COUNCIL MEETING'S MEETING **IN CLOSED MEETING** COMMENCED AT 6.40 PM.

RESUME IN OPEN MEETING

269/18 **RESOLVED:** (WILSON/AINSWORTH)

THAT ORDINARY COUNCIL MEETING RESUME IN OPEN MEETING. THE ORDINARY COUNCIL MEETING RESUMED IN OPEN MEETING AT 7.09 PM.

FROM COUNCIL IN CLOSED MEETING

GENERAL MANAGER REPORT

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.1 SF1549 140618 INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION

270/18 **RESOLVED:** (FINLAYSON/WILSON)

THAT THE INFORMATION CONCERNING INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION BE RECEIVED.

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 28 June 2018.

Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)