

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

The following document is the minutes of the Ordinary Council meeting held **16 August 2018**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 30 August 2018 and therefore subject to change. Please refer to the minutes of 30 August 2018 for confirmation.

PRESENT

Cr Rhonda Hoban (Mayor)	Cr John Ainsworth
Cr Martin Ballangarry OAM (Deputy Mayor)	Cr Brian Finlayson
Cr Susan Jenvey	Cr David Jones
Cr Janine Reed	Cr Anne Smyth
Cr John Wilson	

ALSO PRESENT

Michael Coulter (General Manager)	Robert Hunt (AGM Corporate Services)
Paul Gallagher (AGM Engineering Services)	Lorraine Hemsworth (Minute Secretary)

DISCLOSURE OF INTEREST

Councillor Janine Reed declared a non-pecuniary - significant conflict of interest in Item 9.5 *Mid North Coast Childhood Obesity Prevention and Management Action Plan July 2018-June 2023* under the Local Government Act as Cr Reed is the Chair of the Healthy Communities Advisory Committee of the Mid North Coast. Cr Reed left the meeting for this item.

Councillor Anne Smyth declared a non-pecuniary - less significant conflict of interest in Item 9.15 *Draft Nambucca Shire Council Strategic Tourism Plan* under the Local Government Act as Cr Smyth is a member of the Nambucca Valley Conservation Association who made a submission to the Strategic Plan whilst on exhibition.

Councillor David Jones declared a non-pecuniary – Significant Conflict interest in Item 12.1 *Tender 020/2018 Field Lighting Coronation Park* under the Local Government Act as Cr Jones is President of the Coronation Park Trust. Cr Jones left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 26 JULY 2018

341/18 **RESOLVED:** (Wilson/Reed)

That the minutes of the Ordinary Council Meeting of 26 July 2018 be confirmed.

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NOTICE OF MOTION - CR HOBAN

ITEM 5.1 SF2433 160818 NOTICE OF MOTION - Appointment of Acting General Manager (SF35)

342/18 **RESOLVED:** (Hoban/Reed)

- 1 That Council appoint the Assistant General Manager Engineering Services to act in the role of General Manager when the General Manager is on leave or unavailable to work between 17 August 2018 and 28 February 2019 inclusive.
- 2 That Council appoint the Assistant General Manager Corporate Services to act in the role of General Manager when both the General Manager and the Assistant General Manager Engineering Services are on leave or unavailable to work between 17 August 2018 and 28 February 2019 inclusive.
- 3 That Council review the appointment of an Acting General Manager in six months.

NOTICE OF MOTION - CR HOBAN

ITEM 5.2 SF2433 160818 NOTICE OF MOTION - Review of Mayor, Deputy Mayor and General Manager's Delegations of Authority (SF35)

343/18 **RESOLVED:** (Hoban/Ainsworth)

- 1 That Council request the Audit Risk and Improvement Committee review the General Manager's Delegations of Authority giving consideration to Coffs Harbour City Council's model and present draft delegations to Council for consideration and adoption.
- 2 That Council review the delegations of authority for the Mayor and Deputy Mayor.

DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

*Apology Mr Bob Higgins on behalf of Head of Pacific Highway Upgrade
Mr Chris Clark on behalf of Project Engineer*

*i 10.6 Review of Investment Funds Policy and Strategy 3
Mr Michael Chandra and Mr Zac Wilkins on behalf of Imperium Markets*

Mr Wilkins and Mr Chandra addressed Council with a powerpoint of Council's investment returns.

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ITEM 10.6 SF2493 160818 Review of Investment Funds Policy and Strategy

344/18 **RESOLVED:** (Ainsworth/Reed)

- 1 That Council adopt the Draft Investment of Funds Policy and Investment Strategy from 16 August 2018.
- 2 That Council note the presentation from Mr Michael Chandra and Zac Wilkins from Imperium Markets.

ASKING OF QUESTIONS WITH NOTICE

What is the current capacity of each of Council's cemetery and columbarium facilities?

Given the current take-up rate what is the roughly estimated date at which each facility will reach capacity?

When should Council consider extending the existing facilities or seek additional locations?

That a full response be provided back to Council.

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 SF959 160818 Outstanding Actions and Reports

345/18 **RESOLVED:** (Ainsworth/Wilson)

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

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ITEM 9.2 SF600 160818 Request by Lesley Flanders to Purchase Land West of the Bowraville Racecourse

MOTION: (Reed/Ainsworth)

- 1 That Council undertake the process to close the section of road shown on the attached plan and obtain the title to that land.
- 2 That Council's Surveyor advise Ms Flanders when he intends to be on site so that she may attend and know "first-hand" the boundaries of the land.
- 3 That Ms Flanders be advised of Council's actions and that she will need to meet Council's out of pocket costs in creating the title and transferring the land.

AMENDMENT: (Ainsworth/Ballangarry)

- 1 That Council undertake the process to close the section of road shown on the attached plan.
- 2 That Council's Surveyor advise Ms Flanders when he intends to be on site so that she may attend and know "first-hand" the boundaries of the land.
- 3 That Ms Flanders be advised of Council's actions and that she will need to meet Council's out of pocket costs in creating the title and transferring the land including purchase costs and that Ms Flanders be advised that the land will not have a dwelling entitlement.
- 4 Investigate the complexities of the issues including the value of the land and that Ms Flanders be advised under Section 356 of the Local Government Act.

The Amendment was carried and became the motion.

346/18 **RESOLVED:** (Ainsworth/Ballangarry)

- 1 That Council undertake the process to close the section of road shown on the attached plan.**
 - 2 That Council's Surveyor advise Ms Flanders when he intends to be on site so that she may attend and know "first-hand" the boundaries of the land.**
 - 3 That Ms Flanders be advised of Council's actions and that she will need to meet Council's out of pocket costs in creating the title and transferring the land including purchase costs and that Ms Flanders be advised that the land will not have a dwelling entitlement.**
 - 4 Investigate the complexities of the issues including the value of the land and that Ms Flanders be advised under Section 356 of the Local Government Act.**
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ITEM 9.3 SF731 160818 Final Nambucca Regional Economic Development Strategy 2022

347/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council note and endorse the final draft of the Nambucca Shire Regional Economic Development Strategy.

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ITEM 9.4 SF621 160818 Notification of Aboriginal Land Claim No. 45864

348/18 **RESOLVED:** (Finlayson/Wilson)

That Council advise and provide relevant evidence to the Department of Industry – Lands and Forestry, Aboriginal Land Claim Investigation Unit (ALCIU) that the land the subject of Claim no. 45864 is used for the essential public purpose of a drainage reserve.

Councillor Janine Reed left the meeting before the commencement of this item, the time being 6:43 PM

ITEM 9.5 SF980 160818 Mid North Coast Childhood Obesity Prevention and Management Action Plan July 2018 - June 2023

349/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council note the outcomes of the Mid North Coast Childhood Obesity Prevention and Management Action Plan July 2018 – June 2023 and include consideration of those matters listed for the consideration by local government in the next review of Council’s Community Strategic Plan.

Councillor Janine Reed returned to the meeting at the completion of this item, the time being 6:44 PM

ITEM 9.6 SF2329 160818 Provision of a Mural in Bowraville

350/18 **RESOLVED:** (Wilson/Finlayson)

That Council provide funding of \$3,450 to the Bowraville Chamber of Commerce and Industry Inc. for the provision of a mural in High Street, Bowraville subject to the Chamber undertaking the necessary project management and providing graffiti protection.

ITEM 9.7 SF2413 160818 Risk Framework and Strategic Risk Register

351/18 **RESOLVED:** (Reed/Jones)

That the Risk Framework and Strategic Risk Register report be deferred until a workshop has been convened.

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ITEM 9.8 PRF47 160818 Dawkins Park - IBIS Management

352/18 **RESOLVED:** (Ballangarry/Finlayson)

- 1 Council engage external contractors to manage Australian White Ibis in Dawkins Park during the 2018/19 financial period.
 - 2 That Council receive a report on the outcome of the Ibis management program at the end of the 2018/19 financial year. This report will consider other opportunities to make the Islands less desirable to the Australian White Ibis.
-

ITEM 9.9 SF2423 160818 Undetermined Development Applications either greater than 12 months or where submissions received to 8 August 2018

353/18 **RESOLVED:** (Ainsworth/Reed)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 8 August 2018 be noted by Council.

ITEM 9.10 SF2423 160818 2018 July - Approved Construction and Complying Development Certificates

354/18 **RESOLVED:** (Finlayson/Ainsworth)

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

ITEM 9.11 SF2423 160818 2018 July - Development and Complying Development Applications Received

355/18 **RESOLVED:** (Ainsworth/Reed)

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

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ITEM 9.12 SF24 160818 Request for Donation - Nambucca Heads RSL Club for Farmers Donation Drive

356/18 **RESOLVED:** (Smyth/Ainsworth)

- 1 That Council approve the Section 356 donation of \$500.00, already donated due to a limited time frame, as a one-off donation to the Farmers Donation Drive.
 - 2 That Council acknowledge the work undertaken by the Local Service Clubs, volunteers and the community in providing drought assistance.
-

ITEM 9.13 SF2395 160818 Regional Cultural Fund - Round 2

357/18 **RESOLVED:** (Finlayson/Jenvey)

- 1 Nambucca Shire Council submit an application in Round 2 of the Regional Cultural Fund (RCF) for an "Extension of Nambucca Heads Library and Establishment of Cultural Space".
 - 2 Council use the Concept Plans and Cost Estimations prepared by Alan Rudge Architects for the application, with an adjustment on total cost based on the CPI of 2.5% – a total project cost of \$1,705,000.
 - 3 Council engage Annie Talve from Project Sisu, to assist in the preparation of the Business Case for the application, on an hourly rate basis, to assist Council's Grants Officer with the application submission.
 - 4 Nambucca Shire Council commit an amount of \$500,000, from General Funds, plus in-kind for project management and administration, to the project, being close to 30% of the total project cost.
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ITEM 9.14 SF1031 160818 Draft Companion Animals Policy

358/18 **RESOLVED:** (Ainsworth/Reed)

That Council adopt the amended Companion Animals Control of Dogs and Cats Policy contained within attachment 1.

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ITEM 9.15 SF941 160818 Draft Nambucca Shire Council Strategic Tourism Plan

359/18 **RESOLVED:** (Wilson/Ainsworth)

- 1 That Council extends its thanks to all who participated in development of the Nambucca Shire Strategic Tourism Plan.
 - 2 That Council adopt the draft Nambucca Shire Strategic Tourism Plan 2018-2023.
 - 3 That the comments regarding the 12 undertakings made by Mr Stuart Holmes on behalf of Lifetime Connect Incorporated at the Council meeting on 16 March 2017, be noted and that Council sends a letter of thanks and appreciation to the volunteers who have resigned since Lifetime Connect commenced operating the Centre under lease.
 - 4 That there be a report to Council in twelve months' time on the progress of implementing the Strategic Tourism Plan.
-

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF1205 160818 Financial Reporting Review

360/18 **RESOLVED:** (Ainsworth/Wilson)

That Council make a submission to the Australian Accounting Standards Board (AASB) requesting that financial reporting by local government be targeted more towards simplification of the preparation of Financial Statements for smaller councils and ease for users of the information to understand the results.

ITEM 10.2 SF1031 160818 Financial Management Policy

361/18 **RESOLVED:** (Wilson/Reed)

That Council adopt the draft Financial Management Policy.

ITEM 10.3 SF35 160818 Authority of Delegations - Mayor and Deputy Mayor

362/18 **RESOLVED:** (Ainsworth/Reed)

That Council delegate authority to the Mayor and Deputy Mayor to perform functions in accordance with the attached list dated 16 August 2018.

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7.34pm Mayor, Cr Hoban vacated the chair due to illness and Deputy Mayor, Cr Ballangarry OAM took the chair.

ITEM 10.4 SF1031 160818 Delegations

MOTION: (Ainsworth/Reed)

That Council refer the draft Delegations Policy and Instrument of Delegation to the General Manager to the Audit Risk and Improvement Committee.

AMENDMENT: (Jenvey/Jones)

- 1 That Council refer the draft Delegations Policy and Instrument of Delegation to the General Manager to the Audit Risk and Improvement Committee.
- 2 That Council refer to the Committee a proposal to exclude from the delegations the delegation of authority for deferred payments for developer contributions, meaning any requests for deferred payments are to come to Council for determination.

The Amendment was carried and became the motion.

363/18 **RESOLVED:** (Jenvey/Jones)

- 1 **That Council refer the draft Delegations Policy and Instrument of Delegation to the General Manager to the Audit Risk and Improvement Committee.**
- 2 **That Council refer to the Committee a proposal to exclude from the delegations the delegation of authority for deferred payments for developer contributions, meaning any requests for deferred payments are to come to Council for determination.**

ITEM 10.5 SF1301 160818 Section 355 Committee Guidelines and Delegations of Authority

MOTION: (Wilson/Reed)

That:

- a) Council approve the amendments to the Section 355 Committee Guide to Operations and Delegations of Authority.
- b) A review of the status of the Australia Day Committee, Nambucca District Band Committee and incorporated committees be undertaken and a further report be submitted following the review.
- c) The policy on Conditions of Use of Sportsgrounds – Parks and Reserves be amended to include the approval of fees and charges by Council.

AMENDMENT: (Reed/Jones)

That the Section 355 Committee Guidelines and Delegations of Authority report be deferred for one month and that Councillors discuss their issues with Mr Hunt.

The Amendment was carried and became the motion.

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364/18 **RESOLVED:** (Reed/Jones)

That the Section 355 Committee Guidelines and Delegations of Authority report be deferred for one month and that Councillors discuss their issues with Mr Hunt.

Item 10.6 was dealt with under Delegations.

ITEM 10.7 SF2493 160818 Investment Report to 31 July 2018

365/18 **RESOLVED:** (Ainsworth/Jenvey)

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

ITEM 10.8 SF340 160818 Utungun Community Hall Committee of Management - Annual
General Meeting - 15 July 2018

366/18 **RESOLVED:** (Jones/Jenvey)

That Council endorse the minutes of the Utungun Community Hall Committee of Management Annual General Meeting held on 15 July 2018 and thank the outgoing Committee for their work in the past twelve months.

ITEM 10.9 SF325 160818 Gordon Park Tennis Centre Committee of Management - Annual
General Meeting - 26 July 2018

367/18 **RESOLVED:** (Ainsworth/Reed)

That Council endorse the minutes of the Gordon Park Tennis Centre Committee of Management Annual General Meeting held on 26 July 2018 and thank the outgoing Committee for their work in the past twelve months.

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ITEM 10.10 SF251 160818 Schedule of Council Public Meetings 2018

368/18 **RESOLVED:** (Wilson/Reed)

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

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF1031 160818 Draft Beach Management Policy

369/18 **RESOLVED:** (Ainsworth/Reed)

That the Draft Beach Management Policy be deferred until the next council meeting.

ITEM 11.2 SF1031 160818 Revision of Sustainable Fleet and Plant Policy

370/18 **RESOLVED:** (Reed/Jenvey)

- 1 That Council adopt the amended Sustainable Fleet and Plant Policy (TRIM 15554/2018) noting that it replaces the current policy (TRIM 39599/2015).
- 2 That the Policy Register and website be updated accordingly.

ITEM 11.3 SF1676 160818 2017-18 Capital Works Program Monthly Report

371/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council receive and note the information pertaining to the finalisation of the 2017/2018 Capital Works Program at 30 June 2018.
- 2 That Council place the amount of \$358,610.00 emanating from savings within the bridge replacement program into the bridge development reserve towards the pilot program for the development and construction of green bridges.
- 3 That Council revoke the Engineering Services allocations into the 2018/19 program as follows:

W3235	Eungai - Bush Fire Brigade Station	\$17,757
W3053	Valla Beach Reserve Amenities	\$63,124
W3074	V-Wall Lighting/Footpath rehabilitation/Upgrade	\$39,325
W3085	Lanes Bridge	\$137,582
W3098	Gumma Road (from River street)	\$84,717
W3093	Scotts Head Road	\$72,771
W3203	Mann Street to roundabout	\$154,547
W2213	Macksville Lane (Forresters Lane)	\$9,632

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W3077	Footpaths & Bike Tracks - Nelson Street (Linemarking to come)	\$9,088
P5791	Rangers vehicle	\$36,166

- 4 That Council revoke the allocations for other departments and special projects into the 2018/19 program as follows:

W2677	CZMP Action (Scotts Head Surf club Precinct LLS OEH NCHP)	\$89,349
W3268	Scotts Head Tennis Club - Lights/Drainage etc (W3268)	\$30,090
W3047	Dawkins Park	\$183,453
W2305	Macksville Streetscape Revitalisation	\$293,760
W3066	Deep Creek Boat Ramp	\$17,311
W3238	"Boating Now" - RSL Carpark/Boat ramp	\$23,122
W2854	Nambucca Heads Surf club Protection - Stage 2	\$322,037
W2411	"Boating Now" Gordon Park	\$375,803
W3258	Macksville Park (Lighting installation, Kitchen Upgrade & Security Fencing)	\$278,394
W3064	Gumbayngirr Park BBQ Renewal	\$2,260
W3104	Bowraville Connections - Stage 1	\$42,869
W3241	CCTV Monitoring - Waste Facility	\$7,229
W3280	Scotts Head 4WD Access	\$25,000

Councillor David Jones left the meeting before the commencement of this item, the time being 7:56 PM

ITEM 11.4 T020/2018 160818 Tender 020/2018 - Field Lighting Coronation Park and Macksville Park

372/18 **RESOLVED:** (Jenvey/Smyth)

That Council:

- a) Accept the tender submitted by Alan Kneale Electrical Pty Ltd
- b) Receive and note the information contained within the confidential report
- c) Updates the Contracts Register.
- d) Allocates \$126,950 from working funds as the Council contribution for the Coronation Park lighting project in accordance with the funding agreement.
- e) Allocate \$71,000 from working funds as the Council contribution for the Macksville Park – Lighting installation, Kitchen upgrade and security fencing project in accordance with the funding agreement.

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

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

Councillor David Jones returned to the meeting at the completion of this item, the time being 7:57 PM

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ITEM 11.5 SF453 160818 Waste Management Quarterly Report April - June 2018

373/18 **RESOLVED:** (Reed/Ainsworth)

That Council receive and note the information provided in the Waste Management Quarterly Report for the period 1 April – 30 June 2018.

ITEM 11.6 SF90 160818 Nambucca Shire Traffic Committee Meeting Minutes - 7 August 2018

374/18 **RESOLVED:** (Jones/Ainsworth)

1 That Council receive and note the agenda and minutes emanating from the Nambucca Shire Traffic Committee held on the 5 June 2018.

2 i That Council endorse the Temporary Road Closure Application from Drag-Ens Hot Rod Club to conduct the annual Hot Rod Display between 8.00am and 1.00pm on Saturday 6 October 2018 and offer the following additional approvals as follows:

- Bowra Street and Mann Street Nambucca Heads – Ridge Street to West Street
- Saturday 5 October 2019 and Saturday 3 October 2020

ii That Council notes the following information has been received for the above event:

- Certificate of Currency for Public Liability Insurance
- Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
- Police and Roads and Maritime Services approval for the road closures.

iii The applicant must reapply if there are any changes to the approved application ie times, routes and dates.

3 i That Council endorse the Temporary Road Closure Application from Macksville RSL Sub Branch to conduct the Remembrance Day 100 Year Anniversary, Sunday 11 November 2018 as follows:

- | | | |
|-------------------|----------------------------------|--------------------|
| • Princess Street | Station Street to River Street | 10.00am to 10.30am |
| • Wallace Street | Princess Street to Cooper Street | 10.00am to 10.30am |
| • Cooper Street | Partridge Street to River Street | 10.00am to 10.30am |
| • River Street | Princess Street to Cooper Street | 9.00am to midday |

ii That Council notes the following information will be received for the above event:

- Certificate of Currency for Public Liability Insurance
- Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
- Police and Roads and Maritime Services approval for the road closures.
- Road Occupancy License from RMS

iii The applicants advise the non event Community of the Giinagay Way Road Closure for at least one week prior to the event via VMS Board on the approaches to Macksville.

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- 4 i That Council approve a request from the Macksville Cycle Club to conduct the Brian Cockbain Ride Around the River 2018, noting the following has been received:
- Certificate of Currency for Public Liability Insurance
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site.
- ii That Council endorse temporary road closures for the Brian Cockbain Ride Around the River to be held between 7.15 am and 8.30 am on Sunday 23 September in Macksville as follows:
- River Street (East) - Pacific Highway to Willis Street;
 - Princess Street – Winifred Street to River Street;
 - Wallace Lane;
 - Macksville Bridge - Pacific Highway, Wallace Street and Princess Street, from Ferry Street to Mackay Street for 10 minutes between 8.00 am and 8.15am; and
 - Subject to organisers gaining Police and Roads and Maritime Services approval for the road closures.
- 5 i That Council approve a request from the Australia Day Organising Committee for the following temporary road closures on Australia Day, Friday 26 January 2019 and offer additional approvals for 2019 and 2020.
- a) The access road through Gordon Park to hold the Australia Day event between 5.00 am and 4.00 pm.
- b) Wellington Drive (*from Gordon Park to the V Wall*) for short periods only between 7.00 am and 10.00 am.
- ii That Council approval for the Australia Day Carnival is subject to the following information being received by Council at least 2 weeks prior to the event:
- Certificate of Currency for Public Liability Insurance with a minimum of \$20M;
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site; and
 - Police and Roads and Maritime Services approval for the road closures.
- iii That the applicants reapply if there are any changes to the approved application ie times, routes or dates.
- 6 That Council implement the following parking restrictions on Adin Street, Scotts Head:
- a) 3 - 9 Adin Street - 1 hour parking Mon - Sun 8.30am-5.00pm
- b) Adjacent to Village Green - 2 hour parking Mon - Sun 8.30am-5.00pm
- 7 i That Council does not implement a Shared Zone in River Street, Macksville.
- ii That Council considers installation of Traffic Calming Devices in River Street, Macksville.
- iii That Council contact John Holland to formally request an increase to the load capacity of bridge OBN51552A, the over bridge on Taylors Arm Road.
- 8 i That Council extend the time limit of 75 parking spaces in Macksville from 1 hour to 2 hour parking.

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- ii That Council approve a request from the Drag-ens Hot Rod Club to close River Street, Macksville to conduct the Birdman Event, noting the following has been received:
 - Certificate of Currency for Public Liability Insurance
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site.
- iii That Council endorse temporary road closures for Birdman Event to be held between 8.00 am and 2.00 pm on Tuesday 2 October in Macksville as follows:
 - River Street (East) - Pacific Highway to East Street;
River Street (West) - Pacific Highway to Princess Street

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT - LATE

ITEM 11.7 T025/2018 160818 Quotation T025/2018 - Local Government Procurement for 2018/19 Road Rehabilitation Program

375/18 **RESOLVED:** (Reed/Ainsworth)

- 1 That Council accept the quotation submitted by Stabilcorp for T025/2018 for the 2018/19 Road Rehabilitation Program.
- 2 That a provision be allowed for a 12 month extension to quotation T025/2018 based on satisfactory supplier performance, which may take this contract through to 30 August 2020.
- 3 That Council receive and note the information contained within the confidential report.
- 4 That Council update the Contract Register.

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

For the Motion:	Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones, Reed, Smyth and Wilson Total (9)
Against the Motion:	Nil Total (0)

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

376/18 **RESOLVED:** (JENVEY/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:

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ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.1 SF2432 160818 TENDER 020/2018 FIELD LIGHTING CORONATION PARK
AND MACKSVILLE PARK - CONFIDENTIAL REPORT

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 (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 12.2 SF1549 160818 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.

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.3 SF1437 160818 STUART ISLAND - RENEWAL OF LEASE TO GOLF CLUB

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) (D) (G) (H) 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; AND THE REPORT CONTAINS COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE THAT WOULD, IF DISCLOSED (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; AND 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; AND THE REPORT CONTAINS INFORMATION CONCERNING THE NATURE AND LOCATION OF A PLACE OR AN ITEM OF ABORIGINAL SIGNIFICANCE ON COMMUNITY LAND.

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

ITEM 12.4 EF50052 160818 PAYMENT OF FUNERAL EXPENSES

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) (B) (D) OF THE LOCAL GOVERNMENT ACT, 1993, ON THE GROUNDS THAT THE REPORT CONTAINS A DISCUSSION IN RELATION TO THE PERSONAL HARDSHIP OF A RESIDENT OR RATEPAYER; AND THE REPORT CONTAINS COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE THAT WOULD, IF DISCLOSED (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 12.5 SF761 160818 LEASE TO OPTUS MOBILE - PALMER STREET, NAMBUCCA HEADS

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) (D) 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; AND THE REPORT CONTAINS COMMERCIAL INFORMATION OF A CONFIDENTIAL NATURE THAT WOULD, IF DISCLOSED (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 12.6 T025/2018 160818 CONFIDENTIAL - QUOTATION T025/2018 - LOCAL GOVERNMENT PROCUREMENT FOR 2018/2019 ROAD REHABILITATION PROGRAM

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 (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.

CLOSED MEETING

THE ORDINARY COUNCIL MEETING'S MEETING **IN CLOSED MEETING** COMMENCED AT 8.04 PM.

RESUME IN OPEN MEETING

377/18 **RESOLVED:** (JENVEY/SMYTH)

THAT ORDINARY COUNCIL MEETING RESUME IN OPEN MEETING. THE ORDINARY COUNCIL MEETING RESUMED IN OPEN MEETING AT 8.22 PM.

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

FROM COUNCIL IN CLOSED MEETING

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

COUNCILLOR DAVID JONES LEFT THE MEETING BEFORE THE COMMENCEMENT OF ITEM 12.1, THE TIME BEING 8:04 PM

ITEM 12.1 SF2432 160818 TENDER 020/2018 FIELD LIGHTING CORONATION PARK AND MACKSVILLE PARK - CONFIDENTIAL REPORT

378/18 **RESOLVED:** (AINSWORTH/REED)

THAT COUNCIL NOTE THE INFORMATION IN ITEM 12.1 TENDER 020/2018 FIELD LIGHTING CORONATION PARK AND MACKSVILLE PARK - CONFIDENTIAL REPORT.

COUNCILLOR DAVID JONES RETURNED TO THE MEETING AT THE COMPLETION OF THIS ITEM 12.1, THE TIME BEING 8:05 PM

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.2 SF1549 160818 INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION

379/18 **RESOLVED:** (AINSWORTH/WILSON)

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

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.3 SF1437 160818 STUART ISLAND - RENEWAL OF LEASE TO GOLF CLUB

380/18 **RESOLVED:** (SMYTH/JENVEY)

- 1 **COUNCIL ENTER INTO A 12 MONTH LEASE FOR THE USE OF STUART ISLAND BY THE NAMBUCCA HEADS ISLAND GOLF CLUB IN ACCORDANCE WITH THE PROPOSED TERMS OUTLINED IN THE REPORT.**
- 2 **THAT COUNCIL SEEK TO CONVENE A MEETING WITH THE NOMINATED STAKEHOLDERS BEING THE NATIVE TITLE CLAIMANTS, THE NAMBUCCA HEADS ISLAND GOLF CLUB, CROWN LANDS AND THE CROWN SOLICITOR WITH A VIEW TO REACHING AGREEMENT FOR THE LONG TERM USE AND TENURE OF ALL OR PART OF THE CROWN LAND ON STUART ISLAND.**
- 3 **THE MAYOR, GENERAL MANAGER AND MANAGER BUSINESS DEVELOPMENT BE PROVIDED WITH DELEGATED AUTHORITY TO ENTER INTO ANY LONG TERM AGREEMENT WHICH MIGHT BE NEGOTIATED PURSUANT TO POINT 2. OF THIS RESOLUTION.**

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.4 EF50052 160818 PAYMENT OF FUNERAL EXPENSES

381/18 **RESOLVED:** (WILSON/AINSWORTH)

THAT COUNCIL NOTE THE ARRANGEMENTS FOR THE PAYMENT OF FUNERAL EXPENSES AND REIMBURSE FROM WORKING FUNDS THE SAFETY AND WELFARE EXPENSES BUDGET FOR THE SUM LISTED IN THE REPORT.

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.5 SF761 160818 LEASE TO OPTUS MOBILE - PALMER STREET, NAMBUCCA HEADS

MOTION: (AINS WORTH/REED)

THAT COUNCIL ENTER INTO A NEW LEASE FOR A TERM OF 20 YEARS (4 X 5 YEAR LEASES) COMMENCING ON 31 MAY 2018 WITH OPTUS MOBILE PTY LTD FOR THE USE OF COUNCIL'S WATER RESERVOIR SITE AT PALMER STREET, NAMBUCCA HEADS IN ACCORDANCE WITH THE TERMS OUTLINED IN THE REPORT.

AMENDMENT: (SMYTH/JENVEY)

THAT ITEM 12.5 BE DEFERRED UNTIL THE GENERAL MANAGER COMES BACK WITH MORE INFORMATION REGARDING OPTIONS TO IMPROVE WIRELESS SERVICE IN NAMBUCCA HEADS.

THE AMENDMENT WAS CARRIED AND BECAME THE MOTION.

382/18 **RESOLVED:** (SMYTH/JENVEY)

THAT ITEM 12.5 BE DEFERRED UNTIL THE GENERAL MANAGER COMES BACK WITH MORE INFORMATION REGARDING OPTIONS TO IMPROVE WIRELESS SERVICE IN NAMBUCCA HEADS.

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

ITEM 12.6 T025/2018 160818 CONFIDENTIAL - QUOTATION T025/2018 - LOCAL GOVERNMENT PROCUREMENT FOR 2018/2019 ROAD REHABILITATION PROGRAM

383/18 **RESOLVED:** (REED/AINSWORTH)

- 1 **THAT COUNCIL ACCEPT THE QUOTATION SUBMITTED BY STABILCORP FOR T025/2018 FOR THE 2018/19 ROAD REHABILITATION PROGRAM. THE COST IS ANTICIPATED TO BE IN THE ORDER OF \$1.5M.**
- 2 **THAT A PROVISION BE ALLOWED FOR A 12 MONTH EXTENSION TO QUOTATION T025/2018 BASED ON SATISFACTORY SUPPLIER PERFORMANCE, WHICH MAY TAKE THIS CONTRACT THROUGH TO 30 AUGUST 2020.**
- 3 **THAT COUNCIL UPDATE THE CONTRACT REGISTER.**

UPON BEING PUT TO THE MEETING, THE MOTION WAS DECLARED CARRIED.

FOR THE MOTION: COUNCILLORS AINSWORTH, BALLANGARRY, FINLAYSON, HOBAN, JENVEY, JONES, REED, SMYTH AND WILSON
TOTAL (9)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 AUGUST 2018

AGAINST THE MOTION:	NIL
	TOTAL (0)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8.23 pm.

Confirmed and signed by the Mayor on 30 August 2018.

Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)