

## NAMBUCCA SHIRE COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

The following document is the minutes of the Ordinary Council meeting held **13 September 2018**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 27 September 2018 and therefore subject to change. Please refer to the minutes of 27 September 2018 for confirmation.

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### PRESENT

Cr Rhonda Hoban (Mayor)  
Cr Susan Jenvey  
Cr Janine Reed  
Cr John Wilson

Cr Brian Finlayson (Arrived 5.42pm)  
Cr David Jones  
Cr Anne Smyth

### ALSO PRESENT

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

Robert Hunt (AGM Corporate Services)  
Lorraine Hemsworth (Minute Secretary)

### APOLOGIES

Cr Martin Ballangarry OAM (Deputy Mayor)

Cr John Ainsworth

### PRAYER

Reverend Clyde Appleby, Macksville Anglican Church, offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Councillor Rhonda Hoban declared a non-pecuniary - less significant conflict of interest in Item 9.2 *Transitioning Defence Force Veterans to the Nambucca Valley – Proposed Creation of a Section 355 Committee* under the Local Government Act as Cr Hoban has a son serving in the Defence Force.

Councillor Anne Smyth declared a non-pecuniary - less significant conflict of interest in Item 9.3 *Addition of 590 Hectares of State Forest to Gumbaynggirr National Park* under the Local Government Act as Cr Smyth is a member of the Nambucca Valley Conservation Association whose advice was sought in relation to the environmental value of the announced addition of 590 hectares to the Gumbaynggirr National Park.

Councillor Janine Reed declared a pecuniary interest in Item 9.8 *Development Applications and Complying Development Applications Received* under the Local Government Act as Cr Reed is the elected Chairman of the Nambucca Valley Care Group who are the owners of the property for application DA2018/177. Cr Reed left the meeting for this item.

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

#### SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 30 AUGUST 2018

404/18 RESOLVED: (Wilson/Jenvey)

That the minutes of the Ordinary Council Meeting of 30 August 2018 be confirmed.

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## NAMBUCCA SHIRE COUNCIL

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Cr Finlayson arrived at the meeting at 5.42PM.

Cr Finlayson declared a significant conflict of interest and left the meeting prior to the commencement of this Item for the reason that he had previously provided legal services in relation to the matter.

#### **Mayoral Minute – Court of Criminal Appeal – Bowraville Murders**

MOTION: (Hoban)

That Council note with disappointment that the Court of Criminal Appeal today ruled a man should not be retried for the murders of two children in Bowraville in the early 1990's or tried for the first time over the murder of a third.

That Council and the community support the families of Colleen, Evelyn and Clinton and pray that justice may still one day be served.

AMENDMENT: (Jenvey/Smyth)

That Council note with disappointment that the Court of Criminal Appeal today ruled a man should not be retried for the murders of two children in Bowraville in the early 1990's or tried for the first time over the murder of a third.

That Council and the community support the families of Colleen, Evelyn and Clinton and hope that justice may still one day be served.

The amendment was carried and became the motion.

405/18 **RESOLVED:** (Jenvey/Smyth)

**That Council note with disappointment that the Court of Criminal Appeal today ruled a man should not be retried for the murders of two children in Bowraville in the early 1990's or tried for the first time over the murder of a third.**

**That Council and the community support the families of Colleen, Evelyn and Clinton and hope that justice may still one day be served.**

Councillor Brian Finlayson returned to the meeting at the completion of this item, the time being 5.48 PM

#### **DELEGATIONS**

##### RECOMMENDATION

That the following delegations be heard:

##### **5.1 NOTICE OF MOTION - Review of Policy - Memorials on Council Controlled Land**

*i Rod Edwards*

##### **9.2 Transitioning Defence Force Veterans to the Nambucca Valley - Proposed Creation of a Section 355 Committee**

*ii Mike Birtles*

Mr Rod Edwards addressed Council with prepared notes being placed on File TRIM 33454/2018.

## Ordinary Council Meeting

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### NOTICE OF MOTION - CR HOBAN

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ITEM 5.1 SF2433 130918 NOTICE OF MOTION - Review of Policy - Memorials on Council Controlled Land

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406/18 **RESOLVED:** (Hoban/Smyth)

That after considering the policies of other councils Council receive a report on its Policy for Memorials on Council Controlled Land giving consideration to the possibility of a policy that allows memorials that are consistent with Council's adopted Capital Works Program or an adopted Masterplan or Plan of Management.

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### NOTICE OF MOTION - CR HOBAN

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ITEM 5.2 SF2433 130918 NOTICE OF MOTION - Request for Sign - John's Cutting Missabotti

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MOTION: (Hoban/Smyth)

That Council advise the Missabotti Community Centre Committee of Management that although Council recognises the contribution of the Johns family to the Missabotti community as evidenced by the naming of Johns Bridge further naming of the road cutting does not meet Council's current policy.

AMENDMENT: (Reed/Jenvey)

That in recognition of the historic reference to John's Cutting as can be evidenced in the Nambucca Bellinger News since 1925, Council apply to the Geographical Names Board to officially name the cutting on Missabotti Road, "Johns Cutting" and that the Missabotti Community Centre Committee of Management be advised on the action.

The amendment was carried and became the motion.

407/18 **RESOLVED:** (Reed/Jenvey)

That in recognition of the historic reference to John's Cutting as can be evidenced in the Nambucca Bellinger News since 1925, Council apply to the Geographical Names Board to officially name the cutting on Missabotti Road, "Johns Cutting" and that the Missabotti Community Centre Committee of Management be advised on the action.

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### NOTICE OF MOTION - CR WILSON

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ITEM 5.3 SF2433 130918 NOTICE OF MOTION - Leave of Absence - Cr John Wilson - 31 October to 18 November 2018 inclusive

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408/18 **RESOLVED:** (Wilson/Jones)

That Cr John Wilson be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period 31 October to 18 November 2018 inclusive.

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

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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.

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Delegation Continued:

9.2 Mr Mike Birtles - Transitioning Defence Force Veterans to the Nambucca Valley - Proposed Creation of a Section 355 Committee

Mr Birtles addressed Council with prepared notes being placed on File.

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ITEM 9.2 SF873 130918 Transitioning Defence Force Veterans to the Nambucca Valley - Proposed Creation of a Section 355 Committee

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409/18 **RESOLVED:** (Wilson/Reed)

**1 That Council establish and provide administrative support and publications to a Section 355 Committee of Management, to be known as the "We're Here" Committee, to support defence personnel transitioning from the armed services by encouraging them to settle in the Nambucca Valley.**

**2 Cr John Wilson be the Councillor on the Committee.**

### GENERAL MANAGER REPORT

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ITEM 9.1 SF959 130918 Outstanding Actions and Reports

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410/18 **RESOLVED:** (Reed/Wilson)

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

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Item 9.2 was dealt with under Delegations

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

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ITEM 9.3 SF2162 130918 Addition of 590 hectares of State Forest to the Gumbaynggirr National Park

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411/18 **RESOLVED:** (Reed/Finlayson)

**That Council note the addition of 590 hectares of State Forest to the Gumbaynggirr National Park.**

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ITEM 9.4 SF2329 130918 Minutes of the Business Advisory Committee Meeting held on 5 September 2018

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412/18 **RESOLVED:** (Reed/Wilson)

**That the following actions arising out of the Business Advisory Committee's meeting held on 5 September 2018 be adopted:**

- 1 Arrangements be made for the completion of the parklet and its installation in Macksville.**
- 2 That Council endorse the lodgement of the Club Grants application for two pairs of Variable Digital Message Boards at a cost of \$60,000 noting that if Council is successful it will need to make a contribution of \$30,000 from working funds.**
- 3 That Council staff report on options to improve and/or relocate the River Street, Macksville amenities and also options to improve the standard of the amenities in Fletcher Street, Nambucca Heads.**
- 4 A letter of thanks be sent to Mr Rob McWilliam for the provision of his scissor lift for the use by artists preparing the murals in Wallace Lane.**

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ITEM 9.5 SF1067 130918 New Model Code of Conduct

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413/18 **RESOLVED:** (Wilson/Finlayson)

**That Council note the information concerning the new Model Code of Conduct; Procedures for Administration; and Councillor Induction and Professional Development Guidelines and that a further report be submitted to Council on their adoption after they have been prescribed.**

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ITEM 9.6 SF2423 130918 Undetermined Development Applications either greater than 12 months or where submissions received to 6 September 2018

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414/18 **RESOLVED:** (Wilson/Finlayson)

**That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 6 September 2018 be noted by Council.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

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ITEM 9.7 SF2423 130918 2018 August - Approved Construction and Complying  
Development Certificates

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415/18 **RESOLVED:** (Finlayson/Reed)

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

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Councillor Janine Reed left the meeting before the commencement of this item, the time being 6:25 PM

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ITEM 9.8 SF2423 130918 2018 August - Development Applications and Complying  
Development Applications Received

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416/18 **RESOLVED:** (Finlayson/Wilson)

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

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Councillor Janine Reed returned to the meeting at the completion of this item, the time being 6:28 PM

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ITEM 9.9 SF1120 130918 Grant Application Status Report

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417/18 **RESOLVEDS:** (Wilson/Finlayson)

- 1 **That Council receive the list of grant applications including active projects, successful and unsuccessful applications, and undetermined applications, to 4 September 2018.**
  - 2 **That Council approve an amount of \$165,747 from working funds as the matching funding for the ClubGRANTS approved application for Phillip Hughes Oval;**
  - 3 **That Council note the matching cash funding of \$15,000 for the OEH program for Restoration of Beach Access Way at Nambucca Heads is included in the 2018/2019 budget – WO3063;**
  - 4 **That Council note the matching cash funding for the OEH program for Construction of 2 x disabled accessible fishing platforms at Nambucca Heads will be included as a part of the boardwalk rehabilitation, included in the 2018/2019 budget – WO2020;**
  - 5 **That a report come back to Council on the funding of the proposed Playing Fields and Amenities for urban growth area, South Macksville and to include consideration of the use of Section 94 Funds;**
  - 6 **That Council reallocate \$28,000 of the \$65,000 in the 2018/2019 budget in WO2310 for Estuary Management Plan actions as a consequence that Council has failed to attract matching fund with the funds to be committed to other estuary works being the East Street drain; and the sign and shelter for Deep Creek.**
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

### GENERAL MANAGER REPORT - LATE

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ITEM 9.10 SF2397 130918 Outcome of Regional Sports Infrastructure Funding Applications

418/18 **RESOLVED:** (Finlayson/Reed)

- 1 Council note that its applications for funding under the Regional Sports Infrastructure Fund for the Nambucca Valley Connected (Bowraville) project and the Macksville Memorial Aquatic Centre have both been rejected.
- 2 Council advise the various volunteer groups who were involved in both applications of their rejection and that they be thanked for all of the time and assistance they provided in preparing and lodging the applications.

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### ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

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ITEM 10.1 SF355 130918 Tabling of Returns Disclosing Interests of Councillors and Designated Persons

419/18 **RESOLVED:** (Finlayson/Jones)

That the returns disclosing interests of Councillors and designated persons, for the period ended 30 June 2018, be tabled.

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ITEM 10.2 SF1301 130918 Section 355 Committee Guidelines and Delegations of Authority

420/18 **RESOLVED:** (Reed/Wilson)

**THAT:**

- a) Council adopt the revised Guidelines and Delegations of Authority for S355 Committees.
- b) Council request each committee to forward its fees and charges to Council as soon as possible so that they can be advertised and adopted by Council.
- c) Council investigate a lease of its facilities where they are being managed by an incorporated body.
- d) The policy on Conditions of Use of Sportsgrounds – Parks and Reserves be amended to include the approval of fees and charges by Council.
- e) That the “We’re Here” 355 Committee be added to the document.

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ITEM 10.3 SF827 130918 Commonwealth Financial Assistance Grant

421/18 **RESOLVED:** (Reed/Finlayson)

That Council receive and note the Report.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

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ITEM 10.4 SF1755 130918 Customer Service Charter and Engagement Strategy

422/18 **RESOLVED:** (Reed/Wilson)

**That the Customer Service Charter and Communication and Stakeholder Engagement Strategy be adopted.**

423/18 **RESOLVED:** (Smyth/Jenvey)

**That the next quarterly waste report contain information on the MyBin App including its cost to Council.**

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ITEM 10.5 SF251 130918 Schedule of Council Public Meetings 2018

424/18 **RESOLVED:** (Wilson/Reed)

- 1 **That the schedule of dates for Council meetings in 2018 be noted and received for information by Council.**
  - 2 **That Council note the next Ordinary Council meeting is to be held at South Arm Hall on 27 September 2018.**
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ITEM 10.6 SF321 130918 Missabotti Hall Committee of Management - Annual General Meeting - 5 August 2018

425/18 **RESOLVED:** (Reed/Wilson)

**That Council endorse the minutes of the Missabotti Hall Committee of Management Annual General Meeting held on 5 August 2018 and thank the outgoing Committee for their work in the past twelve months.**

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

426/18 **RESOLVED:** (FINLAYSON/JENVEY)

- 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.**



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REASON REPORTS ARE IN CLOSED MEETING:

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### GENERAL MANAGER REPORT

FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

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ITEM 11.1 SF1549 130918 INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION

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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) (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.*

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FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

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ITEM 11.2 SF1437 130918 STUART ISLAND - RENEWAL OF LEASE TO GOLF CLUB

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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) (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.*

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FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING

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ITEM 11.3 SF1503 130918 NAMBUCCA VALLEY REGIONAL SPORTS FACILITATION PROGRAM

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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) (A) OF THE LOCAL GOVERNMENT ACT, 1993, ON THE GROUNDS THAT THE REPORT CONTAINS PERSONNEL MATTERS CONCERNING PARTICULAR INDIVIDUALS.*

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### CLOSED MEETING

THE ORDINARY COUNCIL MEETING'S MEETING **IN CLOSED MEETING** COMMENCED AT 7.06PM.

NAMBUCCA SHIRE COUNCIL

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### RESUME IN OPEN MEETING

427/18 RESOLVED: (REED/FINLAYSON)

THAT ORDINARY COUNCIL MEETING RESUME IN OPEN MEETING. THE ORDINARY COUNCIL MEETING RESUMED **IN OPEN MEETING** AT 7.15PM.

**NAMBUCCA SHIRE COUNCIL**

**Ordinary Council Meeting**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

**FROM COUNCIL IN CLOSED MEETING**

THE MAYOR THEN READ THE CONFIDENTIAL RESOLUTIONS.

**GENERAL MANAGER REPORT**

*FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING*

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ITEM 11.1 SF1549 130918 INCIDENTS PERTAINING TO REGULATORY NON-COMPLIANCE, FINES, PENALTIES, PROSECUTIONS, POTENTIAL MAJOR CLAIMS OR LOSS OF REPUTATION

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428/18 **RESOLVED:** (FINLAYSON/SMYTH)

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

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*FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING*

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ITEM 11.2 SF1437 130918 STUART ISLAND - RENEWAL OF LEASE TO GOLF CLUB

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429/18 **RESOLVED:** (REED/WILSON)

**THAT COUNCIL NOTE THE ADVICE OF THE HON. PAUL TOOLE MP IN RELATION TO THE RENEWAL OF A LEASE TO THE NAMBUCCA HEADS ISLAND GOLF CLUB.**

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*FOR CONFIDENTIAL BUSINESS PAPER IN CLOSED MEETING*

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ITEM 11.3 SF1503 130918 NAMBUCCA VALLEY REGIONAL SPORTS FACILITATION PROGRAM

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430/18 **RESOLVED:** (WILSON/REED)

**COUNCIL ACCEPT THE AUDIT FINDINGS AND REIMBURSE THE AMOUNT OF \$4,857.48 TO THE DEPARTMENT OF PRIME MINISTER AND CABINET.**

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**CLOSURE**

There being no further business the Mayor then closed the meeting the time being 7.15pm.

Confirmed and signed by the Mayor on 27 September 2018.

**Cr Rhonda Hoban  
MAYOR**

NAMBUCCA SHIRE COUNCIL

## **Ordinary Council Meeting**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 SEPTEMBER 2018

(CHAIRPERSON)