

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 NOVEMBER 2018

The following document is the minutes of the Ordinary Council meeting held **15 November 2018**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 29 November 2018 and therefore subject to change. Please refer to the minutes of 29 November 2018 for confirmation.

PRESENT

Cr Rhonda Hoban (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Janine Reed

Cr John Ainsworth
Cr Brian Finlayson
Cr David Jones

ALSO PRESENT

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

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

APOLOGIES

Cr Anne Smyth

Cr John Wilson (Deputy Mayor)

PRAYER

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

DISCLOSURE OF INTEREST

Mr Michael Coulter declared a non-pecuniary - significant conflict of interest in Items 12.2 and 13.4 *T021/2018 Tender Surf Life Saving Services 2018-2023* under the Local Government Act as Mr Coulter is the Secretary of the Macksville-Scotts Head Surf Life Saving Club and his Club has previously made representations to extend mid-week life guard services to the September and Easter School holidays. Mr Coulter left the meeting for these Items.

Councillor Janine Reed declared a non-pecuniary less significant conflict interest in Item 12.6 T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre under the Local Government Act as Cr Reed's family business is a Member of the Macksville and District Chamber of Commerce & Industry Inc and own a property in the CBD. Cr Reed's husband is the Chair of the Macksville and District Chamber of Commerce & Industry Inc.

Cr Brian Finlayson declared a pecuniary interest in Items 10.9 *DA2004/298 Modification of 2 Lot Rural Subdivision at Lot 2 DP 883504, 642 Wilson Road, Congarinni* and Item 10.11 *DA2018/176 Continuing Use of Relocated Dwelling House, 640 Wilson Road, Congarinni North* under the Local Government Act as Cr Finlayson has a financial interest in the two properties. Cr Finlayson left the meeting for these Items.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 25 OCTOBER 2018

522/18 **RESOLVED:** (Jenvey/Reed)

That the minutes of the Ordinary Council Meeting of 25 October 2018 be confirmed.

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NOTICES OF RESCISSION

ITEM 6.1 SF794 151118 RESCISSION MOTION - Item 9.2 Minutes of the Land Development Committee Meeting held on 27 September 2018

523/18 **RESOLVED:** (Reed/Ainsworth)

- 1 That the resolution passed by Council on 25 October 2018 in relation to Item 9.2 – SF1791 251018 MINUTES OF THE LAND DEVELOPMENT COMMITTEE MEETING HELD ON 27 SEPTEMBER 2018 be rescinded; and
- 2 That Council adopt the following recommendations of the Land Development Committee meeting held on 27 September 2018 being:
- 3 That in response to the enquiry for the purchase of Council's 1.3 hectares of B7 land on the corner of Railway Road and Hyland Park Road that Council advise a price for a non-conditional contract of \$90 per m² plus GST, take it or leave it. And for conditional contracts that the price be negotiated.
- 4 That Council obtain a valuation for Lot 1 DP 732604 and Lot 5 DP 749153 Giinagay Way, Nambucca Heads for consideration by Council preparatory to the lots being listed for sale with a real estate agent. Further any possible contamination of the land be disclosed to the valuer and any potential purchaser.
- 5 That Council provide an interim response to the Department of Premier and Cabinet in relation to the Growing Local Economies Program.

DELEGATIONS

RECOMMENDATION

That the following Public Forum and Delegations be heard:

Public Forum:

- i Lynne Ebert - Noise from Basket Ball Court - Buz Brazel Park Scotts Head
- ii Bob Mackay - Code of Respect and Awareness - Bowraville Recreation Grounds

Delegations:

- i Noel Searle – Onsite - DA2004/298 - Modification of 2 Lot Rural Subdivision at Lot 2 DP 883504, 642 Wilson Road Congarinni North
- ii Talula Hughes - Alithia Learning – Request for Endorsement of Alithia Learning enabling the organisation to apply for funding exemption – **ITEM 10.20** (Page 78)
- iii Marlene Young – Scotts Head Medical Centre - Deferred Developer Contributions **ITEM 10.8** (Page 42)
- iv Richard Barrie – Sewerage Spill into the Nambucca River and how it affects Oyster Growers
Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions,
Potential Major Claims or Loss of Reputation – **ITEM 13.1 Confidential Report**
- i Lynne Ebert - Noise from Basket Ball Court - Buz Brazel Park Scotts Head

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Ms Ebert addressed Council with notes placed on Trim File 40050/2018.

524/18 **RESOLVED:** (Hoban/Ainsworth)

That Council receive a report addressing the issues of noise on the Basketball Court at Buz Brazel Park, Scotts Head.

At the opening of his comments Mr Mackay mentioned negotiations with Nambucca Valley Care so Councillor Janine Reed left the meeting before the commencement of this item, the time being 5:45 PM.

ii *Bob Mackay on behalf of Public Forum - Code of Respect and Awareness - Bowraville Recreation Grounds*

Mr Mackay addressed Council with notes placed on Trim File 15950/2018.

Mr Mackay requested that he and Council attend a meeting with the Recreation Club in Bowraville to discuss the Code of Respect and Awareness

Councillor Janine Reed returned to the meeting at the completion of this item, the time being 5:53 PM

DELEGATIONS CONTINUED:

Item 10.20 Request for Endorsement of Alithia Learning enabling the organisation to apply for funding exemption

ii *Talula Hughes - Alithia Learning – Request for Endorsement of Alithia Learning enabling the organisation to apply for funding exemption – (Page 78)*

Ms Hughes addressed Council with a presentation and notes placed on Trim File 34901/2018.

ITEM 10.20 SF2315 151118 Request for Endorsement of Alithia Learning enabling the organisation to apply for funding exemption

525/18 **RESOLVED:** (Finlayson/Jones)

1 That Council acknowledge the request for endorsement, and Council's inability to financially support the project.

2 Notwithstanding the good intentions of Alithia Learning, that Council not provide written endorsement of the project as there is insufficient evidence to clearly indicate that the proceeds from the grant will be solely used for charitable purposes rather than the improvement of a privately owned property.

DELEGATIONS CONTINUED:

Item 10.8 Deferred Developer Contributions

iii *Ms Marlene Young - Scotts Head Medical Centre addressed Council with notes placed on Trim File 42267/2018.*

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ITEM 10.8 SF446 151118 Deferred Developer Contributions

526/18 **RESOLVED:** (Hoban/Jones)

- 1 That Council apply Section 64 contributions to the value of one (1) consulting room and that the applicant be permitted to pay it in two (2) annual instalments with CPI indexation applied to the second instalment.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones, Reed Total (7) |
| Against the Motion: | Nil Total (0) |

527/18 **RESOLVED:** (Finlayson/Ainsworth)

- 1 That Council amend the existing Deed of Agreement with Anthony and Belinda Smith for the deferral of developer contributions associated with DA2009/119. The deed is to require the payment of contributions for two (2) lots upon the first settlement of a lot within the development and the payment of contributions for one (1) lot upon the second settlement of a lot within the development.

- 2 That Council's seal be attached to the Deeds of Agreement as required.

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

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| For the Motion: | Councillors Ainsworth, Finlayson, Hoban and Reed Total (4) |
| Against the Motion: | Councillors Ballangarry, Jenvey and Jones Total (3) |

DELEGATIONS CONTINUED:

Item 13.1 Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions, Potential Major Claims or Loss of Reputation – **Confidential Report**

iv *Mr Richard Barrie – Sewerage Spill into the Nambucca River and how it affects Oyster Growers addressed Council with notes placed on Trim File 42818/2018.*

ITEMS 10.9 DA 2004/298 AND ITEM 10.11 Brought Forward

528/18 **RESOLVED:** (Ainsworth/Jones)

That DA2004/298 - Modification of 2 Lot Rural Subdivision at Lot 2 DP 883504, 642 Wilson Road, Congarinni North and DA 2018/176 - Continuing Use of Relocated Dwelling-House, 640 Wilson Road, Congarinni North be brought forward.

Councillor Brian Finlayson left the meeting before the commencement of this item, the time being 6:30 PM

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ITEM 10.9 DA2004/298 151118 DA2004/298 - Modification of 2 Lot Rural Subdivision at Lot 2 DP 883504, 642 Wilson Road Congarinni North

529/18 **RESOLVED:** (Jones/Ballangarry)

It is recommended that the application be refused for the following reasons:

- 1 The existing approved location of the building envelope on Proposed Lot 21 already represents a relaxation of the rural buffer development controls under Clause F1.3.2 of the Nambucca Development Control Plan 2010 and provides better topographic shielding from potential rural land use conflicts compared to the proposed building envelope.
- 2 The proposed location of the building envelope on Proposed Lot 21 does not meet the objectives of the development controls under Clause F1.3.2 of the Nambucca Development Control Plan 2010.
- 3 The proposal is not considered to be consistent with the objectives of the RU2 Zone under the Nambucca Local Environmental Plan 2010, as it could hinder sustainable primary production and increase the potential for land use conflict.
- 4 The proposal is inconsistent with the matters for consideration in Clause 10 of State Environmental Planning Policy (Rural Lands) 2008 as it would reduce the measures to avoid or minimise the potential conflict between incompatible land uses.

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

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| For the Motion: | Councillors Ballangarry and Jones Total (2) |
| Against the Motion: | Councillors Ainsworth, Hoban, Jenvey and Reed Total (4) |

530/18 **RESOLVED:** (Hoban/Ainsworth)

That on the basis that the adjoining land is sloped to the west and not suitable to horticultural development and the slope of the adjoining land will minimise visual impacts of any netting ancillary to horticulture, that Council approve the modification.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Hoban, Jenvey, Jones and Reed Total (6) |
| Against the Motion: | Nil Total (0) |

ITEM 10.11 DA2018/176 151118 DA 2018/176 - Continuing Use of Relocated Dwelling-House, 640 Wilson Road, Congarinni North

531/18 **RESOLVED:AIN/**(Ainsworth/Reed)

That Council as the consent authority, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant deferred development consent subject to the conditions listed in the attachment with the exception that Conditions 1.a. and 21 be deleted.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Hoban, Jenvey, Jones and Reed Total (6) |
| Against the Motion: | Nil Total (0) |

Councillor Brian Finlayson returned to the meeting at the completion of this item, the time being 6:51 PM

ITEM 10.7 SF2532 Brought Forward

532/18 **RESOLVED:** (Ainsworth/Reed)

That Item 10.7 NLEP 2010 Amendment 24 - Rezone Rural Land to Residential be brought forward.

ITEM 10.7 SF2532 151118 NLEP 2010 Amendment 24 - Rezone Rural Land to Residential

533/18 **RESOLVED:** (Finlayson/Ainsworth)

- 1 Council staff forward the planning proposal contained within attachment 1 to the Minister for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.**
- 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 planning proposal.**

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

ITEM 10.18 SF2395 Brought Forward

534/18 **RESOLVED:** (Ainsworth/Finlayson)

That Donation request to cover shortfall in budget for Regional Cultural Fund project - Upgrade of the Nambucca Community and Arts Centre be brought forward.

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ITEM 10.18 SF2395 151118 Donation request to cover shortfall in budget for Regional Cultural Fund project - Upgrade of the Nambucca Community and Arts Centre

535/18 **RESOLVED:** (Reed/Ballangarry)

- 1 That the source of funding for the required additional \$5,038.12 (GST exclusive) be deferred to Council's meeting on 29 November 2018 which will consider the September Quarterly Budget Review with the view of finding the funding from savings in existing budgets.
 - 2 Council note that in the circumstances that considerable work has been undertaken in sourcing quotations Council staff are proceeding with the project, including placement of orders and engagement of contractors.
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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.

GENERAL MANAGER REPORT

ITEM 10.1 SF959 151118 Outstanding Actions and Reports

536/18 **RESOLVED:** (Finlayson/Ainsworth)

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

ITEM 10.2 SF2526 151118 Changing Name of Local Government Area

537/18 **RESOLVED:** (Reed/Ainsworth)

- 1 That Council undertake public consultation and seek community opinion to a change in the name of the Council from "Nambucca Shire Council" to "Nambucca Valley Council". The public consultation is to be undertaken by way of media release; advertisements in local print media; question/s to be incorporated in Council's 2019 Customer Satisfaction Survey; and by direct mail to representative community groups including the local Chambers of Commerce and Local Aboriginal Land Councils.
 - 2 At the conclusion of the public consultation that the matter be reported back to Council to determine whether or not to recommend to the Minister for Local Government a change in the Council's name to, "Nambucca Valley Council".
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ITEM 10.3 SF45 151118 LGNSW Annual Conference 2018

538/18 **RESOLVED:** (Ainsworth/Ballangarry)

That the information concerning the LGNSW Annual Conference 2018 be received.

ITEM 10.4 SF2248 151118 Mid North Coast Joint Organisation

539/18 **RESOLVED:** (Finlayson/Ainsworth)

That the information in the letter from the Chief Executive of the Office of Local Government to the Mayor concerning the Mid North Coast Joint Organisation be noted.

ITEM 10.5 SF600 151118 Funding to Support Nambucca Heads Mens Shed

540/18 **RESOLVED:** (Reed/Finlayson)

- 1 That Council provide rent relief to the Nambucca Heads Mens' Shed of \$190 per week for a maximum period of six months commencing 1 December 2018.**
 - 2 That the Mens Shed be advised that if the acquisition of the land on Link Road is unsuccessful that Council has exhausted all possibilities for supporting the Mens Shed. Further that if the acquisition is successful councils assistance to the Mens Shed is limited to the acquisition of the land only.**
-

ITEM 10.6 SF1327 151118 Macksville High School Hall - Community Use Agreement

541/18 **RESOLVED:** (Ainsworth/Jenvey)

That Council advise the Department of Education that it does not seek a new Agreement for the operation of the Macksville High School Hall.

ITEM 10.7 was dealt with earlier in the meeting as there were members of the public in the audience who were interested in the Item.

ITEM 10.8 was dealt with earlier in the meeting under delegations.

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ITEM 10.9 was dealt with earlier in the meeting under delegations.

ITEM 10.10 SF2423 151118 Undetermined Development Applications either greater than 12 months or where submissions received to 7 November 2018

542/18 **RESOLVED:** (Ainsworth/Finlayson)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 7 November 2018 be noted by Council.

Item 10.11 was dealt with earlier in the meeting.

ITEM 10.12 SF2278 151118 Minutes of the Clean Energy Committee meeting 17 October 2018

543/18 **RESOLVED:** (Jenvey/Ballangarry)

- 1 **That Council endorse the minutes of the Clean Energy Committee meeting held on Wednesday 17 October 2018.**
 - 2 **That a report be prepared for the Committee detailing information about OEH's pilot program for renters and Enova Energy's solar gardens to enable consideration of commencing a similar style of program within the Nambucca Shire to enable more equitable outcomes for all residents.**
-

ITEM 10.13 SF2423 151118 2018 October - Approved Construction and Complying Development Certificates

544/18 **RESOLVED:** (Finlayson/Ainsworth)

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

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ITEM 10.14 SF2423 151118 2018 October - Development Applications and Complying
Development Applications Received

545/18 **RESOLVED:** (Ainsworth/Finlayson)

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

ITEM 10.15 SF2422 151118 Minutes of the Nambucca Shire Council Access Committee
meeting held 25 September 2018

546/18 **RESOLVED:** (Jenvey/Jones)

- 1 That a site inspection be made at the next available Access Committee meeting, or at a time suitable to Council's technical staff, to consider access generally along the river foreshore (west of the bridge) in Macksville; with a specific look at the bleachers/steps opposite the jetty stage.**
 - 2 That Council note and support the Access Committee's recognition of the need for Adult Lift and Change facilities in the Nambucca Valley, preferably in the vicinity of the Macksville Memorial Aquatic and Fitness Centre; and refer the matter to Council's Grants Officer for possible funding sources noting the Committee's support for any application or steps that Council takes to bring the project about.**
 - 3 That Council endorse the minutes of the Nambucca Shire Council Access Committee meeting held 25 September 2018.**
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ITEM 10.16 SF2422 151118 Minutes of the Nambucca Shire Council Access Committee
meeting held 23 October 2018

547/18 **RESOLVED:** (Jones/Jenvey)

- 1 That the Disability Inclusion Action Plan report 30 June 2018 be adopted.**
 - 2 That the Disability Inclusion Action Plan report 30 June 2018 be included as an Appendix to Council's 2018 Annual Report and submitted to the NSW Minister for Disability Services via the Department of Family and Community Services.**
 - 3 That a report be provided to the Access Committee in relation to the possibility of including baby change facilities when public toilet amenities are upgraded.**
 - 4 That Council endorse the minutes of the Nambucca Shire Council Access Committee meeting held 23 October 2018.**
-

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ITEM 10.17 SF1031 151118 Review of Policies relating to Filming on Council Land

548/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That the Policies: Permit to Film in Council's Area and the Nambucca Film and Television Policy be deleted.
 - 2 That Council re-confirms its commitment to the Local Government Filming Protocol.
 - 3 That the Filming on Council land fees be deleted from the Revenue Policy.
-

ITEM 10.18 was dealt with earlier in the meeting.

ITEM 10.19 SF2513 151118 Request for Donation - Rotary Club of Macksville - Macksville Music Muster 2019

549/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council approve a Section 356 donation of \$500.00, to assist the Macksville Rotary Club with the Macksville Music Muster in March 2019.

ITEM 10.20 was dealt with earlier under Delegations.

ITEM 10.21 SF2513 151118 Request for Donation - Bowraville Chamber of Commerce - Registration to attend Tidy Towns Award Ceremony in Orange

550/18 **RESOLVED:** (Ainsworth/Reed)

That Council approve a Section 356 donation of \$380.00, to cover the registration fees for two (2) people nominated by Bowraville Chamber of Commerce to attend the Tidy Towns Awards Ceremony in Orange NSW.

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 11.1 SF265 151118 Revision of Records Management Policy and Program

551/18 **RESOLVED:** (Reed/Ainsworth)

That subject to endorsement by the Internal Audit, Risk and Improvement Committee, the attached Records Management Policy and Program be adopted.

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ITEM 11.2 SF2493 151118 Investment Report

552/18 **RESOLVED:** (Ainsworth/Finlayson)

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

ITEM 11.3 SF99 151118 Change of Road Name

553/18 **RESOLVED:** (Reed/Ainsworth)

- 1 **Council rename part of Bellingen Road to Bowraville Road for that section located north of the landslides and issue new Rural Road Numbers to those properties.**
 - 2 **Council support an application to the Geographic Names Board amending the locality boundary between Missabotti and Spicketts Creek.**
-

ITEM 11.4 SF251 151118 Schedule of Council Public Meetings 2018

554/18 **RESOLVED:** (Jenvey/Reed)

- 1 **The schedule of dates for meetings in 2018 be noted.**
 - 2 **Council note the Ordinary Council meeting on 29 November 2018 is to be held at the Eungai District Soldiers' & Memorial Hall.**
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ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 12.1 SF2218 151118 T151819MNC Tender for Supply and Delivery of Precast Bridge Planks

555/18 **RESOLVED:** (Finlayson/Ainsworth)

- 1 **That Council award the contract for tender T151819MNC Supply & Delivery of Precast Bridge Planks to:**
 - **Holcim(Australia) Pty Ltd t/as Humes**
 - **Waeger Constructions Pty Ltd**
 - **Australian Precast Solutions Pty Ltd**
 - **CPB Contractors Pty Ltd.**
 - **Inquik Pty Ltd**
 - **Quickcell Technology Products Pty Ltd**

as a Panel Source supplier to Nambucca Shire Council for the period of 36 months commencing 1 November 2018 to 1 November 2021; and update the Contract Register (TRIM 31325/2016).

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- 2 That a provision be allowed for a 24 month extension based on satisfactory supplier performance which may take T151819MNC contract through to 1 November 2023.
- 3 That Council advise Regional Procurement that it reserves the right to source precast bridge components from alternate suppliers outside this panel tender if other products deemed more suitable to councils requirements become available and that there is no commission payable to Regional Procurement in the event that precast bridge components are sourced from alternate suppliers outside this panel tender.
- 4 That Council note the confidential report concerning Tender T151819MNC Supply & Delivery of Precast Bridge Planks.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

Mr Michael Coulter left the meeting before the commencement of this item, the time being 7.24 PM

ITEM 12.2 T021/2018 151118 T021/2018 Tender Surf Life Saving Services 2018-2023

556/18 **RESOLVED:** (Reed/Jones)

- 1 That Council award tender T021/2018 for the Provision of Surf Lifesaving Services on the Nambucca Valley beaches for a 5 year period commencing 1 December 2018 and terminating on 31 January 2023 to Surf Life Saving Services Pty Ltd (trading as the Australian Lifeguard Service); and update the Contract Register (TRIM 31325/2016).
- 2 That Council approve a variation of \$1670.00 to the 2018/19 budget funded from general funds and to be reported to the December budget review.
- 3 That a report be prepared for Council's meeting on 29 November 2018 to investigate sourcing funding from within the existing 2018/19 budget together with on-going recurrent funding for an increased service level to cover the Easter school holiday periods on the Nambucca Valley beaches.
- 4 That Council note the confidential report concerning Tender T023/2018 for the Provision of Surf Lifesaving Services on the Nambucca Valley beaches.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

Mr Michael Coulter returned to the meeting at the completion of this item, the time being 7.25 PM

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ITEM 12.3 SF825 151118 T027/2018 Supply and/or Purchase of Landfill Compactor with 26 Tonne Minimum Operating Weight

557/18 **RESOLVED:** (Ainsworth/Jenvey)

- 1 That Council accepts the quotation from GCM Enviro for the purchase of a Tana E260 waste landfill waste compactor (T027/2018) and update the Contract Register (TRIM 31325/2016).
- 2 That Council allocate an additional \$78,600 from the Waste Reserves to enable the purchase of a new waste landfill compactor.
- 3 That Council note the confidential report concerning Tender T027/2018 for the Supply and or Purchase of a Landfill Compactor.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

ITEM 12.4 T028/2018 151118 T028/2018 Construction of Rock Fill Landslip Remediation, Gumma Road

558/18 **RESOLVED:** (Jones/Reed)

- 1 That Council accept the quotation from Fortade Earthmoving Pty Ltd as a lump sum price for T028/2018 Construction of Rock Fill Landslip Remediation, Gumma Road, Gumma (Project ND-MV-71) and update the Contract Register (TRIM 31325/2016).
- 2 That Council allocate an amount of \$68,000 as betterment from working funds to undertake further remedial bank stabilisation and road reconstruction for the length of approximately 40m of pavement before and after the flood damage affected sections.
- 3 That Council note the confidential report concerning Tender T022/2018 – Construction of Rock Fill Landslip Remediation, Gumma Road, Gumma.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

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ITEM 12.5 T029/2018 151118 T029/2018 Supply and/or Purchase of Backhoe CCF Class 5.5

559/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council receive and note the information pertaining to the purchase under delegated authority of a Caterpillar 432F2 CCF Class 5.5 Backhoe from Westrac Pty Ltd in accordance with Council's adopted Procurement Procedures Manual and update the Contracts Register (TRIM 31325/2016).
- 2 That Council note the confidential report concerning T029/2018 for the Supply and/or purchase of a Caterpillar Backhoe CCF Class 5.5.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

ITEM 12.6 T032/2018 151118 T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre

560/18 **RESOLVED:** (Hoban/Jones)

That this item be deferred and Council seek the views of the Macksville Chamber of Commerce and the Business Advisory Committee as to the cost benefit of the project and staff consult King and Campbell regarding possible variations to the project that might reduce the cost.

ITEM 12.7 SF699 151118 Q015/2018 Cleaning of Council Public Amenities

561/18 **RESOLVED:** (Finlayson/Ainsworth)

- 1 Council notes that KAMZ cleaning have been engaged for a period of 6 months for the cleaning of public amenities.
- 2 That Council commences community consultation on the amenities identified in the discussion area of this report with the aim to rationalise the number of public amenities across the Shire, with a further report to Council following the end of the consultation process.

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

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| For the Motion: | Councillors Ainsworth, Ballangarry, Finlayson, Hoban, Jenvey, Jones and Reed Total (7) |
| Against the Motion: | Nil Total (0) |

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ITEM 12.8 SF453 151118 Waste Management Quarterly Report July - September 2018

562/18 **RESOLVED:** (Finlayson/Reed)

That Council receive and note the information provided on the MyBin App, the bulky goods collections and the Waste Management Quarterly Report for the period 1 July – 30 September 2018.

ITEM 12.9 SF674 151118 Change in EPA Policy - Biomass operations

563/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 **That the Minister for Local Government and the Minister for Environment be advised that the announcement from the EPA on Thursday 25 October has a substantial impact and cost burden to the waste alliance of Coffs Harbour, Bellingen and Nambucca Councils which will now have to landfill the composted fraction of our mixed waste (red bin) stream.**
- 2 **That Council request the support of Coffs Harbour and Bellingen Councils in seeking an urgent delegation to the Minister for the Environment, the Hon. Gabrielle Upton to discuss financial responsibility for the now redundant mixed waste processing cost of \$160 per tonne (indexed) through to the conclusion of the mixed waste processing contract in 2027 as well as the loss of all value for the mixed waste compost. Further that Council advise the Member for Oxley of Council's concern with the lack of notice provided by the EPA decision and the financial responsibility for this decision.**

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

564/18 **RESOLVED:** (Jones/Ainsworth)

- 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 13.1 SF1549 151118 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 15 NOVEMBER 2018

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF2432 151118 DA2017/092 - Deferred Developer Contributions

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) 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.

For Confidential Business Paper in Closed Meeting

ITEM 13.9 SF2432 151118 Acquisition Of Land From Forests NSW For The Future Extension Of The Nambucca Waste Management Facility

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) 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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7.45 pm.

RESUME IN OPEN MEETING

565/18 **RESOLVED:** (Ainsworth/Finlayson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 8.05 pm.

FROM COUNCIL IN CLOSED MEETING

The Mayor then read the Confidential resolutions.

GENERAL MANAGER REPORT

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF1549 151118 Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions, Potential Major Claims or Loss of Reputation

566/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That the information concerning incidents pertaining to regulatory non-compliance, fines, penalties, prosecutions, potential major claims or loss of reputation be received.
 - 2 That Council request the support of Coffs Harbour and Bellingen Councils in seeking an urgent delegation to the Minister for the Environment, the Hon. Gabrielle Upton to discuss financial responsibility for the now redundant mixed waste processing cost of \$160 per tonne (indexed) through to the conclusion of the mixed waste processing contract in 2027 as well as the loss of all value for the mixed waste compost. Further that Council advise the Member for Oxley of Council's concern with the EPA decision to prevent the land application of the councils' mixed waste compost and the financial responsibility for this decision.
 - 3 That Council's standard procedures for responding to sewage surcharges include a media release and notification to Council's Insurer.
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Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 NOVEMBER 2018

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF2432 151118 DA2017/092 - Deferred Developer Contributions

567/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 **That Council enter into a Deed of Agreement to defer developer contributions payable for the release of 4 lots fronting Bellevue Drive (lots 16-19) associated with development consent DA2017/092 subject to the following:**
 - **The applicant contributes \$20,000 to the rehabilitation of Coronation Road. Payment to be made prior to the issue of any subdivision certificate.**
 - **That developer contributions are paid on the settlement of each lot.**
- 2 **That Council's seal be attached to the Deed of Agreement as required.**

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

| | |
|---------------------|---|
| For the Motion: | Councillors Ainsworth, Finlayson, Hoban and Reed Total (4) |
| Against the Motion: | Councillors Ballangarry, Jenvey and Jones Total (3) |

Cr Jones wished his vote recorded against as he does not agree with deferred Developer Contributions.

For Confidential Business Paper in Closed Meeting

ITEM 13.9 SF2432 151118 Acquisition Of Land From Forests NSW For The Future
Extension Of The Nambucca Waste Management Facility

568/18 **RESOLVED:** (Jenvey/Jones)

- 1 **Council seek the consent of the Minister for Lands and Forestry for the compulsory acquisition of the forestry land adjacent to Lot 2 DP 1018234 711 Old Coast Road, Nambucca Heads from Forests NSW for the future extension of the Nambucca Waste Management Facility.**
- 2 **That the Minister for Lands and Forestry be advised that the proposed compulsory acquisition of additional forestry land has become a greater priority to Council following the recent EPA announcement that as of Friday 26 October 2018 councils waste alliance of Coffs Harbour, Bellingen and Nambucca will have to landfill the composted fraction of our mixed waste (red bin) stream which is a significant change in State Government policy.**
- 3 **Council inform the Regional Coordination Team of the Department of Premier and Cabinet of Council's request to the Minister for Lands and Forestry and request that they liaise with relevant staff from the Forestry Corporation of NSW and Council in relation to the matter.**

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 NOVEMBER 2018

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8.05 pm.

Confirmed and signed by the Mayor on 29 November 2018.

**Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)**