

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 DECEMBER 2018

The following document is the minutes of the Ordinary Council meeting held **13 DECEMBER 2018**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 17 January 2019 and therefore subject to change. Please refer to the minutes of 17 January 2019 for confirmation.

PRESENT

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

Cr John Ainsworth
Cr Brian Finlayson
Cr David Jones
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

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

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

APOLOGIES

Cr Janine Reed (on approved leave)

PRAYER

Pastor Peter Lott, Nambucca Valley Christian Life Centre, 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 Item 9.9 *Plan of Management – Tilly Willy Creek Boat Ramp* under the Local Government Act as he is the Secretary of the Macksville-Scotts Head SLSC and the Club's surf boat rowers utilise the shed on the land as a training base. Mr Coulter left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 29 NOVEMBER 2018

603/18 **RESOLVED:** (Wilson/Ballangarry)

That the minutes of the Ordinary Council Meeting of 29 November 2018 be confirmed.

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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 9.1 SF959 131218 Outstanding Actions and Reports

604/18 **RESOLVED:** (Ainsworth/Finlayson)

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

ITEM 9.2 SF641 131218 Valla Urban Growth Area Locality Name

605/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 At this stage that Council not adopt a new locality name for the Valla Growth Area.**
- 2 That Council not “reinstate” the Viewmont locality.**
- 3 That Council canvas views on the naming of the Valla Growth Area in the next customer satisfaction survey.**

ITEM 9.3 SF716 131218 Parking Fine Concessions

606/18 **RESOLVED:** (Wilson/Ainsworth)

That Council agree to opt in to charge lower parking fine amounts of \$80 instead of \$112, indexed annually as per current practices, and advise the Treasurer of NSW of this before 1 January 2019.

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ITEM 9.4 SF46 131218 Scotts Head Remembrance Wall

MOTION: (Finlayson/Wilson)

That Council:

- 1 Permit the placement of bronze plaques on the section of the Ocean Street car park retaining wall between the northern stairs and southern ramp. Permissible plaques must be those purchased from and installed by Council.
- 2 Limit the size of the plaques to 205mm x 150mm and have them affixed in rows to have a consistent and uniform appearance.
- 3 Maintain the existing \$510.00 fee for the installation of a plaque as provided for in Councils fees and charges with the addition of a \$40.00 fee for each plaque sold for the Scotts Head wall to fund the construction of a concrete path, landscaping, and seating in the future.

The motion was Lost.

ITEM 9.5 SF1031 131218 Amended Water Carters Policy

607/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council adopt the draft Water Carters Policy contained within attachment 1.

ITEM 9.6 SF2070 131218 Gordon Park Foreshore Improvements

MOTION: (Finlayson/Ainsworth)

- 1 That Council Stage the construction of the foreshore Jetty.
- 2 That Council proceed with the construction of the first stage of the Jetty and other works in the foreshore, finalise administrative permits and bond payments with NSW DPI (Fisheries) so construction may commence.
- 3 That Council recommend that NSW DPI (Fisheries) prioritise the release of bonds to Council into the local area at the end of the bond term, should the bond not be returned to Council.

AMENDMENT: (Hoban/Ainsworth)

- 1 That Council Stage the construction of the foreshore Jetty.
- 2 That subject to points 3 and 4 Council proceed with the construction of the first stage of the Jetty and other works in the foreshore and finalise administrative permits.
- 3 That Council make representations to the Member for Oxley to have the requirement for the bond to be waived.
- 4 That Council advise the member for Oxley, NSW DPI (Fisheries) and the media that if the bond is not waived that Council will not proceed with the jetty.

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That the amendment was carried and became the motion.

608/18 **RESOLVED:** (Hoban/Ainsworth)

- 1 That Council Stage the construction of the foreshore Jetty.
 - 2 That subject to points 3 and 4 Council proceed with the construction of the first stage of the Jetty and other works in the foreshore and finalise administrative permits.
 - 3 That Council make representations to the Member for Oxley to have the requirement for the bond to be waived.
 - 4 That Council advise the member for Oxley, NSW DPI (Fisheries) and the media that if the bond is not waived that Council will not proceed with the jetty.
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ITEM 9.7 SF1496 131218 Minutes of the Nambucca Rivers, Creeks, Estuaries and
Coastline Management Committee - 13 June 2018

609/18 **RESOLVED:** (Finlayson/Ballangarry)

- 1 That Council adopt the minutes of the Nambucca Rivers, Creeks, Estuaries and Coastline Management Committee held on the Thursday 22 November 2018.
 - 2 That three (3) Councillors be appointed to the Committee being Councillors John Ainsworth, Brian Finlayson and Janine Reed as an Alternate.
 - 3 That Council note the committee's recommendation to undertake an audit of high risk pump stations, but acknowledge that Council will be working with the EPA on a Pollution Reduction Program in respect to the reticulated sewer services.
 - 4 That Council endorse the recommendation of the committee to proceed with detail design of the Main Beach Seawall with preferred design for this project being a combination Bleachers and Vertical concrete wall in preference to a rock revetment and vertical concrete wall.
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ITEM 9.8 SF2422 131218 Minutes of the Nambucca Shire Council Access Committee meeting held 21 November 2018

610/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council approach NSW Roads and Maritime Services for funding for lighting and improvements to pedestrian access across and under Macksville Bridge.
- 2 That Council advise NSW Roads and Maritime Services that issues have been raised about the slipperiness and therefore potential for falls, of the checker-plate steel (when wet) on the access ramp at the southern approach to Macksville Bridge.
- 3 That Council investigate options for safer pedestrian access across River Street (western end) Macksville to improve pedestrian access between the shops and foreshore.
- 4 That a feasibility report be prepared for installation of a wheelchair access ramp in the vicinity of the Princess Street Macksville toilets to avoid the need for people using wheelchairs, mobility scooters and prams to go on the road and around the roundabout to access the river foreshore.
- 5 With reference to the Macksville River foreshore, that the small steps at the centre of the seat steps (bleachers) which are non-compliant and the small concrete apron at the top of the seats be removed; and that further, Council staff be requested to place additional soil along the grass strip to create a level transition between the footpath and the seating.
- 6 That Council endorse the minutes of the Nambucca Shire Council Access Committee meeting held 21 November 2018.

Mr Michael Coulter left the meeting before the commencement of this item, the time being 6.05 PM

ITEM 9.9 SF2468 131218 Plan of Management - Tilly Willy Creek Boat Ramp, McKay Street, Macksville

611/18 **RESOLVED:** (Ainsworth/Wilson)

That Council:

- 1 Endorse the Plan of Management for the Tilly Willy Creek Boat Ramp, McKay Street, Macksville (Doc. 22327/2018) and place the document on Council's website.
- 2 Formalise the draft lease (Doc. 21797/2018) and attach Council's seal to the lease documents as appropriate.

Mr Michael Coulter returned to the meeting at the completion of this item, the time being 6.06 PM

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ITEM 9.10 SF2423 131218 Undetermined Development Applications either greater than 12 months or where submissions received to 5 December 2018

612/18 **RESOLVED:** (Finlayson/Smyth)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 5 December 2018 be noted by Council.

ITEM 9.11 SF2280 131218 Lodgement of Application to Minister for Lands and Forestry for Classification and Categorisation of eighteen (18) Crown Reserves

613/18 **RESOLVED:** (Ainsworth/Finlayson)

1 That Council adopt the recommended Crown Land Reserve classifications for the eighteen (18) Crown Reserves as set out in the tables in this report being:

**Lot 7005 Upper Warrell Creek Road, Macksville – Operational Land
Lot 7014 Wallace Street, Macksville – Operational Land
Lot 7015 Wallace Street and Upper Warrell Creek Road, Macksville – Community Land
Lot 202 Factory Road, Bowraville – Community Land
Lot 7301 Park Street, Bowraville – Community Land
Lot 7023 Swimming Creek Road, Nambucca Heads – Community Land
Lot 5 High Street, Nambucca Heads – Operational Land
Lots 1 DP 951723 Rodeo Drive (Tewinga Community Centre) – Operational Land
Lots 2 DP 951723 Rodeo Drive (Tewinga Community Centre) – Operational Land
Lot 339 Loftus Street, Nambucca Heads – Community Land
Lot 340 Short Street, Nambucca Heads – Community Land
Lot 7024 Swimming Creek Road, Nambucca Heads – Community Land
Lot 7012 Back Street, Nambucca Heads – Operational Land
Lot 3 Back Street, Nambucca Heads – Operational Land
Lot 232 Boultons Crossing Road, Gumma – Operational Land
Lot 178 Swimming Creek Road, Nambucca Heads – Community Land
Lot 70 Riverside Drive, Nambucca Heads – Community Land
Lot 178 Ocean Street, Nambucca Heads – Operational Land**

2 That the residents who appear to be using Lot 7023 Swimming Creek Road as a secondary access to their properties be requested to advise whether they wish to continue to utilise the land as a secondary access in which case they will require a licence or alternatively cease using it and remove the gravel pavement which has been placed on the land.

ITEM 9.12 SF1148 131218 Council Ranger's Report November 2018

614/18 **RESOLVED:** (Wilson/Finlayson)

1 That the Ranger's Impounding Statistics for November 2018 be received and noted by Council.

2 That the penalties issued for the two (2) months of October and November 2018 be noted.

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ITEM 9.13 SF2423 131218 2018 November - Approved Construction and Complying
Development Certificates

615/18 **RESOLVED:** (Ainsworth/Finlayson)

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

ITEM 9.14 SF2423 131218 2018 November - Development Applications and Complying
Development Applications Received

616/18 **RESOLVED:** (Ainsworth/Wilson)

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

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF2563 131218 Council Election 2020

617/18 **RESOLVED:** (Finlayson/Ainsworth)

1 Nambucca Shire Council resolves that:

- a) **In accordance with Section 296AA (1) (a) of the Local Government Act 1993, Council enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections, polls and referenda of the Council (as provided by Section 296);**
- b) **Council take the option for the full count to allow casual vacancies to be filled in the first eighteen (18) months without a Bi-election;**
- c) **That the tender of the Australian Election Company to provide Election Services for the period 1 April 2019 to 31 March 2024 be passed over;**

2 That Council write to the Minister for Local Government to request that something be done to avoid a bi-election requirement in the twelve months that has not been addressed by the countback option or the Minister's discretion.

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ITEM 10.2 SF317 131218 Draft Plan of Management for Macksville Sports Complex

618/18 **RESOLVED:** (Finlayson/Ainsworth)

That:

- a) **The attached Draft Plan of Management for the Macksville Sports Complex be advertised for 28 days from Mid-January 2019 for public comment.**
 - b) **Council advertise for additional community representatives to join the S355 Committee of Management and any nominations received be submitted to Council for approval.**
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ITEM 10.3 SF1031 131218 Draft Purchase Card Policy

619/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council adopt the draft Purchase Card Policy subject to endorsement by the Audit, Risk and Improvement Committee.

ITEM 10.4 SF306 131218 Burrupine Hall Committee of Management - Annual General Meeting - 5 November 2018

620/18 **RESOLVED:** (Finlayson/Ballangarry)

- 1 **That Council endorse the minutes of the Burrupine Hall Committee of Management Annual General Meeting held on 5 November 2018 and advertise for the vacant position of President;**
 - 2 **That Council thank the outgoing Committee for their work in the past twelve months.**
-

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ITEM 10.5 SF338 131218 Tewinga Community Centre Committee of Management -
Change in Executive

621/18 **RESOLVED:** (Finlayson/Ainsworth)

That:

- a) Council note the AGM resolution and request the newly formed Committee to advise Council whether it proposes to be independent of Council or a S355 Committee.
 - b) If it is to be a S355 Committee then Council advertise for nominations for the newly formed Committee to be approved by Council and develop a revised Terms of Reference.
 - c) If it is not to be a S355 Committee then the Tewinga Community Centre Committee be dissolved and a licence agreement be entered into with the Radio Nambucca Committee for the care, control and management of the Tewinga Community Centre.
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ITEM 10.6 SF251 131218 Schedule of Council Public Meetings 2019

622/18 **RESOLVED:** (Ainsworth/Ballangarry)

That the schedule of dates for January to June 2019 be noted.

ITEM 10.7 SF2493 131218 Investment Report

623/18 **RESOLVED:** (Wilson/Ballangarry)

That the Accountants' Report on Investments placed to 30 November 2018 be noted.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF444 131218 Roadside Maintenance Operations

624/18 **RESOLVED:** (Hoban/Smyth)

That the Roadside Maintenance Operations report be deferred until 17 January 2019.

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ITEM 11.2 SF85 131218 NSW Rural Fire Service Level Agreement Zone Liaison
Committee meeting - 14 November 2018

625/18 **RESOLVED:** (Ainsworth/Finlayson)

That Council receive and note the report for the NSW RFS Service Level Agreement Zone Liaison Committee Meeting held on 14 November 2018 and the minutes from the 8 August 2018.

ITEM 11.3 SF1031 131218 Policy Review - Memorials on Council Controlled Land

626/18 **RESOLVED:** (Finlayson/Smyth)

- 1 **That Council place the amended Memorials on Council controlled Land Policy on public exhibition and extend the statutory 28 days, through to mid-February due to the pending Christmas holiday period.**
 - 2 **That a further report be provided to Council following the closing of the public exhibition period in mid-February advising of any comments received from Councillors and the community detailing any potential amendments to the document and seeking formal adoption of the amended Memorials on Council controlled Land Policy (Our Ref: 44313/2018) replacing the current Memorials on Council controlled Land Policy (Our Ref: 941/2010)**
 - 3 **That Council write to the residents that have previously been advised that the current policy ceased for the placement of memorials on Council public land and advise them that an amended policy is being considered by Council.**
 - 4 **That Council set a new fee of “\$at cost (including GST)” for the purchase and instalment of a memorial and plaque on council land within its fees and charges and advertise the new fees in conjunction with the amended policy.**
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ITEM 11.4 SF1031 131218 Policy Review - Waste Collection Service Availability Conditions

627/18 **RESOLVED:** (Ainsworth/Wilson)

That the amendments as shown in the amended Waste Collection Service Availability Conditions Policy (Our Ref: 47228/2017) be adopted, thereby replacing the current Policy (Our Ref: 32471/2008).

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ITEM 11.5 SF1031 131218 Policy Review - Footpaths and Cycleways

628/18 **RESOLVED:** (Finlayson/Ainsworth)

- 1 That Council receive and note the draft Footpath and Cycleway Policy (Our Ref: 45164/2018) and place it on public exhibition for a period of 28 days, seeking comment.
 - 2 That a further report to be provided to Council after the closure of the public exhibition period.
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ITEM 11.6 SF1031 131218 Policy Review - Roadside Vegetation Management

629/18 **RESOLVED:** (Hoban/Ainsworth)

That the Policy Review - Roadside Vegetation Management report be deferred until 17 January 2019.

ITEM 11.7 SF90 131218 Nambucca Shire Traffic Committee Meeting Minutes - 4
December 2018

630/18 **RESOLVED:** (Wilson/Jenvey)

- 1 That Council receive and note the agenda and minutes emanating from the Nambucca Shire Traffic Committee held on the 4 December 2018.
 - 2 That Council install Electric Vehicle Charging Stations (EVCS) at the Mackay Street carpark in Macksville and outside the Nambucca Library in Ridge Street.
 - 3 Council approve the Installation of Give Way signage and line marking at the intersection of Lloyd Street and Jaawan Street - Macksville Heights Estate.
 - 4 That Council install signage advising motorists of a 20 tonne load limit on Wallace Street Macksville, between Princess Street and Cooper Street, with an exemption for buses once Council and Macksville Chamber of Commerce have consulted with local businesses seeking their feedback and receive their concurrence.
-

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ITEM 11.8 T026/2018 131218 T026/2018 - Design and Construction of Water and Sewerage services to the new Macksville Hospital

631/18 **RESOLVED:** (Jones/Ainsworth)

- 1 That Council accept the tender submitted by Northpipe Constructions for Tender T026/2018 for the Design and Construction of Water and Sewerage Services to the new Macksville Hospital and update the Contract Register (TRIM 31325/2016).**
- 2 That Council note the information contained in the confidential report concerning Tender T026/2018.**

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

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

Against the Motion: Nil
Total (0)

ITEM 11.9 T030/2018 131218 T030/2018 Supply of Tipping Truck and Body

632/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council receive and note the information pertaining to the purchase under delegated authority of an Isuzu Giga 240-460 tipping truck and body from Midcoast Trucks in accordance with Council's adopted Procurement Procedures Manual and update the Contract Register (TRIM 31325/2016).**
- 2 That Council note the confidential report concerning T030/2018 Supply of Tipping Truck and Body.**

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

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

Against the Motion: Nil
Total (0)

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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

633/18 **RESOLVED:** (Ainsworth/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.

Reason reports are in Closed Meeting:

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF2470 131218 Response to the Review of the Finance Section

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.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF2432 131218 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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.31pm.

RESUME IN OPEN MEETING

634/18 **RESOLVED:** (Wilson/Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6.33 pm.

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ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF2470 131218 Response to the Review of the Finance Section

635/18 **RESOLVED:** (Finlayson/Ainsworth)

That the Report on the Finance Section be received and noted.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF2432 131218 Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions, Potential Major Claims or Loss of Reputation

636/18 **RESOLVED:** (Ainsworth/Finlayson)

That the information concerning incidents pertaining to regulatory non-compliance, fines, penalties, prosecutions, potential major claims or loss of reputation be received.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6.34 pm.

Confirmed and signed by the Mayor on 17 January 2019.

**Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)**