

## NAMBUCCA SHIRE COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 JANUARY 2019

The following document is the minutes of the Ordinary Council meeting held **17 JANUARY 2019**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 31 January 2019 and therefore subject to change. Please refer to the minutes of 31 January 2019 for confirmation.

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### PRESENT

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

Cr John Ainsworth  
Cr Brian Finlayson  
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)

### PRAYER

Pastor Dave Bosshard from the Nambucca Valley Christian Community Church offered a prayer on behalf of the Nambucca Minister's Association.

## CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

### SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 13 DECEMBER 2018

1/19 RESOLVED: (Wilson/Smyth)

That the minutes of the Ordinary Council Meeting of 13 December 2018 be confirmed.

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### DELEGATIONS

#### RECOMMENDATION

That the following delegations be heard:

*Mr Noel Spalding* - ITEM 12.1 Macksville Industrial Estate - Channel Remediation Works from the Closed Agenda

Mr Spalding addressed Council making the following comments:

- Problem with massive flooding at the bottom of Yarrowonga Street
- Brought this issue up with Council approximately 5 years ago and again 3 years ago with Cr Ainsworth
- Still no resolution
- Piping at Gumma Close is atrocious
- Flooding is getting worse and flooding buildings
- 1 year ago – meeting on site and still no solution
- It was understood that Council would come up with a solution
- Seeking a resolution to the problem of flooding
- Now this flooding issue is a safety issue as people cannot access this area
- Very concerned over the whole issue of flooding

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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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### GENERAL MANAGER REPORT

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ITEM 9.1 SF959 170119 Outstanding Actions and Reports

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2/19 **RESOLVED:** (Ainsworth/Finlayson)

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

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ITEM 9.2 SF578 170119 Valuer General - New Land Values as of 1 July 2018

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3/19 **RESOLVED:** (Wilson/Reed)

**That the information concerning changes in land values for the 12 months ending 30 June 2018 be received.**

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ITEM 9.3 SF2217 170119 Enterprise Risk Management Plan and Risk Control Action Plan

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4/19 **RESOLVED:** (Ainsworth/Wilson)

**That the Draft Enterprise Risk Management Plan and Draft Risk Control Action Plan be adopted.**

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## Ordinary Council Meeting

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ITEM 9.4 SF1031 170119 Review of Policy - Library Management - Fines and Fee Waiving Policy

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5/19 **RESOLVED:** (Ainsworth/Smyth)

**That the Library Management Fines and Fee Waiving Policy be adopted.**

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ITEM 9.5 SF1031 170119 Review of Policy - Library Management - Collection Development Procedure

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6/19 **RESOLVED:** (Jones/Reed)

**That the Library Management Collection Development Procedure be adopted.**

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ITEM 9.6 SF1031 170119 Review of Policy - Library Management - Children and Young Adults

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7/19 **RESOLVED:** (Reed/Ainsworth)

**That the Library Management Children and Young Adults Policy be adopted.**

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ITEM 9.7 SF1031 170119 Review of Policy - Library Management - Loans Policy

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8/19 **RESOLVED:** (Wilson/Ballangarry)

**That the Library Management Loans Policy be adopted.**

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ITEM 9.8 SF1031 170119 Review of Policy - Library Management - Internet Policy

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9/19 **RESOLVED:** (Jenvey/Ballangarry)

**That the Library Management Internet Policy be adopted.**

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## Ordinary Council Meeting

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ITEM 9.9 SF1031 170119 Review of Policy - Climate Change Policy

MOTION: (Jenvey/Ballangarry)

That the Climate Change Policy be adopted.

AMENDMENT: (Jones/Smyth)

That the report on the Review of Policy - Climate Change Policy be deferred.

The amendment was lost and reverted back to the Motion.

10/19 **RESOLVED:** (Jenvey/Ballangarry)

**That the Climate Change Policy be adopted.**

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ITEM 9.10 SF2537 170119 Undetermined Development Applications either greater than 12 months or where submissions received to 9 January 2019

11/19 **RESOLVED:** (Reed/Wilson)

**That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 9 January 2019 be noted by Council.**

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ITEM 9.11 SF2259 170119 Participation in Sustainability Programs with the Office of Environment and Heritage

12/19 **RESOLVED:** (Ainsworth/Wilson)

- 1 That Council continue its participation in the Sustainability Advantage program for the current financial year.
- 2 That Council participate in the Sustainable Councils and Communities Program, with the General Manager or his delegate to sign the attached Memorandum of Understanding between the NSW Office of Environment and Heritage and Nambucca Shire Council.
- 3 That at the end of the current financial year that Council review the outcomes of program membership to determine future participation.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 JANUARY 2019

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ITEM 9.12 SF256 170119 Councillor Induction and Professional Development

13/19 **RESOLVED:** (Ainsworth/Wilson)

**That:**

- a) **The Report be received and noted.**
- b) **Councillors advise the General Manager of their training requirements to be scheduled over the remaining Council term.**
- c) **The attached Draft Councillor Induction and Professional Development Policy No G 13 be adopted.**

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ITEM 9.13 SF2423 170119 2018 December - Approved Construction and Complying  
Development Certificates

14/19 **RESOLVED:** (Smyth/Reed)

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

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ITEM 9.14 SF2423 170119 2018 December - Development Applications and Complying  
Development Applications Received

15/19 **RESOLVED:** (Ainsworth/Reed)

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

## Ordinary Council Meeting

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### ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

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ITEM 10.1 SF1031 170119 Revised Code of Meeting Practice

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MOTION: (Ainsworth/Ballangarry)

That:

- a) Council accept the attached Draft Code of Meeting Practice subject to the changes suggested in the body of the Report and any others made by Council.
- b) Council advertise the Draft Code of Meeting Practice for 28 days and allow 42 days for public comment from the date of the advertisement.
- c) A further report be submitted to Council to consider any submissions received and to formally adopt the Code of Meeting Practice.
- d) That Council made a submission to the Office of Local Government that it not be required to undertake web casting of council meetings when those meetings are held in halls instead of the Council Chambers.

AMENDMENT: (Hoban/Finlayson)

- 1 That consideration of this item be deferred to a workshop and that Councillors submit to the General Manager a written list of dot points of those items they would like clarified, included, deleted or modified within fourteen days for discussion at the workshop.
- 2 That the report to the workshop also address the options to meet the webcasting requirements including indicative costings.
- 3 That Council make a submission to the Office of Local Government that it not be required to undertake web casting of council meetings when those meetings are held in halls instead of the Council Chambers.

The amendment was carried and became the motion.

16/19 **RESOLVED:** (Hoban/Finlayson)

- 1 That consideration of this item be deferred to a workshop and that Councillors submit to the General Manager a written list of dot points of those items they would like clarified, included, deleted or modified within fourteen days for discussion at the workshop.**
  - 2 That the report also address the options to meet the webcasting requirements including indicative costings.**
  - 3 That Council make a submission to the Office of Local Government that it not be required to undertake web casting of council meetings when those meetings are held in halls instead of the Council Chambers.**
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## Ordinary Council Meeting

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ITEM 10.2 SF2493 170119 Investment Report

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17/19 **RESOLVED:** (Ainsworth/Wilson)

**That the Accountant's Report on Investments placed to 31 December 2018 be noted.**

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ITEM 10.3 SF337 170119 Taylors Arm Sports Reserve Committee of Management - Annual General Meeting - 14 August 2018

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18/19 **RESOLVED:** (Reed/Ainsworth)

**That Council endorse the minutes of the Taylors Arm Sports Reserve Committee of Management Annual General Meeting held on 14 August 2018 and thank the outgoing Committee for their work in the past twelve months.**

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ITEM 10.4 SF251 170119 Schedule of Council Public Meetings 2019

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19/19 **RESOLVED:** (Wilson/Reed)

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

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## ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

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ITEM 11.1 SF2154 170119 Integrated Water Cycle Management Strategy for Public Exhibition

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20/19 **RESOLVED:** (Finlayson/Ainsworth)

- 1 That Council endorse the draft IWCM Strategy Report for public exhibition for the required 28 day period.**
  - 2 That all comments received during the exhibition period be recorded and forwarded to NSW Public Works for comment and assessment for inclusion in the final report as deemed appropriate.**
  - 3 That Council staff inform those developers who are known to be utilising development consents pre February 2012 that Council is in the process of formulating new developer charges for water and sewerage headworks and intends to put all developers on the same charge by eliminating the financial benefit which has been provided to those with pre February 2012 development consents. Accordingly those developers have until 30 June 2019 to complete developments at the pre February 2012 "grandfathered" contribution rates. Further there be a notice in the Nambucca Guardian News to this effect.**
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## Ordinary Council Meeting

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ITEM 11.2 SF444 170119 Roadside Maintenance Operations

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21/19 **RESOLVED:** (Wilson/Ainsworth)

**That the report on the Roadside Maintenance Operations be deferred until the next meeting so that it can be considered in conjunction with the Policy on Roadside Vegetation.**

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ITEM 11.3 SF2426 170119 Noise complaint Basketball Court Scotts Head

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22/19 **RESOLVED:** (Finlayson/Ainsworth)

- 1 That suitable signage be placed adjacent to the basketball court advising that hours of operation are 8.00 am to 7.00 pm daylight hours only.**
  - 2 New backing boards be bought and installed with sound dampeners.**
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ITEM 11.4 SF1696 170119 Tender T311819NAM for the Supply and Delivery of Electricity to Small Mass Market Sites

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23/19 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council award the Tender T311819NAM to supply retail energy to Council's small non-contestable sites for a period of 24 months to Next Business commencing on 1 February 2019.**
- 2 That Council endorse the tender evaluation as provided in the confidential report to supply retail energy to Council's small non-contestable sites for a period of 24 months.**
- 3 That Council update the Contract Register (TRIM: 31325/2016).**

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)

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## Ordinary Council Meeting

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

24/19 **RESOLVED:** (Ainsworth/Jones)

- 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*

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ITEM 12.1 LF6515 170119 Macksville Industrial Estate - Channel Remediation Works

*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 12.2 SF1696 170119 Confidential Report - Tender T311819NAM for the Supply and Delivery of Electricity to Small Mass Market Sites

*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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF2432 170119 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

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### CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7.04 pm.

### RESUME IN OPEN MEETING

25/19 **RESOLVED:** (Ainsworth/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 7.39 pm.

### FROM COUNCIL IN CLOSED MEETING

The Mayor then read the Confidential resolutions.

### ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 LF6515 170119 Macksville Industrial Estate - Channel Remediation Works

26/19 **RESOLVED:** (Finlayson/Ainsworth)

- 1 Council engage a geotechnical/structural engineering firm to design costed option/s for a permanent solution to stabilise the bank adjacent to the train line and to increase the capacity of the drainage channel.
- 2 Following preliminary investigations and identification of potential options by the geotechnical/structural engineering firm Council convene a meeting with affected property owners and the engineering firm to seek feedback prior to the finalisation of the preferred costed option/s.
- 3 There be a further report to Council on the preferred costed option/s and opportunities which might be available for funding the work.

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF1696 170119 Confidential Report - Tender T311819NAM for the Supply and Delivery of Electricity to Small Mass Market Sites

27/19 **RESOLVED:** (Ainsworth/Reed)

**That Council note the Evaluation Report for Tender T311819NAM for the Supply and Delivery of Electricity to Small Mass Market Sites.**

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)

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 JANUARY 2019

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF2432 170119 Incidents Pertaining to Regulatory Non-Compliance, Fines,  
Penalties, Prosecutions, Potential Major Claims or Loss of Reputation

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28/19 **RESOLVED:** (Reed/Ainsworth)

**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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## CLOSURE

There being no further business the Mayor then closed the meeting the time being 7.40 pm.

Confirmed and signed by the Mayor on 31 January 2019.

**Cr Rhonda Hoban  
MAYOR  
(CHAIRPERSON)**