

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 31 JANUARY 2019

The following document is the minutes of the Ordinary Council meeting held **31 JANUARY 2019**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 14 February 2019 and therefore subject to change. Please refer to the minutes of 14 February 2019 for confirmation.

PRESENT

Cr Rhonda Hoban (Mayor) OAM
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 Peter Lott from the Christian Community Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Janine Reed declared a non-pecuniary - less significant conflict of interest in Item 9.4 *Further request for support – Macksville Music Muster 2019* under the Local Government Act as Cr Reed is a member of the Nambucca Valley Cat steering committee for which funds are being raised to help children through Royal Far West.

Councillor Janine Reed declared a pecuniary interest in Item 9.6 *Scotts Head Sports Field Committee of Management – Request for a Ride-On Mower* under the Local Government Act as Cr Reed's family business has been approached to provide a quotation for the supply of a mower. Cr Reed left the meeting for this item.

Councillor Janine Reed declared a non-pecuniary - less significant conflict of interest in Item 11.7 *T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre* under the Local Government Act as Cr Reed through her family business is a member of the Macksville & District Chamber of Commerce & Industry Inc.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 17 JANUARY 2019

29/19 **RESOLVED:** (Wilson/Reed)

That the minutes of the Ordinary Council Meeting of 17 January 2019 be confirmed.

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PUBLIC FORUM AND DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

PUBLIC FORUM:

i Leona Bush - Trees in the CBD strip of Bowraville

Leona Bush addressed Council making the following points:

- Problem in the main Street of Bowraville where it is very hot and no trees
- Like to utilise services of Bowraville but there is nowhere to sit
- Why will Council not plant trees in the main Street of Bowraville

DELEGATIONS:

i Paula Flack – Roadside Maintenance Operations and Policy Review
11.1 Roadside Maintenance Operations and
11.2 Policy Review - Roadside Vegetation Management

Ms Flack addressed Council with her speaking notes placed on file.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF444 310119 Roadside Maintenance Operations

MOTION: (Reed/Ainsworth)

That Council receive and note the information and continue with its current operations while staff consider any new and emerging technologies that evolve and monitor their practicality as fiscally possible to optimise economic and environmental sustainability.

AMENDMENT: (Smyth/Jones)

- 1 That Council receive and note the information and continue with its current operations while staff consider any new and emerging technologies that evolve and monitor their practicality as fiscally possible to optimise economic and environmental sustainability.
- 2 That Council staff suggest a length of road and provide a cost of conducting a trial.
- 3 That, as part of the budget deliberations, consideration be given to providing funding from the Environmental Levy to undertake a pilot trial, on a site to be determined by staff, using only non-chemical methods of management for roadside vegetation. In conjunction with the pilot trial site, a control site should be established so that the results of both sites can be compared. Progress reports should be annually with quarterly photographic surveys to be provided to Council. The trial should be carried out initially for a 3-year period.

The amendment was carried and became the motion.

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30/19 **RESOLVED:** (Smyth/Jones)

- 1 That Council receive and note the information and continue with its current operations while staff consider any new and emerging technologies that evolve and monitor their practicality as fiscally possible to optimise economic and environmental sustainability.
 - 2 That Council staff suggest a length of road and provide a cost of conducting a trial.
 - 3 That, as part of the budget deliberations, consideration be given to providing funding from the Environmental Levy to undertake a pilot trial, on a site to be determined by staff, using only non-chemical methods of management for roadside vegetation. In conjunction with the pilot trial site, a control site should be established so that the results of both sites can be compared. Progress reports should be annually with quarterly photographic surveys to be provided to Council. The trial should be carried out initially for a 3-year period.
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ITEM 11.2 SF1031 310119 Policy Review - Roadside Vegetation Management

MOTION: (Smyth/Jenvey)

- 1 That Council place the amended Roadside Vegetation Management Policy (9265/2017) on public exhibition for the six weeks.
- 2 That a further report be provided to Council following the closing of the public exhibition period advising of any comments received from Councillors and the community detailing any potential amendments to the document and seeking formal adoption of the amended Roadside Vegetation Management Policy (Our Ref: 9265/2017) which is intended to replace the current Roadside Maintenance Policy (Our Ref: 25823/2007).
- 3 Council formalise a register within the GIS system that recognises approved private landholders who are certified organic or biodynamic producers, or are chemically sensitive, or have philosophical aversion to the use of herbicides.
- 4 That Council formalises an approval process to ensure that approved private landholders, who are a certified organic or biodynamic producer, or are chemically sensitive, or have a philosophical aversion to the use of herbicides for the roadside frontage, manage the roadside vegetation control in accordance with Council requirements for weed control and road safety.

AMENDMENT: (Ainsworth/Reed)

- 1 That Council place the amended Roadside Vegetation Management Policy (9265/2017) on public exhibition for the six weeks.
- 2 That a further report be provided to Council following the closing of the public exhibition period advising of any comments received from Councillors and the community detailing any potential amendments to the document and seeking formal adoption of the amended Roadside Vegetation Management Policy (Our Ref: 9265/2017) which is intended to replace the current Roadside Maintenance Policy (Our Ref: 25823/2007).
- 3 Council formalise a register within the GIS system that recognises approved private landholders who are certified organic or biodynamic producers, or are chemically sensitive, or have philosophical aversion to the use of herbicides.
- 4 That Council formalises an approval process to ensure that approved private landholders, who are a certified organic or biodynamic producer, or are chemically sensitive, or have a philosophical aversion to the use of herbicides for the roadside frontage, manage the roadside vegetation control in accordance with Council requirements for weed control and road safety.

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- 5 That Council set a new fee of \$500 for the chemical no spray register application, sundry signage and guideposts, as well as an annual fee of \$30 to remain on the register, within its fees and charges and advertise the new fees in conjunction with the amended policy.

The amendment was carried and became the motion.

31/19 **RESOLVED:** (Ainsworth/Reed)

- 1 That Council place the amended Roadside Vegetation Management Policy (9265/2017) on public exhibition for the six weeks.
- 2 That a further report be provided to Council following the closing of the public exhibition period advising of any comments received from Councillors and the community detailing any potential amendments to the document and seeking formal adoption of the amended Roadside Vegetation Management Policy (Our Ref: 9265/2017) which is intended to replace the current Roadside Maintenance Policy (Our Ref: 25823/2007).
- 3 Council formalise a register within the GIS system that recognises approved private landholders who are certified organic or biodynamic producers, or are chemically sensitive, or have philosophical aversion to the use of herbicides.
- 4 That Council formalises an approval process to ensure that approved private landholders, who are a certified organic or biodynamic producer, or are chemically sensitive, or have a philosophical aversion to the use of herbicides for the roadside frontage, manage the roadside vegetation control in accordance with Council requirements for weed control and road safety.
- 5 That Council set a new fee of \$500 for the chemical no spray register application, sundry signage and guideposts, as well as an annual fee of \$30 to remain on the register, within its fees and charges and advertise the new fees in conjunction with the amended policy.

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 310119 Outstanding Actions and Reports

32/19 **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 SF2524 310119 Lease of Crown Reserve No. 85113 to Nambucca Heads RSL Club

33/19 **RESOLVED:** (Wilson/Reed)

- 1 That Council enter into the lease of Part of Crown Reserve 85113 to the Nambucca Heads RSL and Ex-Servicemen's Club Limited for a term of 21 years and generally in accordance with the attached lease document.
 - 2 That Council's seal be attached to the lease documents as required.
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ITEM 9.3 PRF45 310119 Overnight Camping Opportunities Near Macksville Bridge and at the Crosswinds Wetland Nature Reserve for Self-Contained Motor Homes and Caravans

34/19 **RESOLVED:** (Ainsworth/Reed)

That this report be deferred to later in the meeting under 10A(2) 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.

ITEM 9.4 SF2513 310119 Further Request for Support - Macksville Music Muster 2019

35/19 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council approve a Section 356 donation of \$1,755.60 to the Macksville Rotary Club to reimburse them for the cost of acquiring a dump point to be installed at the Macksville Showground as a donation from the sewer fund.
 - 2 That Council approve a waste collection pick-up at the Macksville Showground by Council staff utilising the Council's street and park waste collection truck on Thursday 28 March, Friday 29 March, Saturday 30 March, Sunday 31 March and Monday 1 April 2019 as a donation by the waste budget.
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ITEM 9.5 SF2329 310119 Minutes of the Nambucca Business Advisory Committee Meeting held on 16 January 2019

36/19 **RESOLVED:** (Wilson/Reed)

Council adopt the following recommendations from the meeting of the Nambucca Business Advisory Committee meeting held on 16 January 2019.

- 1 The following priority be applied to the expenditure of \$150,000 in grant funding under the Stronger Country Communities Fund being the reinstatement of verandahs on the following Macksville CBD buildings in the following order of priority:
 - a. Pharmacy corner
 - b. Valley Emporium and Remnant Basket
 - c. Department Store
 - e. Luke Foley
 - f. Rob Torelli's Barber Shop
 - e. Bridge Cafe
 - 2 The attached funding deed be referred to the owners of the identified buildings for their consideration as to whether or not they wish to participate in the program and seeking their response within 28 days.
 - 3 The \$150,000 funding be allocated according to the listed order of priority and in the event that the owners of a higher priority project do not wish to participate the funding then default to the next lower priority until all of the available funding has been allocated.
 - 4 Council make an "in-kind" donation for all application fees associated with the verandah reinstatements except for those State Government charges where the Council would be "out of pocket".
 - 5 Council's proposed financial assistance for the reinstatement of verandahs in the Macksville CBD be advertised for a minimum period of 28 days with any submissions to be considered by both the Committee and Council.
 - 6 That Council's seal be attached to any legal documents as required.
 - 7 Council advertise for expressions of interest for a Twilight Dining Committee to investigate the establishment of street dining.
 - 8 Council investigate a simplified process for allowing performers to use the River Street stage.
 - 9 Council proceed with the revised master plan for the Macksville Town Centre street tree planting, noting the removal of street trees previously proposed outside of Eyecare Plus, Megasave Bargains and also on the corner of Wallace Lane and Wallace Street (the Department Store corner).
 - 10 Council obtain a report on the health of the street trees on the river side of River Street between the Macksville Bridge and Princess Street.
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Councillor Janine Reed left the meeting before the commencement of this item, the time being 6:48 PM

ITEM 9.6 PRF11 310119 Scotts Head Sports Field Committee of Management - Request
for a Ride-on Mower

37/19 **RESOLVED:** (Smyth/Ainsworth)

That Council allocate \$12,000 in its 2019/2020 budget for the purchase of a ride-on mower for use by the Scotts Head Sports Field Committee of Management in maintaining Buz Brazel oval.

Councillor Janine Reed returned to the meeting at the completion of this item, the time being 6:49 PM

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF251 310119 Schedule of Council Public Meetings 2019

38/19 **RESOLVED:** (Ainsworth/Wilson)

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

ITEM 10.2 SF2486 310119 Minutes - Australia Day Committee Meeting held 15 October
2018

39/19 **RESOLVED:** (Ainsworth/Reed)

That the minutes from the Australia Day Committee meeting held 7 January 2019 be noted.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.3 SF444 310119 Otta seal investigation for rural gravel roads

40/19 **RESOLVED:** (Ainsworth/Wilson)

- 1 **That Council consider reallocating the gravel resheeting funds within the 2019/20 works program and direct the funding to undertake a series of Otta seals on unsealed gravel pavements in 2019/20.**
- 2 **That Council allocate \$65,000 from current working funds to undertake a trial on Congarinni Road South.**

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ITEM 11.4 SF2459 310119 Lanes Bridge Bowraville - Progress Report No 4

41/19 **RESOLVED:** (Ainsworth/Finlayson)

That Council receive and note the fourth progress report on the replacement of Lanes Bridge as at 31 January 2019.

ITEM 11.5 SF1676 310119 2018-19 Capital Works Program Monthly Report

42/19 **RESOLVED:** (Reed/Wilson)

That Council:

- 1 Receive and note the information pertaining to the progress of the 2018/2019 Capital Works Program for January 2019.**
 - 2 Place the savings of \$122,000.00 made on Young's Bridge WO 3309 into the Council Buildings Reserve.**
 - 3 Reallocate the budget of \$37,500 on WO 2851 Wirrimbi Road heavy patch and the remaining funds of \$6,900.00 on WO2849 Rodeo Drive to WO 2850 Scotts Head Road heavy patching to compensate for the additional expenditure incurred due to the subgrade conditions.**
 - 4 Reduce the allocation on WO 3279 Gordon Park playground by \$120,000 and Hennessy Tape Oval Playgrounds WO 3418 by \$244,180 within the Capital Works Program.**
 - 5 Reduce the budget allocation by \$980,000 on WO 3263 Watt Creek Cycleway Construction within the Capital Works Program.**
 - 6 Reallocate the budget of \$11,000 on WO 3091 Valla Beach Road to cover the cost of additional works on WO 3313 Thompson Street.**
 - 7 Note that WO 3315 Bismark Street, WO 3320 Nambucca Street, and WO 3319 Nelson Street are in close proximity to each other and were offered to Council's Contractor as a single job package and that the under and overs within the Capital Works report on these projects are expected to balance out in the budget.**
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ITEM 11.6 SF247 310119 Period Contract for the Supply of Pressure Sewerage Systems and Associated Equipment

43/19 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council endorse the use of the panel contract for the supply of pressure sewerage systems and associated equipment as arranged by Clarence Valley Council with Nambucca Shire Council as nominated party.
- 2 That Council note that the the panel of suppliers shall comprise of Enviro One Services and Installations Pty Ltd and Aquatec Fluid Systems Pty Ltd and update the Contract Register (TRIM 31325/2016).
- 3 That Council note the information contained in the confidential report.

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)

ITEM 11.7 T032/2018 310119 T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre

44/19 **RESOLVED:** (Finlayson/Ainsworth)

- 1 That Council accept the revised tender from Fortade Earthmoving Pty Ltd as a lump sum price for T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre and update the Contract Register (TRIM 31325/2016).
- 2 The Council note that trees 8, 10 and 11 have been removed from the scope of the project at this time, and will be incorporated into any future works programs as resolved by Council.
- 3 That staff further consult with the Chamber of Commerce regarding tree species to be used as part of this project.
- 2 That Council note the confidential report concerning Tender T032/2018 for the Construction of Planter Boxes and Planting of Trees in Macksville Town Centre.

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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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

45/19 **RESOLVED:** (Ainsworth/Reed)

- 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 9.3 PRF45 310119 Overnight Camping Opportunities Near Macksville Bridge and at the Crosswinds Wetland Nature Reserve for Self-Contained Motor Homes and Caravans

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.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF247 310119 Period Contract for the Supply of Pressure Sewerage Systems and Associated Equipment - Confidential Report

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF2546 310119 T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre

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 7.19 pm.

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RESUME IN OPEN MEETING

46/19 **RESOLVED:** (Ainsworth/Reed)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 7. 42 pm.

FROM COUNCIL IN CLOSED MEETING

The Mayor then read the Confidential resolutions.

GENERAL MANAGER REPORT

For Confidential Business Paper in Closed Meeting

ITEM 9.3 PRF45 310119 Overnight Camping Opportunities Near Macksville Bridge and at the Crosswinds Wetland Nature Reserve for Self-Contained Motor Homes and Caravans

47/19 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council note the information concerning opportunities for overnight camping by self-contained motor homes and caravans in and around Macksville.
- 2 That there be a further report to Council on the use of cashless parking meters in high amenity locations for overnight camping by self-contained motor homes and caravans.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF247 310119 Period Contract for the Supply of Pressure Sewerage Systems and Associated Equipment - Confidential Report

48/19 **RESOLVED:** (Jones/Ainsworth)

- 1 That Council endorse the use of the panel contract for the supply of pressure sewerage systems and associated equipment as arranged by Clarence Valley Council with Nambucca Shire Council as nominated party.
- 2 That Council note that the the panel of suppliers shall comprise of Enviro One Services and Installations Pty Ltd and Aquatec Fluid Systems Pty Ltd.
- 3 That Council note the report in open and update the Contractor Register (TRIM 31325/2016).

ITEM 12.2 SF2546 310119 T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre

49/19 **RESOLVED:** (Ainsworth/Jones/)

That Council accept the quotation from a lump sum price for T032/2018 Construction of Planter Boxes and Planting of Trees in Macksville Town Centre provided by Fortade Earthmoving including the removal trees 8, 10 and 11 from the scope of the project; note the Closed Report; and update the Contract Register (TRIM 31325/2016).

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CLOSURE

There being no further business the Mayor then closed the meeting the time being 7.50 pm.

Confirmed and signed by the Mayor on 14 February 2018.

**Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)**