

## NAMBUCCA SHIRE COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 FEBRUARY 2019

The following document is the minutes of the Ordinary Council meeting held **14 FEBRUARY 2019**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 28 February 2019 and therefore subject to change. Please refer to the minutes of 28 February 2019 for confirmation.

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### 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

Father Shelwin Fernandez (Catholic Church) offered a prayer on behalf of the Nambucca Minister's Association.

### PUBLIC FORUM – Brought Forward – Ms Gina Bennett

50/19 **RESOLVED:** (Ainsworth/Wilson)

**That Council bring forward the Public Forum delegation by Ms Gina Bennett requesting to tether her horse on vacant allotments in Nambucca Heads.**

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### PUBLIC FORUM

Council adjourned to outside to hear the address by Ms Gina Bennett who demonstrated how she will manage the horse by tethering in vacant allotments during the day. Ms Bennett has insurance for \$10M.

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### TETHERING A HORSE ON VACANT ALLOTMENTS IN THE CBD AREAS OF NAMBUCCA HEADS

51/19 **RESOLVED:** (Ainsworth/Reed)

**That a report be brought to Council on how Ms Bennett can tether her horse on vacant allotments in the CBD areas of Nambucca Heads.**

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### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 31 JANUARY 2019**

52/19 **RESOLVED:** (Wilson/Ballangarry)

That the minutes of the Ordinary Council Meeting of 31 January 2019 be confirmed.

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### NOTICE OF MOTION - CR SMYTH

ITEM 5.1 SF2547 140219 NOTICE OF MOTION - Cr Anne Smyth - Request for leave of absence from Friday 15 February to Wednesday 13 March 2019

53/19 **RESOLVED:** (Smyth/Jenvey)

**That Cr Anne Smyth be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period Friday 15 February 2019 to Wednesday 13 March 2019 inclusive.**

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### DELEGATIONS

#### RECOMMENDATION

That the following delegations be heard:

- i Mr Richard Milner - New Allocated area of Dogs on the beach at Nambucca Heads*
- ii Mr Edmund Lourey - New allocated area for dogs on the beach at Nambucca Heads*

- i Mr Richard Milner addressed Council with notes being placed on File 4977/2019.
- ii Mr Edmund Lourey addressed Council with notes being placed on File 5065/2019.

#### **Companion Animals – On-Leash and Off-Leash Policy**

54/19 **RESOLVED:** (Smyth/Jones)

**That there be a report from staff on any issues or problems with the new policy adopted in 2018 and the report also consider the suggestions put forward by Mr Milner and Mr Lourey in relation to education and other matters.**

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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 140219 Outstanding Actions and Reports

55/19 **RESOLVED:** (Ainsworth/Ballangarry)

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

**and**

**That Item 1 regarding the Workshop be organised with the RMS and Council and include the opening of River Street and the future of the Traffic Lights in Macksville.**

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ITEM 9.2 SF2331 140219 LEP 2010 Amendment 24 - House Keeping Amendments

56/19 **RESOLVED:** (Ainsworth/Wilson)

- 1 Council 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.

For the Motion: Councillors Ainsworth, Finlayson, Hoban, Jenvey, Reed, Smyth and Wilson  
Total (7)

Against the Motion: Councillors Ballangarry and Jones  
Total (2)

Cr Jones and Cr Ballangarry requested that their votes be recorded against the motion as they do not agree with approving of existing encroachments from Caravan Parks onto adjoining land.

## Ordinary Council Meeting

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ITEM 9.3 SF688 140219 Environmental Levy Status Report

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57/19 **RESOLVED:** (Smyth/Ballangarry)

- 1 That Council note the status of the Environmental Levy.
  - 2 That Council allocate an additional \$10,000 from the Environmental Levy Reserve to support the Bowraville Connections project and allow for additional riparian revegetation.
  - 3 That Council allocate an additional \$25,000 from the Environmental Levy Reserve to support the implementation of water quality improvements to Dawkins Park.
  - 4 That Council allocate an additional \$10,000 from the Environmental Levy Reserve to support the installation of a 49.8 kW solar panel system on the Administration Centre.
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ITEM 9.4 SF2162 140219 Saving our Species - Koala Habitat Management Funding

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58/19 **RESOLVED:** (Jones/Jenvey)

**That Council accept the funding being offered to prepare a Koala Habitat Management Strategy, provide Koala feed tree species to the community and hold a Koala field day/s.**

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ITEM 9.5 SF2278 140219 Minutes of Council's Clean Energy Committee meeting - 31 January 2019

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59/19 **RESOLVED:** (Smyth/Ballangarry)

- 1 That Council endorse the minutes of the Clean Energy Committee meeting held on Thursday 31 January 2019, except for recommendation 2 in Item 4.3 Renewable Energy Action Plan.
  - 2 That a finalised Renewable Energy Action Plan prepared by 100 Per Cent Renewables, incorporating updates recommended to the consultant at (i) the Clean Energy Committee meeting of 31 January 2019, and (ii) the Renewable Energy Action Plan workshop and Council meeting held on 14 February 2019, be considered for adoption by Council at a future meeting.
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ITEM 9.6 SF2537 140219 Undetermined Development Applications either greater than 12 months or where submissions received to 6 February 2019

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60/19 **RESOLVED:** (Ainsworth/Reed)

**That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 6 February 2019 be noted by Council.**

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## Ordinary Council Meeting

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ITEM 9.7 SF2537 140219 2019 January - Approved Construction and Complying  
Development Certificates

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61/19 **RESOLVED:** (Reed/Wilson)

**That the Construction and Complying Development Certificates approved for January 2019 be noted and received for information by Council.**

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ITEM 9.8 SF2537 140219 2019 January - Development Applications and Complying  
Development Applications Received

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62/19 **RESOLVED:** (Ainsworth/Reed)

**That the Development Applications and Complying Development Applications received in January 2019 be received for information.**

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### **GENERAL MANAGER REPORT - LATE**

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ITEM 9.9 SF2395 140219 Council Seal Requirement - Regional Cultural Fund, Funding  
Agreement Nambucca Heads Library and Cultural Space

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63/19 **RESOLVED:** (Smyth/Ainsworth)

**That the Council Seal be attached to the Funding Agreement – Regional Cultural Fund, Nambucca Heads Library and Cultural Space.**

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### **ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT**

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ITEM 10.1 SF1031 140219 Draft Code of Conduct

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64/19 **RESOLVED:** (Wilson/Ainsworth)

**That the Draft Code of Conduct be deferred until a workshop prior to the next Council meeting.**

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ITEM 10.2 SF1031 140219 Revised Code of Meeting Practice

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65/19 **RESOLVED:** (Jones/Reed)

**That the Draft Code of Meeting Practice be deferred until a workshop prior to the next Council meeting.**

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## Ordinary Council Meeting

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ITEM 10.3 SF1415 140219 Minutes of Audit, Risk and Improvement Committee

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66/19 **RESOLVED:** (Wilson/Ainsworth)

**That the Minutes of the Audit, Risk and Improvement Committee Meeting held 30 January 2019 be received and noted.**

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ITEM 10.4 SF1026 140219 Council Elections

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67/19 **RESOLVED:** (Smyth/Jenvey)

**That the correspondence received on behalf of the Minister for Local Government, the Hon Gabrielle Upton be received and noted.**

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ITEM 10.5 SF2493 140219 Investment Report

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68/19 **RESOLVED:** (Ainsworth/Wilson)

**That the Accountant's Report on Investments placed to 31 January 2019 be noted.**

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ITEM 10.6 SF2486 140219 Minutes - Australia Day Committee Meeting held 4 February 2019

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69/19 **RESOLVED:** (Wilson/Reed)

- 1 That the minutes from the Australia Day Committee meeting held 4 February 2019 be noted.**
  - 2 That Council purchase two (2) pull up Australia Day Banners.**
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ITEM 10.7 SF251 140219 Schedule of Council Public Meetings 2019

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70/19 **RESOLVED:** (Ainsworth/Wilson)

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

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## Ordinary Council Meeting

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### ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

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ITEM 11.1 SF1676 140219 Local Government NSW Research and Initiative Research Grant  
- Plastiphalt

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71/19 **RESOLVED:** (Ainsworth/Ballangarry)

Council receive and note the information that Council was successful in gaining the grant from LGNSW Research and Innovation Fund for the Recycled Materials Trial – Using Plastiphalt in Roadworks.

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ITEM 11.2 SF453 140219 Waste Management Quarterly Report October - December 2018

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72/19 **RESOLVED:** (Smyth/Reed)

That Council receive and note the information provided in the Waste Management Quarterly Report for the period 1 October – 31 December 2018.

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

73/19 **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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### GENERAL MANAGER REPORT

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF2432 140219 Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions, Potential Major Claims or Loss of Reputation

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*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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**NAMBUCCA SHIRE COUNCIL**

**Ordinary Council Meeting**

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**CLOSED MEETING**

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.43 pm.

**RESUME IN OPEN MEETING**

74/19 **RESOLVED:** (Reed/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6.58 pm.

**FROM COUNCIL IN CLOSED MEETING**

The Mayor then read the Confidential resolution.

**GENERAL MANAGER REPORT**

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF2432 140219 Incidents Pertaining to Regulatory Non-Compliance, Fines, Penalties, Prosecutions, Potential Major Claims or Loss of Reputation

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75/19 **RESOLVED:** (Ainsworth/Wilson)

**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 7.00 pm.

Confirmed and signed by the Mayor on 28 February 2019.

**Cr Rhonda Hoban  
MAYOR  
(CHAIRPERSON)**