

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 FEBRUARY 2019

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

PRESENT

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

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)
Faye Hawthorne (Acting Chief Financial Officer)

Robert Hunt (AGM Corporate Services)
Teresa Boorer (Grants and Contributions Officer)
Lorraine Hemsworth (Minute Secretary)

APOLOGIES

Cr Anne Smyth (approved leave)

PRAYER

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

DISCLOSURE OF INTEREST

Councillor Janine Reed declared a pecuniary interest in Item 9.3 *Macksville District Hospital* under the Local Government Act as Cr Reed is a Board Member of the Mid North Coast Local Health District. Cr Reed left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 14 FEBRUARY 2019

76/19 **RESOLVED:** (Wilson/Reed)

That the minutes of the Ordinary Council Meeting of 14 February 2019 be confirmed.

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DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

- i* Soozie Coumbe - Fischers Bridge
- ii* Ms Gina Bennett - Tethering her horse in the urban areas of Nambucca Heads

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

- i* Soozie Coumbe - Fischers Bridge
Ms Coumbe addressed Council with her speaking notes placed on file.

ITEM 9.2 BR-EU-44 280219 Replacement of Fischers Bridge

77/19 **RESOLVED:** (Ainsworth/Reed)

- 1 That Council note the community feedback on the replacement of Fischers Bridge at Eungai and the lodgement of a funding application for the replacement of the bridge under the Commonwealth Bridges Renewal Program (\$435,215) as well as the proposal to seek funding of \$217,607 under the State Fixing Country Roads Program.**
 - 2 That Council seek the support of the Member for Cowper and the Member for Oxley for the applications for \$ for \$ funding under the Bridges Renewal Program for the replacement of Fischers Bridge (project cost \$870,430) and Allomera No. 2 (project cost \$235,400).**
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Delegations Continued:

- ii* Ms Gina Bennett - Tethering her horse in the urban areas of Nambucca Heads

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

ITEM 9.4 SF226 280219 Request to Tether a horse in Nambucca Heads

MOTION: (Finlayson/Wilson)

That Council not support the tethering of a horse in urban areas which is contrary to Council's Local Orders Policy.

AMENDMENT: (Ainsworth/Ballangarry)

That the matter be deferred and Council write to the Northern Beaches Council to ascertain their approach to the issue.

The amendment was carried and became the motion.

78/19 **RESOLVED:** (Ainsworth/Ballangarry)

That the matter be deferred and Council write to the Northern Beaches Council to ascertain their approach to the issue.

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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 280219 Outstanding Actions and Reports

79/19 **RESOLVED:** (Reed/Jones)

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

Item 9.2 was dealt with earlier under Delegations

Councillor Janine Reed left the meeting before the commencement of this item, the time being 6:04 PM
Councillor Martin Ballangarry OAM also declared an interest and left the meeting.

ITEM 9.3 SF2456 280219 Macksville District Hospital Name

80/19 **RESOLVED:** (Jones/Jenvey)

That the information concerning the Macksville District Hospital name be received.

Councillors Janine Reed and Martin Ballangarry OAM returned to the meeting at the completion of this item, the time being 6:08 PM

Item 9.4 was dealt with earlier under Delegations

ITEM 9.5 SF2537 280219 Undetermined Development Applications either greater than 12 months or where submissions received to 20 February 2019

81/19 **RESOLVED:** (Ainsworth/Finlayson)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 20 February 2019 be noted by Council.

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ITEM 9.6 SF1120 280219 Grant Application Status Report

82/19 **RESOLVED:** (Ainsworth/Wilson)

- 1 That Council receive the list of grant applications including active projects, successful and unsuccessful applications, and undetermined applications, to 21 February 2019.
- 2 That Council approve an amount of \$178,379 from Section 94 funds as the matching funding for the Community Sports Infrastructure Grant approved application for the refurbishment of Macksville Park Clubhouse. The Section 94 Community Infrastructure Work Schedule identifies works for the Macksville Fun and Fitness Precinct.
- 3 That Council approve the use of Section 94 funds amounting to \$32,000 for the upgrade of Phillip Hughes Oval.
- 4 That Council approve the use of Section 94 funds to cover the Committee shortfall of \$5,040 for the Regional Cultural Fund approved project to upgrade the Nambucca Community and Arts Centre. The Section 94 Community Infrastructure Work Schedule identifies works for Nambucca Entertainment Centre, including internal renovation and flooring.
- 5 That Council acknowledge and thank Ms Teresa Boorer (Grants and Contributions Officer) for her work in lodging grant applications.

ITEM 9.7 SF132 280219 Report regarding Council issued Penalty Notices - October 2018 to January 2019

83/19 **RESOLVED:** (Finlayson/Ainsworth)

The penalties issued for the four (4) months of October, November, December 2018 and January 2019 be noted.

ITEM 9.8 SF2513 280219 Donations Program (Section 356) 2018/2019 (Round 2) - Applications for Approval

84/19 **RESOLVED:** (Ainsworth/Jenvey)

That Council:

- 1 Approve the eight (8) eligible applications for monetary donation requests in Round 2 totalling \$4,000.00.
- 2 Note that the application for a monetary donation of \$500.00 from the Nambucca Valley Pistol Club Inc is currently an ineligible application.
- 3 Approve the two (2) ineligible applications for Donations as one-off Grants, of \$500.00 each, as identified in Council's adopted Donations (Charitable and Other) Policy, for specific activities focussing on achieving community goals and objectives of Council.

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ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF1031 280219 New Information and Communication Technology (ICT) Policies

85/19 **RESOLVED:** (Reed/Ainsworth)

That Information and Communication Technology (ICT) Change Management Policy No CS 24 (4771/2019) and Information and Communication Technology (ICT) Incident Management Policy No CS 25 (4772/2019) be adopted.

ITEM 10.2 SF1031 280219 Draft Codes of Conduct

86/19 **RESOLVED:** (Jones/Jenvey)

That:

- a) Council adopt the attached Codes of Conduct for Councils, Councillors, staff and committee members and delegates of Council and the associated Procedures for the administration of the Codes of Conduct.
 - b) A notice be placed in a local paper and on Council's website advising that Council has adopted the various codes and procedures.
 - c) Council advise its current panel of conduct reviewers of the adoption of the Codes.
 - d) Council enter into an arrangement with MIDROC to seek expressions of interest for a Panel of Code of Conduct Reviewers to be shared among other members of MIDROC.
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ITEM 10.3 SF1031 280219 Draft Code of Meeting Practice

87/19 **RESOLVED:** (Wilson/Reed)

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 following the workshop.
 - 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 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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ITEM 10.4 SF616 280219 Funding For LED Street Lighting Upgrade

88/19 **RESOLVED:** (Ainsworth/Jones)

That Council transfer \$200,000 from the Building Reserve in lieu of external borrowing to fund the street lighting upgrade to LED lights with savings each year (estimated at \$100,000) to be transferred into the Building Reserve to help fund upgrades to the Council Administration Centre and other buildings as detailed in the Buildings Asset Management Plan.

ITEM 10.5 SF2362 280219 Delivery Program and Operational Plan Update

89/19 **RESOLVED:** (Reed/Ainsworth)

That Council note the status of the Delivery Program and Operational Plan as at 31 December 2018.

ITEM 10.6 SF2529 280219 December 2018 Quarterly Budget Review

90/19 **RESOLVED:** (Ainsworth/Ballangarry)

That:

- a) **The budget review for the quarter ended 31 December, 2018 be received.**
 - b) **The recommended increases and decreases in votes be included as subsequent votes for the financial year 2018/2019.**
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ITEM 10.7 SF251 280219 Schedule of Council Public Meetings 2019

91/19 **RESOLVED:** (Wilson/Reed)

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

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ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF1031 280219 Draft New Policy - Remote Signage

92/19 **RESOLVED:** (Ainsworth/Wilson)

That Council endorse the Remote Signage Policy No. ES 22 (Our Ref: 31816/2018).

ITEM 11.2 SF1031 280219 Review of Policy - Pesticide Use Notification Plan

93/19 **RESOLVED:** (Ainsworth/Wilson)

That Council endorse the Pesticide Use Notification Plan No. ES 24 (Our Ref: 38210/2018), place it on Council's website and delete the current Pesticide Use Notification Plan (Our Ref: 25060/2011).

ITEM 11.3 SF1031 280219 Review of Policy - Memorials on Council Controlled Land

94/19 **RESOLVED:** (Ainsworth/Ballangarry)

- 1 **That Council endorse the amended Memorials on Council controlled Land Policy No. ES 07 (Our Ref: 44313/2018), place it on Council's website and delete the current Memorials on Council controlled Land Policy (Our Ref: 941/2010).**
 - 2 **That Council adopt 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.**
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ITEM 11.4 SF1031 280219 Review of Policy - Urban and Rural Road Naming

95/19 **RESOLVED:** (Reed/Finlayson)

That Council endorse the amended Urban and Rural Road Naming Policy No. ES 23 (Our Ref: 29805/2018), update the Council's website and delete the current Policy (Our Ref: 13884/2012).

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ITEM 11.5 SF1031 280219 Review of Policy - Footpaths and Cycleways

96/19 **RESOLVED:** (Ainsworth/Wilson)

That Council endorse the amended Footpath and Cycleway Policy No. ES 03 (Our Ref: 45164/2018), place it Councils website and delete the current Risk Management for Footpaths Policy (Our Ref: 25966/2007).

ITEM 11.6 SF2459 280219 Lanes Bridge Bowraville - Progress Report No5

97/19 **RESOLVED:** (Ballangarry/Jones)

That Council receive and note the fifth progress report on the replacement of Lanes Bridge as at 20 February 2019.

ITEM 11.7 SF1676 280219 2018-19 Capital Works Program Monthly Report

98/19 **RESOLVED:** (Reed/Wilson)

- 1 **That Council receive and note the information pertaining to the progress of the 2018/2019 Capital Works Program for February 2019.**
 - 2 **That Council amend the water and sewerage allocations within the Capital Works as follows:**
 - **W3242 (Hospital water) – reduce from \$760,000 to \$400,000**
 - **W3243 (Hospital sewerage) – reduce from \$450,000 to \$265,000**
 - **W3344 (Motleys Bridge water) – reduce from \$150,000 to \$1,000**
 - **Create new WO for Lanes Bridge water with a budget of \$60,000**
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ITEM 11.8 SF90 280219 Nambucca Shire Traffic Committee Meeting Minutes - 5 February 2019

99/19 **RESOLVED:** (Wilson/Ballangarry)

- 1 **That Council receive and note the agenda and minutes emanating from the Nambucca Shire Traffic Committee held on the 5 February 2019.**
 - 2 **That Council introduce timed parking restrictions to the bus zone on Centenary Parade, Nambucca Heads from 8.00am to 9.30am and 2.30pm to 4.00pm on school days while leaving one bus bay only with no restrictions.**
 - 3 **That Council remove vegetation and install No Stopping signs on the corner of Adin Street, Scotts Head opposite Gloucester Street to improve sight lines for motorists leaving the Scotts Head Holiday Park.**
 - 4 **That Council apply for a grant from the Active Transport Program through Roads and Maritime Services for local area traffic management measures.**
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ITEM 11.9 RF476 280219 Proposal to close a section of Regatta Drive Valla Beach

100/19 **RESOLVED:** (Ainsworth/Reed)

That Council endorse the part road closure and land swap of Regatta Drive with Camilleri Properties Pty Ltd as per diagram (Our Ref: 2218/2017), provided that Camilleri Properties Pty Ltd enter into a Deed of Agreement with Council undertaking to pay all costs associated with the land swap including (but not limited to) survey, legal, valuation, land value and Council fees.

ITEM 11.10 SF1696 280219 RA361920NAM Reverse Auction for supply of Electricity for Contestable Metered Sites and Street Lighting

101/19 **RESOLVED:** (Ainsworth/Reed)

- 1 Council authorise the General Manager to adopt the tender evaluation recommendation.**
- 2 That Council accept a late confidential report that will outline the results of the reverse auction.**
- 3 That Council's Contract Register be updated with new contract arrangements.**

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

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

Against the Motion: Nil
Total (0)

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

102/19 **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 - LATE

For Confidential Business Paper in Closed Meeting

ITEM L.1 SF841 280219 Purchase of Road Base Material

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 L.2 SF2546 280219 Confidential Evaluation Report - Reverse Auction for Contestable Sites and Street Lighting

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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.47 pm.

RESUME IN OPEN MEETING

103/19 **RESOLVED:** (Ainsworth/Reed)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6.49 pm.

FROM COUNCIL IN CLOSED MEETING

GENERAL MANAGER REPORT - LATE

For Confidential Business Paper in Closed Meeting

ITEM L.1 SF841 280219 Purchase of Road Base Material

104/19 **RESOLVED:** (Finlayson/Ainsworth)

- 1 **That Council staff be provided with delegated authority to purchase, without tender, up to 20,000 tonnes of gravel from Pacifico for the price referred to in the report for the reason that the price is less than could be negotiated with local quarries.**
 - 2 **That purchase of gravel additional to that required for the 2018/19 Capital Works Program come from working funds.**
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For Confidential Business Paper in Closed Meeting

ITEM L.2	SF2546	280219	Confidential Evaluation Report - Reverse Auction for Contestable Sites and Street Lighting
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105/19 **RESOLVED:** (Reed/Wilson)

That Council note the report.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6.50 pm.

Confirmed and signed by the Mayor on 14 March 2019.

**Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)**