

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

The following document is the minutes of the Ordinary Council meeting held **11 APRIL 2019**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 24 April 2019 and therefore subject to change. Please refer to the minutes of 24 April 2019 for confirmation.

PRESENT

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

Cr John Ainsworth
Cr Brian Finlayson
Cr Janine Reed
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

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

Robert Hunt (AGM Corporate Services)
Teresa Boorer (Grants and Contributions Officer
(entered at 5.40pm)

Lorraine Hemsworth (Minute Secretary)

APOLOGIES

Cr David Jones

DISCLOSURE OF INTEREST

Councillor Janine Reed declared a pecuniary interest in Item 5.1 *Request for Allocation of Space and Additional Funding for CT Scanner – New 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 28 MARCH 2019

152/19 **RESOLVED:** (Wilson/Jenvey)

That the minutes of the Ordinary Council Meeting of 28 March 2019 be confirmed.

Councillor Janine Reed left the meeting before the commencement of this item, the time being 5:33 PM

NOTICE OF MOTION - CR HOBAN

ITEM 5.1 SF2547 110419 NOTICE OF MOTION - Request for allocation of space and additional funding for CT Scanner - New Hospital

153/19 **RESOLVED:** (Hoban/Smyth)

That Council write to the NSW Minister for Health, with copies to the local member and the CEO and Board of Mid North Coast Local Health District requesting that in the interest of timely and equitable diagnosis for residents of the Nambucca Valley, provision of space be made and additional funding sought for the inclusion of a CT Scanner at the new Macksville and District Hospital.

Councillor Janine Reed returned to the meeting at the completion of this item, the time being 5:39 PM

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

NOTICE OF MOTION - CR REED

ITEM 5.2 SF2547 110419 NOTICE OF MOTION - Developer Contribution Rates (Section 64 Water and Sewerage Headworks Charges)

154/19 **RESOLVED:** (Reed/Ainsworth)

- 1 That as the outcome from Council's resolution of 17 January 2019 in relation to developer contribution rates (Section 64 Water and Sewerage Headworks Charges) was not communicated to developers until after the middle of March, the time period be extended to 31 December 2019 to provided sufficient time for developers to consider their position and take appropriate action.
- 2 Council obtain legal advice on the wording of the various conditions in the "grandfathered" development consents and the provisions of the enabling legislation so as to determine whether or not Council can apply the contribution rates established in its most recent developer servicing plan.
- 3 Council obtain legal advice on imposing a time limit on subdivision consents and any relevant matters the Council should consider in determining a time limit.

PUBLIC FORUM AND DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

- 1 Illegal Operation of a Group Home in the Utungun area
 - i Anne Sutton – Secretary Utungun Hall Committee of Management – not present
 - ii Elaine Ward
- 2 DELEGATIONS
 - 9.3 Request to Tether a horse in Nambucca Heads 3
 - i Gina Bennett
 - ii Barry Napper

Public Forum:

- 1 i Elaine Ward addressed Council with her speaking notes placed on file SF2549,13842/2019.

SF970 QUESTION WITH NOTICE - Group Homes in the Nambucca Shire – Be Brought Forward

155/19 **RESOLVED:** (Ainsworth/Finlayson)

That the Question With Notice on Group Homes in the Nambucca be brought forward.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

ASKING OF QUESTIONS WITH NOTICE

ITEM 7.1 SF970 110419 QUESTION WITH NOTICE - Group Homes in the Nambucca Shire

156/19 **RESOLVED:** (Ainsworth/Reed)

That Council note the advice from Ms Ward and the information in the late report.

DELEGATIONS:

- 2 *i* Gina Bennett addressed Council with her speaking notes placed on file SF2549, 13593/2019.
 - ii* Barry Napper addressed Council with his speaking notes placed on file SF2549, 13601/2019.
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ITEM 9.3 SF226 110419 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.

157/19 **RESOLVED:** (Ainsworth/Reed)

That the report be deferred and that a further report come back to council on enclosing horses in residential areas.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

ITEM 9.1 SF959 110419 Outstanding Actions and Reports

158/19 **RESOLVED:** (Ainsworth/Wilson)

That the list of outstanding actions and reports be noted and received for information by Council and that Item No 2 be deleted in lieu of the proposal for an excursion to Mt Killiekrankie.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

ITEM 9.2 SF1965 110419 Request for Support for National Class 1 Agricultural Vehicle and Combination Notice

159/19 **RESOLVED:** (Ainsworth/Reed)

That Council support the new National Class 1 Agricultural Vehicle and Combination Notice and advise the National Farmers' Federation accordingly.

ITEM 9.3 was dealt with under delegations

ITEM 9.4 SF2537 110419 Undetermined Development Applications either greater than 12 months or where submissions received to 3 April 2019

160/19 **RESOLVED:** (Wilson/Smyth)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions received to 3 April 2019 be noted by Council.

ITEM 9.5 SF2333 110419 Renewal of Lease - Nambucca Valley Visitor Information Centre

161/19 **RESOLVED:** (Jenvey/Smyth)

- 1 Council endorse the request from Lifetime Connect Incorporated for a variation to the terms of the lease of its property at 57 Riverside Drive for 1 year concluding 30 June 2020.**
 - 2 Council enquire with the Nambucca Heads Local Aboriginal Land Council as to whether or not it might be interested in establishing a Keeping Place/Cultural Centre on the site of Council's Visitor Information Centre, either extending on or replacing the existing building, with a lease at a "peppercorn" rental for a term to be negotiated.**
 - 3 That Nambucca Valley Tourism be advised of Council's actions.**
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Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

ITEM 9.6 SF2535 110419 Minutes of the Nambucca Shire Council Access Committee meeting held 26 March 2019

162/19 **RESOLVED:** (Ainsworth/Finlayson)

- 1 That Council write to the Macksville Ex-Services Club and Macksville Caltex Service Station asking if they would like a visit by the Access Committee to assess their accessibility in line with the Access Friendly appraisal which has been shared by Port Macquarie-Hastings Council.
- 2 That Council resolve to develop a logo similar to the one provided by Port Macquarie-Hastings Council, to identify access friendly businesses, noting that the Access Committee will work in collaboration with any businesses who would like an assessment to promote their accessibility.
- 3 That a letter be sent to the Nambucca Plaza to formally thank the management for the improvements to access around the Cinema, expressing how grateful people have been given the level of positive feedback.
- 4 That Council endorse the minutes of the Nambucca Shire Council Access Committee meeting held 26 March 2019.

ITEM 9.7 SF2513 110419 Request for Donation - Taylors Arm Reserve Committee of Management

163/19 **RESOLVED:** (Ainsworth/Wilson)

That Council approve a Section 356 donation of \$500.00, towards the cost of purchasing and laying new vinyl floor covering in the Clubhouse at Taylors Arm Reserve.

ITEM 9.8 SF1120 110419 Grant Application Status Report

164/19 **RESOLVEDS:** (Ainsworth/Reed)

- 1 That Council receive the list of grant applications including active projects, successful and unsuccessful applications, and undetermined applications, to 4 April 2019.
- 2 That the Emergency Signage Ready (#A-6894712617) project be deferred to the next Council meeting pending advice on Council's working funds.

Ms Boorer left the meeting at the conclusion of this item, the time being 6.45 PM

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

ITEM 9.9 SF2537 110419 2019 March - Approved Construction and Complying
Development Certificates

165/19 **RESOLVED:** (Ainsworth/Reed)

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

ITEM 9.10 SF2537 110419 2019 March - Development Applications and Complying
Development Applications Received

166/19 **RESOLVED:** (Ainsworth/Reed)

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

ITEM 9.11 SF2493 110419 Investment Report to 31 March 2019

167/19 **RESOLVED:** (Wilson/Ainsworth)

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

ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

ITEM 10.1 SF321 110419 Missabotti Community Centre Hall Committee of Management -
Extraordinary Meeting - 10 March 2019

168/19 **RESOLVED:** (Ainsworth/Reed)

That Council endorse the minutes of the Missabotti Community Centre Hall Committee of Management Extraordinary Meeting held on 10 March 2019.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

ITEM 10.2 SF251 110419 Schedule of Council Public Meetings 2019

169/19 **RESOLVED:** (Ainsworth/Jenvey)

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

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF265 110419 Review of Policy - Street Lighting Public Roads

170/19 **RESOLVED:** (Ballangarry/Wilson)

That the amended Street Lighting Public Roads Policy (Our Ref: 10957/2019) be adopted as presented and be advertised for a period of 28 days.

ITEM 11.2 SF265 110419 Rescind Policy - Plant - Tenders and Purchases - Chloroflourocarbons

171/19 **RESOLVED:** (Ainsworth/Ballangarry)

That Policy Plant Tenders and New Purchases – Chlorofluorocarbons (25300/2007) be rescinded.

ITEM 11.3 SF90 110419 Nambucca Shire Traffic Committee Meeting Minutes - 2 April 2019

172/19 **RESOLVED:** (Wilson/Ballangarry)

- 1 **That Council receive and note the agenda and minutes emanating from the Nambucca Shire Traffic Committee held on the 2 April 2019.**
- 2 **That Council change the angle of parking within the Council owned Winifred Street Car Park from 90 degrees to 60 degrees, noting the loss of 9 parking spaces and the \$4,000 cost of re –line marking.**
- 3 **That Council retain existing double barrier line marking along sections of Bent Street, Nambucca Heads.**
- 4 **That Council:**
 - a **Install rubber lane separation kerb on Short Street, Nambucca Heads adjacent to the entry to Coronation Park Rugby League field; and**
 - b **Linemark parallel parking bays at the same point of entry.**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

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- 5 That Council extend the bus zone time restriction on Mumbler Street, Nambucca Heads to cater for NSW TrainLink new bus service from 3.30 – 4.30pm to 3.30 – 5.00pm.
 - 6 That Council relocates the disabled parking bay fronting number 9 River Street, Macksville to the northern side of River Street closer to the public toilets and install requisite pram crossing.
 - 7 That Council approve the request for temporary road closure on Station Street, Macksville between the hours 8.00am and 12noon on 30 June and 1 July 2019 for the purpose of the Macksville Rail Centenary Historic Talk, Book Launch, plaque unveiling subject to notifying Emergency Services.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

173/19 **RESOLVED:** (Ainsworth/Ballangarry)

- 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 12.1 SF2546 110419 Matters Pertaining to Fines, Penalties, Prosecutions, Appeals, Claims, 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.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF2546 110419 T037/2018 Tender for the Design Supply and Installation of Lighting - Macksville Bridge

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.

NAMBUCCA SHIRE COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 APRIL 2019

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.55 pm.

RESUME IN OPEN MEETING

174/19 **RESOLVED:** (Jenvey/Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 7.15 pm.

FROM COUNCIL IN CLOSED MEETING

GENERAL MANAGER REPORT

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF2546 110419 Matters Pertaining to Fines, Penalties, Prosecutions, Appeals, Claims, Loss of Reputation

175/19 **RESOLVED:** (Ainsworth/Reed)

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

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF2546 110419 T037/2018 Tender for the Design Supply and Installation of Lighting - Macksville Bridge

176/19 **RESOLVED:** (Hoban/Reed)

That Council accept the tender from Velator Services as the preferred tenderer and negotiate with the tenderer as per the discussion in the report.

177/19 **RESOLVED:** (Jenvey/Smyth)

That Council receive a report on the cost difference between coloured and plain lighting.

178/19 **RESOLVED:** (Ainsworth/Reed)

That Council staff come back with a source of funds should the adopted budget need to be exceeded.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7.15 pm.

Confirmed and signed by the Mayor on the 24 April 2019.

**Cr Rhonda Hoban
MAYOR
(CHAIRPERSON)**