PRESENT

Cr Rhonda Hoban (Mayor) OAM  
Cr Martin Ballangarry OAM  
Cr David Jones  
Cr Anne Smyth  
Cr John Ainsworth  
Cr Susan Jenvey  
Cr Janine Reed  
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Michael Coulter (General Manager)  
Paul Gallagher (AGM Engineering Services)  
Matthew Sykes (Chief Financial Officer)  
Robert Hunt (AGM Corporate Services)  
Rochelle McMurray (Minute Secretary)

APOLOGIES

Nil

PRAYER

Auxiliary Lieutenant, Matthew Pethybridge from Salvation Army, offered a prayer on behalf of the Nambucca Minister’s Association.

DISCLOSURE OF INTEREST

Councillor Anne Smyth declared a non-pecuniary - significant conflict of interest in Item 5.1 NOTICE OF MOTION – Variation to Council’s LEP under the Local Government Act as Cr Smyth states that the Item mentions the Multiple Occupancy at 1820 South Arm Road and a friend from that property is temporarily living at her home as her home was destroyed in the bushfires and she is homeless.

Councillor Anne Smyth declared a non-pecuniary – less significant conflict of interest in Item 9.6 Project Update and Community Comment – Extension to Nambucca Heads Library Projects as under the Local Government Act as Cr Smyth is a member of the Nambucca Valley Library Service, a member of U3A and a member of the Nambucca Valley Arts Council. Also members of her family have made submissions to the Concept Plan when on public exhibition.

Assistant General Manager Engineering Services Mr Paul Gallagher declared a pecuniary interest in Item 12.5 AGMES – Request to Renew Contract of Employment under the Local Government Act as the item relates to his employment contract with Council. Mr Gallagher left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 13 FEBRUARY 2020

61/20 RESOLVED: (Jenvey/Wilson)

That the minutes of the Ordinary Council Meeting of 13 February 2020 be confirmed.
NOTICE OF MOTION - CR AINSWORTH

ITEM 5.1 SF2869 270220 NOTICE OF MOTION - Variation to Council's LEP

62/20 RESOLVED: (Ainsworth/Jenvey)

1 That when required Council seek concurrence from the Department of Planning, Industry and Environment for a variation to the minimum lot size requirement for any development application which may be lodged to replace accommodation destroyed in the Kian Road bushfire.

2 That Council write to the State and Regional Economy – Planning policy team and the Minister for Planning and request the inclusion of the Nambucca Valley local government area within schedule 5 of the State Environmental Planning Policy (Primary Production and Rural Development) 2019 for the purpose of reinstating homes destroyed in the Kian Road bushfire natural disaster.

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

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

Against the Motion: Nil
Total (0)

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

NOTICE OF MOTION - CR SMYTH

ITEM 5.2 SF2869 270220 NOTICE OF MOTION - Request for Leave of Absence - 9 March to 9 April 2020 - Cr Anne Smyth

63/20 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 9 March 2020 to 9 April 2020, inclusive.

DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

Item 9.6 Project Update and Community comment - Extension to Nambucca Heads Library project

i Phillip Maunder - Principal - Nambucca Heads Public School in favour of proposal

ii Sara Runciman – in favour of proposal

iii Celia Ramsay – President - Nambucca Valley Arts Council against the proposal
ITEM 9.6 SF2827 270220 Project Update and Community comment - Extension to Nambucca Heads Library project

64/20 **RESOLVED:** (Smyth/Jenvey)

1. That the outcomes of the recent exhibition of the Vokes and Peters concept be noted.
2. That Council request Vokes and Peters to provide a concept plan for replacing the public toilets at the Nambucca Heads Library.
3. That Council note that the Project Control Group is to be separated into two Groups aligning with firstly precinct operation and secondly project delivery.
4. That Council note the minutes of the Nambucca Heads Library Project Control Group held on Wednesday, 5 February 2020.

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.

BRING FORWARD ITEM 9.11 - Minutes of Bushfire Relief Committee Meeting Held on 26 February 2020

65/20 **RESOLVED:** (Reed/Ballangarry)

That ITEM 9.11 - Minutes of Bushfire Relief Committee Meeting Held on 26 February 2020 be brought forward.
9.3 Bushfire Relief Committee – Final Recommendations for Expenditure of a $1.416m Commonwealth Government Grant

1 That Council adopt the following draft program for the expenditure of $1.416m in grant funding for bushfire recovery.

<table>
<thead>
<tr>
<th>Item</th>
<th>Allocation ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Phase 2 grant for properties damaged as a direct result of the Kian Road bushfire. Estimate 349 properties with eligible applicants to receive a payment for the assessed cost of the damage capped at $1,500.</td>
<td>523,500</td>
</tr>
<tr>
<td>2. Phase 3 grant (subject to outcome of phase 2) for properties with assessed damage of more than $1,500. Estimate 349 properties with eligible applicants to receive a payment for the assessed cost of the damage in excess of $1,500 and capped at $1,500.</td>
<td>523,500</td>
</tr>
<tr>
<td>3. Contingency for road repairs, vegetation removal and debris clean-up</td>
<td>100,000</td>
</tr>
<tr>
<td>4 13,000 litre water (dog) tanker for road maintenance &amp; fire fighting</td>
<td>90,667</td>
</tr>
<tr>
<td>5. Ecosystem/habitat restoration by Landcare</td>
<td>50,000</td>
</tr>
<tr>
<td>6. Hall improvements</td>
<td>50,000</td>
</tr>
<tr>
<td>7. Community development</td>
<td>50,000</td>
</tr>
<tr>
<td>8. Excess for natural disaster claim for 3 bridges</td>
<td>29,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,416,667</td>
</tr>
</tbody>
</table>

2 That Council make representations to the Australian Government’s mobile blackspot program to ascertain opportunities to improve mobile phone connectivity across bushfire affected areas.

3 That Council reinstate the name Parrys Bridge on the bridge sign which has apparently been changed by locals to Barrys Bridge.

4 That if, after 9 months, there are any unspent funds in categories 1 – 8 that the expenditure of those funds be reviewed by the Bushfire Relief Committee and be reallocated to other bushfire recovery initiatives.

5 That the deadlines for the receipt of Phase 1 and Phase 2 grant applications be 31 March 2020 and 30 June 2020 respectively.

9.5 Bushfire Community Resilience and Economic Recovery Fund - $250,000 Grant Offer

6 That Council note the grant application under the Bushfire Community Resilience and Economic Recovery Fund and lodge an amendment to reduce the reimbursement program to property owners from $3,000 to $2,500 per property.

(Late) Bushfire Relief Committee – Proposed Expenditure on a Bulldozer to Clear Fence Lines and Rebate of 50% of Waste and Septic Charges for Bushfire Affected Properties

7 That Council accept the offer from Blaze Aid for $ for $ funding of a bulldozing contractor to undertake boundary clearing work associated with the reinstatement of fencing. Further that Council’s contribution be capped at $36,000 for a total project value of up to $72,000 with Council’s cost to be funded from the contingency for road repairs, vegetation removal and debris clean up being part of the $1.416m grant provided by the National Bushfire Recovery.
That Council note the Bushfire Relief Committee has allocated $5,586 from the Deductible Gift Recipient Fund for a 50% rebate for the 2019/20 year charges for waste and on-site sewage management for properties nominated as having destroyed or damaged dwellings as per the application of the NSW Government’s rebate of general rates.

ITEM 9.10 SF2882 270220 Bushfire Relief Committee - Proposed Expenditure on a Bulldozer to Clear Fence Lines and Rebate of 50% of Waste and Septic Charges for Bushfire Affected Properties

67/20 RESOLVED: (Ainsworth/Reed)

That the report be noted.

GENERAL MANAGER REPORT

ITEM 9.1 SF959 270220 Outstanding Actions and Reports

68/20 RESOLVED: (Reed/Ainsworth)

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

ITEM 9.2 SF770 270220 Local Government Compliance and Enforcement - IPART Final Report

69/20 RESOLVED: (Reed/Ainsworth)

That it be noted the matter has been previously resolved.

ITEM 9.3 SF2882 270220 Bushfire Relief Committee - Final Recommendations for Expenditure of a $1.416m Commonwealth Government Grant

70/20 RESOLVED: (Ainsworth/Reed)

That the item be noted.
ITEM 9.4 SF2882 270220 Bushfire Rates Credit

71/20 **RESOLVED:** (Ainsworth/Jones)

That the information concerning the NSW Government funding of rates relief for bushfire affected communities be received and that the Deputy Premier and Minister for Local Government be formally thanked for this initiative.

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ITEM 9.5 SF2899 270220 Bushfire Community Resilience and Economic Recovery Fund - $250,000 Grant Offer

72/20 **RESOLVED:** (Reed/Ainsworth)

That the item be noted.

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ITEM 9.6 was dealt with under delegations.

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ITEM 9.7 SF941 270220 Report from Lifetime Connect on Operations at the Visitor Centre and Collaboration with other Organisations

73/20 **RESOLVED:** (Ainsworth/Wilson)

That Council note the attached report from Lifetime Connect on the operations at the Visitor Information Centre and their collaboration with other organisations.

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ITEM 9.8 SF2884 270220 Undetermined Development Applications either greater than 12 months or where submissions received to 20 February 2020

74/20 **RESOLVED:** (Ainsworth/Reed)

That the information contained in the report on undetermined Development Applications either greater than 12 months or where submissions have been received to 20 February 2020 be noted by Council.
75/20 **RESOLVED:** (Reed/Ainsworth)  
The minutes of the Clean Energy Committee meeting of 5 February and 19 February 2020 be deferred.

Late ITEM 9.10 was dealt with earlier in the meeting

Late ITEM 9.11 was dealt with earlier in the meeting

**ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT**

ITEM 10.1 SF2798 270220 December 2019 Quarterly Budget Review

76/20 **RESOLVED:** (Reed/Ballangarry)  
That:

1. The budget review for the quarter ended 31 December 2019 be received.

2. The recommended increases and decreases in votes be included as subsequent votes for the financial year 2019/2020.

ITEM 10.2 SF2491 270220 Obtaining a Dividend from the 2018/19 Surplus in Council's Sewer & Water Operations

77/20 **RESOLVED:** (Ainsworth/Wilson)  
1. That Council resolve that it has achieved the required outcome for the six criteria in Table 1 of the Best Practice Management of Water Supply and Sewerage Guidelines for its Water Supply Business Activity and Sewer Business Activity being:

   a. Complete Strategic Business Plan (including Financial Plan)

   b. Complete Pricing and Developer Charges including:

      i. Full cost-recovery, without significant cross subsidies.


      iii. Complying Sewerage Tariff.

      iv. Complying liquid trade waste fees and charges for all liquid trade waste dischargers.

      v. Commercial Developer Charges.

      vi. Liquid trade waste approval issued to each trade waste discharger.
Ordinary Council Meeting
MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 FEBRUARY 2020

vii. Complying tariffs for dual water supplies.

c  Council has been unable to provide the Department’s report on KPI’s since 2016 as the Department has been unable to provide these reports to date.

d  Sound Water Conservation implemented.

e  Sound Drought Management implemented.

f  Complete integrated Water Cycle Management Evaluation and complete and integrated Water Cycle Management Strategy.

2  That Council forward the necessary documents to the NSW Department of Industry - Water seeking their approval for the payment of a dividend from the Water Supply Business Activity surplus and Sewer Business Activity surplus.

ITEM 10.3 SF2806 270220 Investment Report to 31 January 2020

78/20 RESOLVED: (Wilson/Jenvey)

That the Accountant’s Report on Investments placed to 31 January 2020 be noted.

ITEM 10.4 SF251 270220 Schedule of Council Public Meetings 2020

79/20 RESOLVED: (Reed/Ballangarry)

That the schedule of dates for February 2020 to September 2020 be noted.

ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

ITEM 11.1 SF1676 270220 2019-20 Capital Works Program Monthly Report February

80/20 RESOLVED: (Ainsworth/Jenvey)

That Council receive and note the information pertaining to the progress of the 2019/2020 Capital Works Programme at 18 February 2020.
ITEM 11.2  SF2850  270220  Claim for expenses incurred by Council under the Natural Disaster Relief and Recovery Arrangements (NDRRA) and Section 44 attributed to the Kian Road fires November 2019

81/20 RESOLVED:  (Reed/Smyth)

That Council receive and note the report on the expenses incurred in the Nambucca Valley Council LGA for the Kian Road Bushfire Natural Disaster.

ITEM 11.3  SF843  270220  Minutes of the Vehicular Access to Beaches Committee - 14 February 2020

82/20 RESOLVED:  (Ainsworth/Wilson)

1  That Council receive and note the minutes of the Vehicular Access to Beaches Committee meeting held on Friday 14 February 2020.

2  That Council advertise seeking expressions of interest from the public to become Honorary Beach Rangers.

ITEM 11.4  LF8329  270220  Road Closure Application for realignment of unformed Public Road and subsequent Opening of Road through Lot 67 in DP 728230, being 4949 Taylors Arm Road, Thumb Creek

83/20 RESOLVED:  (Reed/Ainsworth)

That Council defer the matter pending further advice from Crown lands.

ITEM 11.5  T001/2020  270220  T001/2020 Tender for provision of Piling Services for Construction of Fischers Bridge, Tamban

84/20 RESOLVED:  (Ainsworth/Reed)

1  That Council receive and note the confidential report, evaluations and costs associated with the tenders.

2  That Council accept the Tender from Civil Sydney Pty Ltd for T001/2020 for the Provision of Piling Services for the Construction of Fischers Bridge, Tamban and update the Contract Register (TRIM 31325/2016).

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

For the Motion:  Councillors Ainsworth, Ballangarry, Hoban, Jenvey, Jones, Reed, Smyth and Wilson
COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

85/20 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 270220 Water Theft Prosecution

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 T001/2020 270220 Confidential - T001/2020 Tender for Provision of Piling Services for Fischers Bridge, Tambar

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.

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF2894 270220 Draft Program for $1m Bushfire Relief Expenditure - Submissions

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) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

For Confidential Business Paper in Closed Meeting
ITEM 12.4  SF2546  270220  Matters Pertaining to Realised or Potential Losses

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 12.5  EF4021  270220  Assistant General Manager Engineering Services - Request to Renew Fixed Term Employment Contract

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) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

For Confidential Business Paper in Closed Meeting

ITEM 12.6  SF2894  270220  Draft Program for $1m Bushfire Relief Expenditure - Further Submissions

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) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

CLOSED MEETING

The Ordinary Council Meeting’s Meeting IN CLOSED MEETING commenced at 7:15pm.

RESUME IN OPEN MEETING

RECOMMENDATION:

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:44 pm.

FROM COUNCIL IN CLOSED MEETING

The Mayor and General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORT
For Confidential Business Paper in Closed Meeting

ITEM 12.1  SF2546  270220  Water Theft Prosecution

86/20 RESOLVED:  (Reed/Smyth)

That the information concerning the legal action being taken against on two landholders for the theft of water be noted.
ITEM 12.2  T001/2020  270220  Confidential - T001/2020 Tender for Provision of Piling Services for Fischers Bridge, Tamban

87/20 RESOLVED: (Ainsworth/Reed)

That Council receive and note the report in open accepting a recommended contractor for tender T001/2020 for the Provision of Piling Services for Fischers Bridge Tamban.

ITEM 12.3  SF2894  270220  Draft Program for $1m Bushfire Relief Expenditure - Submissions

88/20 RESOLVED: (Reed/Wilson)

That the submissions concerning the draft program for the $1m bushfire relief expenditure be noted and the correspondents be advised of the final adopted program.

ITEM 12.4  SF2546  270220  Matters Pertaining to Realised or Potential Losses

89/20 RESOLVED: (Reed/Ainsworth)

That the information concerning incidents where there is a realised or potential loss of funds and/or reputation be received.

Michael Coulter, Robert Hunt, Paul Gallagher, Matthew Sykes, Rochelle McMurray left the meeting before the commencement of this item, the time being 7:26 PM

ITEM 12.5  EF4021  270220  Assistant General Manager Engineering Services - Request to Renew Fixed Term Employment Contract

90/20 RESOLVED: (Reed/Ainsworth)

1. That Council advise Mr Paul Gallagher that it wishes to enter into a future employment contract with him as Council’s Assistant General Manager Engineering Services for a 5 year term commencing 10 January 2021.

2. That Council agree to a 5% increase in Mr Gallagher’s remuneration package to take effect
That Council formally thank Mr Gallagher for the contribution he has made to improving Council’s financial sustainability.

Michael Coulter, Robert Hunt, Paul Gallagher, Matthew Sykes, Rochelle McMurray returned to the meeting at the completion of this item, the time being 7:43 PM

For Confidential Business Paper in Closed Meeting

ITEM 12.6  SF2894  270220  Draft Program for $1m Bushfire Relief Expenditure - Further Submissions

RESOLVED: (Ainsworth/Reed)

That the submissions concerning the draft program for the $1m bushfire relief expenditure be noted and the correspondents be advised of the final adopted program.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:47pm.

Confirmed and signed by the Mayor on 13 March 2020.

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)