

## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

The following document is the minutes of the Ordinary Council meeting held **13 JANUARY 2022**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 27 January 2022 and therefore subject to change. Please refer to the minutes of 27 January 2022 for confirmation.

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### PRESENT

Cr Rhonda Hoban (Mayor) OAM  
Cr Trevor Ballangarry  
Cr Ricky Buchanan  
Cr David Jones  
Cr John Wilson (Deputy Mayor)

Cr James Angel  
Cr Martin Ballangarry OAM  
Cr Susan Jenvey  
Cr Troy Vance

### ALSO PRESENT

Michael Coulter (General Manager)  
Clint Fitzsummons (Acting AGM Engineering Services)  
Matthew Sykes (Chief Financial Officer)

Robert Hunt (AGM Corporate Services)  
Lorraine Hemsworth (Minute Secretary)

### APOLOGIES

Paul Gallagher (AGM Engineering Services)

### PRAYER

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

### DISCLOSURE OF INTEREST

Councillor Troy Vance declared a non-pecuniary - less significant conflict of interest in Item 9.9 *Financial Implications of Manufactured Home Estates* under the Local Government Act as Cr Vance is a Real Estate Agent and sells relocatable homes.

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

#### SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 25 NOVEMBER 2021

1/22 RESOLVED: (Jenvey/Wilson)

That the minutes of the Ordinary Council Meeting of 25 November 2021 be confirmed.

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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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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

### GENERAL MANAGER REPORT

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ITEM 9.1 SF42 130122 Oath or Affirmation of Office

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Councillors John Wilson, Trevor Ballangarry, Troy Vance, James Angel, Martin Ballangarry OAM and Rhonda Hoban OAM stood and took the Oath of Council.

Councillors Ricky Buchanan, Susan Jenvey and David Jones took the Affirmation of Office.

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ITEM 9.2 SF830 130122 Election of Deputy Mayor

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2/22 **RESOLVED:** (Hoban/Jones)

THAT:

- 1 The election of a Deputy Mayor proceed by ordinary (secret) ballot if a ballot is required.
- 2 Nominations be invited and received by the General Manager as Returning Officer for the election of Deputy Mayor.
- 3 The election of Deputy Mayor proceeds.

3/22 **RESOLVED:** (Hoban/M Ballangarry)

THAT:

- 1 Following the election, the Mayor declared Cr John Wilson elected as Deputy Mayor for the term of office expiring in September 2022.
  - 2 The Department of Planning, Industry and Environment (General Planning Delivery and Local Government) and Local Government NSW be advised of the outcome of the election and Council's website be updated.
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### PUBLIC FORUM - DELEGATIONS

#### RECOMMENDATION

That the following delegations be heard:

#### Grading of Upper Taylors Arm Road, Thumb Creek

*i Mr Archie Woods*

Mr Woods addressed Council making the following points on the condition of Taylors Arm Road, Thumb Creek:

- Requesting the Council road be graded as the road has not been graded for a number of years
  - From Mr Donohoe's property onwards
  - Elderly couple were pulled from the side of the road over Christmas period
  - Lots of tourists visit the area
  - The road is very dangerous
  - Would like to see graded at least once per year
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## Ordinary Council Meeting

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ITEM 9.3 SF256 130122 Proposed Councillor Training and Induction

4/22 **RESOLVED:** (Jones/Wilson)

**That the information concerning the proposed training and induction for the new Council be received and noted.**

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ITEM 9.4 SF271 130122 Council Meeting Arrangements and Code of Meeting Practice

MOTION: (Jenvey/M Ballangarry)

- 1 Council retain the existing meeting arrangements being to meet twice a month at 5.30pm on the last Thursday of the month and the Thursday 2 weeks before that. Except in December where the Council not meet on the last Thursday of the month.
- 2 That Council note the above scheduled meeting arrangements can change due to circumstances outside Council's control such as COVID lockdowns and natural disasters.
- 3 Pursuant to Section 360 of the Local Government Act 1993 the Council formally adopt the existing Code of Meeting Practice.

AMENDMENT: (Jenvey/M Ballangarry)

- 1 Council retain the existing meeting arrangements being to meet twice a month at 5.30pm on the last Thursday of the month and the Thursday 2 weeks before that. Except in December where the Council not meet on the last Thursday of the month.
- 2 That Council note the above scheduled meeting arrangements can change due to circumstances outside Council's control such as COVID lockdowns and natural disasters.
- 3 Pursuant to Section 360 of the Local Government Act 1993 the Council formally adopt the existing Code of Meeting Practice.
- 4 That Council have the option of going to remote meetings should it so wish.

The amendment was carried and became the motion.

5/22 **RESOLVED:** (Jenvey/M Ballangarry)

- 1 **Council retain the existing meeting arrangements being to meet twice a month at 5.30pm on the last Thursday of the month and the Thursday 2 weeks before that. Except in December where the Council not meet on the last Thursday of the month.**
- 2 **That Council note the above scheduled meeting arrangements can change due to circumstances outside Council's control such as COVID lockdowns and natural disasters.**
- 3 **Pursuant to Section 360 of the Local Government Act 1993 the Council formally adopt the existing Code of Meeting Practice.**
- 4 **That Council have the option of going to remote meetings should it so wish.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

ITEM 9.5 SF842 130122 Council Advisory Committees

6/22 **RESOLVED:** (Jenvey/Wilson)

**That Council appoint representatives to the list of Advisory Committees as shown in the report.**

Committee	Councillors
Access Committee	Cr Susan Jenvey Cr Ricky Buchanan Alt Delegate
Arts Mid North Coast	Cr Susan Jenvey Cr David Jones
Audit, Risk & Improvement Committee	Cr John Wilson
Business Advisory Committee	All Councillors
Clean Energy Committee	Cr Susan Jenvey Cr Martin Ballangarry
Nambucca River, Creeks, Estuaries and Coastline Management Committee	Cr Troy Vance Cr James Angel Cr Ricky Buchanan
General Manager's Performance Review Committee	All Councillors
Land Development Committee	All Councillors
Library Service Strategic Plan Committee	Cr David Jones Cr Susan Jenvey
Local Traffic Committee (please note that despite the name, the Committee is not a committee of Council but rather the RMS)	Deferred
Lower North Coast Bushfire Management Committee	Cr David Jones
Nambucca Bushfire Management Committee	Cr Troy Vance
Nambucca Emergency Operations Centre Committee of Management	Cr Troy Vance
Nambucca Community and Arts Centre	Cr John Wilson Cr David Jones
NSW North Coast Weed Advisory Committee	Cr Ricky Buchanan
Vehicular Access to Beaches Committee	Cr Troy Vance

7/22 **RESOLVED:** (Jenvey/Jones)

**That Council receive submissions to consider new Advisory Committees from Councillors that may have new ideas.**

8/22 **RESOLVED:** (Jones/Buchanan)

**That Council adopt the list of delegates as nominated during the Council meeting of 13 January 2022.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

ITEM 9.6 SF842 130122 Council Section 355 Committees

9/22 **RESOLVED:** (Wilson/Vance)

**That Council allocate Councillors to the various committees and adopt a roster for attendance at the Annual General Meetings for Section 355 Committees.**

COMMITTEE OF MANAGEMENT	REPRESENTATIVES
Argents Hill Hall	Cr Susan Jenvey
Bowraville Sports Ground (Hennessy Tape Oval)	Cr Martin Ballangarry OAM
Burratine Public Hall	Cr Trevor Ballangarry
Coronation Park	Cr Ricky Buchanan
EJ Biffin Playing Fields	Cr Rhonda Hoban OAM
Eungai District Memorial Hall	General Manager
Local Disaster Recovery Committee	Cr John Wilson
Macksville Gift	Cr James Angel
Macksville Park and Sports Ground	AGM Corporate Services
Mary Boulton Pioneer Cottage and Museum	Cr Troy Vance
Missabotti Community Centre	Cr Susan Jenvey
Nambucca District Band	Cr Martin Ballangarry OAM
Nambucca District Historical Society & Museum	Cr Susan Jenvey
Nambucca Community and Arts Centre	Cr John Wilson
National Celebration Day Committee	Cr Rhonda Hoban OAM, Cr John Wilson
North Macksville Playing Fields & Soccer Club	General Manager
Scotts Head Sports Field	Cr Ricky Buchanan
South Arm Hall	Cr Martin Ballangarry OAM
Talarm Hall and Welsh Pioneer Park	Cr Trevor Ballangarry
Taylor's Arm Hall	Cr Trevor Ballangarry
Taylor's Arm Sports Reserve	Cr Trevor Ballangarry
Unkya Reserve	Cr David Jones
Utungun Community Hall	Cr Trevor Ballangarry
Valla Beach Community Association	Cr Susan Jenvey
Valla Public Hall	Cr Rhonda Hoban OAM
Warrell Creek Public Hall	AGM Corporate Services
We're Here	Cr John Wilson

10/22 **RESOLVED:** (Hoban/Buchanan)

**That Council adopt the list of delegates as nominated during the Council meeting of 13 January 2022.**

ITEM 9.7 SF959 130122 Outstanding Actions and Reports

11/22 **RESOLVED:** (Jones/M Ballangarry)

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

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

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ITEM 9.8 SF2248 130122 Review of Joint Organisations and Future Direction

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12/22 **RESOLVED:** (Jenvey/Wilson)

**That Council note the review of Joint Organisations.**

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ITEM 9.9 SF651 130122 Financial Implications of Manufactured Home Estates

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**MOTION:** (Wilson/Buchanan)

That Council make representations to the Member for Oxley, the Hon. Melinda Pavey MP and the Minister for Planning, the Hon. Anthony Roberts MP to correct the rating and contribution inequities associated with manufactured home estates and caravan parks with permanent residential accommodation

**AMENDMENT:** (Buchanan/Vance)

That Council make representations to the Member for Oxley, the Hon. Melinda Pavey MP and the Minister for Planning, the Hon. Anthony Roberts MP to correct the rating and contribution inequities associated with manufactured home estates and caravan parks with permanent residential accommodation whilst protecting tenants from unreasonable rent increases.

The amendment was carried and became the motion.

13/22 **RESOLVED:** (Buchanan/Vance)

**That Council make representations to the Member for Oxley, the Hon. Melinda Pavey MP and the Minister for Planning, the Hon. Anthony Roberts MP to correct the rating and contribution inequities associated with manufactured home estates and caravan parks with permanent residential accommodation whilst protecting tenants from unreasonable rent increases.**

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ITEM 9.10 SF770 130122 Independent Pricing and Regulatory Tribunal (IPART) - Review of Domestic Waste Management Charges - Draft Report - December 2021

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14/22 **RESOLVED:** (Jenvey/Buchanan)

- 1 That the NSW Independent Pricing and Regulatory Tribunal (IPART) IPART be advised that its proposals are supported in principle, however it is not agreed there should be a consideration of a binding waste peg in the future for the same reasons there is no peg on pricing for water and sewerage charges. Further that Council would welcome the proposed approach to DWM charges being applied to general rating.**
  - 2 That IPART be requested to investigate whether or not EPA design and reporting requirements for landfills are excessive and their contribution to increasing DWM charges.**
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

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ITEM 9.11 SF214 130122 Assessment of sewage overflow impacts on oyster harvest areas  
in NSW estuaries

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15/22 **RESOLVED:** (Wilson/Jenvey)

**That Council advise the Manager of the NSW Shellfish Program (NSW Department of Primary Industries) that Council supports the proposal to seek grant funding to develop a detailed hydrological model of the lower Nambucca River estuary and is willing to contribute \$10,000 towards the project.**

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ITEM 9.12 SF2563 130122 Countback Election Instead of By-Election

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16/22 **RESOLVED:** (Wilson/Jones)

**THAT pursuant to Section 291A(1)(b) of the Local Government Act 1993 (the Act) Nambucca Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for the Council held on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act and directs the general manager to notify the NSW Electoral Commission of the Council's decision within 7 days of the decision.**

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ITEM 9.13 SF2988 130122 Planning Proposal Nambucca LEP Amendment no 27 -  
Reclassification of Community Land to Operational Land to allow for its future disposal

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17/22 **RESOLVED:** (Jones/Jenvey)

**That Council proceed to make the plan associated with Nambucca LEP Amendment no 27 for Lot 1 DP578503 Riverside Drive. The matter be referred to the Minister to make the plan.**

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

For the Motion:	Councillors Angel, M Ballangarry, T Ballangarry, Buchanan, Hoban, Jenvey, Jones, Vance and Wilson
	Total (9)
Against the Motion:	Nil
	Total (0)

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JANUARY 2022

### ASSISTANT GENERAL MANAGER CORPORATE SERVICES REPORT

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ITEM 10.1 SF3142 130122 National Celebration Day Committee Nominations

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18/22 **RESOLVED:** (Hoban/Buchanan)

**THAT:**

- 1 Council accept the nominations from Trevor Ballangarry, Ian Flarrey, Phillip Argue, Peter Lawry and Janine Reed to become members of the National Celebration Day Committee.
  - 2 The successful nominees be provided with a copy of the Terms of Reference, Code of Conduct for Delegates, S355 Committee Guidelines and Volunteer Safety Handbook.
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ITEM 10.2 SF1026 130122 Disclosure of Political Donations and Electoral Expenditure

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19/22 **RESOLVED:** (Jones/Angel)

**That the report be received and noted.**

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### ASSISTANT GENERAL MANAGER ENGINEERING SERVICES REPORT

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ITEM 11.1 RF333 130122 Proposed reclassification from Road Reserve to Operational Land - Lot 1 in Deposited Plan 1272809

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MOTION: (Wilson/T Ballangarry)

- 1 That Lot 1 DP 1272809 be classified as Operational Land and be recorded as such in Council's Land Register.
- 2 That Council's seal be attached to documents relating to the transfer of the land if required.

6.50pm -6.52pm - The meeting was adjourned for clarification of the land zoning.

AMENDMENT: (Jones/M Ballangarry)

That the report be deferred and brought back to the next Council meeting to have a forum with the new Councillors.

The amendment was lost and reverted back to motion.



## Ordinary Council Meeting

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20/22 **RESOLVED:** (Wilson/M Ballangarry)

- 1 That Lot 1 DP 1272809 be classified as Operational Land and be recorded as such in Council's Land Register.
- 2 That Council's seal be attached to documents relating to the transfer of the land if required.

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

For the Motion: Councillors Angel, T Ballangarry, Buchanan, Hoban, Vance and Wilson  
Total (6)  
Against the Motion: Councillors M Ballangarry, Jenvey and Jones  
Total (3)

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

21/22 **RESOLVED:** (Vance/Buchanan)

- 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 SF674 130122 Container Deposit Scheme (CDS) Claim

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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) (c) (d) 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; AND 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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF214 130122 Proposal to Develop a Hydrological Model to Assess the Impact of Unplanned Sewage Discharges

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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) (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.*

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## Ordinary Council Meeting

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### CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.58 pm.

### RESUME IN OPEN MEETING

22/22 **RESOLVED:** (Angel/M Ballangarry)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 7.01 pm.

### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

### GENERAL MANAGER REPORT

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF674 130122 Container Deposit Scheme (CDS) Claim

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23/22 **RESOLVED:** (Jones/Wilson)

That Council endorse the negotiated agreement with Handybin Waste Services (Coffs Harbour) Pty Ltd pertaining to the impact of the CDS scheme on the recycling service.

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF214 130122 Proposal to Develop a Hydrological Model to Assess the Impact of Unplanned Sewage Discharges

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24/22 **RESOLVED:** (Wilson/Jones)

That the proposal to develop a hydrological model to assess the impact of unplanned sewage discharges be noted.

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### CLOSURE

There being no further business the Mayor then closed the meeting the time being 7.03 pm.

Confirmed and signed by the Mayor on 27 January 2022.

Cr Rhonda Hoban OAM  
MAYOR  
(CHAIRPERSON)