



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 16 MAY 2024

Council has adopted the following Vision and Mission Statements to describe its philosophy and to provide a focus for the program areas detailed in its Delivery Program.

Our Vision

Nambucca Valley ~ Living at its best.

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

Our Values in Delivery

- *Professionalism:*
Show drive and motivation, innovation, risk awareness, an awareness of strengths and weaknesses and a commitment to learning.
- *Accountability:*
Take responsibility for own actions, act in line with legislation and policy and be open and honest.
- *Community Focus:*
Commit to delivering customer and community focused services in line with strategic objectives.
- *Team work:*
Be a respectful, inclusive and reliable team member, collaborate with others and value diversity.
- *Safety:*
Strive towards a safety focused workplace culture to ensure the wellbeing of staff, their families and the community.
- *Value for Money:*
Achieve results through efficient use of resources and a commitment to quality outcomes.
- *Leadership (Managers):*
Engage and motivate staff, develop capability and potential in others and champion positive change.

Council Meetings: Overview and Proceedings

Council meetings are held on the **last Thursday** of each month AND on the Thursday two weeks before the Thursday meeting. Both meetings commence at **5.30 pm**. Meetings are held in the Council Chamber at Council's Administration Centre—44 Princess Street, Macksville (unless otherwise advertised).

How can a Member of the Public Speak at a Council Meeting?

1 Addressing Council with regard to an item on the meeting agenda:

Members of the public are welcome to attend meetings and address the Council. Registration to speak may be made by application on Council's website <https://nambucca.nsw.gov.au/addresscouncil> before 11.00 am on a meeting day. The relevant agenda item will be brought forward at 5.30 pm in agenda order, and dealt with following preliminary business items on the agenda. Public addresses are limited to five (5) minutes per person with a limit of two people speaking for and two speaking against an item.

2 Public forum address regarding matters not on the meeting agenda:

Nambucca Valley Council believes that the opportunity for any person to address the Council in relation to any matter which concerns them is an important demonstration of local democracy and our values. Accordingly Council allows members of the public to address it on matters not listed in the agenda provided the request is received before publication of the agenda (registration to speak may be made by application on Council's website <https://nambucca.nsw.gov.au/addresscouncil> before 11.00 am on a meeting day) and the subject of the address is disclosed and recorded on the agenda.

In relation to regulatory or enforcement matters it needs to be understood that the Council has certain legal obligations which will generally prevent the Council from providing an immediate response to any concerns or grievances which may be raised in the public forum. In particular the Council has to provide procedural fairness and consider all relevant information.

Generally this cannot be done with matters which have come direct to Council via the public forum. So the fact that the Council may not immediately agree to the representations and seek a report instead should not be taken to indicate disagreement or disinterest.

Where the subject matter concerns an on-going complaint which has been the subject of previous investigation by Council staff and/or external bodies such as the NSW Ombudsman, the General Manager in consultation with the Mayor will decide on whether or not the person will be allowed to speak in the public forum.

Speakers should address issues and refrain from making personal attacks or derogatory remarks. You must treat others with respect at all times.

Council Meeting Audio Recordings

Council audio records all Council Meetings and the recordings are posted on the website once the Minutes are released. Please note that the audio files could be quite large and may take a while to download.

Meeting Agenda

These are available Council's website: www.nambucca.nsw.gov.au



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 16 MAY 2024

Acknowledgement of Country *(Mayor)*

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

Council Meeting Audio Recordings *(Mayor)*

This meeting is being webcast and those in attendance should refrain from making any defamatory statements.

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12 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING

12.1 Water Leak Adjustment - Water Account 11212801

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)(b) of the Local Government Act, 1993, on the grounds that the report contains a discussion in relation to the personal hardship of a resident or ratepayer.

12.2 Matters Regarding 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.

a Questions raised by Councillors at 8 above

- i MOTION TO CLOSE THE MEETING
- ii PUBLIC VERBAL REPRESENTATIONS REGARDING PROPOSAL TO CLOSE
- iii CONSIDERATION OF PUBLIC REPRESENTATIONS
- iv DEAL WITH MOTION TO CLOSE THE MEETING

13 MEETING CLOSED TO THE PUBLIC

14 REVERT TO OPEN MEETING FOR DECISIONS IN RELATION TO ITEMS DISCUSSED IN CLOSED MEETING.

NAMBUCCA VALLEY COUNCIL



DISCLOSURE OF INTEREST AT MEETINGS

Name of Meeting: _____
Meeting Date: _____
Item/Report Number: _____
Item/Report Title: _____

I _____ declare the following interest:
(name)

Pecuniary – must leave chamber, take no part in discussion and voting.

Non Pecuniary – Significant Conflict – Recommended that Councillor/Member leaves chamber, takes no part in discussion or voting.

Non-Pecuniary – Less Significant Conflict – Councillor/Member may choose to remain in Chamber and participate in discussion and voting.

For the reason that _____

Signed _____ Date _____

Council's Email Address – council@nambucca.nsw.gov.au

(Instructions and definitions are provided on the next page).

Definitions

(Local Government Act and Code of Conduct)

Pecuniary – An interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

(Local Government Act, 1993 section 442 and 443)

A Councillor or other member of a Council Committee who is present at a meeting and has a pecuniary interest in any matter which is being considered must disclose the nature of that interest to the meeting as soon as practicable.

The Council or other member must not take part in the consideration or discussion on the matter and must not vote on any question relating to that matter. *(Section 451)*.

Non-pecuniary – A private or personal interest the council official has that does not amount to a pecuniary interest as defined in the Act (for example; a friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

If you have declared a non-pecuniary conflict of interest you have a broad range of options for managing the conflict. The option you choose will depend on an assessment of the circumstances of the matter, the nature of your interest and the significance of the issue being dealt with. You must deal with a non-pecuniary conflict of interest in at least one of these ways.

- It may be appropriate that no action is taken where the potential for conflict is minimal. However, council officials should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (for example, participate in discussion but not in decision making or visa-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer).
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply (particularly if you have a significant non-pecuniary conflict of interest).

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

- 1 This form must be completed using block letters or typed.
- 2 If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.25 of the Code of Conduct – Councillors and 4.37 of the Code of Conduct - Council for the Nambucca Valley Council (the Codes of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Codes of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Codes of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

“Relative” is defined by clause 4.4 of the Codes of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests byin the matter of
 which is to be considered at a meeting of the

 to be held on the.....day of 20

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature:

Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

The following document is the minutes of the Ordinary Council meeting held **24 APRIL 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 16 May 2024 and therefore subject to change. Please refer to the minutes of 16 May 2024 for confirmation.

PRESENT

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

Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

Apologies (leave granted)

Nil

Apologies

Cr James Angel

Absent

Nil

ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

DISCLOSURE OF INTEREST

General Manager Bede Spannagle declared a pecuniary interest in Item 13.2 *General Manager Performance Agreement* under the *Local Government Act 1993* as he is the subject of this agenda item. Bede Spannagle left the meeting for this item.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 11 APRIL 2024

119/24 **RESOLVED:** (Jenvey/M Ballangarry)

That the minutes of the Ordinary Council Meeting of 11 April 2024 be confirmed.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

- i Carole Andersen - Valla Beach Tennis Club Inc*
- ii Myra Davidson and Noreen Russel - Accessibility at the V-Wall*
- iii Dr Ljubov Simson - Nambucca Environment Network*

PUBLIC FORUM

- i Carole Andersen - Valla Beach Tennis Club Inc, addressed Council with notes placed on 20092/2024 SF3424*
- ii Myra Davidson - Accessibility at the V-Wall, addressed Council with notes placed on 19078/2024 SF3424*

120/24 **RESOLVED:** (Hoban/Jones)

That Council receive a report on the background of the removal of the steps and the work that has been done to date and matters raised in the public forum presentation and petition.

- iii Dr Ljubov Simson - Nambucca Environment Network, addressed Council with notes placed on 19952/2024 SF3424*

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 240424 Outstanding Actions and Reports

121/24 **RESOLVED:** (Jones/Vance)

That Council note the list of outstanding actions and reports.

ITEM 9.2 PRF73 240424 Council Nominations for Gaagal Wanggaan National Park Board of Management

122/24 **RESOLVED:** (Buchanan/Wilson)

That Council nominate a Councillor for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management.

123/24 **RESOLVED:** (Hoban/Vance)

That Council put forward Cr Martin Ballangarry as the Council member delegate and Cr Jones as the deputy member.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF731 240424 Community Improvement Districts - Draft Bill - Consultation

MOTION: (Jenvey/Wilson)

That Council;

- 1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.
- 2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.

AMENDMENT: (Jenvey/Jones)

That Council;

- 1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.
- 2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.
- 3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

The amendment was declared carried and became the motion.

124/24 **RESOLVED:** (Jenvey/Jones)

That Council;

- 1 **Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.**
 - 2 **Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.**
 - 3 **Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.**
-

ITEM 10.2 SF84 240424 Reforming the Emergency Services Funding System -
Consultation Paper

125/24 **RESOLVED:** (Buchanan/Wilson)

That Council;

- 1 **Makes a submission to the Emergency Services Funding Reform – Consultation Paper.**
 - 2 **Provide any feedback for inclusion in the Council submission to the Director Corporate Services by 15 May 2024.**
-

ITEM 10.3 SF3328 240424 Draft 2024/25 Annual Budget, Draft 2024/25 - 2033/34 Long
Term Financial Plan, Draft 2024/25 Revenue Policy and the Draft 2024/25 Schedule of Fees
& Charges

126/24 **RESOLVED:** (Hoban/Vance)

That Council;

- 1 **Adopts the Draft 2024/25 Annual Budget, with the inclusion of \$10,000 toward the Valla Beach Tennis Club lighting and Draft 2024/25-2033/34 Long Term Financial Plan, Draft 2024/25 Revenue Policy and the Draft 2024/25 Schedule of Fees & Charges.**
 - 2 **Place the documents on public exhibition for 28 days.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

ITEM 10.4 SF3358 240424 Investment Report for March 2024

127/24 **RESOLVED:** (Wilson/Buchanan)

That Council:

- 1 Note the Chief Financial Officer's report on Investments for the period March 2024.**
 - 2 Adopt the certification of the Responsible Accounting Officer for the period of March 2024.**
-

ITEM 10.5 SF296 240424 Nambucca Valley Tourist Association Performance Report
October 2023 to December 2023

128/24 **RESOLVED:** (Buchanan/M Ballangarry)

That Council note the Nambucca Valley Tourism Association Quarterly Performance Report for the period October 2023 to December 2023.

ITEM 10.6 SF3334 240424 Donations Program (Section 356) 2023/2024 - Additional LATE
Applications for Approval

129/24 **RESOLVED:** (Vance/M Ballangarry)

That Council approves;

- 1 The donation to Scotts Head Community Group in the amount of \$500.00.**
- 2 The donation to Nambucca Valley Phoenix in the amount of \$500.00.**

130/24 **RESOLVED:** (Vance/Jones)

That Council approves, that any surplus in the donations program at 30 June 2024 be carried over and added to the following years allocation.

ITEM 10.7 SF251 240424 Schedule of Council Meetings - 16 May 2024 to 12 September
2024

131/24 **RESOLVED:** (Wilson/M Ballangarry)

That Council note the schedule of meeting dates for 16 May 2024 to 12 September 2024.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 240424 Undetermined Development Applications greater than 12 months, where submissions have been received, or where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

132/24 **RESOLVED:** (Jenvey/Buchanan)

That Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 17 April 2024, and development applications determined from 4 April to 17 April 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.2 SF3410 240424 2024 March - Approved Construction Certificates and Complying Development Applications

133/24 **RESOLVED:** (Wilson/Vance)

That Council note the Construction Certificates and Complying Developments approved for March 2024.

ITEM 11.3 SF3410 240424 2024 March - Development Applications and Complying Development Applications Received

134/24 **RESOLVED:** (Jones/Wilson)

That Council note the Development Applications and Complying Developments received in March 2024.

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF3146 240424 Proposed Skatepark - Scotts Head

135/24 **RESOLVED:** (Jenvey/Buchanan)

That Council, if successful in receiving a grant for the proposed Scotts Head Skate Park project, allocates up to \$50,000 as a co-contribution from the proposed 2024/25 capital works reserve as recommended in the draft 2024/25 budget.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

136/24 **RESOLVED:** (Buchanan/M 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 REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 240424 Matters Regarding 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 13.2 SF3217 240424 General Manager Performance Agreement

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 6:36 PM.

RESUME IN OPEN MEETING

137/24 **RESOLVED:** (Buchanan/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:07 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2024

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 240424 Matters Regarding Realised or Potential Losses

138/24 **RESOLVED:** (Buchanan/Jenvey)

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

Councillor M Ballangarry left the meeting, the time being 6:49 PM

Bede Spannagle, Matthew Sykes, David Moloney, Daniel Walsh and Evan Webb left the meeting before the commencement of this item, the time being 6:50 PM

Councillor M Ballangarry returned to the meeting, the time being 6:50 PM

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3217 240424 General Manager Performance Agreement

139/24 **RESOLVED:** (Hoban/Vance)

That Council;

- 1 Endorses the priorities outlined in the report for the General Manager and included in the attached Performance Agreement for 2024.**
- 2 Adopts the attached Performance Agreement for the period 15 December 2023 to 14 December 2024.**
- 3 Notes the file number change to SF3500.**

Bede Spannagle, Matthew Sykes and Evan Webb returned to the meeting at the completion of this item, the time being 7:08 PM

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:10 PM.

Confirmed and signed by the Mayor on **16 MAY 2024**

**Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)**

GENERAL MANAGER

ITEM 9.1 SF959 160524 OUTSTANDING ACTIONS AND REPORTS

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager; Matthew Sykes, Director Corporate Services; David Moloney, Director Engineering Services; Daniel Walsh, Manager Development and Environment; Joanne Hudson, Manager Human Resources; Evan Webb, Chief Financial Officer

The following table is a report on all outstanding resolutions and questions from Councillors (except development consents, development control plans & local environmental plans). Matters noted or received, together with resolutions adopting rates, fees and charges are not listed. Where matters have been actioned, they are indicated with strikethrough and then removed from the report to the following meeting. Please note that the status is updated one week before the Council meeting.

RECOMMENDATION:

That Council note the list of outstanding actions and reports.

	FILE NUMBER	COUNCIL MEETING DATE	ACTION BY
MARCH 2022			
1	SF2143	31/03/22 & 13/10/22	DES
<p>RESOLUTION: That an Asbestos Management Register for all Council buildings be prepared once a funding source is obtained.</p> <p>STATUS: 19/07/22 Manager of Assets has advised that there are registers/management plans for all sites containing asbestos. These will be available through QR codes at each site. 06/09/22 Further investigation into feasibility of required actions to be undertaken. 17/10/22 Timeframe for establishment of register to be determined and copies of plans to be sent to each Committee. 14/11/22 No further update. 05/12/22 Management Plans to be sent out by the end of December, register anticipated to be finalised by the end of the financial year. 01/02/23 Plans to be sent out as soon as possible. 13/02/23 Plans are being sent out. Registers anticipated to be finalised this financial year. 08/03/23 Included in draft budget to fund remaining works. 20/03/23 to 20/09/23 No further update. 04/10/23 Budget allocation is for an audit of the registers via a contractor yet to be engaged. 18/10/23 No further update. 06/11/23 to 22/11/23 No further update. 05/12/23 Works currently in progress. 10/01/24 A/MAF arranging a consultant to progress works. 08/02/24 to 20/03/24 Request for Quote (RFQ) now being prepared by LGP. 27/03/24 We hold good information related to buildings but insufficient information in the Water & Sewer space. A brief to a suitable consultant has been commenced but not completed due to conflicting priorities with limited resources. 15/04/24 No further progress. 06/05/24 No further update.</p>			
MAY 2022			
2	DA2022/115	26/05/22	MDE
<p>RESOLUTION: A report on any submissions to Council’s public notice of a proposed resolution to reclassify proposed Lot 2 from operational land back to community land be presented to Council after the exhibition period.</p> <p>STATUS: 08/06/22 Waiting on registration of the Lots. 05/07/22 As part of the registration of the plan of subdivision, it was intended to dedicate Coronation Street as public road. Currently it is partly located within Crown land and Council land. The Crown have advised Council that this can’t occur unless Council compulsory acquires the section of Crown land. In addition to this, the Bowra Hub development intend to locate their power lines within the Crown land to supply the Hub. The Crown have advised that this cannot occur until a licence is obtained for the placement of the electricity line within Crown land.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

Council is in the process of obtaining a licence for the placement of the electricity line within the Crown Land and the compulsory acquisition of the section of Crown land. This will be reported to Council separately.
 To finalise the plan of subdivision, it will be registered without Coronation Street as a public road. A right of carriageway will be created benefiting the Hub development across Council land.
 19/07/22 Awaiting concurrence from NSW LALC to enable licence application to be lodged.
 17/08/22 Still awaiting concurrence. NSW LALC have advised concurrence is not a certain outcome and will be presented to a board meeting.
 06/09/22 Plan in the process of being registered.
 04/10/22 No further update.
 19/10/22 Plan having final amendments made before being sent for pre-examination.
 02/11/22 Final amendments still being made.
 16/11/22 Lodged on 14 November 2022 for pre-examination.
 05/12/22 Subdivision Certificate issued and documents to be executed prior to registration.
 01/02/23 Delays due to resignation of Registered Surveyor.
 13/02/23 Surveyors are doing final markings on site prior to lodgement of plans of registration.
 08/03/23 No further update.
 22/03/23 Plan/s88B in process of being signed by Essential Energy. Once done it can be sent for registration.
 05/04/23 No further update.
 19/04/23-9/8/23 Waiting for Essential Energy.
 23/08/23 Amendments to plans being done to satisfy Essential Energy requirements.
 06/09/23 18/10/23 Amendments being finalised.
 07/11/23 Amended plans sent to Essential Energy for signing.
 22/11/23-6/12/23 No further update.
 10/01/24-20/03/24 All documents have been signed for registration. Once registered the public notice will be made and reported back to Council.
 03/04/24 – plans registered, reclassification to go on exhibition.
 17/04/24 – 8/05/24 – Exhibition period closes on 20 May 2024. The matter will then be reported to Council for a decision.

OCTOBER 2022			
3	SF3168	13/10/22	MDE

RESOLUTION:
 That in consultation and possible partnership with Bellingen Shire Council, Nambucca Valley Council seek a meeting or meetings with nearby Councils (Port Macquarie-Hastings, Kempsey, Bellingen, and Coffs Harbour) to discuss potential options for waste arrangements post early 2027 when the current Coffs Coast Waste contracts are due to expire.

STATUS:
 19/10/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022.
 02/11/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey.
 15/11/22 Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils.
 Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022.
 01/02/23 Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils.
 16/02/23 Virtual meeting arranged for 22 March 2023.
 20/03/23 Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated.
 22/03/23 Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils.
 30/03/23 Item to remain open at the request of Cr Jenvey.
 05/04/23 Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised.
 13/04/23 Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council.
 14/04/23 Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time.
 19/04/23 Meeting to be arranged by EPA.
 03/05/23 The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity.
 17/05/23-7/06/23 Waiting for response from EPA.
 21/06/23-4/07/23 Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue.
 19/07/23 Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence’s facilities is currently being undertaken.
 09/08/23 No further update.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

23/08/23 Refer to separate report with update.
 06/09/23-17/04/24 No further update.
 17/04/24 Meeting scheduled with PMHC for 29 April 2024.
 09/05/24 Met with PMHC and sharing information to progress the discussion.

4	SF1092	13/10/22	DCS
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RESOLUTION:
 1 Request approval from the Minister Administering the Crown Lands Management Act 2016 to approve the draft Plan of Management for Wellington Park Nambucca Heads Reserve 81262 Part Lot 7016 DP 1056524
 2 Upon approval from the Minister Administering the Crown Lands Management Act 2016, amend the draft Plan of Management if required by the Minister and place it on public exhibition as per Section 38 of the Local Government Act, 1993.

STATUS:
 19/10/22 PoM lodged with the Minister for approval.
 01/11/22 No further update.
 15/11/22 No further update.
 08/12/22 No further update.
 11/01/23 No response to date.
 01/02/23 No further update.
 09/02/23 Crown Lands has advised there is a considerable backlog at this point in time.
 Council requires the PoM to be completed for the renewal of the existing licence by Dec 2024.
 08/03/23 No further update.
 22/03/23 No further update.
 05/04/23 Matter has been referred to DoPE Crown Lands for further information, and the Crown are yet to respond.
 19/04/23-03/05/23 DoPE Crown Lands have are yet to provide a detailed response.
 16/05/23 Followed up with LANDSAS who are facilitating the processing of the report on Council's behalf. Expecting a progress update by the end of the month.
 07/06/23 LANDSAS yet to provide the response.
 20/06/23 Dept Crown Lands confirmed PoM held for review.
 04/07/23 LANDSAS has been asked to make minor clarification amendments on the encroachment area in the plan and resubmit to Crown Lands (CL).
 19/07/23-06/09/23 No further update.
 20/09/23 Dept CL have requested further amendments to the PoM. Landsas have challenged the request citing they are inconsistent with the CLM Act 2016.
 Amendments include: removal of Caravan Park encroachment licence to be managed by the Crown and removal of various authorisations. Meeting with CL scheduled for 29/09/23 to discuss further.
 04/10/23 A/MED on leave therefore meeting with CL to be scheduled for a later date.
 17/10/23 Meeting (Teams) held between Dept Crown Lands representatives, Landsas and Council's AMED on 14 October 2023 to clarify comments made by Dept CL on PoM under review. Dept CL have now provided explanation for their position, and Landsas will amend and progress PoM as a result. Once approved by the Minister, this will be brought back to Council accordingly.
 02/11/23 LANDSAS have addressed issues raised by DoPE Crown Lands and now resubmitted to the Minister for review. Currently with DoPE.
 22/11/23-05/02/24 No further update, awaiting a response from DoPE.
 20/02/24 Email sent to LANDSAS seeking progress update.
 04/03/24 No further update.
 12/03/24-20/03/24 LANDSAS have addressed latest concerns raised by Department of Planning Housing and Infrastructure (DoPHI)/Crown Lands and have resubmitted for ministerial review.
 02/04/24 PoM has been received, and will be placed on public exhibition 05/04/24.
 12/04/24 PoM now on public exhibition for 42 days until 17 May 2024.
 08/05/24 No further update.

MAY 2023			
5	SF2524	25/05/23	DCS

RESOLUTION:
 Council as Crown Land Manager execute the 21-year lease to Nambucca Heads RSL Club Limited over Lots 1 and 2 in DP 866932 Reserve 85113 under Council seal.

STATUS:
 31/05/23 Followed up with NHRSL Club who will revert with decision on acceptance of lease by 2/6/23.
 07/06/23 Meeting with RSL representatives to be held 07/06/23.
 20/06/23 Councillors updated at meeting 15/06/23 - NHRSL Club advised of Council's position. No response to hand at

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

this stage.

04/07/23 NHRSL Club has responded requesting a further meeting with Nambucca Valley Council.

19/07/23 A meeting took place on 11 July 2023 with the RSL to organise a meeting between the RSL Board and Council.

09/08/23 Lease not yet executed. Awaiting completion of Council's stormwater remediation project to be commenced imminently.

23/08/23 The General Manager met with the RSL on 18 August 2023 and the lease will be discussed at their Board Meeting 30 August 2023. The stormwater is 50% completed.

06/09/23 NHRSLCL have advised they will suspend signing the lease due to new issue presented during the stormwater rectification project – being a sinkhole and large cavity requiring remediation. Council's Project Manager is liaising with RSL's Stakeholder Liaison from C2Hills Consultancy and seeking involvement from NSW Public Works.

20/09/23 Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required.

04/10/23 Manager Projects has advised that NSW Public Works have undertaken their first review of Council's submission for funding. PWA have said that they will cover:

- The full length of stormwater pipe replacement except for the first 12m
- The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench
- The concrete carpark for 3 car parking bays out of 7.

This is pending the final review by PWA which could be in 2 weeks.

17/10/23 The Club have advised they do not wish to proceed with execution of the new licence until the current carpark works being done by Council are completed, or at least have progressed significantly.

Council has had verbal commitment from NSW PWA (Public Works) to provide partial, but significant funding to the rectification works, however an executed funding deed has not yet been received. Once written confirmation has been received, Council will proceed to engage the contractors to undertake the identified works – including the sink hole cavities presented once the stormwater project commenced. This step will enable focus back to progressing the execution of the new licence agreement.

02/11/23 Meeting on-site with NHRSL CEO and Project Manager; AMED & Manager Projects to walk through issues identified with sink holes, cavities and current rectification works. Need has been identified that there is a much larger problem in the sub-surface which needs full investigation prior to any re-surfacing. Engineers to undertake proper and full investigation, project to rectify to be scoped; responsibilities of works to be clearly delineated; funding for project to be sought. Report to be brought back to Council on status once fully understood.

22/11/23 DoPE Crown Lands have advised they are completing independent Native Title Advice to be supplied to Council, however require 2 additional purposes to be added to the reserve purposes being Access, and Tourist Services. These will need to be gazetted and will provide approval for the existence of access to the boardwalk and boat ramp, and for the kiosk and café. The progressing of the new lease will be subject to the outcome of the exploration works with the stormwater rectification project works, then confirming our negotiated position with the RSL Club.

05/12/23-05/02/24 No further action. Awaiting completion of works at premises (estimated to be completed by the end of this financial year given the funding parameters set by TfNSW who have funded a large portion of the required works), and native title advice from DoPE Crown Lands.

20/02/24 Dept Crown Lands have advised they have reviewed and will no longer require Council to add the 2 previously identified purposes to the Reserve, and accordingly will no longer be undertaking a Native Title Assessment. Council may continue with the leasing process which remains subject to completion of the civil works being done to remediate the stormwater infrastructure.

04/03/24 Stormwater works project to recommence late April 2024, to be completed by 30 June 2024.

12/03/24 Project Engineer advised Surveyors will stake boundaries end of March. This will assist with discussion and planning moving forward.

02/04/2024 No further update.

12/04/24 Meeting with Project Engineer & Property Officer and RSL Club representatives to be arranged in coming days to update plan for physical stormwater works being completed by Council seeking the Club's intent to contribute to remainder of resurfacing works required.

16/04/24 Meeting with RSL scheduled for 23/4/24.

08/05/24 Meeting held with RSL representatives 01/05/24. Project Engineer provided budget for works to complete sub surface drainage and resurface works. Club asked for co-contribution of \$169,000 maximum (together with TfNSW funding) to complete full resurface works. This would be best opportunity for cost efficiency, and leave only the landscaping to complete works. Club Representatives agreed in principal, with further information to be supplied for review by Board. Should board agree to co-contribute, Agreement to be drafted and signed by both parties which will include commitment to enter into new lease.

JUNE 2023			
6	SF3303	29/06/23	DCS

RESOLUTION:
 As part of our support for the Voice to Parliament Nambucca Valley Council will convene a meeting of its Aboriginal Advisory Committee and extend its stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council's Community Strategic Plan.
 Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca

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Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council’s support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation’s performances, art and culture in Council facilities.

STATUS:

06/07/23 Placed on website

19/07/23 Awaiting replacement of the Manager Community Development position to undertake the actions of:

- Convene a meeting of Council’s Aboriginal Advisory Committee and extend Council’s stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council’s Community Strategic Plan.
- Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council’s support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation’s performances, art and culture in Council facilities.

09/08/23 Report to this Council meeting on staff structure related to Community Development.

22/08/23 Community Development Officer position to be recruited.

06/09/23 Applications for Community Development Officer position close 24.09.23.

18/09/23 No further update.

04/10/23-18/10/23 Interviews for Community Development Officer position to be held 20/10/23.

08/11/23-22/11/23 Community Development Officer to commence 4 December 2023.

06/12/2023 Community Development Officer (CDO) commenced 4 December 2023.

03/01/2024 CDO has:

- researched into why previous committee meetings ceased in 2012 (interest waned to a point where the lack of a quorum resulted in meetings being abandoned),
- attended a meeting of the Local Government Aboriginal Network, and
- scheduled a meeting with Council’s three indigenous councillors on the 18th January 2024.

01/02/2024 CDO is currently working through a consultation phase to engage with key aboriginal stakeholders (to date it has included meeting with two aboriginal councillors and a meeting with Jaanyмили Bawrrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP’s of other organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, Muurbay Language and Cultural Cooperative, Miimi Aboriginal Corporation and Ngurrala Aboriginal Corporation. The CDO has also recently had consultation with the key stakeholders involved in the development of the new Gumbaynggirr Keeping Place.

CDO is also liaising with local community stakeholders to gain an understanding of what the issues and challenges are for our indigenous community.

20/02/24 No further update.

05/03/24 A letter has been drafted to organise the reconvening of a meeting of Council’s Aboriginal Advisory Committee and to extend its stakeholder engagement if necessary to produce a Reconciliation Action Plan to be linked to Council’s Community Strategic Plan. The CDO has also been writing a grant application to fund activities through NAIDOC week (7-14/7/2024).

15/03/24 A letter has been sent to Council’s Aboriginal Stakeholder database inviting representatives to a meeting scheduled for 28 March 2024. The CDO has also engaged in mentoring to improve his understanding and skills in facilitating meetings with aboriginal communities. The CDO will also attend the screening of a Cultural Burns Journey 2024 in Macksville on the 27 March 2024.

28/03/24 A meeting was scheduled for aboriginal stakeholders to discuss the re- establishment of the Aboriginal Advisory Committee and the potential development of a Reconciliation Action Plan.

Following the original invitation which was sent by mail on the 4 March a reminder email was sent on the 21 of March. Council did not receive any response to these invitations. The stakeholders invited were:

Nambucca Aboriginal Land Council, Bowraville Aboriginal Land Council, Unkya Aboriginal Land Council, Jaanyмили Bawrrungga Association, Muurbay Aboriginal Language and Cultural Cooperative, Ngurrala Aboriginal Corporation and Miimi Aboriginal Corporation. The apparent lack of interest in the meeting was discussed with Cr M Ballangarry on the 27 March and a list of invitees was forwarded to him. He advised that he will discuss the opportunity with these groups.

04/04/24-08/05/24 No further update.

JULY 2023			
7	SF396	27/07/23	MDE

RESOLUTION:

Housekeeping amendment to Nambucca Local Environmental Plan 2010

1 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.

2 Following community consultation, Council staff report the planning proposal back to Council for consideration of submissions received and a final decision as to whether Council will proceed to make the amended plan.

STATUS:

09/08/23 Refer to separate report. Once a decision is made on these matters the planning proposal will be finalised and

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

sent to the Minister for Gateway Determination.
 23/08/23 Planning proposal being finalised for submission to the Minister for Gateway Determination.
 06/09/23-21/02/24 Amendments requested by the Minister prior to Gateway determination being finalised for resubmission.
 06/03/24 Amended planning proposal resubmitted and accepted for assessment.
 20/03/24-03/04/24 Waiting for gateway determination.
 17/04/24-09/05/24 Gateway determination received. To be placed on exhibition.

AUGUST 2023			
8	LF5363	31/08/23	DES

RESOLUTION:
 Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 & 46082/2023)

STATUS:
 06/09/23 Submission received and report to be prepared accordingly.
 20/09/23 No further update.
 04/10/23 Options investigation commenced.
 18/10/23 No further update. Investigations will take time to develop.
 06/11/23-22/11/23 No further update.
 05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024.
 20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting.
 08/05/24 No further update.

SEPTEMBER 2023			
9	SF2278	28/09/23	MDE

RESOLUTION:
Electric Vehicle (EV) Charging Stations
 That Council:
 2 Consider all alternate locations including Nambucca Heads as a focus point (Main Street, Anzac Park near the garden centre, Bellwood Park and V-Wall).
 3 Investigate grant funding opportunities for paid EV Chargers

STATUS:
 04/10/23 No further update.
 18/10/23-06/02/24 Staff are investigating suggested sites.
 06/02/24 Possible grant funding through “Community Energy Upgrades Fund Round 1” \$100m of funding over 2 funding rounds ran over 3 years from 2024/25, must be completed by March 2027. Council must contribute to 50% of the costs of the total project. Council staff to make submissions.
 21/02/24-06/03/24 No further update.
 20/03/24-08/05/24 To be reported to a May meeting.

10	SF3190	28/09/23	DCS
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RESOLUTION:
Warrell Creek land Lots 9, 17 and 18 DP 884316:
~~2 Issue letters to relevant parties advising that Council will not be proceeding with the subdivision as originally planned and will not be proceeding to contract for the sale of land~~
 3 Survey the land boundaries with Lot 1 DP 374127 and Lot 6 DP 748478 to identify if there are any encroachments from these lots.
 4 Report the findings of the encroachment survey to Council with options for the potential subdivision of the land.

STATUS:
 04/10/23 No further update
~~18/10/23 AGM and AMED to prepare and hand deliver letters to current landowners advising Council will not be progressing to contract for sale of earlier proposed lots, and staff are currently attending to further survey of the land to inform subdivision options to be presented to Council as per resolution.~~
~~02/11/23 AMED phoned affected landowners to advise situation and delivered letters in confirmation of Council not proceeding to contract of sale.~~
 Review of the subdivision plan by internal stakeholders completed and 3 options are being sketched to bring through the Land Development Committee, then brought to Council for direction on which option to proceed with.
 22/11/23 Report on northern Lot subdivision to 30 November Council Meeting.
 05/12/23 Subdivision options presented to Land Development Committee 30 November and Committee chose Option 1. Staff to proceed to draft subdivision in accordance with chosen option and bring back to Council for resolution to proceed further.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

Report on northern lots deferred from Council meeting of 30 November and will be brought to Council meeting of 14 December accordingly.
 10/01/24 Investigation progressing on southern lots
 01/02/24 Investigation continuing, requested information on OSSM.
 05/02/24 Meeting with OSSM consultant scheduled early February to define lot size/shape possibilities
 20/02/24 Final report expected from Consultant by end of February, then report can be prepared for subsequent Council meeting.
 04/03/24-20/03/24 Final OSSM report not yet received. Issues around existing property encroachments being reviewed. Solutions being sought.
 02/04/24-16/04/24 No further update.
 08/05/24 Currently back with Earth Water Consulting for OSSM final report. Once OSSM final report received, the subdivision plan is to be improved to meet requirements for the best solution and then brought back to Council for resolution to proceed with DA requirements.

OCTOBER 2023			
11	SF3303	26/10/23	CFO

RESOLUTION:
Request for funding for funding allocation - Design of Shared Pathway - Hyland Park to Mann Street
 THAT:
 1 ~~If staff can identify sufficient available funds in reserves or the adopted 2023/2024 budget Council allocate those funds at the September 2023 Quarterly Budget Review to engage an external consultancy to prepare a design for a shared pathway from Hyland Park to Mann Street, Nambucca Heads.~~
 2 ~~When a new round of Transport for NSW's Get NSW Active program opens or any other suitable grant funding opportunity arises Council apply for funding for an external consultancy to prepare a design for a shared pathway between Hyland Park and Mann Street, Nambucca Heads.~~
 3 If sufficient funding cannot be identified in reserves or the current budget and no new grant funding opportunity has opened or if a grant funding application remains undetermined or has been unsuccessful Council consider a funding allocation in the 2024/2025 budget to engage external consultants to design a shared pathway between Hyland Park and Mann Street, Nambucca Heads.
 4 The design encompass multi modal trip for cycle friendly infrastructure.

STATUS:
 06/11/23 No reserve funds or unallocated funds available in the budget. Council will be applying for grant funds through the "Get NSW Active" program that opened on 31/10/23 for the design of the cycleway.
 22/11/23 Council receiving ongoing letters of support and quotations received for survey design. Application to be lodged in December 2023.
 05/12/23 Application will be made prior to 12 December 2023 through NSW Get Active program.
 10/01/24 Grant application made and budget bid to be added to 24/25 budget process.
 21/02/24-20/03/24 No further update.
 20/03/24 Included in draft budget, waiting on adoption by Council.
 22/11/23 Will be part of design if grant application is successful.
 05/01/24-15/04/24 No change.

DECEMBER 2023			
12	SF3190	14/12/23	DCS

RESOLUTION:
 1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted.
 2 Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval.

STATUS:
 10/01/24-05/02/24 Registration of subdivision underway as per Council resolution.
 20/02/24-20/03/24 No change, registration process underway at NSW Land Registry Service.
 02/04/24-08/05/24 No further update.

JANUARY 2024			
13	PRF53	18/01/24	DES

RESOLUTION:
 River Street Toilet Block Relocation
 1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;
 2 Engage an architect to progress the design of the proposed new amenities and report back to Council.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

STATUS: 06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged. 20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan. 15/04/24-08/05/24 No further action.			
FEBRUARY 2024			
14	SF3424	15/02/24	GM
RESOLUTION: That subject to staff resources and workloads Council receive a report on the cost and benefits of accessing the Mid North Coast Joint Organisation's Simtable for our Community and how this might be achieved.			
STATUS: 21/02/24-08/05/24 No further update.			
MARCH 2024			
15	SF843	14/03/24	DES
RESOLUTION: Minutes of the Vehicular Access to Beaches Committee Meeting – 9 February 2024 THAT Council: 4 Alter the pedestrian access "access by design" to Swimming Creek by adding bollards and directional signage into the picnic area. 5 Staff attend to the pruning of vegetation at Swimming Creek to improve visibility for both pedestrians and 4WD vehicles.			
STATUS: 17/04/24 To be included in upcoming funded project. 17/04/24 To be followed up with staff. 06/05/24 Pruning Complete.			
16	SF2911	28/03/24	DCS
RESOLUTION: Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing. 3 Council receive a further report exploring options 2 and 3 and the proposal from the Valley Hub.			
STATUS: 03/04/24 No further update. 15/04/24 Report will be available for the 16 May Council meeting. 08/05/24 Council workshop to be held 30 May 2024 and report to 13 June 2024 Council meeting.			
17	PRF73	28/03/24	GM
RESOLUTION: Nominations for Gaagal Wanggaan National Park Board of Management 1 THAT Council seek two nominations from Councillors for each position of Member and Deputy on the Gaagal Wanggaan National Park Board of Management. 2 THAT Council staff seek advice and notify all Councillors of the details of meeting times and frequency and any interested Councillor put forward their name prior to the next Council meeting for Council endorsement.			
STATUS: 03/04/24 email sent to councillors requesting nominations and advising councillors of time and frequency of meetings. 17/04/24 no nominations received from Councillors, Council will need to nominate a representative – see report. 24/04/24 Council nominated at the meeting of 24 April 2024 Councillors Martin Ballangarry (Member) and David Jones (Deputy) 9/05/24 letter sent to NPWS advising of nominations.			
18	SF1031	28/03/24	DCS
RESOLUTION: Draft Land Acquisition Policy: When staffing resources permit, Council review the Policy and Procedures Framework Policy.			
STATUS: 03/04/24 To be placed on exhibition for 28 days by 12/04/24 12/04/24 Draft policy on exhibition with written submissions being received up until 4pm on 10 May 2024.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

08/05/24 Policy and Procedures Framework Policy to go to 10 July 24 Audit Risk Improvement Committee meeting.			
APRIL 2024			
19	SF3422	11/04/24	DES
<p>RESOLUTION: Request to Name side road and correct rural addressing</p> <p>1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest.</p> <p>2 Consult all affected residents on both the side road and Kosekai Road regarding correcting the rural road numbering to aid accurate location for visiting traffic and in particular emergency services.</p> <p>3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.</p>			
<p>STATUS: 17/04/24 No update. 08/05/24 Site plan developed for consultation with community.</p>			
20	SF2381	11/04/24	MDE
<p>RESOLUTION: Horticulture within the Nambucca Valley</p> <p>1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which includes the following amendments to the Nambucca Local Environmental Plan 2010:</p> <ul style="list-style-type: none"> a) The relocation of 'horticulture' from 'permitted without consent' in the land use table for the RU1 Primary Production and RU2 Rural Landscape zones to 'permitted with consent'. b) The inclusion of the RU1 Primary Production and RU2 Rural Landscape zones in Schedule 2 so that the specified forms of 'horticulture' become exempt development in the same manner that they currently are in the R5 Large Lot Residential zone and add the prohibition of structures to support the exempt horticultural activity. <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>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 amended plan.</p> <p>Engage a formal meeting with The Hon. Mr Michael Kemp MP and any relevant Minister to pursue the opportunity for further funding for EPA, DPI, NRAR and any other regulatory body.</p>			
<p>STATUS: 17/04/24-09/05/24 Planning proposal to be drafted and sent to the Minister.</p>			
21	SF695	11/04/24	DCS
<p>RESOLUTION: Lease to Nambucca River Jockey Club</p> <p>1 Agrees to proceed with the offer of a new 21 year lease over Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to the Nambucca River Jockey Club Ltd, being subject to a 28 day public exhibition period.</p> <p>2 Authorises the draft lease to the Nambucca River Jockey Club Ltd of Crown Land R540002 being Lot 75 DP 755549 known as the Bowraville Racecourse to be placed on public exhibition for not less than 28 days as per Section 38 of the Local Government Act 1993.</p> <p>3 Acknowledges a report will be brought back to Council addressing any submissions received during the public exhibition period requesting resolution to formalise the new lease.</p>			
<p>STATUS: 16/04/24 Will be placed on public exhibition 19 April 2024 for 28 days finishing 17 May 2024. 08/05/24 No further update.</p>			
22	SF3477	11/04/24	MDE
<p>RESOLUTION: Valla Urban Growth Area Amendment</p> <p>1 Council forward the planning proposal within attachment 2 to the Minister for Planning for</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

<p>gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.</p> <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>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 amended plan.</p>			
<p>STATUS: 17/04/24 Awaiting final maps for planning proposal before forwarding to Minister. 09/05/24 Final maps received and will be sent to Minister.</p>			
23	SF3421	24/04/24	DES
<p>RESOLUTION: V-Wall Access to Beach – Wellington Drive Nambucca Heads That Council receive a report on the background of the removal of the steps and the work that has been done to date and matters raised in the public forum presentation and petition. Correspond with Ms Myra Davidson when the report is ready to be presented back.</p>			
<p>STATUS: 06/05/24 Report being developed for the meeting on 27 June 2024.</p>			
24	SF731	24/04/24	DCS
<p>RESOLUTION: Community Improvement Districts - Draft Bill - Consultation That Council; 1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts. 2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts. 3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.</p>			
<p>STATUS: 08/05/24 Submission lodged.</p>			
25	SF84	24/04/24	DCS
<p>RESOLUTION: Reforming the Emergency Services Funding System - Consultation Paper That Council; 1 Makes a submission to the Emergency Services Funding Reform – Consultation Paper. 2 Provide any feedback for inclusion in the Council submission to the Director Corporate Services by 15 May 2024.</p>			
<p>STATUS: 08/05/24 No further update.</p>			

ATTACHMENTS:

There are no attachments for this report.

ITEM 9.2 ACTING GENERAL MANAGER FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2025

SUSTAINABILITY ASSESSMENT:**Environment**

There are no implications for the environment.

Social

There are no social implications.

Economic

There are no economic implications.

Risk

There are no identified risks. The process is necessary to ensure compliance with the *Local Government Act*.

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

There are no financial implications.

Working funds – justification for urgency and cumulative impact

There are no implications for working funds.

Service level changes and resourcing/staff implications

There are no service level issues.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF3399 160524 RESULTS OF 2024 COMMUNITY SATISFACTION SURVEY

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

Council engaged the Taverner Research Group (TRG) to conduct the Community Satisfaction Survey during February 2024 with 400 residents of varying ages and from different parts of the Council area. A copy of the Report is **attached** and TRG will be presenting to Council on the results and their implications.

In response to the first two of the three additional questions asked by Council, results showed strong levels of support for Council to:

- 1 spend more to improve the network of walking and cycling paths (71% of respondents), and
- 2 allocate additional resources to ranger services – with a specific focus on parking, illegal camping, animal control and dumping (70% of respondents).

In response to the third additional question asking respondents whether they have seen anything in their travels that they would like to see in the Nambucca Valley, the top four responses were recreational and sporting facilities (15%), more/improved parks & facilities i.e. play equipment, BBQ's etc. (12%), more/better retail and eateries (11%), and more youth facilities (10%).

Of 26 council services and facilities measured, 18 had a mean satisfaction score of three or above (using a 1-5 satisfaction scale). Top-ranked services included libraries, water supply, sporting facilities, swimming pool, sewage collection and treatment, community halls and bridges.

Conversely, eight services had a mean score of below “par”. Unsealed roads were the worst-ranked of the services measured, followed closely by youth facilities and activities, development applications and economic development and attracting new investment. Development applications may have been impacted by the poor performance of the state government’s planning portal.

In terms of importance, river water quality had the highest mean rating together with sealed roads, followed by waste and recycling, water supply, coastal and beach management, bridges, cleanliness of streets and environmental monitoring and protection.

The 2024 mean for overall satisfaction (3.12) was significantly lower than for 2021 (3.30) but was well ahead of the average regional NSW result in recent years (3.01). The decline reflects a wider fall of 10% experienced across most NSW local government areas since the floods of March 2022, which TRG believe were driven by concerns over the post-flood condition of road surfaces.

TRG was able to benchmark Council's satisfaction scores against 35 other regional NSW councils. In the case of infrastructure, Council scores are largely on par with its peers – and substantially higher in the case of water supply and coastal and beach management. However, it is lower in relation to roads (sealed and unsealed), stormwater drainage, weed control, and towards the bottom of the list in relation to parks/reserves/playgrounds.

In the case of services, Council is below other regional councils on many measures. However, it is higher in relation to community halls and cleanliness of streets.

RECOMMENDATION:

That Council notes the results of the February 2024 Community Satisfaction Survey of Council Services.

OPTIONS:

For information only

ITEM 10.1 RESULTS OF 2024 COMMUNITY SATISFACTION SURVEY

DISCUSSION:

- 1 Roads/car parking (26%), attracting new businesses and investment (15%), land management/housing (10%), and facilities or services for youth (10%) were the top-mentioned priorities for Council resources. The top responses from 2021 showed largely similar results in 2024 (no significant differences).
- 2 Some 47% of respondents had contact with Council during the previous 12 months (significantly lower than the proportion of respondents in 2021 (54%)). Mean satisfaction with Council’s handling of customer enquiries rose from 3.08 in 2021 to 3.34.
- 3 The Quadrant analysis below indicates where Council needs to spend its scarce funds to increase customer satisfaction. The bottom right hand quadrant is where the mean satisfaction score is higher than the importance score of the service. That is the customers are more than satisfied with the current level of service compared to its overall importance and Council should not divert any additional funds into improving these services. Any available funds should be diverted to the top left quadrant where services are of higher importance and lower satisfaction. Council can improve satisfaction levels by diverting funds to the bottom left quadrant however these are of lower importance to customers. The top right hand quadrant indicates those services of higher importance and higher satisfaction and means Council is doing a good job as a result of focussing financial and human capital in these areas.

Table 8 Summary of Quadrant Analysis (2024)

Higher Importance/Lower Satisfaction	Higher Importance/Higher Satisfaction
14 Services for the elderly	2 Water supply
16 Environmental monitoring and protection	7 Bridges
18 River water quality	8 Parks, reserves and playgrounds
19 Stormwater drainage	9 Upgrading CBD’s and destinations such as the V-Wall
20 Sealed roads	10 Cleanliness of streets
22 Weed control	11 Waste and recycling
23 Public toilets	12 Coastal and beach management
25 Economic development and attracting new investment	13 Footpaths and cycleways
Lower Importance/Lower Satisfaction	Lower Importance/Higher Satisfaction
15 Online services	1 Libraries
17 Dog control	3 Sporting facilities
21 Youth facilities and activities	4 Council pool
24 Development applications (DA’s)	5 Sewage collection and treatment
26 Unsealed roads	6 Community halls

To show which quadrant each service/facility appeared in 2021, see **Table 9** below. Note that Coastal and beach management, Weed control, and Economic development and attracting new investment were in different quadrants in 2021 than they were in 2024.

ITEM 10.1 RESULTS OF 2024 COMMUNITY SATISFACTION SURVEY

Table 9 Summary of Quadrant Analysis (2021)

Higher Importance/Lower Satisfaction	Higher Importance/Higher Satisfaction
Services for the elderly	Water supply
Environmental monitoring and protection	Bridges
Footpaths and cycleways	Cleanliness of streets
Coastal and beach management	Waste and recycling
River water quality	Parks, reserves and playgrounds
Stormwater drainage	Upgrading CBD's and destinations such as the V-Wall
Sealed roads	
Public toilets	
Lower Importance/Lower Satisfaction	Lower Importance/Higher Satisfaction
Online services	Libraries
Dog control	Sporting facilities
Youth facilities and activities	Council pool
Development applications (DA's)	Sewage collection and treatment
Unsealed roads	Community halls
Weed control	
Economic development and attracting new investment	

CONSULTATION:

TRG randomly surveyed 400 residents across the Council area with a 95% confidence level. This means that if the random survey was conducted another 20 times, 19 would have the same result within a + or – 4.8% margin.

SUSTAINABILITY ASSESSMENT:

Environment

The environment was very important to respondents with 4 of the 6 services with the highest importance being river water quality, waste and recycling, coastal and beach management, and cleanliness of streets.

Social

All of the social services such as libraries, sporting facilities, youth facilities and activities, community halls and Council pool were in the bottom half of the importance graph on page 13 of the report.

Economic

It is clear from the survey that residents want increased economic development and investment. See Figure 8 on page 27 of the report.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
There is reputational risk if Council ignores the results of the Survey and allocates discretionary funding to the wrong service areas.	L	H	If areas identified as requiring action from survey results align with Community Strategic Plan then investigate ability to fund within allocated budgets.	M

ITEM 10.1 RESULTS OF 2024 COMMUNITY SATISFACTION SURVEY

Delivery Program Action

CC1 - Using a variety of tools, engage with the community in ways that are accessible and transparent

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

The quoted cost of the Survey \$24,900 is slightly greater than the 2023/24 Budget allocation of \$24,500 on GL 03050.0440.0422.

Working funds – justification for urgency and cumulative impact

See above


Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

None due to this report, however there could be changes to be considered by Council as a result of the survey.

ATTACHMENTS:

1  17318/2024 - Nambucca Valley Council Community Satisfaction Survey 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF3492 160524 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 10 APRIL 2024

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

The Minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting held 10 April 2024 are shown below for Council's endorsement. Discussion around the items presented to ARIC have been included in the minutes **attached**.

RECOMMENDATION:

That Council notes the following recommendations from the Audit, Risk and Improvement Committee Meeting held 10 April 2024:

- 1 That the Committee confirm the Minutes of the Meeting held 17 January 2024.
- 2 Progress update on findings from Internal Audits.
 - a) *That the reports on the previous Internal Audit Reviews be received and noted.*
 - b) *Committee resolved that the GM prioritises outstanding internal audit actions including providing anticipated timeframes so that we can discuss future audits. To be reported to the July 2024 meeting ARIC meeting.*
- 3 Progress Update on External Audit Findings.

The Audit Risk and Improvement Committee note that there is one prior year matter not resolved by management (Issue 1 - Project costing methodology - Low Risk) and two current year matters raised (Issue 1 Financial reporting process – Medium Risk and Issue 2 IT policies and procedures – Medium Risk).
- 4 Audit Office of New South Wales reports on Local Government 2023 and Cyber Security in Local Government.
 - a) *The Audit Office of New South Wales reports on Local Government 2023 and Cyber Security in Local Government be received and noted.*
 - b) *The assessment of Councils Information and Communications Technology network against Cyber Security Guidelines – Local Government Functional Requirements as referred to in the Audit Office of New South Wales report on Cyber Security in Local Government be received and noted.*
- 5 Audit Annual Engagement Plan 2024.

That the Audit Office of NSW Annual Engagement Plan 2024 be received and noted.
- 6 Enterprise Risk Management Plan and Risk Control Action Plan Updates.
 - a) *That Council note the report on the Enterprise Risk Management Plan and Risk Control Action Plan Updates.*
 - b) *The Committee resolved to remove the Old Pacific Highway handover and add the Cabomba Weed risk to Council's dam to the Enterprise Risk Management Plan.*
- 7 CONFIDENTIAL - Matters Regarding Realised or Potential Losses.

That the Audit Risk and Improvement Committee note the information concerning incidents

ITEM 10.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 10 APRIL 2024

where there is a realised or potential loss of funds and/or reputation.

8 Delivery Program and Operational Plan Update - 6 months to 31 December 2023.

That the Audit Risk and Improvement Committee note the status of the Delivery Program and Operational Plan as at 31 December 2023.

9 Audit, Risk and Improvement Outstanding Actions and Reports.

That the list of Audit, Risk and Improvement outstanding actions and reports be noted and received for information by the Committee.

10 Audit Risk and Improvement Committee 4 year work plan 2024 to 2027.

- a) *The Audit, Risk and Improvement Committee defer the Audit, Risk and Improvement Committee 2024 to 2027 Work Plan to the next meeting 10 July 2024.*
- b) *That the executive bring forward the report regarding the Audit, Risk and Improvement Committee 2024 to 2027 Work Plan which takes into consideration the status of the current ARIC workplan. (Refer to Item 4.1- on Internal Audit Findings)*
- c) *The Audit, Risk and Improvement Committee establish key performance indicators for the council's Audit, Risk and Improvement Committee four-year strategic work plan and annual work plan and these be reported to the 10 July 2024 Audit, Risk and Improvement Committee meeting.*

11 General Business.

That the Audit Risk and Improvement Committee notes the following items of General Business:

- a) *The Office of Local Government is currently reviewing the Guidelines to ensure they are consistent with a new internal auditing standard and reviewing the model Internal Audit Charter in consultation with the Institute of Internal Auditors Australia.*
- b) *The Office of Local Government is considering prescribing a requirement under the Regulation for councils to adopt a lobbying policy.*
- c) *ICAC has made several recommendations in recent investigations which are being considered by OLG and it is likely that a more regulatory rather than aspirational approach will be taken to addressing ICAC's recommendations.*
- d) *The Office of Local Government is currently developing procurement guidelines for councils, providing best practice guidance on all steps of the tendering process, procurement below the tendering threshold, probity, and contract management and evaluation.*

OPTIONS:

Nil as for information.

DISCUSSION:

As per the summary

CONSULTATION:

ARIC members

ITEM 10.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 10 APRIL 2024

SUSTAINABILITY ASSESSMENT:

Environment

Not applicable

Social

Not applicable

Economic

Not applicable

Risk Analysis

Implementation of the internal and external audit recommendations as identified within the report will substantially reduce Council's risk profile.

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Items listed in external and internal audit findings.	Moderate	High	ARIC to monitor appropriate action taken in agreed timeframes to address the risks.	Moderate

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The cost of internal and external audits has been budgeted for in 2023/24.

Working funds – justification for urgency and cumulative impact

As above.


Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

No change from current levels

ATTACHMENTS:

- 1  17259/2024 - Minutes of the Audit, Risk and Improvement Committee Meeting held 10 April 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF3409 160524 MINUTES OF THE NAMBUCCA VALLEY COUNCIL ACCESS COMMITTEE MEETING HELD 24 APRIL 2024

AUTHOR/ENQUIRIES: Michael Grieve, Community Development Officer

SUMMARY:

The minutes of the Nambucca Valley Council Access Committee meeting held Tuesday 23 April 2024 are **attached** for Council’s consideration.

RECOMMENDATION:

That Council notes the Minutes of the Nambucca Valley Council Access Committee meeting held 23 April 2024.

OPTIONS:

Nil – for information purposes only.

DISCUSSION:

The next meeting is scheduled for 28 May 2024.

CONSULTATION:

Access Committee members

SUSTAINABILITY ASSESSMENT:

Environment

No environmental impacts are identified by this report.

Social

The social challenges faced by people with disabilities are many, varied and impactful. Improvements implemented via the Disability Inclusion Action Plan can have real and lasting positive social outcomes.

Economic

There are no economic outcomes identified, however good access is good for business.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Nil				

Delivery Program Action

LW12 - Promote social equity with equal opportunities for access and participation

**ITEM 10.3 MINUTES OF THE NAMBUCCA VALLEY COUNCIL ACCESS COMMITTEE MEETING
HELD 24 APRIL 2024**

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

This report has no budgetary implications – works identified by the Disability Inclusion action Plan (DIAP) have been included in current budgets or earmarked for a future budget.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Nil

ATTACHMENTS:

1  19638/2024 - Minutes - Access Committee - 23 April 2024

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.4 SF251 160524 SCHEDULE OF COUNCIL MEETINGS - 30 MAY 2024 TO 17 OCTOBER 2024****AUTHOR/ENQUIRIES:** Rochelle McMurray, Business Services Coordinator**SUMMARY:**

The following is a schedule of dates for public Council and Council Committee meetings to be held 30 May 2024 to 17 October 2024. The meeting dates may change from time to time and this will be recorded in the next available report to Council.

The Council meeting schedule is two meetings per month, that being the last Thursday of the month and the Thursday two (2) weeks prior. However, there is no meeting on 26 September 2024 as the new Council will not have been elected at that point.

RECOMMENDATION:

That Council note the schedule of meeting dates for 30 May 2024 to 17 October 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
Council Meeting	30 May	Council Chambers	5.30 PM
Council Meeting	13 June	Council Chambers	5.30 PM
Council Meeting	27 June	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	11 July	South Arm Hall	5.00 PM
Council Meeting			5.30 PM
Council Meeting	25 July	Council Chambers	5.30 PM
Council Meeting	15 August	Council Chambers	5.30 PM
Caretaker period commences (ceases 14 September 2024)*	16 August		
Council Meeting	29 August	Council Chambers	5.30 PM
Council Meeting	12 September	Council Chambers	5.30 PM
NSW Local Government Elections	14 September		
Councillor Induction Training	10 October	Council Chambers	
Council Meeting (first meeting of new Council)	17 October	Council Chambers	5.30 PM

* Caretaker restrictions prevent outgoing councils from making major decisions that will bind or limit the new council's actions. During the caretaker period, councils and general managers must not:

- enter into any contract/tender or undertaking involving an expenditure or receipt by the council of an amount equal to or greater than \$150,000 or 1% rates revenue (higher of) – *Local Government (General Regulation) 2021 s393B(1)(a)*.
- determine a “controversial development application” (at least 25 persons have made submissions during community consultation) - except where (i) a failure to make such a determination would give rise to a deemed refusal under the Environmental Planning and Assessment Act 1979, section 8.11(1), or (ii) such a deemed refusal arose before the commencement of the caretaker period - *Local Government (General Regulation) 2021 s393B(1)(b)*.

ATTACHMENTS:

There are no attachments for this report.

DEVELOPMENT AND ENVIRONMENTS

ITEM 11.1 SF3410 160524 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

This report contains information in relation to Development Applications which have been undetermined for over 12 months, undetermined Development Applications which have received submissions and Development Application determined where an application to vary a development standard was approved.

In accordance with Minute 848/08 from Council's meeting of 18 December 2008, should any Councillor wish to "call in" an application a motion is required specifying the reasons why it is to be "called in". If an application is not called then it will be determined under delegated authority if the delegations permit.

In the interests of transparency, all Development Applications determined under delegation, where an application to vary development standards under Clause 4.6 of the Nambucca Local Environmental Plan 2010 was approved, are reported to Council for information.

RECOMMENDATION:

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 6 May 2024, and development applications determined from 17 April to 6 May 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

OPTIONS:

In addition to the above recommendation, Council may choose to "call in" any or all of the development applications referred to in this report, or any other development application not yet determined under delegation by Council staff. Please see information in the summary above regarding how to "call in" a development application.

DISCUSSION:

TABLE 1: UNDETERMINED DEVELOPMENT APPLICATIONS IN EXCESS OF 12 MONTHS OLD

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/075	19 March 2023	6 Lot Subdivision	Lot 18 DP 88431645 - Giinagay Way, Warrell Creek

Subdivision of Council land acquired from Transport for NSW.

STATUS: Awaiting for amended design for assessment to be finalised.

TABLE 2: UNDETERMINED DEVELOPMENT APPLICATIONS WITH SUBMISSIONS

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/281	23 October 2023	Dwelling, Pool & Change of use from three dwellings to tourist accommodation	Lot 101 DP 755550, 62 Lumdens Lane, North Macksville

Two submissions have been received

STATUS: The RFS refused general terms of approval. The applicant will be making amendments to the DA to address the RFS concerns prior to referral back to RFS.

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/028	7 February 2024	Secondary Dwelling	Lot 458 DP 755550 - 36 Riverside Drive, Nambucca Heads

One submission has been received

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

STATUS: Exhibition finished. Awaiting additional information from the applicant relating to privacy, view sharing and visual impacts of the development.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/048	6 March 2024	Alterations & additions to existing dwelling	52 Waratah Street, Scotts Head – Lot 15 Sec A DP 17707
Two submissions received. Public exhibition period closed.			
STATUS: Awaiting view impact assessment from applicant.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/077	3 April 2024	Secondary Dwelling & continued use of deck	704 Valla Road, Valla – Lot 112 DP 861793
One submission received. Public exhibition period closed.			
STATUS: Assessment being finalised.			

TABLE 3: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATION WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NLEP WAS APPROVED

No development applications were determined between 17 April – 6 May 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

To be undertaken in assessment of individual development applications.

Economic

To be undertaken in assessment of individual development applications.

Risk Analysis

None identified.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current budgets

Nil.

Working funds – justification for urgency and cumulative impact

Nil.

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.2 SF453 160524 BULKY GOODS COLLECTION 2024****AUTHOR/ENQUIRIES:** Daniel Walsh, Manager Development and Environment**SUMMARY:**

This report outlines the dates of this year's bulky goods collection within the Nambucca Valley.

RECOMMENDATION:

That Council notes the dates of this year's bulky goods collection.

OPTIONS:

For information only.

DISCUSSION:

Under Councils current waste collection contract, all residential properties that receive a domestic waste collection service by Council (green, yellow, red lid bins) also receive one scheduled bulky household waste collection each year. Households may place up to three cubic metres of compliant bulky household waste kerbside for collection. Information on compliant bulky household waste eligible for collection can be found on Councils website.

The collection area is split into ten (10) zones, with each zone assigned a separate collection week. The collection dates for each zone are outlined below with maps of the relevant areas available on Councils website:

Zone	Collection Date	Area
<u>1</u>	29 April 2024	<u>Valla Beach / Valla Rural</u>
<u>2</u>	6 May 2024	<u>Hyland Park / Nambucca Heads – North</u>
<u>3</u>	13 May 2024	<u>Nambucca Heads – CBD/ East</u>
<u>4</u>	20 May 2024	<u>Nambucca Heads – South</u>
<u>5</u>	27 May 2024	<u>Nambucca Heads – West</u>
<u>6</u>	3 June 2024	<u>Macksville – CBD / North / West</u>
<u>7</u>	11 June 2024	<u>Macksville – East / Gumma</u>
<u>8</u>	17 June 2024	<u>Bowraville / Newee Creek / Tewinga / Congarinni North / Wirrimbi</u>
<u>9</u>	24 June 2024	<u>Scotts Head / Way Way / Warrell Creek / Donnellyville</u>
<u>10</u>	1 July 2024	<u>Taylors Arm / South Arm, Utungun / Allgoamera/ Eungai / Tamban / Congarinni</u>

CONSULTATION:

Nil

ITEM 11.2 BULKY GOODS COLLECTION 2024

SUSTAINABILITY ASSESSMENT:

N/A

Environment

N/A

Social

N/A

Economic

N/A

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Nil				

Delivery Program Action

CE8 - Provide kerbside collection of separated domestic mixed waste materials

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil.

Working funds – justification for urgency and cumulative impact

N/A

Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.3 SF453 160524 WASTE MANAGEMENT QUARTERLY REPORT - JANUARY TO MARCH 2024****AUTHOR/ENQUIRIES:** Simon Chapman, Waste Services Coordinator**SUMMARY:**

A report be presented to Council on a quarterly basis for the status of waste management for the Nambucca Valley.

RECOMMENDATION:

That Council notes the information provided in the quarterly report for the period 1 January to 31 March 2024.

OPTIONS:

For information only.

DISCUSSION:**CCWS Kerbside and Transfer Station Waste Collection Services**

Kerbside collections for the last quarter being 1 January – 31 March 2024 across the Coffs Coast region indicated the hotline received a total of approx. 5859 calls during the period for the whole regional area.

Nambucca Valley had a total of 8985 properties receiving a waste collection service, 20 new services were implemented.

The table below reflects Nambucca Council's waste streams and tonnages over the last quarter:

Waste Stream	Source	Tonnes	Destination
Co-mingled recycling	Kerbside	395.22	CCWS Recycling Facility
Greenwaste organics	Kerbside	916.10	CCWS Biomass Facility
Mixed waste	Kerbside (NVC)	925.38	Nambucca Landfill
Mixed waste	Kerbside (BSC)	327.30	Nambucca Landfill
Bulky goods	Kerbside	7.14	Nambucca Landfill
Co-mingled recycling	Transfer station	96.38	CCWS Recycling Facility
Greenwaste organics	Transfer station	64.96	CCWS Biomass Facility
Mixed waste	Transfer station (BSC)	130.96	Nambucca Landfill
Batteries	Transfer station	3.68	Matthews Metal Management
Scrap metal	Transfer station	189.14	Matthews Metal Management
Motor oil (litres)	Transfer station	3500	BMC Oil
Chemical containers (farm drums)	Transfer station	515	Drum Muster
E-waste	Transfer station	2.72	Matthews Metal Management
Concrete & masonry	Landfill	207.47	Reprocessing at Nambucca Landfill
Asbestos	Landfill	0.00	Nambucca Landfill
Biosolids (grit)	Landfill	14.42	Nambucca Landfill
Building demolition	Landfill	1065.07	Nambucca Landfill
Clean fill	Landfill	203.06	Nambucca Landfill (daily cover)
Commercial building waste	Landfill	241.14	Nambucca Landfill
Charity groups	Landfill	6.96	Nambucca Landfill

ITEM 11.3 WASTE MANAGEMENT QUARTERLY REPORT - JANUARY TO MARCH 2024

Dead animals (small) Landfill 0.38 Nambucca Landfill

The table below reflects the successful charities that applied under Councils Donations Policy and the disposal tonnages from each organisation for the last quarter.

Charitable Organisation	Source	Tonnes	Destination
Anglican Opp Shop Nambucca	Self Hauled	0.00	Nambucca Landfill
Anglican Parish Macksville	Self Hauled	0.00	Nambucca Landfill
Anglican Parish Macksville/Nambucca	Self Hauled	3.32	Nambucca Landfill
Care "n" Ware	Self Hauled	1.60	Nambucca Landfill
Live Better (Nambucca Valley Phoenix)	Self Hauled	0.00	Nambucca Landfill
Nambucca Heads Men's Shed	Self Hauled	0.12	Nambucca Landfill
Salvation Army	Self Hauled	1.10	Nambucca Landfill
Macksville / Bowraville Opp Shop	Self Hauled	0.00	Nambucca Landfill
Nambucca Valley Community Church	Self Hauled	0.00	Nambucca Landfill
	Total	6.14	

CCWS Materials Recovery Facility

The table below indicates the approximate Coffs Coast regional recycling tonnages processed through the Materials Recovery Facility (MRF) during the quarter at Coffs Coast Resource Recovery Park.

Approximate Tonnes Processed 3,454.94

CCWS Educational Activities

The tables below reflect the Coffs Coast Waste Services educational activities carried out during the last quarter:

Education

Month	School or Group	No's Attending
January 2024	Nil	Nil
February 2024	Nambucca Primary School	63
	Coffs Harbour Christian College	80
March 2024	Nil	Nil

NSW Waste Avoidance and Resource Recovery Strategy

The NSW Waste Avoidance and Resource Recovery Strategy (WARR) was developed by State Government to provide direction for local councils to reduce waste generated, optimise the recovery of usable resources from waste and manage the disposal of residual waste in an environmentally responsible way in the following waste streams:

Municipal Solid Waste (MSW) – the solid component of the waste stream arising from household waste placed at the kerbside for Council collection and waste collected by Council from municipal parks and gardens, street sweepings, Council engineering works and public Council bins.

Commercial and Industrial Waste (C&I) – Inert, solid or industrial generated by business and industries (shopping centres, restaurants, office warehousing, manufacturing, repair workshops retail outlets, hotels and clubs) along with institutions (schools, hospitals, universities, nursing homes and government offices).

Construction and Demolition (C&D) – materials in the waste stream which arise from construction, refurbishment, demolition and excavation activities.

ITEM 11.3 WASTE MANAGEMENT QUARTERLY REPORT - JANUARY TO MARCH 2024

NSW has a target of 80% average recovery rate from all waste streams by 2030. The table below identifies the waste streams and the status of Nambucca's compliance during the last quarter:

Waste Stream	NSW Target	Landfilled Tonnes	Diverted Tonnes	Diversion %
Municipal (MSW)	80% recovery by 2030	1,345.26	1,506.86	53
Commercial Industrial (C&I)	80% recovery by 2030	379.44	161.34	30
Construction Demolition (C&D)	80% recovery by 2030	1,065.07	410.53	28

Municipal Waste Stream - 40% diversion reduction to the above figure due to EPA revoking mixed waste land application exemption.

Commercial Industrial Waste Stream - 5% diversion reduction to the above figure due to EPA revoking mixed waste land application exemption.

Community Recycling Facility (CRC)

NSW Environmental Trust approved a grant for the construction of a Community Recycling Centre for Nambucca Shire under the Improved Systems for Household Problem Wastes – Community Recycling Centre (drop offs) Grants program.

The Environmental Trust's goal of the program is to assist communities to look after their own neighbourhoods and environments through the establishment of a network of Community Recycling Centres to make it easier for people to recycle and remove problem wastes from their households.

Nambucca Councils CRC facility is located at the Nambucca Waste Management Facility and was commissioned on 1 July 2015. The table below identifies the household problem wastes that are now acceptable at the centre and tonnages received during the last quarter:

Problem Waste Streams	Source	Destination
Acid	CRC drop Off	Cleanaway Recycling Facility
Alkali	CRC drop Off	Cleanaway Recycling Facility
Batteries (nicad)	CRC drop Off	Cleanaway Recycling Facility
Fluorescent Tubes	CRC drop Off	Cleanaway Recycling Facility
Gas Cylinder (propane)	CRC drop Off	Cleanaway Recycling Facility
Gas Cylinder (other)	CRC drop Off	Cleanaway Recycling Facility
Hydrocarbon / Fuel	CRC drop Off	Cleanaway Recycling Facility
Smoke Detector	CRC drop Off	Cleanaway Recycling Facility
Paint (water based)	CRC drop Off	Cleanaway Recycling Facility
Paint (oil based)	CRC drop Off	Cleanaway Recycling Facility
Toxics	CRC drop Off	Cleanaway Recycling Facility

Total kilograms of household problem waste collected during the last quarter was 3,494.00

Cleanaway has been engaged by the NSW EPA as its preferred collection contractor for the collection and processing of household problem wastes presented at the facility.

Container Deposit Scheme (CDS) (data not available at the time of reporting)

Exchange for Change is the scheme coordinator of the largest litter reduction programs undertaken in NSW and the ACT: the NSW Return and Earn scheme and the ACT Container Deposit Scheme.

Exchange for Change is responsible for managing both schemes' finances, collecting contributions from beverage suppliers and distributing money to network operators and other scheme participants. Exchange for Change is also responsible for governance and risk management, and educating the community.

ITEM 11.3 WASTE MANAGEMENT QUARTERLY REPORT - JANUARY TO MARCH 2024

Return and Earn and the ACT CDS are based on recognising the responsibility that the beverage industry shares with the community for reducing and dealing with waste generated by beverage product packaging.

Exchange for Change is a joint venture of five of Australia’s beverage companies: Asahi Beverages, Carlton & United Breweries, Coca-Cola Amatil, Coopers Brewery and Lion. Together, these companies have more than 40 years of experience in managing container refund programs in Australia.

The table below identifies the tonnage of material received through the network operator for the period 1 January to 31 March 2024. Data was again unavailable for the nominated period.

LGA	Aluminium	Glass	PET	HDPE	Liquid Paper	Steel	Other Materials	Other Plastics	Total
Nambucca	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

NSW Government announced an expansion of the Container Deposit Scheme subject to a consultation period to include the following items,

- Wine and spirits in glass bottles
- Cordials and juice concentrate
- Larger containers up to 3 litres of beverages already in the scheme, such as flavoured milk, fruit and vegetable juice, cask wine and sachets.
- Plain milk and health tonics would continue to be excluded from the scheme

CONSULTATION:

Midwaste
 Handybin Waste Services
 Cleanaway
 Matthews Metal Management
 NSW Exchange for Change

SUSTAINABILITY ASSESSMENT:

Environment

All kerbside waste materials are collected and reprocessed through the materials recycling facility and the biomass plant with only the reject and residual materials being landfilled. Self hauled wastes are sourced separated and recycled or landfilled accordingly.

Social

Potential increased costs.

Economic

Potential increases in the domestic waste management charge and landfill gate fees.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
N/A	N/A	N/A	N/A

ITEM 11.3 WASTE MANAGEMENT QUARTERLY REPORT - JANUARY TO MARCH 2024

Delivery Program Action

CE9 - Implement waste minimisation strategies

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current and future budgets**

No identifiable increases for the current budget at this point.

Working funds – justification for urgency and cumulative impact

No additional income required at this point.

Impacts on 10 Year Long Term Financial Plan

Additional income may need to be sourced from the annual domestic waste management charge or waste reserves.

Service level changes and resourcing/staff implications

No identifiable changes or implications at this point.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.4 SF983 160524 FARINGDON FIELDS REVEGETATION FOR KOALA HABITAT AND SCREENING OF A CULTURALLY SENSITIVE SITE

AUTHOR/ENQUIRIES: Keegan Noble, Environmental Project Officer; Daniel Walsh, Manager Development and Environment

SUMMARY:

Council has received funding to revegetate the Faringdon Fields to assist screen a nearby culturally sensitive site. The fields currently have a plan of management which was prepared in 1995 and identifies the land as a sportsground. However, there is a federal declaration over the land which prohibits the public from entering due to its proximity to the culturally sensitive site.

Revegetating the land would be contrary to the Local Government Act 1993 as it will be inconsistent with the plan of management. In order to proceed with the revegetation project, a new plan of management is required which facilitates the proposal.

RECOMMENDATION:

That Council:

- 1 Prepares a draft Plan of Management for the Faringdon Fields – Lot 76 DP 832082 in accordance with section 36 of the Local Government Act 1993 which categorises the land as an area of cultural significance and facilitates the revegetation of the land.**
- 2 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.**

OPTIONS:

- 1 Do nothing and continue managing the Faringdon Fields in their current state. Note that the public is not permitted to enter the fields under the Federal declaration.
- 2 The proposed recommendation to achieve a long-term management outcome for the Farringdon fields and the significant cultural site.

BACKGROUND:

The Farringdon Fields have an area of 5.9 hectares and the current Plan of Management within **attachment 1** indicates a long term development plan for the creation of three playing fields with a cycleway, playground and an amenities block. The amenities block is the only component of the development plan which has been completed.

The plan of management makes no reference to the Aboriginal cultural issues which have effectively prevented the use of the land for its intended purpose since its dedication in 1995. The adjoining sacred initiation site is possibly the most culturally significant Aboriginal site in the Nambucca Valley. The Gumbaynggirr culture disapproves of women or children visiting or discussing the sacred site or the adjoining land which includes the Faringdon Fields. For this reason the playing fields have not been able to be used by schools or junior sports teams as to do so would be discriminatory.

The problems concerning the use of Faringdon Fields as sporting fields have been the subject of previous motions and reports to Council.

In 2007 there was an expression of interest in the use of the fields by the Nambucca Heads Junior Rugby League Club. The matter was considered by Council at its meeting on 15 November 2007 and it was resolved that Council invite the Nambucca Heads Local Aboriginal Land Council to attend an onsite meeting with Councillors and staff to discuss possible uses of the Faringdon Fields and the proposal by

ITEM 11.4 FARINGDON FIELDS REVEGETATION FOR KOALA HABITAT AND SCREENING OF A CULTURALLY SENSITIVE SITE

the Nambucca Heads Junior Rugby League Club. There is no evidence of a response from the Land Council nor was a meeting ever held.

In March 2008, the late Councillor Michael Moran OAM put forward a notice of motion that Faringdon Fields be regenerated as natural bushland. After some debate it was resolved that the item be deferred in order to look at other options including passive recreation, bio banking etc.

In July 2008 Council then made the following resolution:

- 1 *That the long-term aim be to re-vegetate the Faringdon Playing Fields to return the area to bushland when funding is identified.*
- 2 *That clerical assistance be provided to the Nambucca Heads Local Aboriginal Land Council in making an application for Federal Funding to purchase the land under the National Reserve System.*
- 3 *That a new Plan of Management be prepared and exhibited.*

No grant funds to purchase the land were forthcoming and a new plan of management was not prepared.

In June 2009 Council staff wrote to local soccer and cricket clubs seeking expressions of interest in the use of Faringdon Fields for their respective sports. No responses were received.

In February 2015 Council considered a request from the Nambucca Local Aboriginal Land Council for the transfer of the transfer of the Faringdon Fields into Aboriginal ownership and made the following resolution:

- 1 *Pursuant to the Clause 55 of the Environmental Planning and Assessment Act 1979, Council prepare a Planning Proposal to support an amendment to reclassify as operational land all of the land described as Faringdon Fields being Lot 76 DP 832082 with the intention of transferring it to Aboriginal ownership.*
- 2 *The Planning Proposal and associated material be submitted to the Minister for Planning for Gateway determination and consideration under Clause 56 of the Act.*
- 3 *Prior to the exhibition of the proposed reclassification, that a Master Plan for the re-establishment of the Faringdon Fields as a natural area be prepared. The Master Plan is to be prepared in consultation with residents of Marshall Way, the developers of the Faringdon subdivision and the Aboriginal community.*
- 4 *The preparation of the proposed Master Plan be funded from Council's Environmental Levy.*
- 5 *That the General Manager be provided with delegated authority to appoint an independent person to undertake the public hearing for the proposed reclassification.*

A draft masterplan was prepared in 2015 and is contained within **attachment 2**. The masterplan was never put on public exhibition or adopted by Council. Furthermore, a planning proposal was not prepared for the reclassification of the land. As such, the land is still in Council ownership.

On 8 April 2019 the Council was notified of a determination made by Melissa Price, Minister for the Environment, "to protect and preserve a significant Aboriginal area that is under threat of injury or desecration". According to the explanatory statement the declared area is currently under threat by, among other things, proposed residential development, forestry activities and public access.

The declared area included the Faringdon Fields. Under the terms of the declaration a person must not do any act in, on or near the declared area that will, or is likely to, injure or desecrate the declared area. Without limiting this general provision a person must not:

ITEM 11.4 FARINGDON FIELDS REVEGETATION FOR KOALA HABITAT AND SCREENING OF A CULTURALLY SENSITIVE SITE

- (a) pass through or over, or enter, the declared area; or
- (b) bulldoze, grade, drill, dig, excavate, cut, fill, blast, clear, demolish, tunnel, burn, remove, or otherwise damage land in the declared area; or
- (c) build or construct any road, building or structure in, or intruding into, the declared area; or
- (d) kill, cut down, poison, deface, burn, remove or otherwise damage any tree in the declared area; or
- (e) cause any projectile or aerial device to enter into the declared area.

The restrictions imposed by the declaration do not apply to acts done by an authorised person. An authorised person includes a person who has received permission to do the act from:

- (i) an elder of the Gumbaynggirr Nation; or
- (ii) the Nambucca Heads Local Aboriginal Land Council

Given the declaration resulted in Council being unable to continue to manage the Faringdon Fields without being in breach of the act, on 24 April 2019 Council made the following resolution:

Council enter into negotiations with the NHLALC in relation to the short term maintenance and access issues as well as the longer term use of the land (the Faringdon Fields)

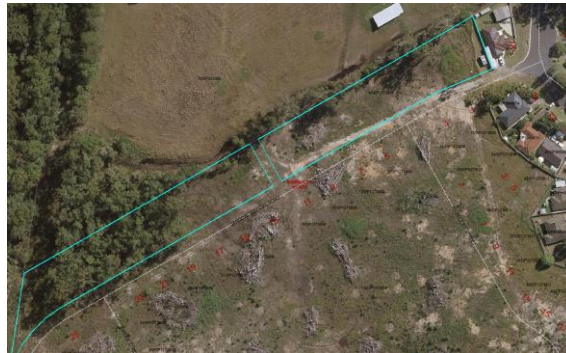
Due to the cultural significance of the site, the NHLALC stepped aside from discussions regarding the Faringdon Fields. Instead, discussions were had with Gumbaynggirr Nation elders. As a result of these discussions the Gumbaynggirr Nation elders granted permission to Council to be authorised persons under section 6(5)(b)(i) of the declaration to undertake the following activities as permitted by section 6(4) of the declaration:

- Slash the grass
- Collect rubbish and abandoned items.
- Defect maintenance and/or demolition of the existing amenities building.
- Maintenance to stormwater infrastructure.
- Tree pruning and removal where the tree(s) present a safety risk to the movement of traffic on the adjoining public road.
- Erect and maintain information signage for the public associated with the Commonwealth declaration placed on the land.
- Revegetate existing grassed areas of the Faringdon Fields with koala use tree species to promote koala habitat and screen view of the Diamond Tree site.

In addition to the above, Gumbaynggirr Nation elders also granted permission to the owners of the adjoining Lot 26 DP 1273809 - Janggal Janggal Road, Nambucca Heads (outlined blue on the below map) to also be authorised persons under the declaration to undertake the following on the Faringdon Fields:

- Maintain a 31m wide Asset Protection Zone (APZ) to protect existing and future lots from bushfire impact in accordance with development consent DA2015/099.
- Implement stormwater management devices in accordance with development consent DA2015/099.

ITEM 11.4 FARINGDON FIELDS REVEGETATION FOR KOALA HABITAT AND SCREENING OF A CULTURALLY SENSITIVE SITE



In September 2023 Council received notification from the NSW Department of Planning & Environment – Heritage NSW that it is intended to declare the Bellwood Sacred Site in Nambucca Heads an Aboriginal place under section 84 of the National Parks and Wildlife Act 1974. This would include the Faringdon Fields. After consideration of the proposal Council made the following resolution:

THAT Council make a submission to the NSW Department of Planning & Environment – Heritage NSW in support of the proposed Bellwood Sacred Site Aboriginal Place declaration subject to there being no Aboriginal Heritage Impact Permit requirements for required maintenance on Council controlled land or infrastructure, or on any activities on the Faringdon Fields which conforms to an agreement with the Gumbaynggirr Elders.

The place declaration is yet to be made.

DISCUSSION:

Council has received \$30,000 in funding from the NSW Department of Climate Change, Energy, the Environment and Water to revegetate the cleared areas of the Faringdon Fields with the exception of the areas needed for asset protection zones on adjoining land, stormwater infrastructure and road clearance. The approximate area of land to be revegetated is 2.5ha in area and is shown on the plan contained within **attachment 3**.

The intention of the proposed works is to screen the adjoining culturally significant site by revegetating the Faringdon Fields with trees and shrubs suitable for the plant community present (Coastal Swamp Sclerophyll forest) and that offer a foraging source in the winter food gap for leaf and nectar feeding threatened arboreal marsupials such as Koalas, Yellow Bellied Gliders, Ring Tailed Possums and Grey Headed Flying Fox's.

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The fields are classified as community land under the Local Government Act 1993 (the act) and has an adopted plan of management categorising the fields as a sports ground. Section 35 of the act states:

Community land is required to be used and managed in accordance with the following—

- *the plan of management applying to the land*
- *any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land*
- *this Division.*

Revegetating the fields would be inconsistent with the plan of management and therefore contrary to section 35 of the act. As such, in order to proceed with the proposed revegetation works it is recommended to prepare and exhibit a new draft plan of management which changes the categorisation of the land to an area of cultural significance and facilitates the revegetation of the land. Once the public exhibition period is finished any submissions would be reported back to Council for consideration prior to any decision to adopt a new plan of management.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Environment

The revegetation of the fields will provide increased habitat for the local koala population.

Social

The revegetation of the fields will minimise the impacts the encroachment of development has had on the adjoining culturally sensitive site. While the proposal will provide a physical barrier to the land being used as sporting fields, the Federal declaration has made it illegal to access the land which prevents the use of the land as sporting fields.

Economic

Some may argue the value of residential properties will be impacted by the reduction of public open space. However the land cannot be used as public open space in accordance with the Federal declaration.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Legal challenge to the removal of public open space	L	L	Address if it arises.	L

Delivery Program Action

CE16 - Deliver projects funded under the Environmental Levy and related environmental grants

LW21 - Promote an understanding and respect for the Valley's Indigenous Culture and Heritage

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The revegetation works will be funded by \$30,000 from the Environmental Levy and \$30,000 from Department of Climate Change Energy Environment and Water.

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Working funds – justification for urgency and cumulative impact

Nil.




Impacts on 10 Year Long Term Financial Plan

The works will decrease financial investment at the site over a ten (10) year period as reduced to nil maintenance will be required by this time.

Service level changes and resourcing/staff implications

Minor impact.

ATTACHMENTS:

- 1  15513/2008 - Plan of Management
- 2  22264/2024 - Draft Masterplan
- 3  21063/2024 - Map of revegetation site with boundary descriptions

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.5 SF1148 160524 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR MARCH 2024

AUTHOR/ENQUIRIES: Rochelle McMurray, Business Services Coordinator

SUMMARY:

The following is the Council's Rangers' reports and listing of penalty notices issued for the month of March 2024 by Council Officers.

RECOMMENDATION:

That Council notes the Rangers' Impounding Statistics and the penalties issued for the month of March 2024.

MARCH 2024	Cats	Dogs
COUNCIL'S SEIZURE ACTIVITY		
Seized (doesn't include those animals dumped or surrendered)	0	0
Returned to Owner	0	0
Transferred to - Council's Facility from Seizure Activities	0	0
ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY		
Animals In Council's Facility - (Start of Month)	4	3
Abandoned or Stray	3	3
Surrendered	1	2
Animals transferred from Seizure Activities	0	0
Total Incoming Animals	8	8
ANIMALS LEAVING COUNCIL'S FACILITY		
Released to Owners	1	0
Sold	1	0
Released to Organisations for Rehoming	3	2
Died at Council's Facility (other than euthanised)	0	0
Stolen from Council's Facility	0	0
Escaped from Council's Facility	0	0
Other	0	0
EUTHANISED		
Restricted Dogs	0	0
Dangerous Dogs	0	0
Owner's Request	0	0
Due to Illness, Disease or Injury	0	0
Feral/infant animal	0	0
Unsuitable for rehoming	0	0
Unable to be rehomed	0	0
Total Euthanised	0	0
Total Outgoing Animals	5	2
TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)	3	6

Cattle	Breakdown	Total
Seized	0	0
Returned to Owner	0	0
Impounded	0	0
Total Seized	0	0

ITEM 11.5 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR MARCH 2024**PENALTIES ISSUED BY COUNCIL'S RANGER AND COUNCIL OFFICERS –MARCH 2024***(All now issued electronically)*

MARCH 2024		PARKING			
OFFENCE CODE	PN NUMBER	OFFENCE	DATE ISSUED	PENALTY \$	SUBURB
82890	3168989524	Stop in loading zone	1-Mar-24	\$215.00	Bowra Street, Nambucca Heads
83535	3169000790	Disobey motor bike parking sign	9-Mar-24	\$129.00	Bowra Street, Nambucca Heads
93877	3169000809	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000818	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000827	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000836	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000845	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000854	*Not position front/rear of vehicle correctly - 90 degree angle parking	9-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3168989542	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Mar-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989551	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Mar-24	\$110.00	Shelley Beach Road, Nambucca Heads
82767	3168989560	Not parallel park in direction of travel	14-Mar-24	\$302.00	Charlton Street, Nambucca Heads
82890	3168989570	Stop in loading zone	14-Mar-24	\$215.00	Bowra Street, Nambucca Heads
8646	3168989589	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	15-Mar-24	\$110.00	Ferry Street, Macksville
8646	3168989598	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	15-Mar-24	\$110.00	Ferry Street, Macksville

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82890	3168989607	Stop in loading zone	15-Mar-24	\$215.00	High Street, Bowraville
93877	3169000900	*Not position front/rear of vehicle correctly - 90 degree angle parking	18-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000919	*Not position front/rear of vehicle correctly - 90 degree angle parking	18-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000928	*Not position front/rear of vehicle correctly - 90 degree angle parking	18-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3169000863	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	18-Mar-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000872	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	18-Mar-24	\$110.00	Ferry Street, Macksville
8646	3169000881	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	18-Mar-24	\$110.00	Ferry Street, Macksville
8646	3169000890	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	18-Mar-24	\$110.00	Ferry Street, Macksville
92353	3169001029	*Park vehicle for longer than maximum period allowed	19-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
92353	3169001038	*Park vehicle for longer than maximum period allowed	19-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3169000937	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	18-Mar-24	\$110.00	Thompson Street, Valla Beach
93877	3169000946	*Not position front/rear of vehicle correctly - 90 degree angle parking	20-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000955	*Not position front/rear of vehicle correctly - 90 degree angle parking	20-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000964	*Not position front/rear of vehicle correctly - 90 degree angle parking	20-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
82767	3169000973	Not parallel park in direction of travel	21-Mar-24	\$302.00	Charlton Street, Nambucca Heads
93877	3169000982	*Not position front/rear of vehicle correctly - 90 degree angle parking	21-Mar-24	\$92.00	Fletcher Street, Nambucca Heads

ITEM 11.5 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR MARCH 2024

93877	3169000991	*Not position front/rear of vehicle correctly - 90 degree angle parking	21-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001000	*Not position front/rear of vehicle correctly - 90 degree angle parking	21-Mar-24	\$92.00	Fletcher Street, Nambucca Heads
83535	3169001010	Disobey motor bike parking sign	21-Mar-24	\$129.00	Bowra Street, Nambucca Heads
83595	3169001047	Disobey no stopping sign	22-Mar-24	\$302.00	Fletcher Street, Nambucca Heads
8646	3169001056	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	22-Mar-24	\$110.00	River Street, Macksville
8646	3169001065	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	22-Mar-24	\$110.00	Stuart Island Drive, Nambucca Heads
8646	3169001074	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	22-Mar-24	\$110.00	Ferry Street, Macksville
8646	3169001083	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	23-Mar-24	\$110.00	Ferry Street, Macksville
8646	3168989634	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	27-Mar-24	\$110.00	Ferry Street, Macksville
8646	3168989643	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	27-Mar-24	\$110.00	Ferry Street, Macksville
8646	3168989652	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	27-Mar-24	\$110.00	Ferry Street, Macksville
TOTAL				\$5133.00	

**All fines are 'Opt-In' Local Government parking fines*

COMPANION ANIMAL PENALTIES

Nil

OTHER PENALTIES

MARCH 2024		OTHER		
ISSUED BY:	PN NUMBER	INFRINGEMENT DETAILS	DATE ISSUED	PENALTY \$
Manager	3168989616	Code: 31915 Development not accord consent - class 1a or 10 building - Corporation	20-Mar-24	\$3,000.00
Building site in Macksville Heights Estate having insufficient erosion and sediment controls in place resulting in significant sediment washing from site despite warning.				
Manager	3169009030	Code: 31915 Development not accord consent - class 1a or 10 building - Corporation	21-Mar-24	\$3,000.00

ITEM 11.5 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR MARCH 2024

Building site in Bellbird Estate in Nambucca Heads having insufficient erosion and sediment controls in place resulting in significant sediment washing from site despite warning.				
Manager	3169009040	Code: 31915 Development not accord consent - class 1a or 10 building - Corporation	21-Mar-24	\$3,000.00
Building site in Bellbird Estate in Nambucca Heads having insufficient erosion and sediment controls in place resulting in significant sediment washing from site despite warning.				
Manager	3168989625	Code: 31912 Development not accord consent - any other case - Corporation	27-Mar-24	\$6,000.00
Subdivision works in Bellbird Estate in Nambucca Heads having insufficient erosion and sediment controls in place resulting in significant sediment washing from site despite warnings.				
		TOTAL:		\$15,000.00

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.6 SF3410 160524 2024 APRIL - APPROVED CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT APPLICATIONS

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Developments for the month of April 2024 as at 7 May 2024.

RECOMMENDATION:

That Council notes the Construction Certificates and Complying Developments approved for April 2024.

ATTACHMENTS:

1  22175/2024 - Construction Certificates & Complying Developments Approved April 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.7 SF3410 160524 2024 APRIL - DEVELOPMENT APPLICATIONS AND
COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at its meeting on 16 January 2014 resolved:


“That Council endorse the method of reporting Construction and Complying Development Certificates as presented to the 16 January 2014 meeting and further that the General Manager investigate the possibility of reporting Development Applications lodged in previous month.”

Attached is a list of Development Applications and Complying Developments received in April 2024 as at 7 May 2024.

RECOMMENDATION:

That Council notes the Development Applications and Complying Developments received in April 2024.

ATTACHMENTS:

1  22179/2024 - Development Applications & Complying Developments Received April 2024