



# NAMBUCCA VALLEY COUNCIL

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## ORDINARY COUNCIL MEETING AGENDA ITEMS 30 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](http://www.nambucca.nsw.gov.au)



**3PM WORKSHOP – Tourism Service Options in the Nambucca Valley Council LGA & discussion on Youth Council proposal**

**4PM WORKSHOP – TfNSW Briefing for Councillors on Macksville Bridge Rehabilitation**

**NAMBUCCA VALLEY COUNCIL**

**ORDINARY COUNCIL MEETING - 30 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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*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret (Refers to reduced market price for proposed sale of land, and alternative option which contradicts previous Council resolution).*

- 12.2 Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18  
DP884316 and Boundary Adjustment to Lot 1 DP374127

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

- 12.3 Request for extended rates payment arrangement and write off of accrued interest -  
Rates Account Number 11118722

*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.*

- 12.4 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](mailto: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 by .....in the matter of  
 ..... which is to be considered at a meeting of the  
 .....  
 to be held on the.....day of ..... 20

<b>Pecuniary interest</b>	
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.
<b>Matter giving rise to pecuniary interest<sup>1</sup></b>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [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 16 MAY 2024

The following document is the minutes of the Ordinary Council meeting held **16 MAY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 30 May 2024 and therefore subject to change. Please refer to the minutes of 30 May 2024 for confirmation.

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### PRESENT

Cr Rhonda Hoban OAM (Mayor)  
Cr Martin Ballangarry OAM  
Cr Susan Jenvey  
Cr John Wilson (Deputy Mayor)

Cr James Angel  
Cr Ricky Buchanan  
Cr Troy Vance

### ALSO PRESENT

Bede Spannagle (General Manager)  
David Moloney (Director Engineering Services)  
Rochelle McMurray (Minute Secretary)

Matthew Sykes (Director Corporate Services)  
Daniel Walsh (Manager Development Environment)

### APOLOGIES

#### Apologies (leave granted)

Nil

#### Apologies

Cr David Jones

Evan Webb (Chief Financial Officer)

### 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

### PRAYER

Reverend Peter Shayler-Webb from the Macksville Anglican Church offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 24 APRIL 2024**

140/24 **RESOLVED:** (Wilson/Jenvey)

That the minutes of the Ordinary Council Meeting of 24 April 2024 be confirmed.

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#### PUBLIC FORUM

That the following delegations be heard:

*i James Parker on behalf of Taverner Research Group - Community Satisfaction Survey results*

#### PUBLIC FORUM

*i James Parker on behalf of Taverner Research Group, addressed Council with notes placed on 24157/2024 SF 3424.*

141/24 **RESOLVED:** (Angel/Vance)

*An extension of time be granted to the speaker.*

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### ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

### QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

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

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### GENERAL MANAGER REPORTS

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ITEM 9.1	SF959	160524	Outstanding Actions and Reports
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142/24 **RESOLVED:** (Angel/M Ballangarry)

That Council note the list of outstanding actions and reports.

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

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ITEM 9.2 SF35 160524 Acting General Manager for the period 1 July 2024 to 30 June 2025

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143/24 **RESOLVEDS:** (Vance/Buchanan)

- 1 That Council appoints the Director Engineering Services to act in the role of General Manager when the General Manager is absent between 1 July and 30 September 2024.
  - 2 That Council appoints the Director Corporate Services to act in the role of General Manager when the General Manager is absent between 1 October and 31 December 2024.
  - 3 That Council appoints the Director Engineering Services to act in the role of General Manager when the General Manager is absent between 1 January and 31 March 2025.
  - 4 That Council appoints the Director Corporate Services to act in the role of General Manager when the General Manager is absent between 1 April and 30 June 2025.
  - 5 That, in the event a Director acting in the role of General Manager is absent, the other Director act in the role of General Manager.
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## DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1 SF3399 160524 Results of 2024 Community Satisfaction Survey

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144/24 **RESOLVED:** (Wilson/Jenvey)

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

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ITEM 10.2 SF3492 160524 Minutes of the Audit, Risk and Improvement Committee Meeting held 10 April 2024

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145/24 **RESOLVED:** (Wilson/Buchanan)

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*

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

*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 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*

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

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*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.*

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ITEM 10.3 SF3409 160524 Minutes of the Nambucca Valley Council Access Committee meeting held 24 April 2024

146/24 **RESOLVED:** (Jenvey/Angel)

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

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ITEM 10.4 SF251 160524 Schedule of Council Meetings - 30 May 2024 to 17 October 2024

147/24 **RESOLVED:** (Buchanan/M Ballangarry)

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

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## MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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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

148/24 **RESOLVED:** (Wilson/Buchanan)

**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.**

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

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ITEM 11.2 SF453 160524 Bulky Goods Collection 2024

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149/24 **RESOLVED:** (Jenvey/Buchanan)

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

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ITEM 11.3 SF453 160524 Waste Management Quarterly Report - January to March 2024

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150/24 **RESOLVED:** (Wilson/M Ballangarry)

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

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ITEM 11.4 SF983 160524 Faringdon Fields Revegetation for Koala Habitat and Screening of a Culturally Sensitive Site

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MOTION: (Angel/M Ballangarry)

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.

AMENDMENT: (Buchanan/ Ballangarry)

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 Contact members of Council Aboriginal stakeholders database, Gaagal Wanggaan Board of Management and extend the invitation to consult with Council on the Plan of Management through a nominated representative.
- 3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.
- 4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.

The amendment was declared carried and became the motion.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

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151/24 **RESOLVED:** (Buchanan/ Ballangarry)

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 Contact members of Council Aboriginal stakeholders database, Gaagal Wanggaan Board of Management and extend the invitation to consult with Council on the Plan of Management through a nominated representative.
  - 3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.
  - 4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.
- 

ITEM 11.5 SF1148 160524 Council's Rangers' Report and Penalties Issued for March 2024

152/24 **RESOLVED:** (Angel/Wilson)

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

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ITEM 11.6 SF3410 160524 2024 April - Approved Construction Certificates and Complying Development Applications

153/24 **RESOLVED:** (Angel/Buchanan)

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

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ITEM 11.7 SF3410 160524 2024 April - Development Applications and Complying Development Applications Received

154/24 **RESOLVED:** (Wilson/Jenvey)

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

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NAMBUCCA VALLEY COUNCIL

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

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

155/24 **RESOLVED:** (Buchanan/Jenvey)

- 1 That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.
- 2 That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.

*Reason reports are in Closed Meeting:*

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### DIRECTOR CORPORATE SERVICES REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF1970 160524 Water Leak Adjustment - Water Account 11212801

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*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3420 160524 Matters Regarding Realised or Potential Losses

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*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (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.*

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### CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:36PM.

### RESUME IN OPEN MEETING

156/24 **RESOLVED:** (Buchanan/M Ballangarry)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:44 PM.**

### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.



NAMBUCCA VALLEY COUNCIL

**Ordinary Council Meeting**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 MAY 2024

**DIRECTOR CORPORATE SERVICES REPORTS**

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF1970 160524 Water Leak Adjustment - Water Account 11212801

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157/24 **RESOLVED:** (Angel/Vance)

**That Council resolves to write off \$17,741.66, being made up of \$8,048.30 for water usage and \$9,693.36 for sewer usage for water account number 11212801.**

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3420 160524 Matters Regarding Realised or Potential Losses

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158/24 **RESOLVED:** (Wilson/Angel)

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

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**CLOSURE**

There being no further business the Mayor then closed the meeting the time being 6:46 PM.

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

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

**GENERAL MANAGER**

**ITEM 9.1 SF959 300524 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
<b>MARCH 2022</b>			
<b>1</b>	SF2143	31/03/22 & 13/10/22	DES
<p><b>RESOLUTION:</b> That an Asbestos Management Register for all Council buildings be prepared once a funding source is obtained.</p> <p><b>STATUS:</b>                      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 &amp; 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.                      21/05/24 Resources still unavailable.</p>			
<b>MAY 2022</b>			
<b>2</b>	DA2022/115	26/05/22	MDE
<p><b>RESOLUTION:</b>  <del>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.</del></p> <p><b>STATUS:</b>  <del>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.</del></p>			

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~~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.  
 22/05/24 - Refer to Separate report.~~

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.

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09/08/23 No further update.  
 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.  
 22/05/24 No further update.

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.~~  
 22/05/24 Report at this meeting seeking formal adoption of PoM.

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.

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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 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.

22/05/24 Draft Deed of Agreement drafted and forwarded to RSL Club for review and response.

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JUNE 2023			
6	SF3303	29/06/23	DCS
<p><b>RESOLUTION:</b> 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 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.</p>			
<p><b>STATUS:</b> 06/07/23 Placed on website. 19/07/23 Awaiting replacement of the Manager Community Development position to undertake the actions of:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul> <p>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:</p> <ul style="list-style-type: none"> <li>• 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),</li> <li>• attended a meeting of the Local Government Aboriginal Network, and</li> <li>• scheduled a meeting with Council's three indigenous councillors on the 18th January 2024.</li> </ul> <p>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 Jaanymili Bawrungga 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, Jaanymili Bawrungga 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. 04/04/24-21/05/24 No further update.</p>			

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JULY 2023			
7	SF396	27/07/23	MDE
<p><b>RESOLUTION:</b>  <b>Housekeeping amendment to Nambucca Local Environmental Plan 2010</b>            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.</p>			
<p><b>STATUS:</b>            09/08/23 Refer to separate report. Once a decision is made on these matters the planning proposal will be finalised and 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.            22/05/24 – On exhibition until 24 June 2024.</p>			
AUGUST 2023			
8	LF5363	31/08/23	DES
<p><b>RESOLUTION:</b>            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 &amp; 46082/2023)</p>			
<p><b>STATUS:</b>            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.            21/05/24 Nambucca Valley Catchments and Coastline Management Committee meeting item deferred pending outcome from GM and DES site meeting with Golf Club President scheduled for 21/05/24. Developing a plan of action.</p>			
SEPTEMBER 2023			
9	SF2278	28/09/23	MDE
<p><b>RESOLUTION:</b>  <b>Electric Vehicle (EV) Charging Stations</b>            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</p>			
<p><b>STATUS:</b>            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.            22/05/24 – Refer to Separate report.</p>			
10	SF3190	28/09/23	DCS
<p><b>RESOLUTION:</b>  <b>Warrell Creek land Lots 9, 17 and 18 DP 884316:</b>            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.</p>			

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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.  
 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.  
 22/05/24 Report on agenda for this Council meeting seeking resolution to proceed with drafted plan of subdivision.

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.  
 05/01/24-22/05/24 Awaiting decision from grant body.

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



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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.  
02/04/24-21/05/24 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.

**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.  
15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.

**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:**

21/02/24-22/05/24 No further update.

**MARCH 2024****15**

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.  
17/05/24 Tourism workshop held on 14 May 2024 at which visitor information services was discussed and feedback received from attendees.

**16**

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.  
08/05/24 Policy and Procedures Framework Policy to go to 10 July 24 Audit Risk Improvement Committee meeting.  
22/05/24 Report on agenda for this Council meeting seeking resolution to proceed with adoption of new policy.

**APRIL 2024****17**

SF3422

11/04/24

**DES****RESOLUTION:****Request to Name side road and correct rural addressing**

- 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.

**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

<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><b>STATUS:</b>                  17/04/24 No update.                  08/05/24 Site plan developed for consultation with community.                  21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW for approval.</p>			
<b>18</b>	SF2381	11/04/24	MDE
<p><b>RESOLUTION:</b>  <b>Horticulture within the Nambucca Valley</b>                  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:                  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.                  2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.                  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><b>STATUS:</b>                  17/04/24-09/05/24 Planning proposal to be drafted and sent to the Minister.                  22/05/24 – Planning proposal drafted and sent to the Minister for gateway determination.</p>			
<b>19</b>	SF695	11/04/24	DCS
<p><b>RESOLUTION:</b>  <b>Lease to Nambucca River Jockey Club</b>  <del>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.</del>  <del>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.</del>  <del>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.</del></p>			
<p><b>STATUS:</b>  <del>16/04/24 Will be placed on public exhibition 19 April 2024 for 28 days finishing 17 May 2024.</del>  <del>08/05/24 No further update.</del>  <del>22/05/24 Report to 30 May meeting.</del></p>			
<b>20</b>	SF3477	11/04/24	MDE
<p><b>RESOLUTION:</b>  <b>Valla Urban Growth Area Amendment</b>                  1 Council forward the planning proposal within attachment 2 to the Minister for Planning for 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.                  2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.                  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><b>STATUS:</b>                  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.                  22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.</p>			

**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

<b>21</b>	SF3421	24/04/24	<b>DES</b>
<p><b>RESOLUTION:</b>  <b>V-Wall Access to Beach – Wellington Drive Nambucca Heads</b>                  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><b>STATUS:</b>                  06/05/24-21/05/24 Report being developed for the meeting on 27 June 2024.</p>			
<b>22</b>	SF731	24/04/24	<b>DCS</b>
<p><b>RESOLUTION:</b>  <b>Community Improvement Districts - Draft Bill - Consultation</b>                  That Council;  <del>1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.</del>  <del>2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.</del>                  3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.</p>			
<p><b>STATUS:</b>                  08/05/24 Submission lodged.                  21/05/24 TfNSW met with DCS in regards to the content of the submission to the draft Bill. TfNSW has recommended Council putting Bowraville forward as a CID in future rounds of the CID pilot programs.</p>			
<b>23</b>	SF84	24/04/24	<b>DCS</b>
<p><b>RESOLUTION:</b>  <b>Reforming the Emergency Services Funding System – Consultation Paper</b>                  That Council;  <del>1 Makes a submission to the Emergency Services Funding Reform – Consultation Paper.</del>  <del>2 Provide any feedback for inclusion in the Council submission to the Director Corporate Services by 15 May 2024.</del></p>			
<p><b>STATUS:</b>  <del>08/05/24 No further update.</del>  <del>17/05/24 Submission lodged.</del></p>			
<b>MAY 2024</b>			
<b>24</b>	SF983	16/05/24	<b>MDE</b>
<p>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 Contact members of Council Aboriginal stakeholders database, Gaagal Wanggaan Board of Management and extend the invitation to consult with Council on the Plan of Management through a nominated representative.                  3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.                  4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.</p>			
<p><b>STATUS:</b>                  21/05/24 no further update.</p>			

**ATTACHMENTS:**

There are no attachments for this report.

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**GENERAL MANAGER'S REPORT**

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**ITEM 9.2 SF802 300524 ZOMBIE DEVELOPMENT CONSENT INQUIRY**

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**AUTHOR/ENQUIRIES:** Bede Spannagle, General Manager

**SUMMARY:**

The NSW Parliament has called for an inquiry into the impacts of historical development consents in NSW and has called for submissions. This report provides an outline of the inquiry and a recommended submission to be made by Council.

**RECOMMENDATION:**

**That Council makes a submission to the historical development consent inquiry as outlined in attachment 1.**

**OPTIONS:**

- 1 Make a submission as recommended.
- 2 Make amendments to the recommended submission.
- 3 Not make a submission.

**BACKGROUND:**

The phrase 'zombie developments' refers to historical development consents which were approved years or sometimes decades ago but remain unfinished with minimal work completed. Sometimes work on these developments may restart after years or decades of no activity. The phrase has been used particularly in relation to development consents issued for residential subdivisions on greenfield sites.

Such developments are raising concerns in circumstances where they do not comply with current planning laws, or they have adverse social, environmental or economic impacts which were not or could not be considered when the development application was assessed and consent was granted.

For example, changes in the local environment may result in development sites having higher biodiversity significance for ecological communities and threatened species than they did at the time the development application was assessed, coastal erosion and sea level rise may mean that the development is no longer safe, or a site may become more prone to natural disasters or new information could become available demonstrating how the site is more prone to natural disasters than originally thought.

The NSW Legislative Assembly Committee on Environment and Planning has called for an inquiry into the impacts of historical 'zombie' development consents in NSW and has called for submissions. The terms of reference of the inquiry are:

*That the Committee on Environment and Planning inquire into and report on historical development consents in New South Wales, including:*

- (a) The current legal framework for development consents, including the physical commencement test.*
- (b) Impacts to the planning system, development industry and property ownership as a result of the uncertain status of lawfully commenced development consents.*
- (c) Any barriers to addressing historical development consents using current legal provisions, and the benefits and costs to taxpayers of taking action on historical development concerns.*
- (d) Possible policy and legal options to address concerns regarding historical development consents, particularly the non-completion of consents that cannot lapse, and options for further regulatory support, including from other jurisdictions.*
- (e) Any other matters.*

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**ITEM 9.2 ZOMBIE DEVELOPMENT CONSENT INQUIRY**

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The closing date for submissions is 3 June 2024.

**DISCUSSION:**

Under section 4.53 of the *Environmental Planning & Assessment Act 1979* (the act), a development consent will generally lapse after 5 years, but can be prevented from lapsing if 'building, engineering or construction work' relating to the consent is 'physically commenced' within that 5 year period. If a development consent is physically commenced within that 5 year period it will not lapse and can be acted on at any time.

Previously physical commencement could be achieved by only undertaking minor works such as survey works, vegetation removal, and geotechnical investigations. However, in 2020 the *Environmental Planning and Assessment Regulation 2021* (the regulation) took effect which removed the ability for some minor works triggering physical commencement. Section 96 of the above regulation states:

- (1) *Work is not taken to have been physically commenced merely by the doing of 1 or more of the following—*
  - (a) *creating a bore hole for soil testing,*
  - (b) *removing water or soil for testing,*
  - (c) *carrying out survey work, including the placing of pegs or other survey equipment,*
  - (d) *acoustic testing,*
  - (e) *removing vegetation as an ancillary activity,*
  - (f) *marking the ground to indicate how land will be developed.*
- (2) *This section does not apply to a development consent granted before 15 May 2020.*

It is considered that to alleviate the issues associated with zombie development consents the savings provision referred to in the above extract of section 96 of the regulation should be removed, so that the increased thresholds for developments to satisfy the physical commencement requirements apply to all development consents and not just those granted after 15 May 2020.

It is also considered necessary to amend the act by introducing a provision which results in a development consent lapsing if the development is not completed within a specified timeframe, despite achieving physical commencement.

For example, if a greenfield subdivision achieved physical commencement before the 5 year lapse date, the consent would still lapse after the second specified timeframe with the exception of those lots already created.

It is considered that such an addition to the act would alleviate the environmental issues which have been resulting from zombie development consents and minimise the social impacts on the community.

**CONSULTATION:**

Nil.

**SUSTAINABILITY ASSESSMENT:****Environment**

Addressed in report above.

**Social**

Addressed in report above.

**Economic**

Addressed in report above.

**ITEM 9.2 ZOMBIE DEVELOPMENT CONSENT INQUIRY**

**Risk Analysis**

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

**Delivery Program Action**

PP1 - Foster development opportunities

**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:**

- 1  24913/2024 - Draft Submission

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.1 SF3327 300524 2023/2024 SERVICE REVIEWS**

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**AUTHOR/ENQUIRIES:** Matthew Sykes, Director Corporate Services

**SUMMARY:**

As part of the 2022/23 to 2025/26 Delivery Program, Council was required to nominate activities of Council that were to be subject to service reviews over the four-year period of the Delivery Program. Along those lines the areas selected for the 2023/24 financial year were:

- Animal Control
- Public Toilets
- Biosecurity (Noxious Plants)

Council engaged Centium through a Request for Quotation process to undertake the 2023/24 Service Reviews. Attached to this report are the Centium reports for each of the 2023/24 Service Review areas that have been reviewed by Council senior staff.

Council staff will provide updates to the recommendations made in the reports at the 30 August 2024 Council meeting.

**RECOMMENDATION:**

**That Council notes**

- 1 The 2023/24 Service Review reports for Animal Control, Public Toilets, and Biosecurity.**
- 2 A further report will be presented to the 30 August 2024 Council meeting that provides management's responses to the recommendations made in the Centium Service Review reports on Animal Control, Public Toilets and Biosecurity.**

**OPTIONS:**

For information only

**BACKGROUND:**

Service Reviews selected for the 2023/24 financial year in the Council Delivery Program were:

- 1 Animal Control
- 2 Public Toilets
- 3 Biosecurity

**DISCUSSION:**

The Integrated Planning and Reporting (IP&R) Guidelines ask councils to consider the following questions when reviewing services:

- 1 Should this service be delivered to the community?
- 2 If so, how should it be delivered?
- 3 Is this service delivering on community needs and Council's goals?
- 4 Is the service being delivered using the most appropriate service delivery mechanisms?
- 5 Is the service being delivered as efficiently and effectively as possible?
- 6 Is the service resourced appropriately?
- 7 Is the service meeting current service standards and levels?
- 8 What are the current and future issues affecting the service, and what should be done about them?

Using the above IP&R framework Centium concluded the following recommendations for each service that was reviewed:

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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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**Animal Control****Dangerous and menacing dogs****Finding:**

Once a dog has been declared as dangerous or menacing under the *Companion Animals Act 1998*, owners have defined responsibilities for managing the animal. Rangers need to check periodically to ensure that these responsibilities are maintained.

**Recommendation:**

- Develop systems and processes requiring Rangers to develop and maintain a schedule of checking on dangerous and menacing dogs in accordance with the *Companion Animals Act 1998*.

**Registration of companion animals**

**Finding:** Council has limited resources and procedures for encouraging and monitoring pet registration.

**Recommendations:**

- Utilise opportunities provided by community events such as local markets and festivals to promote registration and microchipping.
- Develop a campaign to regularly remind residents to keep their details up to date on the pet register.

**Pound Operations****Finding:**

Animal welfare measures at the pound are outlined in procedure documents and result in healthy outcomes. While workplace safety measures at the pound are improving, additional work is required to support implementation.

**Recommendations:**

- Reconstruct the dog pens and move the cameras to allow for safe animal handling.
- Undertake regular monitoring and spot checks to ensure pound attendants wear lone worker devices.

**Animal rehoming****Finding:**

Incoming telephone enquiries to rehome impounded animals are resource intensive.

**Recommendation:**

- Introduce an online application process to receive enquiries to rehome impounded animals.

**Off-leash dog areas****Finding:**

The Companion Animals Policy 2019 and associated website brochure need updating to refresh the details of on-leash and off-leash areas and their management.

**Recommendations:**

- Update the Companion Animals Policy to refresh and review the content.
- Consider other promotional materials to refresh and clarify the descriptions of prohibited, on-leash and off-leash areas.



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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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**Signage regarding dogs**Finding:

Newer signage is comprehensive and clear; however, not all signs have been upgraded.

Recommendation:

- Replace the off-leash dog area sign at Hyland Park and conduct a rolling upgrade of dog area signs to ensure a consistent standard.

**Straying stock**Finding:

The infrequent occurrence of straying stock is adequately addressed in the current Ranger Services Procedures Manual. There were no findings for this scope item.

Recommendation:

- There were no recommendations for this scope item.

**Availability of resources**Finding:

Council progress to implement additional ranger resources within the 2024/2025 budget allocation. The current staff allocation of one and a shared position has several risks i.e. safety issues, lack of coverage, limited capacity to follow up in some areas addressed by this report including dangerous dogs, and immediate responses to urgent requests more difficult with only one staff member.

Recommendation:

- Proceed with funding a second ranger position in the 2024/2025 budget to ensure levels of service and employee safety.

**Public Toilets****Develop a Public Toilet Strategy for the rationalisation and location of public toilets**Findings:

There is no formalised, publicly available strategy that outlines Council's approach towards managing public toilet facilities.

Asset management plans are general and while they do not specifically address public toilet facilities, condition assessments can help to inform rationalisation, upgrade or maintenance strategies.

Recommendations:

- Develop a public toilet strategy through public consultation that takes into account the recent community feedback and creates a framework for future rationalisation and utilisation strategies.
- Complete a condition assessment of all facilities as part of the development of a public toilet strategy. This will provide a starting point for understanding the current position to then work towards formulating future needs. It also helps to inform budget and resourcing considerations.

**Review of opening hours for vandalism prevention/security matters**Findings:

The current opening hours of public toilets should be reviewed as part of a strategy development and alignment with community expectations.

Recommendation:

- Consider reviewing opening hours of each facility through a classification as part of the strategy development.

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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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**Consistency of specifications (design features)**Findings:

As Council upgrades facilities and toilets, consistent specifications should be considered.

Recommendation:

- As part of the development of a strategy and classifications, develop and document design specifications for all toilets in the Local Government Area.

**Potential for accessible toilets with extra features and more space to meet the needs of people with disability and their carers**Findings:

Design and/or Assets staff are currently not involved with Council's Access Committee.

Recommendation:

- Arrange for a Design/ Assets or other suitable staff representatives to attend future Access Committee meetings with an agenda item to include updates on projects that are underway or planned. In turn there is an opportunity for members to provide feedback to Council's Assets Section.

**Contract Management**Findings:

Fit for purpose service contract documentation should be developed whenever a long-term contract with extensive service requirements is entered into. Council's expectations of vendors should be clearly documented and monitored throughout the life of the contract.

Recommendation:

- Utilise a contract template that is fit for purpose for cleaning services and if necessary, ensure that the provisions are reviewed by Council's legal advisor before being executed.
- Ensure that future contracts contain provisions that refer to regular vendor performance reviews to enforce required service standards and if they fail to be met then they can be enforced.
- To ensure that expectations are met with future vendors and to improve overall contract management, introduce a formal and regular monitoring program that includes regular (at least monthly) vendor performance meetings.
- Outcomes from the performance discussions and actions agreed upon by both parties should be documented and filed in Council's Records Management System.

**Analysis & Reporting of Management Information**Finding:

There is a need to review operational and maintenance costings and budgets to help inform the development of a public toilet strategy. Customer requests should be regularly reviewed to understand number/types, and reports provided to management with recommendations for improvement.

Recommendations:

- Analyse the number and type of customer complaints/requests received that ties in with cleaning performance to assist with monitoring and identification of trends.
- Review budgets and expenditure as part of the development of the public toilet strategy aimed at working towards creating efficiencies and improving community satisfaction.
- Develop quarterly reports identifying complaint and customer request trends and recommendations for improvement. The management reports should be aligned to the policy in a

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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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format and frequency that meets the requirements of management, the Audit, Risk & Improvement Committee and Council.

**Biosecurity (Noxious Plants)****Regional Committee****Finding:**

New funding allocation methodology provides an opportunity to apply for funding for new projects.

**Recommendation:**

- Build on successes in local weed management to apply for and manage new weed control projects.

**Strategic Plan****Finding:**

Monthly reporting on progress towards implementing the regional strategic management plan is sent to the Department of Primary Industries (DPI). It is suggested that this information would also be of interest to Council and the local community.

**Recommendation:**

- Present a summary of weed infestations, weed inspections and weed compliance actions in Council's Annual Report.

**Roadside Management****Finding:**

The *Roadside Vegetation Management Policy 2019* sets up an alternate management framework for property owners. An evaluation is required to test the operations of this provision.

**Recommendation:**

- Evaluate the implementation of the current *Roadside Vegetation Management Policy 2019* to assess its effectiveness and identify potential legal and safety risks.

**Aquatic Weeds****Finding:**

Aquatic weeds are not currently a problem in Council-managed water bodies. However, there is still a high risk of infestation that requires monitoring.

**Recommendations:**

- Record the possible risk of infestation of Cabomba weed into the off stream water storage dam in Council's Risk Register (this was added to the risk register at the 10 April 2024 Audit Risk Improvement Committee meeting).
- Develop a monitoring, reporting and response plan for the infestation of Cabomba weed in Nambucca Valley.

**Cooperative Arrangements****Finding:**

There were no findings for this scope item as the Regional Weeds Committee is an effective vehicle for developing and maintaining productive and cooperative arrangements with neighbouring Councils, Local Land Services and the DPI.

**Recommendation:**

There were no recommendations for this scope item.

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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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**Routine Inspections**Finding:

New technologies are available to support Council in conducting routine inspections that assist with weed control.

Recommendations:

- Implement Chartis software to monitor and track weed infestations and inspections.
- Research and explore the use of drones to support weed inspections.

**Availability of resources**Finding:

An additional biosecurity officer is required to meet the workload and address recent staff losses in the team.

Recommendation:

- Consider appointing a second Biosecurity Officer on a contract basis to conduct and follow up on weed inspections.

**CONSULTATION:**

Centium  
General Manager  
Director Engineering Services  
Director Corporate Services  
Manager Development and Environment  
Manager Technical Services  
Acting Manager Assets  
Facilities Coordinator  
Green Space Coordinator  
Biosecurity Officer  
Environmental Project Officer  
Green Space Assistant  
Ranger  
Part time Ranger

**SUSTAINABILITY ASSESSMENT:****Environment**

Environmental impacts may arise dependent upon the Council response to the recommendations of those reviews.

**Social**

Social impacts may arise dependent upon the Council response to the recommendations of those reviews.

**Economic**

Economic impacts may arise dependent upon the Council response to the recommendations of those reviews.

**Risk Analysis**

Various risks may arise as a result of the recommendations of the service reviews not being implemented or are not implemented economically, efficiently and effectively.

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**ITEM 10.1 2023/2024 SERVICE REVIEWS**

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**Delivery Program Action**

CC17 - Manage Companion Animals to ensure community safety and improve animal welfare

CE18 - Maintain and clean public toilets

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

\$64,000 budgeted in 2023/24 for Service Reviews. Actuals plus commitments as at 20 May 2024 \$45,318.

**Working funds – justification for urgency and cumulative impact**

As above.

**Impacts on 10 Year Long Term Financial Plan**

Nil impact of Service Review engagement on long term financial plan.

**Service level changes and resourcing/staff implications**

The service review process itself had an impact on the staff workloads of those staff in the areas reviewed.

**ATTACHMENTS:**

- 1  23772/2024 - Animal Control Service Review (May 2024)
- 2  23766/2024 - Public Toilets Service Review (May 2024)
- 3  23769/2024 - Biosecurity Service Review (May 2024)

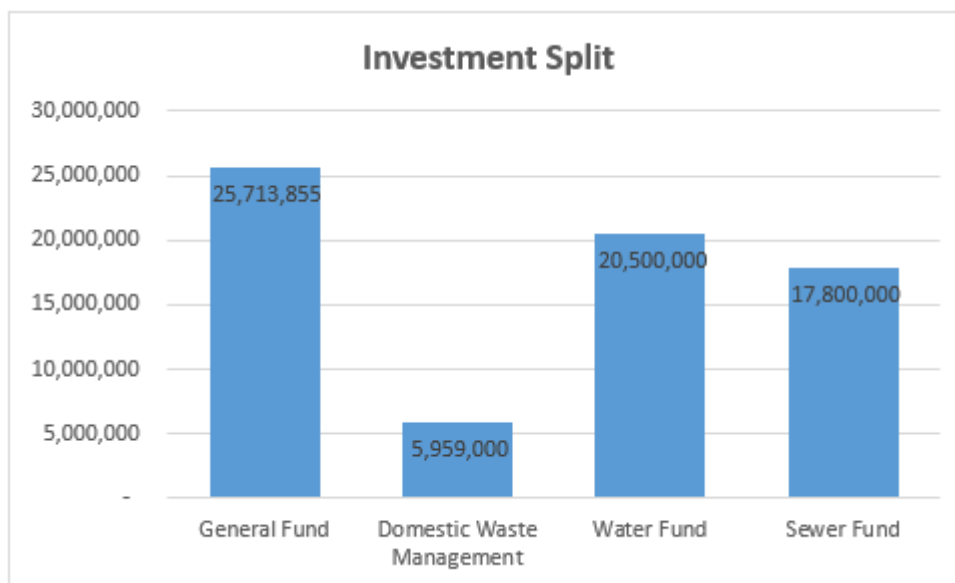
**DIRECTOR CORPORATE SERVICES REPORT****ITEM 10.2 SF3358 300524 INVESTMENT REPORT FOR APRIL 2024**

**AUTHOR/ENQUIRIES:** Evan Webb, Chief Financial Officer

**SUMMARY:**

The purpose of this report is to provide a statement of Council's investments held for the period April 2024.

Council's investments as at 30 April 2024 of \$69,972,855 are split up as below:



The following investment report is in accordance with the *Local Government Act 1993* (as amended), the *Local Government (General) Regulation 2021* and Council's Investment Policy and Strategy.

**RECOMMENDATION:**

**That Council**

- 1 Notes the Chief Financial Officer's report on Investments for the period April 2024.**
- 2 Adopts the certification of the Responsible Accounting Officer for the period of April 2024.**

**OPTIONS:**

This report is for information only.

**DISCUSSION:**

Section 212(1) of the *Local Government (General) Regulation 2021* requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the *Local Government Act 1993*.

**ITEM 10.2 INVESTMENT REPORT FOR APRIL 2024**

For the period April 2024, the investments held by Council is shown below:

TCorp	\$3,373,969
Floating Rate Notes	\$3,811,690
Fixed Bonds	\$4,487,196
Term Deposits	\$58,300,000
<b>Total</b>	<b>\$69,972,855</b>

**Portfolio Performance**

Council's total portfolio performance returned +0.24% in April, underperforming the benchmark AusBond Bank Bill index of +0.35%. On an annualised basis, the portfolio returned +2.99%p.a., underperforming the benchmark of +4.37%p.a. and the official cash rate of 4.35%. The poor performance in April is due to the negative return on the TCorp growth funds.

Council's term deposits portfolio was yielding 4.91%p.a. for April an increase from March with maturing investments being reinvested above 4.5%.

Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council is holding some sub-optimal FRN investments and consideration will be taken to sell these in the coming months dependent on the market. Arlo Advisory recommended selling the Macquarie FRN last month which council sold during April returning the face value of \$1,000,000 and a small gain of \$3,450.

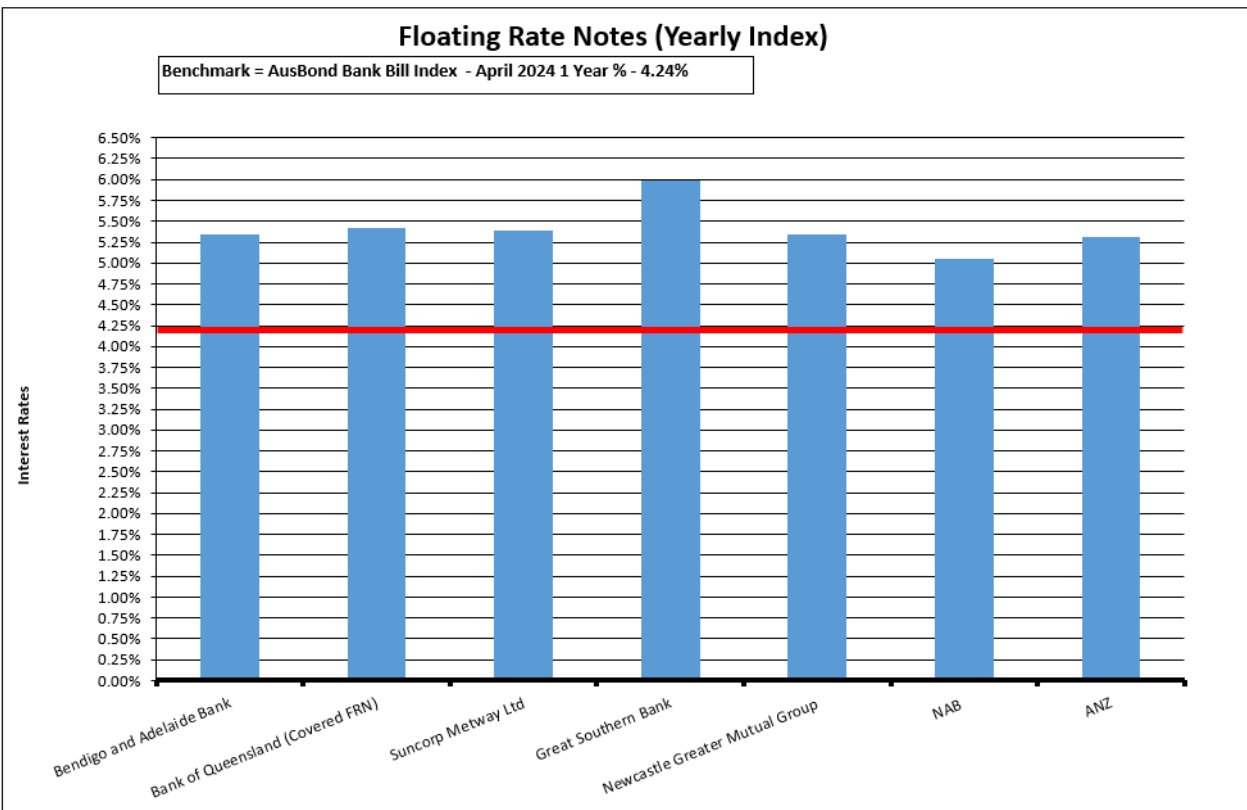
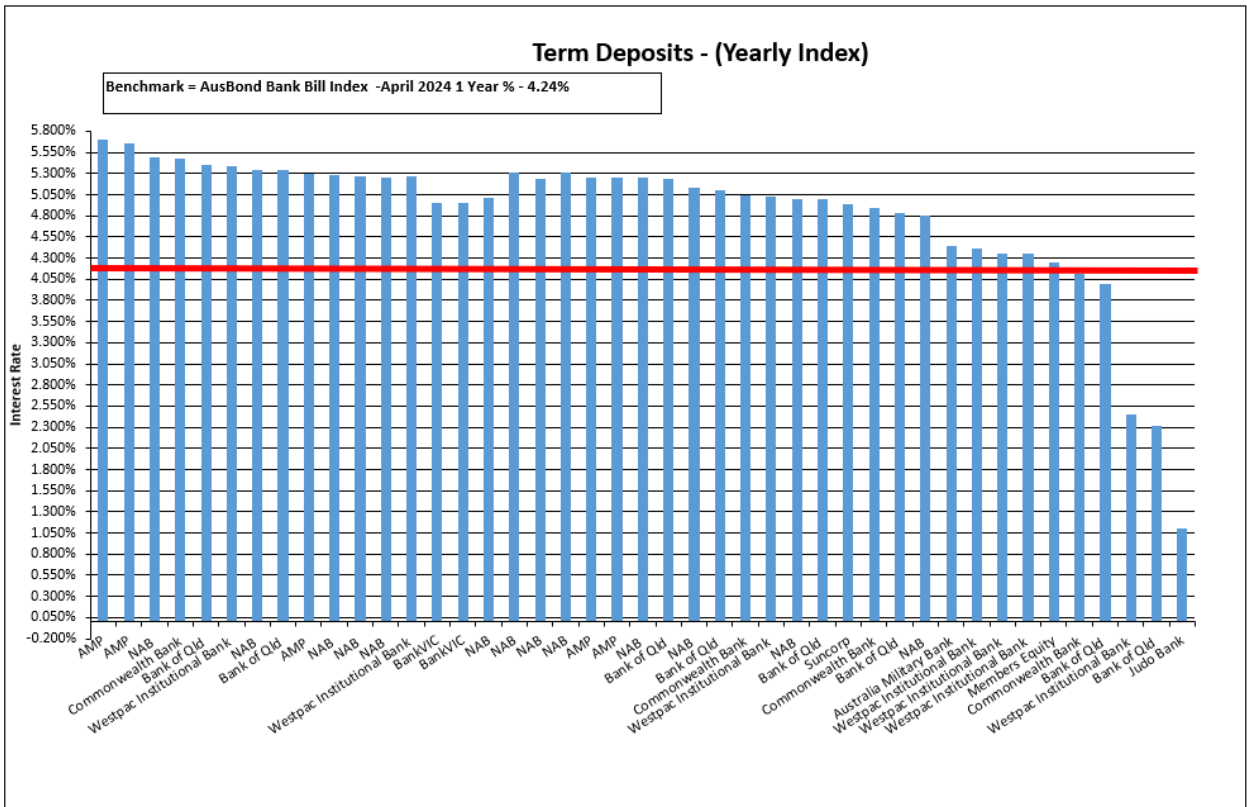
Council invests in NSW TCorp Long Term Growth fund which invests in domestic and international shares. TCorp Long Term Growth fund returned a negative return for the month (-2.67%). Funds held with TCorp are looked at with a long term view.

Council has invested in Senior Fixed Bonds. Council holds 2 sub-optimal Senior Fixed Bonds returning 1.2% p.a. and 1.5% p.a., however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The bonds have a maturity of December 2025 and December 2026.

Retiring investments are being monitored closely and being reinvested to optimise their returns in line with Council's Investment Policy. During the month of April, council redeemed all ICBC low yielding term deposits. Council reinvested the funds into higher yielding term deposits through BankVIC, NAB and Westpac banking institutions.

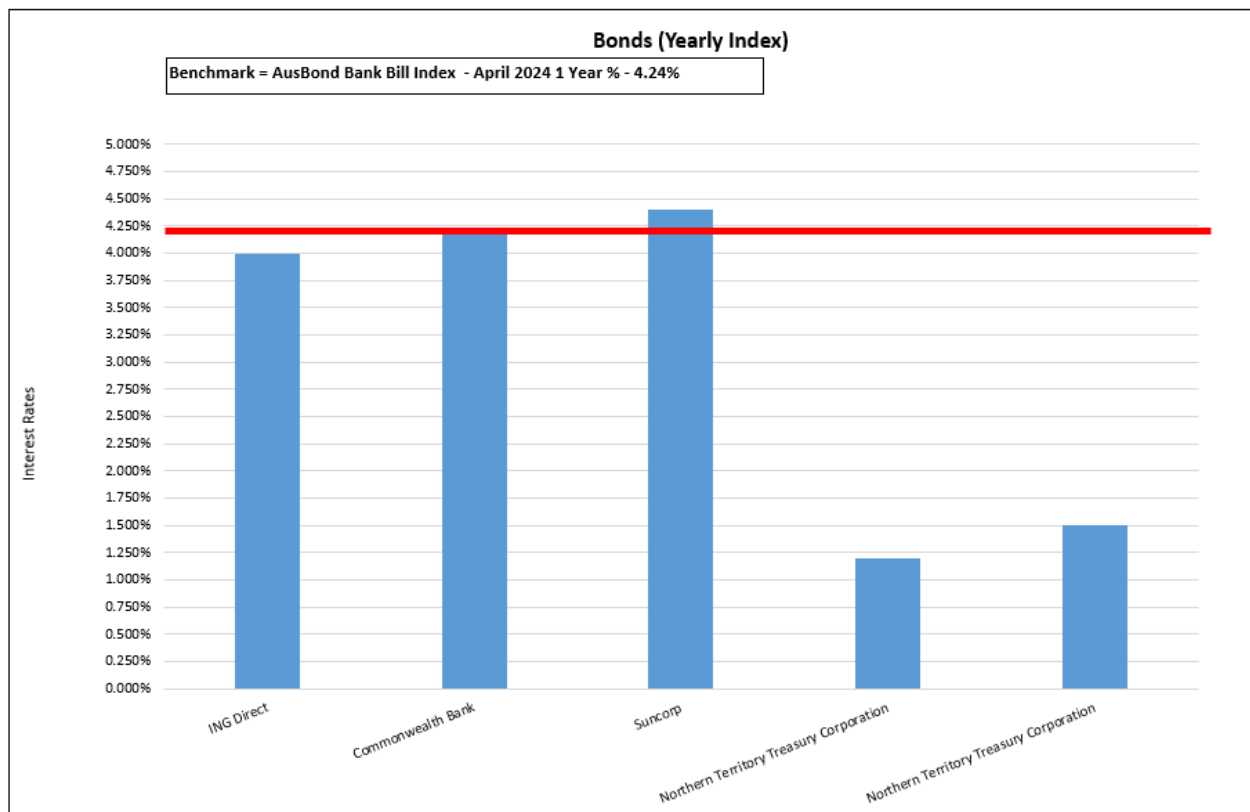
The following charts indicate Council's performance against the 1 year Actual AusBond Bank Bill Index.

ITEM 10.2 INVESTMENT REPORT FOR APRIL 2024





**ITEM 10.2 INVESTMENT REPORT FOR APRIL 2024**



**Council’s Investment Policy**

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council’s Policy.

**Table 1: Maturity – Term Limits**

**Maturity Compliance** as at 30/04/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	12,000,000.00	17.15	3.00	100.00	57,972,854.55
✓	91 - 365 days	27,801,461.00	39.73	0.00	100.00	42,171,393.55
✓	1 - 2 years	21,489,598.00	30.71	0.00	70.00	27,491,400.18
✓	2 - 5 years	5,307,826.70	7.59	0.00	50.00	29,678,600.57
✓	5 - 10 years	3,373,968.85	4.82	0.00	25.00	14,119,244.79
<b>TOTALS</b>		<b>69,972,854.55</b>	<b>100.00</b>			

**ITEM 10.2 INVESTMENT REPORT FOR APRIL 2024**

**Table 2: Credit Rating Limits**

**Credit Quality Compliance** as at 30/04/2024

**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	997,575.00	1.43	100.00	68,975,279.55
✓	AA	37,100,425.70	53.02	100.00	32,872,428.85
✓	A	12,501,560.00	17.87	60.00	29,482,152.73
✓	BBB	15,999,325.00	22.86	45.00	15,488,459.55
✓	Unrated	3,373,968.85	4.82	18.00	9,221,144.97
<b>TOTALS</b>		<b>69,972,854.55</b>	<b>100.00</b>		

**Certification by Responsible Accounting Officer**

I, Evan Webb, hereby certify that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, Clause 212 of the *Local Government (General) Regulation 2021* and Council’s Investment Policy.

**CONSULTATION:**

Arlo Advisory

**SUSTAINABILITY ASSESSMENT:**

**Environment**

There are no environmental implications.

**Social**

There are no social implications.

**Economic**

There are no economic implications.

**Risk**

Quote from *Arlo Advisory April 2024 report page 2:*

*‘In April, risk assets finally pared back some of their strong gains in recent months. Inflation readings in the US have been higher than anticipated, pushing back the US Fed’s expectations of when interest rates would fall. Bonds were subsequently sold off, with longer-term yields rising significantly.*

*Over April, there was a flattening of the deposit curve at the longer-end, reflective of the movement in global bond yields. Markets have seemingly pushed back expectations of the first rate cut to at least late 2024, if not early 2025. On average, major bank deposit rates were around 15-20bp higher at the long-end (2-5 year) part of the curve (compared to March) in response to market movements. With a global economic downturn and interest rate cuts being priced over the next 12 months, investors should consider diversifying and taking an ‘insurance policy’ against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above 5% p.a. (small allocation only).’*

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**ITEM 10.2 INVESTMENT REPORT FOR APRIL 2024**

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

The return on the investment portfolio will vary during the financial year, due to the volatility associated with interest rate fluctuations and the total amount of the investment portfolio. Any major impacts on the budget will be adjusted if necessary at each quarterly budget review.



**Working funds – justification for urgency and cumulative impact**

As above.

**Service level changes and resourcing/staff implications**

There are no changes or implications stemming from this report.

**ATTACHMENTS:**

- 1  23164/2024 - Investment Report April 2024
- 2  22772/2024 - Arlo Advisory Investment Review April 2024

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.3 SF3400 300524 MARCH 2024 QUARTERLY BUDGET REVIEW**

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**AUTHOR/ENQUIRIES:** Kellie Byrne, Management Accountant

**SUMMARY:**

A review of the 2023/24 budget has been carried out for the quarter ended 31 March 2024 and this has resulted in a revised surplus projection of \$42,070. Major variations are shown below in the discussion section.

**RECOMMENDATION:**

**That Council**

- 1 Receives the budget review for the quarter ended 31 March 2024.**
- 2 Notes the recommended increases and decreases in votes be included as subsequent votes for the financial year 2023/24.**

**OPTIONS:**

- 1 Adopt the requested budget variances as requested per the recommendation.
- 2 Adopt some of the variances requested.
- 3 Reject all variances requested.

**DISCUSSION:**

In accordance with Section 203 of the *Local Government (General) Regulation 2021*:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
  - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
  - (b) if that position is unsatisfactory, recommendations for remedial action.

**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulation 2021*:

31 March 2024

*It is my opinion that the Quarterly Budget Review Statement for Nambucca Valley Council for the quarter ended 31 March 2024 indicates that Council's projected financial position at 30 June 2024 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.*

**ITEM 10.3 MARCH 2024 QUARTERLY BUDGET REVIEW**Signed: *E Webb* Date: 16 May 2024Evan Webb  
Responsible Accounting Officer

Council officers have reviewed their 2023/24 budgets as at 31 March 2024. The attachment to this report shows the variations to budget that are recommended for Council approval as a result of this review.

**Consolidated Budget**

The 2023/24 original budget was estimated to be a deficit result of \$289,700. However, as a result of the September 2023 and December 2023 quarterly budget reviews (QBR), and the unfavourable result in the March 2024 QBR of \$178,030, as at quarter ended 31 March 2024 there is now a revised surplus projection of \$42,070.

**General Fund**

General fund originally forecasted a deficit of \$289,700 for the 2023/24 financial year. The September 2023 quarterly budget review improved the budget forecast to be a surplus of \$162,000 and the December 2023 quarterly budget review forecasted a further improvement in a surplus of \$220,100. The March 2024 quarterly budget review has forecasted a reduction in the previous surplus to \$42,070 with a total in variations of \$178,030. Budget variations greater than \$10,000 impacting the quarter ended 31 March 2024 comprised of:

Description	Impact on Budget	Amount
Animal Control – Animal Shelter capital works stage 1 improvements to pound at Depot Council Resolution 99/2024	Unfavourable	\$30,000
Building Control Office Revenue Statutory Fees & Charges – Forecasted increase in Lodgement Fees based on actuals	Favourable	\$20,000
Development & Environment Operations Revenue – Forecasted increase in Certificate Fee based on actuals.	Favourable	\$15,000
Information Technology equipment, maintenance and purchases. New desktops and laptops and additional phones and equipment.	Unfavourable	\$33,000
Information Technology Services – Software Licenses Element time support higher than budgeted. Council's Enterprise Resource Planning system Authority increase of additional 9%. Additional costs for Office 365 which is cloud based productivity software. Higher than expected costs for multiple software licences such as InfoCouncil, Trapeze, VendorPanel, Pacesetter, Near Maps and Reflect.	Unfavourable	\$67,500
Lighting Up E J Biffin Sporting Fields, Nambucca Heads - Stronger Country Communities Round 4 - Additional funding per Council Resolution 47/2024	Unfavourable	\$35,000
Town Planning Operations – Town Planning Legal Expenses (legal advice and court costs).	Unfavourable	\$40,000
Other Governance Professional Services Audit Services - Audit Office and additional audit fees.	Unfavourable	\$16,000
Aquatic Centre Operations - Professional Services Contractors – Additional Electricity costs for heating pool.	Unfavourable	\$16,400

**ITEM 10.3 MARCH 2024 QUARTERLY BUDGET REVIEW**

Description	Impact on Budget	Amount
Human Resources Management – Additional costs associated with increased recruitment including General Manager & DES positions.	Unfavourable	\$100,000
Human Resources Revenue - Operating Grants & Subsidies State Grants & Subsidies – wage incentives for apprentices and trainees.	Favourable	\$108,600
Corporate Services Overhead Distribution - Workers Compensation	Favourable	\$56,320
Council Administration Building – Increase in Cleaning Contract and Cleaning Products that were not originally budgeted for.	Unfavourable	\$24,000
Financial Control Operations – Consultants - Modern Slavery and Risk Management Procurement Review	Unfavourable	\$19,200
Libraries Building Operations and Maintenance – Nambucca Heads Library- new building.	Unfavourable	\$35,000
Local Roads Capital Income - Repair Program / State Grants - additional funding received covered portion of originally unfunded projects.	Favourable	\$51,350

**General Fund reserve movements:**

General Fund reserve movements, above \$10,000 processed as budget variations for the quarter ended 31 March 2024 include:

Reserve Name	Transfer	Amount
Environmental Levy Reserve (Dawkins Park)	From	\$73,000
Domestic Waste Reserve	From	\$35,475
Other Waste Reserve	From	\$36,685
Land Development Reserve	To	\$96,700

**Water Fund**

Council's water fund variations for March 2024 quarter include variations of \$111,000, resulting in a transfer from reserve to balance the Water Fund.

Budget variations greater than \$10,000 for the quarter ended 31 March 2024 are comprised of:

Description	Impact on Budget	Amount
Water Infrastructure Capital Works – Headworks Lime Solo – Works not proceeding this year.	Favourable	\$90,000
Water Infrastructure Capital Works Reservoir Improvements - Bellinger Street. Works not proceeding this year.	Favourable	\$15,000
Water Infrastructure Operations Mains - Repairs – Trunk	Unfavourable	\$15,000
Mains Maintenance & Repairs - Reticulated Nambucca Heads Original Maintenance Costs underestimated. Increased occurrences of breaks & leaks, requiring traffic control, under boring & service locations.	Unfavourable	\$140,000
Mains Maintenance & Repairs - Reticulated – Macksville. Original Maintenance Costs underestimated. Increased occurrences of breaks &	Unfavourable	\$30,000

**ITEM 10.3 MARCH 2024 QUARTERLY BUDGET REVIEW**

leaks, requiring traffic control, under boring & service locations.		
Water Capital - Wallace Street Steel Reservoir. Original Maintenance Costs underestimated. Increased occurrences of breaks & leaks, requiring traffic control, under boring & service locations.	Unfavourable	\$20,000

**Water Fund reserve movements:**

Water Fund reserve movements processed as budget variations for the quarter ended 31 March 2024 include:

Reserve Name	Transfer	Amount
Water Reserve	From	\$111,000

***Sewer Fund***

Council's sewer fund variations for March 2024 quarter include variations of \$452,100, resulting a transfer to reserve to balance the Sewer Fund.

Budget variations greater than \$10,000 for the quarter ended 31 March 2024 are comprised of:

Description	Impact on Budget	Amount
Sewerage Services Infrastructure Capital Works - South Macksville Urban Release Sewerage Pump – savings on completed capital works (Section 64 developer contributions funding)	Favourable	\$250,000
Sewer Infrastructure Capital – Sewer Main Relining Works will not be completed this financial year.	Favourable	\$231,100
Bowraville STP - Upgrades and Renewals – Works will not be completed this financial year.	Favourable	\$58,000
Sewerage Services Operations – Treatment Works Operations – Macksville – Operational & maintenance costs have been higher than originally budgeted.	Unfavourable	\$70,000
Sewerage Services Operations - Treatment Works Operations – Bowraville - Operational & maintenance costs have been higher than originally budgeted.	Unfavourable	\$15,000

**Sewer Fund reserve movements:**

Sewer Fund reserve movements processed as budget variations for the quarter ended 31 March 2024 include:

Reserve Name	Transfer	Amount
Sewer Fund Reserve	To	\$202,100
Sewer Section 64 Reserve	To	\$250,000

**CONSULTATION:**

Budget Managers

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**ITEM 10.3 MARCH 2024 QUARTERLY BUDGET REVIEW**

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**SUSTAINABILITY ASSESSMENT:****Environment**

Not applicable

**Social**

Not applicable

**Economic**

Not applicable

**Risk**

As per the Report





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

As per the Report

**Service level changes and resourcing/staff implications**

None as a result of this report.

**ATTACHMENTS:**

- 1  23384/2024 - March 2024 Quarterly Budget Review at GL Master and Work Order Level
- 2  23386/2024 - Consultancy & Legal Expenses March 2024 Quarterly Budget review
- 3  23481/2024 - Contract Listing for March 2024 Quarterly Budget Review
- 4  23385/2024 - March Quarterly Budget Review Projected Reserve Balances as at 31.03.24



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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.4 SF265 300524 G 46 LAND ACQUISITION POLICY**

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**AUTHOR/ENQUIRIES:** Andrea Baillie, Property Officer

**SUMMARY:**

At its meeting of 28 March 2024, Council resolved (93/24) to endorse the public exhibition of the draft G 46 Land Acquisition Policy for 28 days, then report back to Council for adoption.

The draft policy was placed on public exhibition for 28 days between 12 April 2024 and 10 May 2024 inviting submissions.

No submissions were received and this report now seeks formal adoption of the policy accordingly.

**RECOMMENDATION:**

**That Council adopts the G 46 Land Acquisition Policy.**

**OPTIONS:**

- 1 Propose amendments to the new Policy.
- 2 Per recommendation.

**DISCUSSION:**

The objective of this policy is to clearly define Council's position in the acquisition of land by Council in accordance with the relevant NSW Government legislation including the *Land Acquisition (Just Terms Compensation) Act 1991*, and in accordance with Section 377(1) (h) of the *Local Government Act 1993*, which states the Compulsory Acquisition or purchase of land cannot be delegated by a Council.

The G 46 Land Acquisition Policy is to be read in conjunction with the G 10 Land Acquisition Procedure which clearly outline's Council's process in the acquisition of land.

The draft policy has now been through the required public exhibition period of 28 days with no submissions being received during this time. This report now seeks formal adoption of the policy accordingly.

**CONSULTATION:**

Public Exhibition

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Nil.

**Social**

Nil.

**Economic**

Nil.

**Risk Analysis**

Risk currently exists (i.e. legal, financial, reputational) in the lack of formal policy and procedure guidelines to ensure Council staff are acting in accordance with the appropriate legislation.

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**ITEM 10.4 G 46 LAND ACQUISITION POLICY**

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The adoption of the new policy along with implementation of the new procedures will ensure conformity with the legislation and consistency in approach to the land acquisition transactions by all staff, thus mitigating that risk.

**Delivery Program Action**

CC4 - Maintain an effective governance regime

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

Nil.

**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  24348/2024 - Policy G 46 - Land Acquisition

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.5 SF1092 300524 DRAFT PLAN OF MANAGEMENT - WELLINGTON PARK -  
POST PUBLIC EXHIBITION**

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**AUTHOR/ENQUIRIES:** Andrea Baillie, Property Officer

**SUMMARY:**

At its meeting of 13 October 2022, Council resolved (462/22) to seek approval from the Minister administering the *Crown Land Management Act 2016* to place the draft Plan of Management (PoM) for Wellington Park Nambucca Heads Reserve 81262 on public exhibition pursuant to Section 38 of the *Local Government Act, 1993*.

Minister's approval was not received until 26 March 2024, then the PoM was placed on public exhibition accordingly. The public exhibition period ran for 42 days and was completed 17 May 2024.

There were no submissions received in this time and this report now seeks approval to formally adopt the draft PoM accordingly.

**RECOMMENDATION:**

**That Council adopts the attached draft Plan of Management for Wellington Park Reserve 81262.**

**OPTIONS:**

- 1 Per the recommendation.
- 2 Amend the draft Plan of Management of Wellington Park Reserve 81262. Any amendments will require the updated document to be sent back to the Department of Planning Housing and Infrastructure, Crown Lands for Minister's consent. Once consent is provided, the document will then need to go back to Council and out again on public exhibition.
- 3 Reject the recommendation. This action would prevent Council meeting its statutory obligations under the *Crown Land Management Act 2016* and the *Local Government Act 1993* at this time.

**DISCUSSION:**

Council as the Crown Land Manager of various identified Crown Reserves within our Local Government Area is required under the *Crown Land Management Act 2016* to prepare plans of management (PoMs) for each of those reserves, and proceed to have those PoMs adopted.

In the case of the Wellington Park Reserve 81262, the reservation was gazetted 28 November 1958 for the purpose of Public Recreation. Department of Planning Housing and Infrastructure, Crown Lands have determined it is appropriate to complete a 'Site Specific' PoM for this reserve which has been prepared in accordance with the Minister's direction.

As required under the *Crown Land Management Act 2016*, and by Council Resolution 462/22, the PoM was placed on public exhibition for 42 days providing the general public the opportunity to review and make submissions. No submissions were received during this period.

Council may now proceed to formal adoption of the PoM accordingly.

**CONSULTATION:**

Through the public exhibition process, the general public have been given the opportunity to review the draft PoM and provide considered responses.

Department of Planning, Housing and Infrastructure – Crown Lands – Minister's Advice  
Lands Advisory Services Pty Ltd – Consultant preparing the PoM

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**ITEM 10.5 DRAFT PLAN OF MANAGEMENT - WELLINGTON PARK - POST PUBLIC EXHIBITION**

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**SUSTAINABILITY ASSESSMENT:****Environment**

Once adopted, the PoM authorises strategies and permissible actions within the reserve.

**Social**

There are no uses or management actions authorised in the draft PoM that represent any form of reduced community access to the reserves.

The general public have been consulted during this process providing opportunity for concerns or objections to be raised.

**Economic**

Once adopted, a PoM provides the ongoing legal framework which allows for the reserves to be occupied or used. This has a direct positive economic benefit to those who provide and access these services, as well as having a multiplier (flow-on) effect to the local economy.

**Risk Analysis**

Risk in this instance would be if Council did not proceed to adopt a PoM under the *Crown Land Management Act 2016* guidelines. Without an adopted PoM, Council is restricted in how it can deal with the lands within that reservation.

**Delivery Program Action**

CC2 - Use information from the community in decision making  
LW9 - Operate and Maintain Open Spaces  
PP9 - Manage Crown Land Plans for Management

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

Any significant works identified in this PoM may be funded in future budgets with support from grant funding.

**Working funds – justification for urgency and cumulative impact**

Nil.

**Impacts on 10 Year Long Term Financial Plan**

Adopting the recommendation presents no known impacts on the 10 year Long Term Financial Plan.

**Service level changes and resourcing/staff implications**

Adopting the recommendation will have no implications on service levels.

**ATTACHMENTS:**

1  24342/2024 - Draft Plan of Management - Wellington Park Reserve R81262

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.6 SF695 300524 LEASE TO NAMBUCCA RIVER JOCKEY CLUB LTD -  
BOWRAVILLE RACECOURSE - POST PUBLIC EXHIBITION**

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**AUTHOR/ENQUIRIES:** Andrea Baillie, Property Officer

**SUMMARY:**

At its meeting of 11 April 2024, Council as Crown Land Manger resolved (116/24) to proceed with offering 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, subject to a 28 day public exhibition period.

The draft lease was placed on public exhibition accordingly with submissions invited. The public exhibition period closed 17 May 2024. No submissions were received.

This report seeks approval to proceed with the lease to the Nambucca River Jockey Club Ltd accordingly.

**RECOMMENDATION:**

**That Council as Crown Land Manager**

- 1 Authorises the lease of Bowraville Racecourse being Crown Land R540002, Lot 75 DP 755549 to the Nambucca River Jockey Club Ltd.**
- 2 Executes the lease under the seal of Council and signed by the Mayor and General Manager.**

**OPTIONS:**

- 1 Per the recommendations.
- 2 Consider alternative use and occupation of the dedicated Council managed Crown Land.
- 3 Reject the recommendations and take over management and maintenance of the Council managed Crown land.

**DISCUSSION:**

The Bowraville Racecourse has long been identified as the area set aside for local shows and events. The land was dedicated 13 May 1887 as Public Recreation Ground.

The Nambucca River Jockey Club Ltd has had formal tenure of the dedicated reserve for many years, which continues to date. The club continues to manage the premises for the permitted purpose of "Racecourse and associated activities and Public Recreation and associated activities" maintaining the property and providing public events for the community.

The club has been consulted and indicated their intention to enter into a further lease of the premises subject to Council approval.

The draft lease has been through a 28 day public exhibition period with no submissions received.

Subject to adoption of the recommendations, Council staff will proceed to formally offer the lease to the Nambucca River Jockey Club Ltd.

**CONSULTATION:**

Nambucca Valley community via public exhibition  
Nambucca River Jockey Club Ltd

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**ITEM 10.6 LEASE TO NAMBUCCA RIVER JOCKEY CLUB LTD - BOWRAVILLE RACECOURSE - POST PUBLIC EXHIBITION**

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**SUSTAINABILITY ASSESSMENT:****Environment**

The Racecourse has been long established and the property is well maintained. Adoption of the recommendations will have no environmental impact.

**Social**

The Nambucca River Jockey Club Ltd have a long history of utilising the demised premises for provision of organised events for the community and the public. Adoption of the recommendations will have no further social impact.

**Economic**

The new lease will be a continuation of existing tenure. Adoption of the recommendations will have no further economic impact.

**Risk Analysis**

A further lease to the Nambucca River Jockey Club Ltd is maintaining the status quo and is authorised under clause 70(2)(c) of the *Crown Land Management Regulation 2018*. There is no identified risk in adoption of the recommendations.

Risk in this instance would be financial, and presented if Council does not proceed with a further lease to the Club. This would result in Council managed Crown Land without an authorised tenure, leaving Council to manage and maintain the premises, and to consider the future use and occupation of the Crown Reserve. This would have a financial impact on Council's budget in allowing for the ongoing management and maintenance costs. These costs are not currently allowed for in Council's adopted budget.

**Delivery Program Action**

CC2 - Use information from the community in decision making

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

Nil.

**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  15656/2024 - Draft Lease to Nambucca River Jockey Club Ltd - Bowraville Racecourse

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.7 SF632 300524 ROAD CLOSURE - PART LOWER BUCKRA BENDINNI ROAD  
- POST PUBLIC EXHIBITION REPORT**

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**AUTHOR/ENQUIRIES:** Andrea Baillie, Property Officer

**SUMMARY:**

At its meeting of 28 March 2024, Council resolved to proceed with a part road closure adjoining Sandy's Crossing bridge on Lower Buckra Bendinni Road, Buckra Bendinni, as a result of a road realignment and replacement bridge.

In line with the requirements for road closures, the proposal was put on public exhibition for 28 days. The exhibition period closed 10 May 2024 with no submissions received.

This report seeks to advise Council of the outcome of the public exhibition process and approval to proceed with the identified road closure accordingly.

**RECOMMENDATION:**

**That Council**

- 1 Notes that no public submissions were lodged relating to the public exhibition of proposed closure of part Lower Buckra Bendinni Road, Buckra Bendinni.**
- 2 Approves proceeding with partial closure of part Lower Buckra Bendinni Road, Buckra Bendinni.**

**OPTIONS:**

- 1 Per the recommendations.
- 2 Reject the recommendations.

**DISCUSSION:**

As part of the Fixing Country Bridges project which was grant funded, Council recently replaced the bridge known as Sandy's Crossing bridge on Lower Buckra Bendinni Road, Buckra Bendinni.

The replacement works presented the opportunity to realign the bridge, and improve the geometry of the approach as a safety measure. This required the acquisition of 236.6m<sup>2</sup> of adjoining land to achieve the realignment. Council resolved at its meeting of 28 March 2024 (105/24) to transfer 236.7m<sup>2</sup> of dedicated road reserve to the land owner, which required that identified portion of road to firstly be closed.

The proposal to close the road was placed on public exhibition, and the required authorities notified. No submissions were received during the public exhibition period, and no objections received from the notifiable authorities.

Subject to formal Council approval, Council staff may now proceed with the road closure process accordingly.

**CONSULTATION:**

Identified notifiable authorities  
Nambucca Valley public – via public exhibition

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**ITEM 10.7 ROAD CLOSURE - PART LOWER BUCKRA BENDINNI ROAD - POST PUBLIC EXHIBITION REPORT**

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**SUSTAINABILITY ASSESSMENT:****Environment**

Adopting the recommendations will have no impact on the environment.

**Social**

Adopting the recommendations will have no social impact, however the works done to the road have had a positive safety impact.

**Economic**

Adopting the recommendations will have no economic impact.

**Risk Analysis**

Risk in this instance would be reputational. Council has already resolved (105/24) to close this portion of road which is to be exchanged for privately owned land already used for road realignment. To reject the current recommendations would be inconsistent with the previous resolution.

**Delivery Program Action**

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

PP12 - Maintain and construct bridges to the level of service agreed with the community

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

Nil.

**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:**

-  24837/2024 - Advertisement for News of The Area - proposed road closure - strip of road adjacent to Lot 11 DP 1287883 - part Lower Buckra Bendinni Road



**DIRECTOR CORPORATE SERVICES REPORT****ITEM 10.8 SF251 300524 SCHEDULE OF COUNCIL MEETINGS - 30 MAY 2024 TO 31 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 31 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 notes the schedule of meeting dates for 30 May 2024 to 31 October 2024.**

MEETING	DATE	VENUE	COMMENCING
<b>2024</b>			
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
<b>Caretaker period commences (ceases 14 September 2024)*</b>	<b>16 August</b>		
Council Meeting	29 August	Council Chambers	5.30 PM
Council Meeting	12 September	Council Chambers	5.30 PM
<b>NSW Local Government Elections</b>	<b>14 September</b>		
Councillor Induction Training	10 October	Council Chambers	
Council Meeting (first meeting of new Council)	17 October	Council Chambers	5.30 PM
Council Meeting	31 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.

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**MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**

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**ITEM 11.1 DA2022/115 300524 CLASSIFICATION OF LAND AS COMMUNITY LAND - LOT 3  
DP 1289987 CORONATION STREET, BOWRAVILLE**

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**AUTHOR/ENQUIRIES:** Daniel Walsh, Manager Development and Environment

**SUMMARY:**

Council previously classified Lot 482 DP 700681 – 2 South Arm Road, Bowraville as operational land and approved a two lot subdivision of the land to create a separate lot for the Bowraville Hub. The lots have now been registered and a public notice of a proposal to reclassify the residue lot back to community land under the Local Government Act 1993 has been published in accordance with a Council resolution.

The public exhibition period has closed and no submissions were received.

**RECOMMENDATION:**

**That Council reclassify Lot 3 DP 1289987 - Coronation Street, Bowraville as community land in accordance with section 33 of the Local Government Act 1993.**

**OPTIONS:**

- 1 Reclassify Lot 3 DP 1289987 - Coronation Street, Bowraville as community land as recommended.
- 2 Not reclassify Lot 3 DP 1289987 - Coronation Street, Bowraville and leave it as operational land.

**BACKGROUND:**

On 26 May 2022 Council approved a two lot subdivision of Lot 482 DP 700681 – 2 South Arm Road, Bowraville which is owned by Council and contains an existing golf course, sporting fields and registered club (the Bowraville Hub). The lot can be seen outlined blue in the below photo.



The intent of the subdivision was to create a separate lot for the Bowraville Hub. This new lot has been created and can be seen in the below photo.

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**ITEM 11.1 CLASSIFICATION OF LAND AS COMMUNITY LAND - LOT 3 DP 1289987 CORONATION STREET, BOWRAVILLE**

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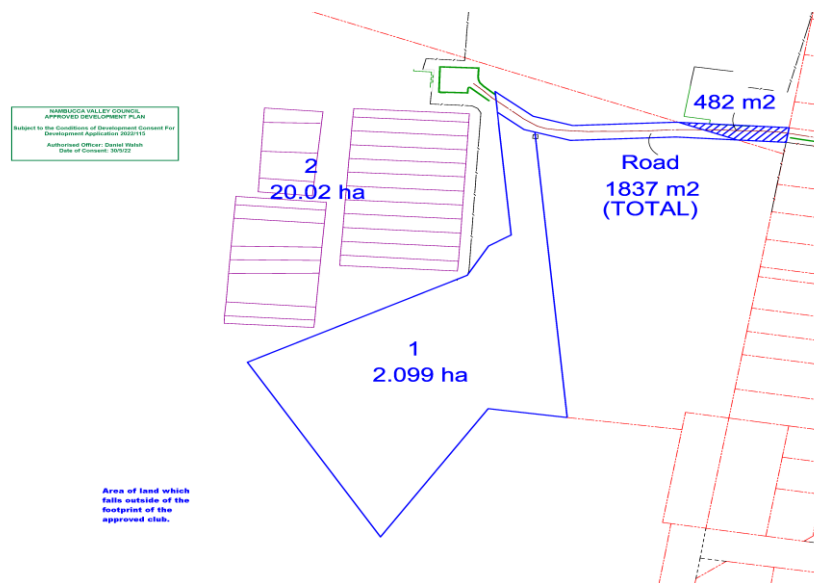
When Council approved the two lot subdivision on 26 May 2022 the land had already been classified as operational under the Local Government Act 1993. The following resolution was made by Council at that meeting:

*THAT:*

- 1 *Council as the consent authority, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA2022/115 for a two lot subdivision of Lot 482 DP 700681 – 2 South Arm Road, Bowraville, subject to the schedule of conditions outlined in attachment 3 and the plan contained within attachment 5 of this report.*
- 2 *Once the proposed lots are registered, Council gives public notice of a proposed resolution to reclassify Lot 2 from operational land back to community land in accordance with section 34 of the Local Government Act 1993.*
- 3 *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.*

Lot 2 is the residue lot which contains the existing golf course and sporting fields and can be seen in the approved subdivision plan shown below. Lot 2 is now legally known as Lot 3 DP 1289987 - Coronation Street, Bowraville.

**ITEM 11.1 CLASSIFICATION OF LAND AS COMMUNITY LAND - LOT 3 DP 1289987 CORONATION STREET, BOWRAVILLE**



**DISCUSSION:**

The two approved lots were recently registered. In accordance with item 2 of Councils resolution made on 26 May 2022, Council has published a public notice of the proposed resolution to reclassify Lot 2 (now Lot 3 DP 1289987) from operational land back to community land in accordance with section 34 of the Local Government Act 1993.

The exhibition period ended on 20 May 2024 with no submissions received.

Given there were no submissions received and the reclassification of the lot back to community land is consistent with Councils planning proposal which classified the land as operational, it is recommended to proceed to reclassify Lot 3 DP 1289987 as community land.

Note that the newly registered Lot 1 DP 1289987 which contains the Bowraville Hub will remain operational land and is discussed in a separate report in the closed section of this meeting.

**CONSULTATION:**

Public exhibition

**SUSTAINABILITY ASSESSMENT:**

**Environment**

The reclassification will not result in any environmental impacts.

**Social**

It is not considered that the reclassification will result in any social impacts.

**Economic**

The reclassification will not result in any economic impacts.

**Risk Analysis**

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

**Delivery Program Action**

LW6 - Maintain Sporting Facilities

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**ITEM 11.1 CLASSIFICATION OF LAND AS COMMUNITY LAND - LOT 3 DP 1289987 CORONATION STREET, BOWRAVILLE**

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**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.

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**MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**

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**ITEM 11.2 SF2278 300524 ELECTRIC VEHICLE CHARGER LOCATIONS**

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**AUTHOR/ENQUIRIES:** Keegan Noble, Environmental Project Officer

**SUMMARY:**

This report provides details of an investigation into suitable locations for electric vehicle charging stations within Nambucca Heads.

**RECOMMENDATION:**

**That Council**

- 1 Supports the installation of EV charging stations at Gordon Park or Bellwood Park, subject to power supply investigations.**
- 2 Supports the installation of an EV charging station at the Nambucca Heads Library.**
- 3 Notes that grant funding applications have been submitted for the above EV charging stations and another investigation report will be prepared for sites in Macksville and Scotts Head.**

**OPTIONS:**

- 1 Support the recommended locations of Gordon Park and the Nambucca Heads Library for the installation of Council owned EV charging stations in Nambucca Heads.
- 2 Identify other sites from the investigation report for EV charging stations to be implemented.
- 3 Identify and investigate other sites suitability for the installation of EV charging stations.

**BACKGROUND:**

At the meeting on 15 June 2023 the following resolution was made:

*THAT Council will investigate through the Clean Energy Committee for possibility of installing electric vehicle (EV) chargers through the Nambucca Valley in tourist hot spot locations.*

After consultation with the Clean Energy Committee a report was presented at the Council meeting on 28 September 2023 outlining an intention to install an EV charging station in Station Street, Macksville before proceeding to install EV chargers in identified locations in Nambucca Heads and other tourist hot spot locations the Nambucca Valley when funding becomes available. After consideration of that report Council made the following resolution:

*THAT Council:*

- 1 Note the information contained within the report.*
- 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.*

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**ITEM 11.2 ELECTRIC VEHICLE CHARGER LOCATIONS**

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**DISCUSSION:**

An EV charger installation investigation report has been prepared by a Licensed Electrician for locations in Nambucca Heads and is contained within **attachment 1**.

These locations should be considered having regard to the following factors:

- Available power supply and any necessary upgrades required to facilitate an EV Charger.
  
- Site location with regards to potential ingress into the charger by salt laden air, vandalism, visual pollution, parking availability, and tourist hotspot.

Two of the sites investigated are considered to be the most suitable for immediate installation having regard to the above factors. These sites are Gordon Park and the Nambucca Heads Library.

Power supply at all sites is the limiting factor for the size of the EV charging unit to be installed. The recommended charging unit that will run on the power supply available and give the quickest charge is a 30Kw DC charger. DC charging units are faster than AC charging units as they can charge the car battery directly without using the cars inboard inverter to convert AC current to DC current. Charging times for DC units vs AC units can be seen below:

**Level 2**

- Alternating current (AC) charge range from 7kW to 22kW.
- A dedicated charger with its own plug or socket. Level 2 chargers are much faster than level 1 chargers.
- Typically adds 30 to 130km of range per hour, dependent on each individual car configuration.





**Level 3**

- Direct current (DC) fast charging. The fastest charging option, offering 25 kW to 350 kW DC fast charging capability.
- This level charger can add 150 to 300km range per hour, with some vehicles being able to be fully charged in 10 to 15 minutes.

**ITEM 11.2 ELECTRIC VEHICLE CHARGER LOCATIONS**

**EV charging levels and range chart**

This chart demonstrates the range of various EV charger levels. It covers how long it takes to charge an EV, and the kilometre range added to the vehicle.

Electric Vehicle Charging Levels and Range Chart	 Power	 Range added per hour	 Charging time	 Typical application
<b>Level 1</b> single phase (domestic)	1.4-3.7kW	10-20km range/hour	5-16 hours	Home
<b>Level 2 slow</b> single phase (domestic or public)	7kW	30-45km range/hour	2-5 hours	Home, work, shopping centres, car parks
<b>Level 2 fast</b> three-phase (public)	11-22kW	50-130km range/hour	30 minutes- 2 hours	Urban roadside
<b>Level 3</b> Fast charge (public)	25-350kW	150-300km range/hour	10-60 mins	Highways, motorways and key routes

Electric vehicles charging levels and range

An application for grant funding has been submitted to assist fund the installation of 30Kw (Level 3) DC chargers Gordon Park and the Nambucca Heads Library. It is intended to install these chargers first before installing charges at other locations in Macksville and Scotts Head. Prior to installing charges at other locations an investigation report into site suitability will be undertaken and reported to Council.

If Councils grant application is successful, the proposed pricing structure will be investigated with suppliers to determine the most appropriate price for using the EV chargers and reported back to Council as an amendment to the Fees and Chargers prior to commencement of use.

**CONSULTATION:**

Clean Energy Committee  
Manager Development & Environment

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Supporting the growth in electric vehicles will have positive environmental impacts.

**Social**

Increasing the supply of EV charges provides consumers with greater certainty of refuelling availability when travelling in the Nambucca Valley.

**Economic**

Increasing the supply of EV charges may be an attraction for tourists.



**ITEM 11.2 ELECTRIC VEHICLE CHARGER LOCATIONS**

**Risk Analysis**

<b>Identified</b>	<b>Risk Likelihood (H,M,L)</b>	<b>Impact of risk (H,M,L)</b>	<b>Strategy to manage risk</b>	<b>Risk Assessment</b>
Damage to charger	L	L	Maintain and locate in appropriate positions	L

**Delivery Program Action**

CC10 - Implement technologies and make decisions to reduce Council's greenhouse gas emissions

**FINANCIAL IMPLICATIONS:**

**Direct and indirect impact on current and future budgets**

Council's contribution to complement the grant funding (if successful) will be taken from existing environmental levy allocations for renewable energy projects.

**Working funds – justification for urgency and cumulative impact**

N/A

**Service level changes and resourcing/staff implications**

Minimal impacts on staff resources.

**ATTACHMENTS:**

1  24919/2024 - Investigation Report - Nambucca Heads

**MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**

**ITEM 11.3 SF1148 300524 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 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 April 2024 by Council Officers.

**RECOMMENDATION:**

That Council

- 1 Receives the Rangers' Impounding Statistics for the month of April 2024.
- 2 Notes the penalties issued for the month of April 2024.

<b>APRIL 2024</b>	<b>Cats</b>	<b>Dogs</b>
<b>COUNCIL'S SEIZURE ACTIVITY</b>		
<i>Seized (doesn't include those animals dumped or surrendered)</i>	0	0
<i>Returned to Owner</i>	0	0
<i>Transferred to - Council's Facility from Seizure Activities</i>	0	0
<b>ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY</b>		
<i>Animals In Council's Facility - (Start of Month)</i>	3	6
<i>Abandoned or Stray</i>	5	8
<i>Surrendered</i>	0	0
<i>Animals transferred from Seizure Activities</i>	0	0
<i>Total Incoming Animals</i>	8	14
<b>ANIMALS LEAVING COUNCIL'S FACILITY</b>		
<i>Released to Owners</i>	1	1
<i>Sold</i>	0	4
<i>Released to Organisations for Rehoming</i>	4	0
<i>Died at Council's Facility (other than euthanised)</i>	0	0
<i>Stolen from Council's Facility</i>	0	2
<i>Escaped from Council's Facility</i>	0	1
<i>Other</i>	0	0
<b>EUTHANISED</b>		
<i>Restricted Dogs</i>	0	0
<i>Dangerous Dogs</i>	0	0
<i>Owner's Request</i>	0	0
<i>Due to Illness, Disease or Injury</i>	0	0
<i>Feral/infant animal</i>	0	0
<i>Unsuitable for rehoming</i>	0	0
<i>Unable to be rehomed</i>	0	0
<i>Total Euthanised</i>	0	0
<i>Total Outgoing Animals</i>	5	8
<b>TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)</b>	<b>3</b>	<b>6</b>

<b>Cattle</b>	<b>Breakdown</b>	<b>Total</b>
<i>Seized</i>	0	0
<i>Returned to Owner</i>	0	0
<i>Impounded</i>	0	0
<b>Total Seized</b>	<b>0</b>	<b>0</b>

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024****PENALTIES ISSUED BY COUNCIL'S RANGER AND COUNCIL OFFICERS –APRIL 2024***(All now issued electronically)*

<b>APRIL 2024</b>		<b>PARKING</b>			
<b>OFFENCE CODE</b>	<b>PN NUMBER</b>	<b>OFFENCE</b>	<b>DATE ISSUED</b>	<b>PENALTY \$</b>	<b>SUBURB</b>
92353	3169001148	*Park vehicle for longer than maximum period allowed	6-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001157	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001166	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001175	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001184	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001193	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001202	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001211	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001220	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001230	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001249	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Winifred Street, Macksville
92353	3169001258	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Princess Street, Macksville
92353	3169001267	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Princess Street, Macksville
92353	3169001276	*Park vehicle for longer than maximum period allowed	8-Apr-24	\$92.00	Princess Street, Macksville
93877	3169001092	*Not position front/rear of vehicle correctly - 90 degree angle parking	5-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001101	*Not position front/rear of vehicle correctly - 90 degree angle parking	5-Apr-24	\$92.00	Fletcher Street, Nambucca Heads

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

8646	3169001110	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	5-Apr-24	\$110.00	Valla Beach Road, Valla Beach
93878	3169001120	Not position rear of vehicle correctly - 45 degree angle parking	5-Apr-24	\$92.00	Estuary Lane, Nambucca Heads
93877	3169001139	Not position front/rear of vehicle correctly - 90 degree angle parking	5-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3168989661	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Apr-24	\$110.00	Ferry Street, Macksville
8646	3168989670	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Apr-24	\$110.00	Ferry Street, Macksville
93877	3168989680	Not position front/rear of vehicle correctly - 90 degree angle parking	13-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989699	Not position front/rear of vehicle correctly - 90 degree angle parking	13-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
92353	3168989708	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989717	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989726	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989735	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989744	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989753	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989762	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989771	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989780	*Park vehicle for longer than	15-Apr-24	\$92.00	Winifred

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

		maximum period allowed			Street Carpark, Macksville
92353	3168989790	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989809	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989818	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989827	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3168989836	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989845	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989854	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989863	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989872	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989881	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
92353	3168989890	*Park vehicle for longer than maximum period allowed	15-Apr-24	\$92.00	Princess Street, Macksville
93877	3168989900	Not position front/rear of vehicle correctly - 90 degree angle parking	15-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989919	Not position front/rear of vehicle correctly - 90 degree angle parking	15-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93878	3169001285	Not position rear of vehicle correctly - 45 degree angle parking	18-Apr-24	\$92.00	Estuary Lane, Nambucca Heads
93877	3169001294	Not position front/rear of vehicle correctly - 90 degree angle parking	18-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001303	Not position front/rear of vehicle correctly - 90 degree	18-Apr-24	\$92.00	Fletcher Street,

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

		angle parking			Nambucca Heads
93877	3169001312	Not position front/rear of vehicle correctly - 90 degree angle parking	18-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
82685	3169001321	Not parallel park in direction of travel (road related area)	18-Apr-24	\$129.00	River Oak Crescent, Scotts Head
82685	3169001330	Not parallel park in direction of travel (road related area)	18-Apr-24	\$129.00	Max Graham Drive, Valla Beach
93877	3169001340	Not position front/rear of vehicle correctly - 90 degree angle parking	18-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
92353	3169001359	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3169001368	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3169001377	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3169001386	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Winifred Street Carpark, Macksville
92353	3169001395	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	River Street, Macksville
92353	3169001404	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	River Street, Macksville
92353	3169001413	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	River Street, Macksville
92353	3169001422	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	River Street, Macksville
92353	3169001431	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	River Street, Macksville
92353	3169001440	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
92353	3169001450	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
92353	3169001469	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
92353	3169001478	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
92353	3169001487	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

92353	3169001496	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
92353	3169001505	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Ridge Street, Nambucca Heads
8646	3169001514	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169001523	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169001532	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169001541	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169001550	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Thompson Street, Valla Beach
8646	3169001560	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Apr-24	\$110.00	Shelley Beach Road, Nambucca Heads
82740	3169001579	Disobey no parking sign	19-Apr-24	\$129.00	Woods Lane, Nambucca Heads
93877	3169001588	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001597	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001606	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001615	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001624	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169001633	*Not position front/rear of vehicle correctly - 90 degree angle parking	19-Apr-24	\$92.00	Fletcher Street, Nambucca Heads
92353	3169001642	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca

**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

					Heads
92353	3169001651	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001660	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001670	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001689	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001698	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001707	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001716	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001725	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001734	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
92353	3169001743	*Park vehicle for longer than maximum period allowed	19-Apr-24	\$92.00	Bowra Street, Nambucca Heads
<b>TOTAL</b>				<b>\$8737.00</b>	

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

**COMPANION ANIMAL PENALTIES**

Nil

**OTHER PENALTIES**

APRIL 2024		OTHER		
ISSUED BY:	PN NUMBER	INFRINGEMENT DETAILS	DATE ISSUED	PENALTY \$
Manager	3168989928	Code: 31912 Development not accord consent - any other case - Corporation	17-Apr-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 & previous fine				
Manager	3168989937	Code: 18119 - Operate sewage management system without approval	22-Apr-24	\$330.00
Manager	3168989946	Code: 18119 - Operate sewage management system without approval	22-Apr-24	\$330.00
Manager	3168989955	Code: 18119 - Operate sewage management system without	25-Apr-24	\$330.00



**ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR APRIL 2024**

		approval		
Manager	3168989964	Code: 18119 - Operate sewage management system without approval	26-Apr-24	\$330.00
		<b>TOTAL:</b>		<b>\$7,320.00</b>

**ATTACHMENTS:**

There are no attachments for this report.