



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 13 JUNE 2024

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

Our Vision

Nambucca Valley ~ Living at its best.

Our Mission Statement

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

Our Values in Delivery

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

Council Meetings: Overview and Proceedings

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

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

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

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

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

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

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

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

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

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

Council Meeting Audio Recordings

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

Meeting Agenda

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



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 13 JUNE 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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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.

12.2 Tender T012/2024 - SPT122425MNC Collection, Sorting and Removal of Scrap Metals

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.

12.3 Tender T013/2024 - SPT132425MNC Concrete, Brick and Tile Crushing Services

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.

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.

Statement of ethical obligations:

The Mayor and Councillors are reminded of their Oath/Affirmation of office made under Section 233A of the *Local Government Act 1993* and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

NAMBUCCA VALLEY COUNCIL



DISCLOSURE OF INTEREST AT MEETINGS

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

I _____ declare the following interest:
(name)

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

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

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

For the reason that _____

Signed _____ Date _____

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

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

Definitions

(Local Government Act and Code of Conduct)

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

(Local Government Act, 1993 section 442 and 443)

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

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

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

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

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

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

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

Important information

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

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

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

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

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

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

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

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

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

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

Councillor's signature:

Date:

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

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

The following document is the minutes of the Ordinary Council meeting held **30 MAY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 13 June 2024 and therefore subject to change. Please refer to the minutes of 13 June 2024 for confirmation.

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 David Jones

ALSO PRESENT

Matthew Sykes (Acting General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Evan Webb (Acting Director Corporate Services)
Daniel Walsh (Manager Development Environment)

APOLOGIES

Apologies (leave granted)

Bede Spannagle (General Manager)

Apologies

Cr Troy Vance

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

Minister Peter Allen from the Nambucca Baptist Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Manager Development Environment Daniel Walsh declared a pecuniary interest in Item 9.2 *Zombie Development Consent Inquiry* under the *Local Government Act 1993* as he owns a lot in Nambucca Heads which has a development consent that is older than 5 years and has been physically commenced.

Councillor Angel declared a non-pecuniary - less significant conflict of interest in Item 12.1 *Bowraville Sporting Hub* under the *Local Government Act 1993* as Cr Angel is providing voluntary catering at function at Bowraville Sports Hub on Saturday 1 June 2024.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 16 MAY 2024

159/24 **RESOLVED:** (Buchanan/Wilson)

That the minutes of the Ordinary Council Meeting of 16 May 2024 be confirmed.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

i William Heapy - Red Ash Road Subdivision

PUBLIC FORUM

i William Heapy - Red Ash Road Subdivision, addressed Council with notes placed on 26956/2024 SF3424

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

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

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	300524	Outstanding Actions and Reports
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160/24 **RESOLVED:** (Wilson/Angel)

That Council note the list of outstanding actions and reports.

Daniel Walsh left the meeting before the commencement of this item, the time being 5:55 PM.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

ITEM 9.2 SF802 300524 Zombie Development Consent Inquiry

161/24 **RESOLVED:** (Jenvey/Jones)

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

Daniel Walsh returned to the meeting at the completion of this item, the time being 5:58 PM

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3327 300524 2023/2024 Service Reviews

162/24 **RESOLVED:** (Angel/Jenvey)

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.**
-

ITEM 10.2 SF3358 300524 Investment Report for April 2024

163/24 **RESOLVED:** (Wilson/Buchanan)

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.**
-

ITEM 10.3 SF3400 300524 March 2024 Quarterly Budget Review

164/24 **RESOLVED:** (Angel/Wilson)

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.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

ITEM 10.4 SF265 300524 G 46 Land Acquisition Policy

165/24 **RESOLVED:** (Wilson/Jenvey)

That Council adopts the G 46 Land Acquisition Policy.

ITEM 10.5 SF1092 300524 Draft Plan of Management - Wellington Park - Post Public
Exhibition

166/24 **RESOLVED:** (Angel/Wilson)

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

ITEM 10.6 SF695 300524 Lease to Nambucca River Jockey Club Ltd - Bowraville
Racecourse - Post Public Exhibition

167/24 **RESOLVED:** (Jenvey/Angel)

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.**
-

ITEM 10.7 SF632 300524 Road Closure - Part Lower Buckra Bendinni Road - Post Public
Exhibition Report

168/24 **RESOLVED:** (Jones/Wilson)

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.**

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

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry and
Wilson
Total (7)

Against the Motion: Nil
Total (0)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

ITEM 10.8 SF251 300524 Schedule of Council Meetings - 30 May 2024 to 31 October 2024

169/24 **RESOLVED:** (Jones/Buchanan)

That Council notes the schedule of meeting dates for 30 May 2024 to 31 October 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 DA2022/115 300524 Classification of Land as Community Land - Lot 3 DP 1289987
Coronation Street, Bowraville

170/24 **RESOLVED:** (Jenvey/Wilson)

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

ITEM 11.2 SF2278 300524 Electric Vehicle Charger Locations

171/24 **RESOLVED:** (Angel/Jenvey)

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.**
-

ITEM 11.3 SF1148 300524 Council's Rangers' Report and Penalties Issued for April 2024

172/24 **RESOLVED:** (Jones/Wilson)

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.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

173/24 **RESOLVED:** (Jones/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:

DIRECTOR CORPORATE SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 300524 Bowraville Sporting Hub

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).

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 300524 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.

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 300524 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.

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 300524 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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:22 PM.

RESUME IN OPEN MEETING

174/24 **RESOLVED:** (Buchanan/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6:35 PM.

FROM COUNCIL IN CLOSED MEETING

The Acting General Manager then read the Confidential resolutions.

DIRECTOR CORPORATE SERVICES REPORTS

David Moloney left the meeting, the time being 6:22 PM

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 300524 Bowraville Sporting Hub

175/24 **RESOLVED:** (Angel/M Ballangarry)

That Council

- 1 Sells the newly created Lot 1/DP1289987 containing the newly built sporting hub facility to Bowraville Recreation Club Co-op Limited for \$1.00.
- 2 Executes the transfer of land in accordance with section 377 (1) (h) of the *Local Government Act 1993*. That is, affix the Council seal and be signed by the Mayor and General Manager.
- 3 Will be responsible for the cost of conveyancing limited to Council's solicitor's tax invoice, and note that the Bowraville Recreation Club Co-op Limited will be responsible for the cost of their own solicitor's tax invoice and any NSW Transfer of land duty payable as a result of this transfer.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 300524 Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127

176/24 **RESOLVED:** (Angel/Jenvey)

That Council

- 1 Provides Owner's Consent for the lodgement of a Development Application of Lots 9, 17 and 18 /DP884316 using the attached plan.
 - 2 Approves Council staff proceeding with negotiations with the owners of Lot 1/DP374127 (190 Albert Drive, Warrell Creek) for the proposed boundary adjustment, with any agreement to be subject to the formal approval of Council.
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 MAY 2024

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 300524 Request for extended rates payment arrangement and write off of accrued interest - Rates Account Number 11118722

177/24 **RESOLVED:** (Jones/Angel)

That Council

- 1 Approves the proposed payment arrangement for rates account number 11118722 of \$150.00 per fortnight and agree to waive interest whilst the arrangement is maintained or the debt balance reduced to \$5,000.00, whichever comes first.
- 2 Approves the write off \$4,310.51 of interest on overdue rates on rates account number 11118722 once the rates balance outstanding reaches \$5,000.00.

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 300524 Matters Regarding Realised or Potential Losses

178/24 **RESOLVED:** (Jones/Angel)

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

David Moloney returned to the meeting, the time being 6:35 PM

CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:39 PM.

Confirmed and signed by the Mayor on **13 JUNE 2024**

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

GENERAL MANAGER'S REPORT**ITEM 9.1 SF959 130624 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

SUMMARY:

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

RECOMMENDATION:

That Council note the list of outstanding actions and reports.

	FILE NUMBER	COUNCIL MEETING DATE	ACTION BY
MARCH 2022			
4	SF2143	31/03/22 & 13/10/22	DES
RESOLUTION:			
That an Asbestos Management Register for all Council buildings be prepared once a funding source is obtained.			
STATUS:			
19/07/22 Manager of Assets has advised that there are registers/management plans for all sites containing asbestos. These will be available through QR codes at each site.			
06/09/22 Further investigation into feasibility of required actions to be undertaken.			
17/10/22 Timeframe for establishment of register to be determined and copies of plans to be sent to each Committee.			
14/11/22 No further update.			
05/12/22 Management Plans to be sent out by the end of December, register anticipated to be finalised by the end of the financial year.			
01/02/23 Plans to be sent out as soon as possible.			
13/02/23 Plans are being sent out. Registers anticipated to be finalised this financial year.			
08/03/23 Included in draft budget to fund remaining works.			
20/03/23 to 20/09/23 No further update.			
04/10/23 Budget allocation is for an audit of the registers via a contractor yet to be engaged.			
18/10/23 No further update.			
06/11/23 to 22/11/23 No further update.			
05/12/23 Works currently in progress.			
10/01/24 A/MAF arranging a consultant to progress works.			
08/02/24 to 20/03/24 Request for Quote (RFQ) now being prepared by LGP.			
27/03/24 We hold good information related to buildings but insufficient information in the Water & Sewer space. A brief to a suitable consultant has been commenced but not completed due to conflicting priorities with limited resources.			
15/04/24 No further progress.			
06/05/24 No further update.			
21/05/24 Resources still unavailable.			
04/06/24 Council now has an asbestos register for all its buildings. This register is due for review in 2024-2025 FY.			
OCTOBER 2022			
2	SF3168	13/10/22	MDE
RESOLUTION: Notice of Motion - Future Waste Operations Post 2027 - Discussion with Councils			
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.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022.
 01/02/23 Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils.
 16/02/23 Virtual meeting arranged for 22 March 2023.
 20/03/23 Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated.
 22/03/23 Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils.
 30/03/23 Item to remain open at the request of Cr Jenvey.
 05/04/23 Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised.
 13/04/23 Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council.
 14/04/23 Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time.
 19/04/23 Meeting to be arranged by EPA.
 03/05/23 The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity.
 17/05/23-7/06/23 Waiting for response from EPA.
 21/06/23-4/07/23 Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue.
 19/07/23 Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence’s facilities is currently being undertaken.
 09/08/23 No further update.
 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.
 22/05/24-04/06/24 No further update.

MAY 2023			
3	SF2524	25/05/23	DCS

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

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

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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.

04/06/24 Deed of agreement signed by NVC & NH RSL. Amendments to draft lease now required to allow for these works.

JUNE 2023			
4	SF3303	29/06/23	DCS

RESOLUTION: Provision of a Council Website Link to the Federal Government Voice Website

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.

STATUS:

06/07/23 Placed on website.

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

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

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

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

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

18/09/23 No further update.

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

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

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

03/01/2024 CDO has:

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

01/02/2024 CDO is currently working through a consultation phase to engage with key aboriginal stakeholders (to date it

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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

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

20/02/24 No further update.

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

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

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

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

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

04/04/24-04/06/24 No further update.

JULY 2023

5	SF396	27/07/23	MDE
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RESOLUTION: Housekeeping amendment to Nambucca Local Environmental Plan 2010

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

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

STATUS:

09/08/23 Refer to separate report. Once a decision is made on these matters the planning proposal will be finalised and 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 -05/6/24 – On exhibition until 24 June 2024.

AUGUST 2023

6	LF5363	31/08/23	DES
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RESOLUTION: Public Forum - Report on the Causeway to Stuarts Island Nambucca Heads

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

STATUS:

06/09/23 Submission received and report to be prepared accordingly.

20/09/23 No further update.

04/10/23 Options investigation commenced.

18/10/23 No further update. Investigations will take time to develop.

06/11/23-22/11/23 No further update.

05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024.

20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting.

08/05/24 No further update.

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 for delivery in November 2024.

04/06/24 No further update.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

OCTOBER 2023			
7	SF3303	26/10/23	CFO
<p>RESOLUTION: Request for funding for funding allocation - Design of Shared Pathway - Hyland Park to Mann Street</p> <p>THAT:</p> <ol style="list-style-type: none"> 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. 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. 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. The design encompass multi modal trip for cycle friendly infrastructure. 			
<p>STATUS:</p> <p>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.</p> <p>22/11/23 Council receiving ongoing letters of support and quotations received for survey design. Application to be lodged in December 2023.</p> <p>05/12/23 Application will be made prior to 12 December 2023 through NSW Get Active program.</p> <p>10/01/24 Grant application made and budget bid to be added to 24/25 budget process.</p> <p>21/02/24-20/03/24 No further update.</p> <p>20/03/24 Included in draft budget, waiting on adoption by Council.</p> <p>22/11/23 Will be part of design if grant application is successful.</p> <p>05/01/24-04/06/24 Awaiting decision from grant body.</p>			
DECEMBER 2023			
8	SF3190	14/12/23	DCS
<p>RESOLUTION: Subdivision - Lots 9 & 10 DP884342 Warrell Creek</p> <ol style="list-style-type: none"> Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted. Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval. 			
<p>STATUS:</p> <p>10/01/24-05/02/24 Registration of subdivision underway as per Council resolution.</p> <p>20/02/24-20/03/24 No change, registration process underway at NSW Land Registry Service.</p> <p>02/04/24-04/06/24 No further update.</p>			
JANUARY 2024			
9	PRF53	18/01/24	DES
<p>RESOLUTION: River Street Toilet Block Relocation</p> <ol style="list-style-type: none"> Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and; Engage an architect to progress the design of the proposed new amenities and report back to Council. 			
<p>STATUS:</p> <p>06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged.</p> <p>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.</p> <p>15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.</p> <p>04/06/24 Detailed survey pending.</p>			
FEBRUARY 2024			
10	SF3424	15/02/24	GM
<p>RESOLUTION: Public Forum - Nambucca Valley Community Resilience and MNCJO Simulation table.</p> <p>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.</p>			
<p>STATUS:</p> <p>21/02/24-04/06/24 No further update.</p>			
MARCH 2024			
11	SF2911	28/03/24	DCS
<p>RESOLUTION: Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

tourism marketing			
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.			
04/06/24 Report to be presented to the 27 June 2024 meeting due to staff workloads.			
12	SF1031	28/03/24	DCS
RESOLUTION: Draft Land Acquisition Policy and policy and Procedures Framework Policy			
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.			
04/06/24 No further update.			
APRIL 2024			
13	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.			
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.			
3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.			
STATUS:			
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 (GNB) for approval.			
04/06/24 "Wanbro" sent to Murrumbidgee Aboriginal Language Centre at the request of the GNB for the name to be endorsed by the local Aboriginal community.			
14	SF2381	11/04/24	MDE
RESOLUTION: Horticulture within the Nambucca Valley			
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.			
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.			
STATUS:			
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.			
05/06/24 Minister returned the planning proposal as further justification for the proposed amendment is required. Planning proposal to be amended to add further justification and resubmitted.			
15	SF3477	11/04/24	MDE
RESOLUTION: Valla Urban Growth Area Amendment			
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			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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.			
STATUS: 17/04/24 Awaiting final maps for planning proposal before forwarding to Minister. 09/05/24 Final maps received and will be sent to Minister. 22/05/24 Planning proposal drafted and sent to the Minister for gateway determination. 05/06/24 – No further update.			
16	SF3421	24/04/24	DES
RESOLUTION: V-Wall Access to Beach – Wellington Drive Nambucca Heads That Council receive a report on the background of the removal of the steps and the work that has been done to date and matters raised in the public forum presentation and petition. Correspond with Ms Myra Davidson when the report is ready to be presented back.			
STATUS: 06/05/24-21/05/24 Report being developed for the meeting on 27 June 2024. 04/06/24 – No further update.			
17	SF731	24/04/24	DCS
RESOLUTION: Community Improvement Districts - Draft Bill – Consultation That Council 1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts. 2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts. 3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.			
STATUS: 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. 04/06/24 No further update.			
MAY 2024			
18	SF983	16/05/24	MDE
RESOLUTION: Plan of Management for the Faringdon Fields 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.			
STATUS: 21/05/24 – 05/06/24 - No further update.			
19	SF802	30/05/24	GM
RESOLUTION: Zombie Development Consent Inquiry That Council makes a submission to the historical development consent inquiry as outlined in attachment 1.			
STATUS: 31/05/24 – submission lodged.			
20	SF3327	30/05/24	DCS
RESOLUTION: 2023/2024 Service Reviews 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.			
STATUS: 04/06/24 No further update			
21	SF3327	30/05/24	DCS
RESOLUTION: Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of -Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

That Council

~~1 Provides Owner's Consent for the lodgement of a Development Application of Lots 9, 17 and 18 /DP884316 using the attached plan.~~

2 Approves Council staff proceeding with negotiations with the owners of Lot 1/DP374127 (190 Albert Drive, Warrell Creek) for the proposed boundary adjustment, with any agreement to be subject to the formal approval of Council.

STATUS:

04/06/24 No further update.

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT**ITEM 9.2 SF3499 130624 LOCAL SMALL COMMITMENTS ALLOCATION FUNDING PROGRAM - FINALISED LIST OF PROJECTS RECOMMENDED BY COUNCIL STAFF**

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council was advised of the Local Small Commitments Allocation (LSCA) program by the NSW Premier's Department (**see attachment 1**). An amount of \$100,000 was allocated to the Nambucca Valley Local Government Area (LGA) from the program. This was a commitment from the Labor candidates during the last State Election.

The allocation can only be used on projects to upgrade parks and playgrounds, as outlined in the Guidelines for this program (**see attachment 2**).

The final list is due in to the Premier's Department by 30 June 2024, to ensure Council receive the nominated allocation.

Council staff reviewed park and playground projects that are currently underway, and those that are due for renewal soon. The finalised list, (3 projects), in the body of this report, is based on staff recommendations for the best use of this allocation, and to subsidise projects that are currently underway, or scheduled, as the funding can be used to supplement other grants.

RECOMMENDATION:

That Council endorses the finalised list of projects for the Local Small Commitments Allocation of \$100,000.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative projects

DISCUSSION:

Council was advised of the LSCA program by the NSW Premier's Department. An amount of \$100,000 was allocated to the Nambucca Valley LGA from the program. This was a commitment from the Labor candidates during the last State Election.

The allocation can only be used on projects to upgrade parks and playgrounds, as outlined in the Guidelines for this program (**see attachment 2**). The final applications are due in, to the Premier's Department, by 30 June 2024, to ensure Council receive the nominated allocation.

Council staff reviewed park and playground projects that are currently underway, and those that are due for renewal soon. The finalised list, (3 projects), noted below, is based on staff recommendations for best use of this allocation, and to subsidise projects that are currently underway, or scheduled, as the funding can be used to supplement other grants/funding commitments.

Project	Value (\$)
Taylor's Arm Cricket Pitch – Replacement of Synthetic Cricket Wicket due to vandalism – shortfall from insurance claim.	6,995
Ferry Street Playground, North Macksville – Final components in the replacement of play equipment – Play by Design – Deliver, Assemble and Install	37,622
Hodge Street Playground, Macksville – Like for like equipment replacement (additional contribution from Local Roads and Community Infrastructure Phase 4 grant program \$80,000)	55,383
TOTAL	100,000

ITEM 9.2 LOCAL SMALL COMMITMENTS ALLOCATION FUNDING PROGRAM - FINALISED LIST OF PROJECTS RECOMMENDED BY COUNCIL STAFF

A requirement of this funding allocation is to also liaise with our current State Member for Parliament – Mr Michael Kemp – for his concurrence with the proposed projects, as noted in the letter regarding the LSCA program.

Council's Grants and Contributions Officer reached out to Michael Kemp on 13 February 2024, to discuss Council's proposed list of projects. Mr Kemp was happy with the proposed list and indicated he would absolutely support the projects Nambucca Valley Council put forward, as he trusted the staff recommendations for this allocation. Mr Kemp advised he had no pressing delegations from members of the Oxley Electorate for particular parks or playgrounds within the Nambucca Valley LGA to add to the proposed projects.

A copy of the final list, as noted above was sent to Mr Kemp's office, on 29 May 2024, as a requirement of this State Government funding allocation.

CONSULTATION:

General Manager
 Director Corporate Services
 Director Engineering Services
 Chief Financial Officer
 Manager Infrastructure Services
 Acting Manager Assets & Facilities
 Michael Kemp, MP for Oxley
 NSW Premier's Department

SUSTAINABILITY ASSESSMENT:**Environment**

There is no impact on the environment as works are to be undertaken on existing community land owned by Council.

Social

The social implications would be improvements to park and playgrounds infrastructure for the benefit of all community members.

Economic

Nil

Risk Analysis

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

Delivery Program Action

CC3 - Keep the community informed of the decisions, key issues and actions of Council

LW9 - Operate and Maintain Open Spaces

ITEM 9.2 LOCAL SMALL COMMITMENTS ALLOCATION FUNDING PROGRAM - FINALISED LIST OF PROJECTS RECOMMENDED BY COUNCIL STAFF

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

If approved Taylors Arm and Ferry Street allocations will have a positive impact on Councils financial results. Hodge Street will have nil impact on the 2024/25 budget result as the works are an increased scope.

Working funds – justification for urgency and cumulative impact

As above.



Impacts on 10 Year Long Term Financial Plan

No impacts.

Service level changes and resourcing/staff implications

Two of the projects nominated are either already underway, or scheduled in, and the third project (Hodge Street Playground 2024/25 works) is a renewal project in line with the renewal dates for this playground, and can be achieved with the funding allocation. The projects will be managed by Council's Assets and Facilities Team.

ATTACHMENTS:

- 1**  28582/2024 - LSCA Letter - From Executive Director LSCA Program Office to Nambucca Valley Council
- 2**  26901/2024 - Local Small Commitments Allocation - Guidelines

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF3328 130624 2024/25 ANNUAL BUDGET, 2024/25 -2033/34 LONG TERM FINANCIAL PLAN, 2024/25 REVENUE POLICY AND THE 2024/25 SCHEDULE OF FEES AND CHARGES

AUTHOR/ENQUIRIES: Evan Webb, Chief Financial Officer

SUMMARY:

At the Council meeting held on the 24 April 2024, Council resolved (Resolution 126/24) to place the 2024/25 Annual Budget, 2024/25 – 2033/34 Long Term Financial Plan, 2024/25 Revenue Policy and 2024/2025 Schedule of Fees and Charges on public exhibition for 28 days.

The public exhibition period ended on the 27 May 2024 and Council received 12 submissions in relation to the Council's budget and 1 submission in relation to the 2024/25 Schedule of Fees and Charges. The submissions are outlined in the discussion section of this report.

The suite of documents are now recommended for adoption.

RECOMMENDATION:

That Council

- 1 Adopts the 2024/25 Annual Budget, 2024/25 – 2033/34 Long Term Financial Plan and 2024/25 Revenue Policy including budget submission items 2 (adjusted to \$10,000), 8, 9, 10, 11 and 12 making the budget a forecasted deficit of \$138,000.**
- 2 Adopts the 2024/2025 Schedule of Fees and Charges adjusted for:**
 - an increase in the fees and charges for the Mary Boulton Pioneer Cottage and Museum, morning tea fees from \$10.50 to \$15.00 per person.
 - an increase in the EPA Waste and Environment Levy from the estimated \$96.26 per tonne to the announced \$97.90 per tonne, which thereby increases Waste Facility fees and charges (Mixed Waste Materials, Concrete and Bricks, Asbestos and Clean Fill) and Waste Charges (Annual Charge for Individual Additional Bins - Domestic and Commercial).

OPTIONS:

- 1 Proposed recommendation.
- 2 Adopt the original documents that were on display with no budget submissions.
- 3 Adopt the original documents with all budget submissions with a forecasted budget deficit of \$210,000.

DISCUSSION:

Following a 28-day public exhibition period council has received the 12 submissions (**see table below**) to the budget. Of the 12 submissions received 7 submissions are from the Taylors Arm Sports Reserve Committee of Management, 1 submission from Valla Tennis Club and 4 submissions from Council staff.

After reviewing the submissions, Council staff are recommending that Council fund the following items in the 2024/25 annual budget:

- **Item 2. Taylors Arm Sports Reserve Committee of Management** – Costing and Prioritisation of the Concept Design Report. Increase from \$5,000.00 to \$10,000.
- **Item 8. Staff – Implementation of Post Bill** – Residents to be able to pay rates at registered post offices across Australia \$26,000.
- **Item 9. Staff – Gordon Park** – Installation of detection cameras for vandalism \$28,000.
- **Item 10. Staff – Bellwood Park** – Installation of detection cameras for vandalism \$28,000.
- **Item 11. Staff – V-Wall** – Installation of detection cameras for vandalism at 2 locations \$65,000.
- **Item 12. Valla Tennis Club** – Valla Beach Tennis Club Lighting \$10,000.

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	Submission	Details	Value	Comment
1	Taylor's Arm Sports Reserve Committee of Management	Taylor's Arm Road Drainage Planning – Hydrological planning to formalise piped drainage installations and overland flow path creation to ultimately divert water around the Sports Reserve and alleviate drainage issues. This may be able to be funded from already allocated Survey & Design Investigation funds held within the Technical services portfolio. Estimated @ \$10,000 includes catchment calculations, hydraulic analysis of piped flow and sizing of overland flow path grassed swales. This issue is a huge concern for the Committee for the forward planning of this plan. We need to get the drainage issues sorted out so we can move forward with the plan.	\$10,000	Future consideration - possible grant opportunity.
2	Taylor's Arm Sports Reserve Committee of Management	Costing and Prioritisation of the Concept Design Report – This would then ultimately amend the Concept design report to a costed and prioritised Master Plan. Estimated @ \$5,000. To be confirmed by request for quotation through the external market.	\$5,000	Recommend approval in the budget, however increase the amount to \$10,000.
3	Taylor's Arm Sports Reserve Committee of Management	Pavement Design & Estimation – Funding source similar to item 2 above to provide guidance for installations (x2) of Key Items 5 (Future Road Access to Primitive Camping area and road adjacent to the north of the tennis courts). Estimated @ \$3,000 to provide a design set of road plans including pavement thickness and turning path assessments.	\$3,000	Future consideration - possible grant opportunity.
4	Taylor's Arm Sports Reserve Committee of Management	Relocation of existing Play Space – Moving the existing play space closer to the tennis courts. Estimate to be determined post inspection. Estimated @ \$20,000.	\$20,000	Future consideration - possible grant opportunity.
5	Taylor's Arm Sports Reserve Committee of Management	Amenities Upgrade Planning – Investigation and planning to upgrade the existing amenities building for disabled compliance. Having undertaken similar recently for the V-Wall Amenities an allocation of approximately \$20,000 would be required to draft plans, provide detailed estimates and prepare tender paperwork to go to the market. With this information on hand this could be suitable for a future grant funding application. At this stage there is no disabled access to the amenities.	\$20,000	Future consideration - possible grant opportunity.
6	Taylor's Arm Sports Reserve	BBQ Provision – Estimated at \$9,000.	\$9,000	Future consideration - possible grant opportunity.

ITEM 10.1 2024/25 ANNUAL BUDGET, 2024/25 -2033/34 LONG TERM FINANCIAL PLAN, 2024/25 REVENUE POLICY AND THE 2024/25 SCHEDULE OF FEES AND CHARGES

	Committee of Management			
7	Taylors Arm Sports Reserve Committee of Management	Shelter Provision – For the BBQ installation. Simple light weight shelter including ground slab. Estimated @ \$15,000.	\$15,000	Future consideration - possible grant opportunity.
8	Staff	Implement Post Bill Pay for residents to pay their rates at registered post offices across the LGA and across Australia. Council has been receiving many requests from ratepayers that they want to be able to use this method of payment. In response to a petition received from residents of Bowraville requesting post bill pay, a quote was obtained for approximately \$19,000 per year along with one off set up fee of \$7,000.	\$26,000	Recommend approval in the budget. This is required as a matter of urgency for rate payers to be able to make their payments at the post office.
9	Staff	Gordon Park install motion detection cameras for vandalism due to increase numbers of vandalism attacks on new art work installed. Cameras will be motion detected and remotely adjustable. 2 x fixed cameras and 1 x PTZ Camera. Cost includes solar, batteries concrete, poles, wiring and all installation. Ongoing costs would be \$600 per annum for internet and cards. 10 Year life span plus addition 2 batteries would be \$3,000 to \$4,000.	\$28,000	Recommend approval in the budget. Considered extremely important to decrease vandalism in these areas.
10	Staff	Bellwood Park. Install motion detection cameras for vandalism at the following areas due to increase numbers of vandalism attacks in the park. Cameras will be motion detected and remotely adjustable. 2 x fixed cameras and 1 x PTZ Camera. Cost includes solar, batteries concrete, poles, wiring and all installation. Ongoing costs would be \$600 per annum for internet and cards. 10 Year life span plus addition 2 batteries would be \$3,000 to \$4,000.	\$28,000	Recommend approval in the budget. Considered to extremely important to decrease vandalism in these areas.
11	Staff	V Wall Install motion detection cameras for vandalism at the following areas due to increase numbers of vandalism attacks in the area. Cameras will be motion detected and remotely adjustable. 4 x fixed cameras and 2 x PTZ Camera including upgrade to camera and stainless-steel casing for weather proofing. Cost includes solar, batteries concrete, poles, wiring and all installation. Ongoing costs would be \$600 per annum for	\$65,000	Recommend approval in the budget. Considered extremely important to decrease vandalism in these areas.

ITEM 10.1 2024/25 ANNUAL BUDGET, 2024/25 -2033/34 LONG TERM FINANCIAL PLAN, 2024/25 REVENUE POLICY AND THE 2024/25 SCHEDULE OF FEES AND CHARGES

		internet and cards. 10 Year life span plus addition 2 batteries would be \$3,000 to \$4,000.		
12	Valla Tennis Club	Valla Beach Tennis Club Lighting	\$10,000	Approved at 24 April 2024 Council meeting. Resolution Number 126/24.

After receiving a late submission to the 2024/25 Schedule of Fees & Charges, it is recommended that Council increase the fees for morning tea at the Mary Boulton Pioneer Cottage and Museum from \$10.50 to \$15.00 per person.

Post the draft 2024-25 Schedule of Fees and Charges being placed on public exhibition the EPA announced that the Waste and Environment Levy would be \$97.90 per tonne (the draft document had the levy estimated as \$96.26 per tonne). This announcement has resulted in the following changes to the below publicly exhibited Waste Management Fees and Charges:

Fee Description	Public exhibition draft 2024/25 fees and charges based on estimated \$96.26 per tonne EPA Waste and Environment Levy.	2024/25 fees and charges based on announced \$97.90 per tonne EPA Waste and Environment Levy
Waste Facility (fees & charges)		
Mixed Waste Materials		
All other vehicles	\$320.00 per tonne	\$322.00 per tonne
Concrete & Bricks		
All Other Vehicles	\$106.00 per tonne	\$108.00 per tonne
Asbestos (24hrs prior arrangement)		
All vehicles	\$692.00 per tonne	\$694.00 per tonne
Clean Fill (subject to inspection)		
Standard fee	\$106.00 per tonne	\$108.00 per tonne
Waste Charges		
Annual Charge for Individual Additional Bins - Domestic & Commercial		
Extra Mixed Waste 240lt MGB	\$295.00	\$296.00
Extra Mixed Waste 660lt MGB	\$1,960.00	\$1,969.00
Extra Mixed Waste 1100lt MGB	\$3,070.00	\$3,083.00

CONSULTATION:

Mayor
 Acting General Manager
 Acting Director of Corporate Services
 Community - The draft plans have been advertised for public comment for a 28-day period.

SUSTAINABILITY ASSESSMENT:

Environment

The implications for the environment are set out in the budget.

ITEM 10.1 2024/25 ANNUAL BUDGET, 2024/25 -2033/34 LONG TERM FINANCIAL PLAN, 2024/25 REVENUE POLICY AND THE 2024/25 SCHEDULE OF FEES AND CHARGES

Social

The social implications are set out in the budget.

Economic

The implications for the local economy are set out in the budget.

Risk Analysis

There are many risks pertaining to budgeting including accurate cost estimates, revenue estimates and aligning capital works projects with asset management plans.

In the current uncertain economic climate Council will continue to monitor conditions and adjust the budget accordingly. These will be subject to future reports to Council.

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current budget**

If adopted as recommended the 2024/25 Budget is projected to be a deficit budget of \$138,000.

Working funds – justification for urgency and cumulative impact

As above.

Impacts on 10 Year Long Term Financial Plan

General Fund Base Case Scenario indicates operating surpluses before capital grants and contributions

General Fund Scenario 2 indicates operating surpluses before capital grants and contributions





Water Fund Base Case Scenario and Scenario 2 indicates operating surplus before capital grants and contributions.

Sewer Fund Base Case Scenario and Scenario 2 indicates operating deficits before capital grants and contributions.

Service level changes and resourcing/staff implications

As indicated in the budget documents.

ATTACHMENTS:

- 1  18765/2024 - Draft 2024/25 Budget
- 2  18768/2024 - Draft 2024/25 to 2033/34 Long Term Financial Plan
- 3  16890/2024 - Draft 2024/25 Statement of Revenue Policy
- 4  18718/2024 - Draft 2024-2025 Fees and Charges

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF690 130624 MAKING OF RATES AND CHARGES 2024/2025

AUTHOR/ENQUIRIES: William Tory, Rates Officer

SUMMARY:

The Independent Pricing and Regulatory Tribunal (IPART) confirmed a rate peg increase of 4.5% for Nambucca Valley Council under Section 506 of the *Local Government Act 1993* for the 2024/2025 financial year.

Council is now required to make the rates and charges in accordance with Section 535 of the *Local Government Act 1993*.

RECOMMENDATION:

That Council:

- 1** In accordance with Section 501 of the *Local Government Act 1993*, the annual access charge for water supply services to all properties connected or able to be connected to Council's water supply in accordance with Section 552(1) of the Act for 2024/2025 is made at one hundred and eighty four dollars (\$184.00) per occupancy for each assessment for a 20mm or 25mm connection; four hundred and seventy two dollars (\$472.00) for a 32mm connection, seven hundred and thirty six dollars (\$736.00) for a 40mm connection, one thousand one hundred and fifty dollars (\$1,150.00) for a 50mm connection, two thousand nine hundred and forty four dollars (\$2,944.00) for an 80mm connection and four thousand six hundred dollars (\$4,600.00) for a 100mm connection, to be charged per connection for each assessment; and one hundred and eighty four dollars (\$184.00) for vacant or unconnected land per assessment, and have a short title of "Water Access"; and a consumption charge of three dollars and ninety cents (\$3.90) per kilolitre to apply to all water consumption billed during the financial year and such charge to have a short title of "Water Charge" in accordance with Section 543 of the Act.
- 2** In accordance with Section 501 of the *Local Government Act 1993* the annual access charge for sewerage services to all properties connected or able to be connected to Council's sewer in accordance with Section 552(3) of the Act for 2024/2025 is made at eight hundred and twenty eight dollars (\$828.00) per occupancy for each assessment for residential connections; for non-residential connections three hundred and thirteen dollars (\$313.00) for 20mm or 25mm connection, eight hundred and two dollars (\$802.00) for a 32mm connection, one thousand two hundred and fifty two dollars (\$1,252.00) for 40mm connection, one thousand nine hundred and fifty seven dollars (\$1,957.00) for 50mm connection, five thousand and eight dollars (\$5,008.00) for 80mm connection and seven thousand eight hundred and twenty five dollars (\$7,825.00) for 100mm connection, per connection for each assessment; and three hundred and thirteen dollars (\$313.00) for vacant or unconnected land per assessment, and have a short title of "Sewer Access"; and a sewer usage charge of four dollars and eighty cents (\$4.80) per kilolitre to be calculated on the estimated volume discharged from properties, excluding residential connections, using the total water consumption and Sewer Discharge Factors based on the Department of Climate Change, Energy, the Environment and Water guidelines and such charge to have a short title of "Sewer Usage Charge" and be included on the 'Water Account'.
- 3** In accordance with Section 501 of the *Local Government Act 1993* the annual access charge for sewerage services to all residential properties connected to Council's low pressure sewer system in accordance with Section 552(3) of the Act for 2024/2025 is made at seven hundred and ninety six dollars (\$796.00) per occupancy for each assessment for residential connections, and have a short title "Sewer Access – Res – Pressured".
- 4** In accordance with Section 501 of the *Local Government Act 1993*, the waste management tip provision charge for 2024/2025 is made at one hundred and seventy four dollars (\$174.00) per assessment for properties categorised as Business or Farmland, or are Non

ITEM 10.2 MAKING OF RATES AND CHARGES 2024/2025

Rateable properties used for commercial purposes, that are not vacant but do not, or have elected not to, receive a commercial waste service or are not on a waste collection route, or vacant land where the service is available; such charge to have the short title of “Tip Provision”.

- 5 In accordance with Section 496 of the *Local Government Act 1993*, the annual charge for 2024/2025 for domestic waste service on all occupied rateable land in the Local Government Area (LGA), categorised Farmland or Residential under Section 515 or 516 of the Act, or are Non Rateable properties to which a domestic waste service is provided, and are on a waste collection route is made at six hundred and thirty nine dollars (\$639.00) per occupancy for each assessment which contains up to and including five residential occupancies, such charge to have a short title of “Full Domestic Waste Service”, the amount of the annual charge will be the amount derived by applying the formula $A = B \times \$639.00$, where “A” equals the annual charge, “B” equals the number of occupancies and \$639.00 is the unit price. Residential assessments with six or more occupancies, upon request, may be charged one full service charge of six hundred and thirty nine dollars (\$639.00) and sufficient additional bins, at the appropriate charge, to service the waste collection requirements of the assessment, as agreed between the property owner and the Council’s Waste Services Coordinator. Owners of secondary dwellings with a gross floor area of up to 60 square metres will have the option of a second domestic waste service. Residential or Farmland properties not on a waste collection route who request a domestic waste service, excluding a Bulky Goods Pick-up, is made at six hundred and twelve dollars (\$612.00), such charge to have a short title of ‘Domestic Waste no BGP’. A waste management ‘tip provision’ annual charge of one hundred and seventy four dollars (\$174.00) for the year 2024/2025 is made for properties categorised Farmland or Residential used for residential purposes, that are not vacant, but do not receive a domestic waste service and are not on a waste collection route.
- 6 In accordance with Section 496 of the *Local Government Act 1993* the annual charge for 2024/2025 for domestic waste on all vacant rateable land in the LGA, categorised Residential (under Section 516 of the Act) or are Non Rateable and located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head and the villages of Taylors Arm, Upper Taylors Arm, Eungai Rail, Eungai Creek, Warrell Creek and Donnellyville and all land within the rural sector with a residential building entitlement, including land categorised as Farmland, where the domestic waste collection service is available, is made at one hundred and fifty six dollars (\$156.00) per assessment, such charge to have a short title of “Vacant Waste Management”.
- 7 In accordance with Section 501 of the *Local Government Act 1993*, the annual charge for 2024/2025 for waste service on all occupied rateable land in the LGA, categorised Business (under Section 518 of the Act) to which a waste service is provided, or is Non Rateable land to which a commercial waste service is provided, is made at six hundred and twelve dollars (\$612.00) per occupancy per assessment, such charge to have a short title of “Full Commercial Waste Service”, the amount of the annual charge will be the amount derived by applying the formula $A = B \times \$612.00$, where “A” equals the annual charge, “B” equals the number of separate occupancies and \$612.00 is the unit price.
- 8 In accordance with Section 501 of the *Local Government Act 1993*, the annual charge for 2024/2025 for waste service on all occupied rateable land in the LGA, categorised “Business” or “non-Rateable” to which a waste service, including a Bulky Goods Pick-up service is provided, is made at six hundred and thirty nine dollars (\$639.00) per occupancy per assessment, such charge to have a short title of “Commercial Waste with BGP”, the amount of the annual charge will be the amount derived by applying the formula $A = B \times \$639.00$, where “A” equals the annual charge, “B” equals the number of separate occupancies and \$639.00 is the unit price.
- 9 In accordance with Section 501 of the *Local Government Act 1993* the annual charge for waste for 2024/2025 on all vacant rateable land in the LGA, categorised Business (under

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- Section 518 of the Act) or is Non Rateable land, and located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head and the villages of Taylors Arm, Upper Taylors Arm, Eungai Rail, Eungai Creek, Warrell Creek and Donnellyville, is made at one hundred and fifty six dollars (\$156.00) per assessment, such charge to have a short title of "Vacant Waste Management".
- 10 In accordance with Section 496A of the *Local Government Act 1993* and *Local Government (General) Regulation 2021* Clause 125AA the annual charge for 2024/2025 for stormwater management services on all rateable privately owned developed non-strata residential land located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head is made at twenty five dollars (\$25.00) per land parcel/assessment, such charge to have a short title "Stormwater Charge".
- 11 In accordance with Section 496A of the *Local Government Act 1993* and *Local Government (General) Regulation 2021* Clause 125AA the annual charge for 2024/2025 for stormwater management services on all rateable privately owned developed strata residential land located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head is made at twelve dollars and fifty cents (\$12.50) per lot/assessment, such charge to have a short title "Stormwater Res-Strata".
- 12 In accordance with Section 496A of the *Local Government Act 1993* and *Local Government (General) Regulation 2021* Clause 125AA the annual charge for 2024/2025 for stormwater management services on all rateable privately owned developed business land and located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head is made at twenty five dollars (\$25.00) per land parcel/assessment plus an additional twenty five dollars (\$25.00) for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres, such charge to have a short title "Stormwater Business " and be capped at \$100.00 per assessment.
- 13 In accordance with Section 496A of the *Local Government Act 1993* and *Local Government (General) Regulation 2021* Clause 125AA the annual charge for 2024/2025 for stormwater management services on all rateable privately owned developed business strata lots/land and located within the confines of the towns of Nambucca Heads, Valla Beach, Hyland Park, Macksville, Bowraville and Scotts Head is made at an amount equal to twenty five dollars (\$25.00) per strata plan land parcel (parent parcel) plus an additional twenty five dollars (\$25.00) for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres and capped at one hundred dollars (\$100.00) then be charged the greater of five dollars (\$5.00) or the relevant proportion of the maximum annual charge that would apply to the land subject to the strata scheme (the 'relevant proportion' is the proportion that the unit entitlement of that lot in the scheme bears to the aggregate unit entitlement of the scheme), such charge to have a short title "Stormwater Bus-Strata".
- 14 A rate of zero point zero zero three zero eight five nine dollars (\$0.0030859) on the land value of all rateable land in the rating category of "Farmland", is made for the year 2024/2025, subject to a minimum rate of six hundred and seventeen dollars (\$617.00) per assessment, in accordance with Section 548 of the *Local Government Act 1993*, such rate to apply to all properties categorised as "Farmland", pursuant to Section 515 of the Act, such rate to a short title of "Farmland" in accordance with Section 543 of the Act.
- 15 A rate of zero point zero zero three zero eight nine one dollars (\$0.0030891) on the land value of all rateable land in the rating category "Residential" is made for the year 2024/2025, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all properties categorised as "Residential", pursuant to Section 516 of the *Local Government Act 1993*, excluding all properties in the sub categories "Residential Town" and "Residential Village/Estate", such rate to have a separate short title of "Residential Non-Urban".

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- 16 A rate of zero point zero zero two nine eight zero one dollars (\$0.0029801) on the land value of all rateable land in the rating category “Residential”, sub category “Residential Town” is made for the year 2024/2025, pursuant to Section 516 of the *Local Government Act 1993*, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all rateable land located in centres of population described as comprising all properties zoned residential, located in the towns of Nambucca Heads, Hyland Park, Macksville, Bowraville, Scotts Head and Valla Beach and serviced or able to be serviced with water supply, sewerage, or septic tank, such rate to have a separate short title of “Residential Town”.
- 17 A rate of zero point zero zero three one one nine zero dollars (\$0.0031190) on the land value of all rateable land in the rating category “Residential”, sub-category “Residential Village/Estate” is made for the year 2024/2025, pursuant to Section 516 of the *Local Government Act 1993*, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all rateable land located in the villages of Eungai Rail, Eungai Creek, Warrell Creek, Donnellyville, Taylors Arm, Upper Taylors Arm, and all Estates comprising all residential land within the rural sector with a residential building entitlement and within a subdivision both past and present which results in the concentration of holdings to create an estate of two or more lots, all ribbon development residential lots along rural roads contiguous to developed estates and villages and all ribbon development residential lots along rural roads immediately opposite to developed estates, such rate to have a separate short title “Residential Village/Estate”.
- 18 A rate of zero point zero zero five eight eight seven two dollars (\$0.0058872) on the land value of all rateable land in the rating category “Business” is made for the year 2024/2025, pursuant to Section 518 of the *Local Government Act 1993*, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all properties categorised as “Business”, excluding properties in the sub categories “CBD” and “Industrial Estate”, such rate to have a separate short title of “Business Ordinary”.
- 19 A rate of zero point zero zero nine one five nine six dollars (\$0.0091596) on the land value of all rateable land in the rating category “Business”, sub category “CBD” is made for the year 2024/2025, pursuant to Section 518 of the *Local Government Act 1993*, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all rateable properties situated in the dedicated core business areas in the towns of Nambucca Heads, Macksville, Bowraville, Valla Beach, and Scotts Head and such rate to have a separate short title of “Business CBD”.
- 20 A rate of zero point zero zero five three four six zero dollars (\$0.0053460) on the land value of all rateable land in the rating category “Business”, sub category “Industrial Estate” is made for the year 2024/2025, pursuant to Section 518 of the *Local Government Act 1993*, subject to a minimum rate of eight hundred and sixty one dollars (\$861.00) per assessment, such rate to apply to all rateable properties situated in the dedicated industrial areas in the towns of Nambucca Heads and Macksville, and such rate to have a short title of “Business Industrial Estate”.
- 21 An annual charge of one hundred and twenty dollars (\$120.00) for Category 1 (Low Risk) Sewer Trade Waste, is made for the year 2024/2025 pursuant to Section 501 of the *Local Government Act 1993* and have a short title “Trade Waste Fee–Cat 1”, with an additional charge of two dollars and twenty two cents (\$2.22) per kilolitre for Non-Conforming Usage (if required pre-treatment is not installed or properly maintained), is made for the year 2024/2025 pursuant to Section 502 of the Act.
- 23 An annual charge of two hundred and forty dollars (\$240.00) for Category 2 (Medium Risk) Sewer Trade Waste, is made for the year 2024/2025 pursuant to Section 501 of the *Local Government Act 1993* and have a short title “Trade Waste Fee–Cat 2”, with a usage charge of two dollars and twenty two cents (\$2.22) per kilolitre or seventeen dollars and ninety nine cents (\$17.99) per kilolitre for Non-Conforming Usage (if required pre-treatment is not installed or properly maintained), is made for the year 2024/2025 pursuant to Section 502 of

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the Act.

- 24 An annual charge of three hundred dollars (\$300.00) for Category 3 (High Risk) Sewer Trade Waste, is made for the year 2024/2025 pursuant to Section 501 of the *Local Government Act 1993* and have a short title "Trade Waste Fee-Cat 3", with an additional charge of one dollar and forty two cents (\$1.42) per kilogram for Excess Mass, is made for the year 2024/2025 pursuant to Section 502 of the Act.
- 25 An annual charge of two hundred and forty dollars (\$240.00) for Category 2S Human Waste Effluent Disposal Sewer Trade Waste, is made for the year 2024/2025 pursuant to Section 501 of the *Local Government Act 1993* and have a short title "Trade Waste Fee-Cat 2S", with a charge of one hundred and seventy two dollars (\$172.00) for Disposal at Treatment Works with a maximum of 2,500L, disposals over 2,500L will have an additional charge of sixty five dollars (\$65.00) per 1000L, is made for the year 2024/2025 pursuant to Section 501 of the Act.
- 26 An annual charge of one hundred and ninety dollars (\$190.00) for On-site Sewer Management Systems (OSSMS) operated in the high risk zone is made for the year 2024/2025 pursuant to Section 68 of the *Local Government Act 1993* and have a short title "OSSMS Zone 1"; properties with less than three OSSMS will be charged one charge unit while properties with three or more OSSMS will be charged for multiple units thereafter.
- 27 An annual charge of sixty five dollars (\$65.00) for On-site Sewer Management Systems (OSSMS) operated in the medium risk zone is made for the year 2024/2025 pursuant to Section 68 of the *Local Government Act 1993* and have a short title "OSSMS Zone 5"; properties with less than three OSSMS will be charged one charge unit while properties with three or more OSSMS will be charged for multiple units thereafter.
- 28 An annual charge of thirty five dollars (\$35.00) for On-site Sewer Management Systems (OSSMS) operated in the low risk zone is made for the year 2024/2025 pursuant to Section 68 of the *Local Government Act 1993* and have a short title "OSSMS Zone 10"; properties with less than three OSSMS will be charged one charge unit while properties with three or more OSSMS will be charged for multiple units thereafter.
- 29 An interest rate of 10.50% per annum is made to apply from 1 July 2024 to 30 June 2025 (inclusive), pursuant to Section 566 of the *Local Government Act 1993*, and be charged on overdue rates and charges.

OPTIONS:

- 1 Proposed recommendation.
- 2 Alternative option - Council may resolve to adopt the Rates and Charges without applying the 4.5% rate peg increase or to adopt the Rates and Charges with a percentage increase between 0% and 4.5%.

DISCUSSION:

IPART has approved a rate peg increase in general rate income of 4.5% for Nambucca Valley Council.

Council's minimum rate for Residential and Business categories has been increased by \$37.00 to \$861.00.

Council's minimum rate for the Farmland category has been increased by \$27.00 to \$617.00 (as determined by IPART, *Local Government (General) Regulation 2021* Clause 126).

Rates levied for 2024/25 year will be based on land values, with a base date of 1 July 2022, as determined by the Valuer General.

An Office of Local Government Circular (No. 24-05) issued 19 April 2024 determined that the maximum rate of interest payable on overdue rates and charges for 2024/2025 will be 10.50% pa.

ITEM 10.2 MAKING OF RATES AND CHARGES 2024/2025

CONSULTATION:

Mayor and Councillors
 Acting General Manager
 Acting Director Corporate Services
 Chief Financial Officer
 Manager Water and Sewerage
 Waste Services Coordinator

SUSTAINABILITY ASSESSMENT:

Environment

This report has no environmental impact.

Social

This report has no social impact.

Economic

There is no economic impact.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
If the rates and charges are not adopted by the statutory dates they may become invalid and cause a substantial loss of income	L	L	Put forth the adoption report to the first Council meeting in June to allow two weeks for changes, if any.	Low

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The estimated yields for rates, annual charges and usage charges have been included in Council’s 2024/2025 budget.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

ITEM 10.2 MAKING OF RATES AND CHARGES 2024/2025

Nil

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF3504 130624 DONATIONS PROGRAM (SECTION 356) 2024/2025 - APPLICATIONS FOR APPROVAL FOR WASTE SERVICES

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council's Donations Program 2024/2025 accepted applications from 9 May 2024 to 24 May 2024 from charitable organisations seeking to dispose of excess waste at the Nambucca Waste Management Facility, and organisations requiring additional waste services for scheduled and special one-off events.

A total of twelve (12) waste waiver applications were received within this timeframe.

RECOMMENDATION:

That Council

- 1 Approves applications for a waste waiver to a total maximum tonnage of 50 tonnes to align with the 2024/2025 budget allocation of \$10,800 for the following charitable organisations:**
 - Anglican Parish of the Nambucca Valley (2 x Op Shops).
 - Macksville/Bowraville Uniting Church Op Shop.
 - Nambucca Heads Mens Shed Inc.
 - Nambucca Valley Christian Life Centre Care Inc.
 - Nambucca Valley Phoenix Ltd.

- 2 Approves applications for a waste waiver, and provision of services, for one-off events/regular events being:**
 - Lions Club of Nambucca Heads – Nambucca Plaza Markets (first Sunday of each month).
 - Nambucca Christmas Festival Committee – Nambucca Christmas Festival – Friday 6 December 2024.
 - Nambucca Strikers Football Club – Challenge Cup 14/15/16 March 2025.
 - Nambucca VW Club – Volkswagen Spectacular Show & Shine on 3 August 2024 in Nambucca Heads from Auto Exit Pty Ltd.
 - Salvation Army Nambucca River Church – Carols at Macksville Park 15 December 2024.
 - Scotts Head Events Committee Inc. – Scotts Head Music, Food, Art and Wine Festival on 13 April 2025.
 - Valla Beach Community Association – Bi-monthly markets on first Saturday of every second month on Valla Reserve.
 - Valla Beach Community Association – Christmas Carols at Valla Reserve on 13 December 2024.

OPTIONS:

- 1 Recommendation
- 2 Do nothing/business as usual
- 3 That Council can choose to reject the above recommendations, and approve or not approve individual applications for waste waivers

DISCUSSION:

Waste Waiver Applications – One-off/Regular events:

Organisation	Estimated tonnage
Lions Club of Nambucca Heads – Nambucca Plaza Markets (first Sunday of each month)	1
Nambucca Christmas Festival Committee – Christmas Festival on 6/12/2024	0.5

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2024/2025 - APPLICATIONS FOR APPROVAL FOR WASTE SERVICES

Nambucca Strikers Football Club – Challenge Cup – 14, 15 and 16 March 2025	1
Nambucca VW Club - Volkswagen Spectacular Show & Shine on 3/08/2024	0.5
Salvation Army Nambucca River Church – Christmas Carols in Macksville Park – 15/12/2024	1
Scotts Head Events Committee Inc – Scotts Head Food & Wine Festival – 13/04/2025	1
Valla Beach Community Association – Bi-monthly markets on first Saturday of every second month on Valla Reserve – 3/08/2024, 5/10/2024, 7/12/2024, 1/02/2025, 5/04/2025 and 7/06/2025	1.5
Valla Beach Community Association – Christmas Carols in Valla Reserve on 13/12/2024	0.5
Total	7

Waste Waiver Applications (Charitable Organisations):

Organisation	Estimated tonnage
Anglican Parish of the Nambucca Valley (2 x Op Shops)	30
Macksville/Bowraville Uniting Church Op Shop	3
Nambucca Heads Men's Shed Inc.	3
Nambucca Valley Christian Life Centre – Care Inc.	11
Nambucca Valley Phoenix Ltd.	3
Total	50

All of the applicants for both the one-off/regular events, and from the charitable organisations have previously applied. The total tonnage requested for waste disposal for charity organisations is 50 tonnes, a decrease of 25 tonnes on the applications from the 2023/2024 year. The amount allowable for reimbursement based on the 2024/25 proposed budget is \$10,800.

For further information, a list from Council's Authority Waste Donations Register identifies the tonnage of deposited waste by approved charitable organisations from July 2023 up to 10 May 2024:

Charitable Organisation	Source – Authority Register	Total Tonnes (to date) 23/24	Destination
Anglican Op Shops (2), Nambucca Valley Parish	161.2023.1	12.78	Nambucca Landfill
Care "n" Ware – Nambucca Valley Christian Life Centre	161.2023.2	4.52	Nambucca Landfill
Macksville/Bowraville Uniting Church Op Shop	161.2023.4	0.24	Nambucca Landfill
Nambucca Heads Men's Shed	161.2023.6	1.62	Nambucca Landfill
Nambucca Valley Phoenix	161.2023.3	0	Nambucca Landfill
Salvation Army Care Centre, Macksville – Family Store closed in April 2024	161.2023.5	5.72	Nambucca Landfill
	Total	24.88	

CONSULTATION:

Acting Director Corporate Services
 Director Engineering Services
 Green Space Coordinator
 Manager Development and Environment
 Waste Services Coordinator

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2024/2025 - APPLICATIONS FOR APPROVAL FOR WASTE SERVICES

SUSTAINABILITY ASSESSMENT:

Environment

Potential reduction in the illegal dumping of waste materials.

Social

There are positive social benefits associated with the donation of additional waste services and waste waivers to various community groups throughout the Nambucca Valley.

Economic

There are positive economic impacts for the charitable organisations.

Risk Analysis

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

Delivery Program Action

- CC1 - Using a variety of tools, engage with the community in ways that are accessible and transparent
- CE6 - Provide an efficient and effective waste management facility that meets environmental standards
- LW13 - Volunteers in the community are recognised and encouraged
- PP3 - Participate in local and regional marketing events to promote the Valley

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

As a comparison, **38.80** tonnes of waste, from charity organisations, was deposited at Council's waste depot in the 2022/2023 year. To date, for 2023/2024, there has only been **24.88** tonnes deposited (reimbursed) in the waste facility, up to 10 May 2024. The general ledger account number for Waste Donations is 3420.406.622 which has 2023/2024 actual expenditure of **\$4,848.31** as at 10 May 2024 and an expense budget of \$10,500.

The estimation of tonnage from charitable organisations is generally an over-estimation, for example, in 2023/2024, Macksville/Bowraville Uniting Church Op Shop were approved for 2.0 tonnes but to date have only deposited 0.24 tonnes of waste, and Nambucca Valley Phoenix Ltd were also approved for 2.0 tonnes, but have not deposited any waste at Council's facility to date, nor applied for any reimbursement. The expenditure in 2023/24 to date is also a continuing reflection of removal of "deposit bins" and installation of fencing at some charitable organisation's centres. It is also worth noting that the Salvation Army Family Store Opportunity Shop in Macksville closed down in April 2024, so did not make an application for the 2024/2025 year.

The 2024/25 draft budget for waste donations is \$10,800.

Working funds – justification for urgency and cumulative impact

Nil as these costs are funded out of the Other Waste Management Reserve.

Impacts on 10 Year Long Term Financial Plan

No expected impacts on 10 Year Long Term Financial Plan.

Service level changes and resourcing/staff implications

No change or implications.

ATTACHMENTS:

There are no attachments for this report.

DEVELOPMENT AND ENVIRONMENTS

ITEM 11.1 SF3410 130624 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

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

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

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

RECOMMENDATION:

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 5 June 2024, and development applications determined from 6 May to 5 June 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

OPTIONS:

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

DISCUSSION:

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

Nil.

TABLE 2: UNDETERMINED DEVELOPMENT APPLICATIONS WITH SUBMISSIONS

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/281	23 October 2023	Dwelling, Pool & Change of use from three dwellings to tourist accommodation	Lot 101 DP 755550, 62 Lumsdens Lane, North Macksville
Two submissions have been received			
STATUS: The RFS refused general terms of approval. The applicant has made amendments to the DA to address the RFS concerns. Awaiting the response from the RFS regarding the amended application.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/028	7 February 2024	Secondary Dwelling	Lot 458 DP 755550 - 36 Riverside Drive, Nambucca Heads
One submission has been received			
STATUS: Exhibition finished. Awaiting additional information from the applicant relating to privacy, view sharing and visual impacts of the development.			

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

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/048	6 March 2024	Alterations & additions to existing dwelling	52 Waratah Street, Scotts Head – Lot 15 Sec A DP 17707
Two submissions received. Public exhibition period closed.			
STATUS: Awaiting view impact assessment from applicant.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2012/069	18 April 2024	Extend operating hours at precast facility	2 Centra Park Street, Macksville – Lot 16 DP 1140719
Nine submissions received. Public exhibition period closes on 10 June 2024.			
STATUS: Awaiting closure of submission period and submission of updated noise impact assessment which adequately addresses the requirements of the NSW Noise Policy for Industry.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/093	23 April 2024	Secondary Dwelling	23 Florence Wilmont Drive, Nambucca Heads – Lot 2 DP 711098
Three submissions received. Public exhibition period closed.			
STATUS: Original proposal was for a moveable dwelling. The proposed plans did not comply with the regulations so the applicant is amending the plans. Awaiting amended plans.			

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

No development applications were determined between 6 May to 5 June 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

To be undertaken in assessment of individual development applications.

Economic

To be undertaken in assessment of individual development applications.

Risk Analysis

None identified.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current budgets

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

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:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.2 SF3410 130624 2024 MAY - APPROVED CONSTRUCTION CERTIFICATES
AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Developments for the month of May 2024 as at 3 June 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  27714/2024 - Construction Certificates & Complying Developments Approved May 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.3 SF3410 130624 2024 MAY - DEVELOPMENT APPLICATIONS AND
COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at the meeting on 16 January 2014 resolved:


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

Attached is a list of Development Applications and Complying Developments received in May 2024 as at 3 June 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  27715/2024 - Development Applications & Complying Developments Received May 2024