



# NAMBUCCA VALLEY COUNCIL

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## ORDINARY COUNCIL MEETING AGENDA ITEMS 27 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](http://www.nambucca.nsw.gov.au)



# NAMBUCCA VALLEY COUNCIL

## ORDINARY COUNCIL MEETING - 27 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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12 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING

12.1 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](mailto:council@nambucca.nsw.gov.au)

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

## Definitions

(Local Government Act and Code of Conduct)

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

*(Local Government Act, 1993 section 442 and 443)*

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

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

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

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

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

### **SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST**

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

#### Important information

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

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

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

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

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

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

Special disclosure of pecuniary interests by .....in the matter of ..... which is to be considered at a meeting of the ..... to be held on the.....day of ..... 20

<b>Pecuniary interest</b>	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor [Tick or cross one box.]	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
<b>Matter giving rise to pecuniary interest<sup>1</sup></b>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> [Tick or cross one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

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

**Councillor's signature:**

**Date:**

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



## NAMBUCCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

The following document is the minutes of the Ordinary Council meeting held **13 JUNE 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 27 June 2024 and therefore subject to change. Please refer to the minutes of 27 June 2024 for confirmation.

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### PRESENT

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

Cr Susan Jenvey  
Cr Troy Vance

### ALSO PRESENT

Matthew Sykes (Acting General Manager)  
David Moloney (Director Engineering Services)  
Rochelle McMurray (Minute Secretary)

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

### APOLOGIES

#### Apologies (leave granted)

Bede Spannagle (General Manager)

#### Apologies

Cr Martin Ballangarry OAM

Cr James Angel

#### Absent

Cr Ricky Buchanan

### 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

Pastor Tim Turner from the Seventh Day Adventist Church Nambucca Heads, offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 30 MAY 2024**

179/24 **RESOLVED:** (Jones/Wilson)

That the minutes of the Ordinary Council Meeting of 30 May 2024 be confirmed.

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#### PUBLIC FORUM

##### RECOMMENDATION

That the following Public Forum be heard:

- i Mr Alan Manuel - observations and questions in relation development application process and impacts.*

#### PUBLIC FORUM

- i Mr Alan Manuel addressed Council with notes placed on 29780/2024 SF 3424.**

180/24 **RESOLVED:** (Jones/Jenvey)

**That Council;**

- 1 Call for a report in relation to the gateway determination for the LEP amendment to horticulture.**
- 2 Report on;**
  - **the possibility on ministerial approval for interim moratorium on any form of development.**
  - **if successful, will the LEP amendment allow Council to require a DA for horticulture/intensive horticulture.**
  - **will that allow the capture of height, structure, distance buffers and footprint ratio of land.**
  - **City of Coffs Harbour Council experience in implementing DA's.**
  - **potential circumstances on what would trigger a Land and Environment court proceedings regarding the requirement of a DA for horticulture.**
  - **the need for a rural land use strategy to inform the LEP.**

#### DELEGATIONS

##### RECOMMENDATION

That the following delegations be heard:

- ii Mr Greg Desmond -President Taylors Arm Sports Reserve on the 2024/25 budget submission.*

#### DELEGATIONS

- ii Mr Greg Desmond -President Taylors Arm Sports Reserve addressed Council with notes placed on 29383/2024 SF 3424.**
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

181/24 **RESOLVED:** (Hoban/Jones)

That Council bring forward the Items 10.2 Making of Rates and Charges 2024/2025 and 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, in that order.

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### DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.2 SF690 130624 Making of Rates and Charges 2024/2025

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182/24 **RESOLVED:** (Wilson/Vance)

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

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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- 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 Rateable properties used for commercial purposes, that are not vacant but do not, or have elected not to receive a waste service; or any property under any category not on the waste collection route; 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 Section 518 of the Act) or is Non Rateable land, and located within the confines of the

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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- 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 one hundred dollars (\$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".
- 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*,

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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- 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 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

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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 will be charged one additional charge unit for each odd number of OSSMS, for example 3 OSSMS equals 2 charge units, 5 OSSMS equals 3 charge units.
- 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 will be charged one additional charge unit for each odd number of OSSMS, for example 3 OSSMS equals 2 charge units, 5 OSSMS equals 3 charge units.
- 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 will be charged one additional charge unit for each odd number of OSSMS, for example 3 OSSMS equals 2 charge units, 5 OSSMS equals 3 charge units.
- 29 An interest rate of ten point five zero percent (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.

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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

183/24 **RESOLVED:** (Hoban/Wilson)

### 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).
- 3 That Council receive a brief report on whether investigations, design and construction of drainage improvements on Taylors Arm Road adjacent to the Taylors Arm Reserve can be

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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funded under the existing budget allocations for Survey & Design Investigation and/or from the Regional and Local Roads Repair (RLRRP) and Regional Road Emergency Road Repair Fund (RERRF) funding allocated to Council.

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### ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

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

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

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### GENERAL MANAGER REPORTS

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ITEM 9.1 SF959 130624 Outstanding Actions and Reports

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184/24 **RESOLVED:** (Jenvey/Wilson)

**That Council note the list of outstanding actions and reports.**

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ITEM 9.2 SF3499 130624 Local Small Commitments Allocation funding program - finalised list of projects recommended by Council staff

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185/24 **RESOLVED:** (Jenvey/Wilson)

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

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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 was moved and dealt with under delegations

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ITEM 10.2 - Making of Rates and Charges 2024/2025 was moved and dealt with under delegations

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ITEM 10.3 SF3504 130624 Donations Program (Section 356) 2024/2025 - Applications for Approval for Waste Services

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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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186/24 **RESOLVED:** (Jones/Jenvey)

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.

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## MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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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

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187/24 **RESOLVED:** (Wilson/Vance)

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.

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ITEM 11.2 SF3410 130624 2024 May - Approved Construction Certificates and Complying Development Applications

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188/24 **RESOLVED:** (Jenvey/Vance)

That Council notes the Construction Certificates and Complying Developments approved for

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

May 2024.

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ITEM 11.3 SF3410 130624 2024 May - Development Applications and Complying  
Development Applications Received

189/24 **RESOLVED:** (Jenvey/Wilson)

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

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

190/24 **RESOLVED:** (Wilson/Vance)

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

*Reason reports are in Closed Meeting:*

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### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF3420 130624 Tender T011/2024 - SPT112425MNC Wood Waste and Green  
Waste Mulching 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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3420 130624 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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF3420 130624 Tender T013/2024 - SPT132425MNC Concrete, Brick and Tile  
Crushing Services

## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.4 SF3420 130624 Matters Regarding Realised or Potential Losses

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*It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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## CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:45 PM.

## RESUME IN OPEN MEETING

191/24 **RESOLVED:** (Jones/Vance)

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

## FROM COUNCIL IN CLOSED MEETING

The Acting General Manager then read the Confidential resolutions.

## GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF3420 130624 Tender T011/2024 - SPT112425MNC Wood Waste and Green Waste Mulching Services

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192/24 **RESOLVED:** (Jones/Jenvey)

### That Council

- 1 Award the tender submitted by Davis Earthmoving and Quarrying Pty Ltd for tender T011/2024 – SPT112425MNC for the provision of wood waste and green waste mulching at the Nambucca Waste Management Facility for the period 1 July 2024 to 30 June 2026.**
- 2 Includes a provision in the contract for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2027.**
- 3 Once the contract is executed, update the contract register.**

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

For the Motion: Councillors Hoban, Jenvey, Jones, Vance and Wilson.

Total (5)

Against the Motion:

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

Total (0)

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3420 130624 Tender T012/2024 - SPT122425MNC Collection, Sorting and  
Removal of Scrap Metals

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193/24 **RESOLVED:** (Hoban/Jones)

### That Council

- 1 Award the tender submitted by Onesteel Recycling Pty Limited t/a Matthews Metal Management/Infrabuild Recycling for tender T012/2024 – SPT122425MNC for the collection, sorting and removal of scrap metals, used lead acid batteries, and associated refrigerator/air conditioner degassing at the Nambucca Waste Management Facility for the period 1 July 2024 to 30 June 2026.
- 2 Includes a provision in the contract for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2027.
- 3 Once the contract is executed, update the contract register.

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

For the Motion: Councillors Hoban, Jenvey, Jones, Vance and Wilson

Total (5)

Against the Motion:

Nil

Total (0)

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF3420 130624 Tender T013/2024 - SPT132425MNC Concrete, Brick and Tile  
Crushing Services

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194/24 **RESOLVED:** (Jones/Jenvey)

### That Council

- 1 Award the tender submitted by Davis Earthmoving and Quarrying Pty Ltd for tender T013/2024 – SPT132425MNC for the processing of concrete, brick and tile crushing at the Nambucca Waste Management Facility for the period 1 July 2024 to 30 June 2026.
- 2 Includes a provision in the contract for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 30 June 2027.
- 3 Once the contract is executed, update the contract register.

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

For the Motion: Councillors Hoban, Jenvey, Jones, Vance and Wilson

Total (5)

Against the Motion:

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 13 JUNE 2024

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Total (0)

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.4 SF3420 130624 Matters Regarding Realised or Potential Losses

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195/24 **RESOLVED:** (Wilson/Vance)

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

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## CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:14 PM.

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

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

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**QUESTION WITH NOTICE**

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**ITEM 7.1 SF2897 270624 QUESTION WITH NOTICE - RULE 72 VALLA BEACH ROAD INTERSECTION**

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**AUTHOR/ENQUIRIES:** Rhonda Hoban OAM, Councillor

**SUMMARY:**

- 1 Considerable correspondence has been received from Valla Beach Community Association and local residents regarding safety issues surrounding the instruction of a Rule 72 Give Way sign on the Valla Beach intersection slip lane. Could staff provide some background and further advice surrounding this matter and indicate whether there is anything more that Council can do to address the safety concerns of residents?
- 2 Can Council seek clarification on the actual interpretation by Transport for NSW (TfNSW) and Police of Rule 72 which is presumably Section 72 of the *Road Rules 2014*. It is understood that TfNSW and Police are applying Section 72 (4) which refers to slip lanes. However the Section 72 heading and introduction specifically states that the entire regulation does NOT apply to T-intersections or roundabouts. The intersection of Valla Beach Road and Giinagay Way IS a T- intersection. It should also be noted that every diagrammatic representation within this regulation depicts a four-way intersection, not a T-intersection.

Refer the following link: <https://www5.austlii.edu.au/au/legis/nsw>.

**RECOMMENDATION:**

**That Council:**

- 1 **Write to Transport for NSW (TfNSW) seeking clarification on the appropriateness of their interpretation of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* through the application of Regulation 72 at the intersection of Giinagay Way and Valla Beach Road; and**
  - 2 **Write the Local State Member, Mr. Michael Kemp MP and request that he make representations to the appropriate Minister or State Government Agency regarding the residents safety concerns at the intersection of Giinagay Way and Valla Beach Road;**
- 
- 1 *Considerable correspondence has been received from Valla Beach Community Association and local residents regarding safety issues surrounding the instruction of a Rule 72 Give Way sign on the Valla Beach intersection slip lane. Could staff provide some background and further advice surrounding this matter and indicate whether there is anything more that Council can do to address the safety concerns of residents?*

**RESPONSE FROM DIRECTOR ENGINEERING SERVICES**

By way of background, TfNSW, [NSW Road Network Classifications](#) identifies Giinagay Way as a State Road.

TfNSW's "[Schedule of Classified Roads and Unclassified Roads](#)" states that:

*"The administration and management of State Roads is carried out and financed by Transport, and Regional and Local Roads are administered, managed and financed by local councils."*

Since this intersection has been raised with Council by the community, Council Officers have contacted TfNSW in regards to the issue several times with Council Officers meeting with TfNSW representatives on 4<sup>th</sup> June 2024 to raise the residents' concerns over the intersection.

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**ITEM 7.1 QUESTION WITH NOTICE - RULE 72 VALLA BEACH ROAD INTERSECTION**

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Council also requested that the representatives discuss the intersection with their designer to see if there are any design issues with the intersection layout. Considering the actions taken by Council to date and that the ultimate responsibility is with TfNSW there is little else Council can do other than writing to our Local State Member, Mr. Michael Kemp MP, urging him to make representations on behalf of the community around their concerns of safety with the intersection.

- 2 *Can Council seek clarification on the actual interpretation by Transport for NSW (TfNSW) and Police of Rule 72 which is presumably Section 72 of the Road Rules 2014. It is understood that TfNSW and Police are applying Section 72 (4) which refers to slip lanes. However the Section 72 heading and introduction specifically states that the entire regulation does NOT apply to T-intersections or roundabouts. The intersection of Valla Beach Road and Giinagay Way IS a T- intersection. It should also be noted that every diagrammatic representation within this regulation depicts a four-way intersection, not a T-intersection.*

Refer the following link which is **attached**: <https://www5.austlii.edu.au/au/legis/nsw>

#### RESPONSE FROM DIRECTOR ENGINEERING SERVICES

The *Transport Operations (Road Use Management – Road Rules) Regulation 2009* (Road Rules) is the instrument that creates the road rules.

Council can write to TfNSW and seek clarifications on the application of Regulation 72 at the intersections on Giinagay Way noting the following:

- 1 Discussion with TfNSW representatives and information being conveyed to the community have been referring to Regulation 72 of the Road Rules.
- 2 Regulation 72 States:

“72 Giving way at an intersection (except a T-intersection or roundabout)”

Having regards to the Road Rules, other parts of the Road Rules are more appropriate for regulation of the intersection at this site such as:

- [Regulation 73](#) Giving way at a T-intersection and
- [Part 7 Division 1](#) (Regulations 67-71) Giving way at a stop sign, stop line, give way sign or give way line applying to the driver.

Regardless of TfNSW quoting of the Road Rules the current operations of the intersection are within the Road Rules which require the left turning vehicle in a slip lane to give way to all other vehicles and pedestrians.

#### **ATTACHMENTS:**

- 1  29742/2024 - NSW Road Rules - REG 72

**GENERAL MANAGER'S REPORT****ITEM 9.1 SF959 270624 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, Acting Director Corporate Services

**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
<b>OCTOBER 2022</b>			
1	SF3168	13/10/22	MDE
<p><b>RESOLUTION: Notice of Motion - Future Waste Operations Post 2027 - Discussion with Councils</b> 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.</p> <p><b>STATUS:</b> 19/10/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022. 02/11/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey. 15/11/22 Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils. Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022. 01/02/23 Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils. 16/02/23 Virtual meeting arranged for 22 March 2023. 20/03/23 Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated. 22/03/23 Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils. 30/03/23 Item to remain open at the request of Cr Jenvey. 05/04/23 Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised. 13/04/23 Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council. 14/04/23 Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time. 19/04/23 Meeting to be arranged by EPA. 03/05/23 The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity. 17/05/23-7/06/23 Waiting for response from EPA. 21/06/23-4/07/23 Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue. 19/07/23 Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence's facilities is currently being undertaken. 09/08/23 No further update. 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. 22/05/24-19/06/24 No further update.</p>			



**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

MAY 2023			
2	SF2524	25/05/23	DCS
<p><b>RESOLUTION: Lease of Lots 1 and 2 in DP 866932 Reserve 85113 - Nambucca Heads RSL Club Ltd Carpark</b> 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.</p>			
<p><b>STATUS:</b> 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:  <ul style="list-style-type: none"> <li>- The full length of stormwater pipe replacement except for the first 12m</li> <li>- The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench</li> <li>- The concrete carpark for 3 car parking bays out of 7.</li> </ul>                     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 &amp; Manager Projects to walk through issues identified with sink holes, cavities and current rectification works. Need has been identified that there is a much larger problem in the sub-surface which needs full investigation prior to any re-surfacing. Engineers to undertake proper and full investigation, project to rectify to be scoped; responsibilities of works to be clearly delineated; funding for project to be sought. Report to be brought back to Council on status once fully understood.                      22/11/23 DoPE Crown Lands have advised they are completing independent Native Title Advice to be supplied to Council, however require 2 additional purposes to be added to the reserve purposes being Access, and Tourist Services. These will need to be gazetted and will provide approval for the existence of access to the boardwalk and boat ramp, and for the kiosk and café. The progressing of the new lease will be subject to the outcome of the exploration works with the stormwater rectification project works, then confirming our negotiated position with the RSL Club.                      05/12/23-05/02/24 No further action. Awaiting completion of works at premises (estimated to be completed by the end of this financial year given the funding parameters set by TfNSW who have funded a large portion of the required works), and native title advice from DoPE Crown Lands.                      20/02/24 Dept Crown Lands have advised they have reviewed and will no longer require Council to add the 2 previously identified purposes to the Reserve, and accordingly will no longer be undertaking a Native Title Assessment. Council may continue with the leasing process which remains subject to completion of the civil works being done to remediate the stormwater infrastructure.                      04/03/24 Stormwater works project to recommence late April 2024, to be completed by 30 June 2024.                      12/03/24 Project Engineer advised Surveyors will stake boundaries end of March. This will assist with discussion and planning moving forward.                      02/04/2024 No further update.                      12/04/24 Meeting with Project Engineer &amp; 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                 </p>			

**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

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.  
 18/06/24 No further update.

JUNE 2023			
3	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 has included meeting with two aboriginal councillors and a meeting with Jaanymili Bawrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP's of other organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, Muurbay Language and Cultural Cooperative, Miimi Aboriginal Corporation and Ngurrala Aboriginal Corporation. The CDO has also recently had consultation with the key stakeholders involved in the development of the new Gumbaynggirr Keeping Place.  
 CDO is also liaising with local community stakeholders to gain an understanding of what the issues and challenges are for our indigenous community.  
 20/02/24 No further update.  
 05/03/24 A letter has been drafted to organise the reconvening of a meeting of Council's Aboriginal Advisory Committee and to extend its stakeholder engagement if necessary to produce a Reconciliation Action Plan to be linked to Council's Community Strategic Plan. The CDO has also been writing a grant application to fund activities through NAIDOC week (7-14/7/2024).  
 15/03/24 A letter has been sent to Council's Aboriginal Stakeholder database inviting representatives to a meeting scheduled for 28 March 2024. The CDO has also engaged in mentoring to improve his understanding and skills in facilitating meetings with aboriginal communities. The CDO will also attend the screening of a Cultural Burns Journey 2024 in Macksville on the 27 March 2024.  
 28/03/24 A meeting was scheduled for aboriginal stakeholders to discuss the re- establishment of the Aboriginal Advisory Committee and the potential development of a Reconciliation Action Plan.  
 Following the original invitation which was sent by mail on the 4 March a reminder email was sent on the 21 of March. Council did not receive any response to these invitations. The stakeholders invited were:  
 Nambucca Aboriginal Land Council, Bowraville Aboriginal Land Council, Unkya Aboriginal Land Council, Jaanymili Bawrungga Association, Muurbay Aboriginal Language and Cultural Cooperative, Ngurrala Aboriginal Corporation and Miimi Aboriginal Corporation. The apparent lack of interest in the meeting was discussed with Cr M Ballangarry on the 27 March and a list of invitees was forwarded to him. He advised that he will discuss the opportunity with these groups.  
 04/04/24-18/06/24 No further update.

## ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

JULY 2023			
4	SF396	27/07/23	MDE
<p><b>RESOLUTION: Housekeeping amendment to Nambucca Local Environmental Plan 2010</b></p> <p>1 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>2 Following community consultation, Council staff report the planning proposal back to Council for consideration of submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p><b>STATUS:</b></p> <p>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.</p> <p>23/08/23 Planning proposal being finalised for submission to the Minister for Gateway Determination.</p> <p>06/09/23-21/02/24 Amendments requested by the Minister prior to Gateway determination being finalised for resubmission.</p> <p>06/03/24 Amended planning proposal resubmitted and accepted for assessment.</p> <p>20/03/24-03/04/24 Waiting for gateway determination.</p> <p>17/04/24-09/05/24 Gateway determination received. To be placed on exhibition.</p> <p>22/05/24-19/06/24 On exhibition until 24 June 2024.</p>			
AUGUST 2023			
5	LF5363	31/08/23	DES
<p><b>RESOLUTION: Public Forum - Report on the Causeway to Stuarts Island Nambucca Heads</b></p> <p>Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 &amp; 46082/2023)</p>			
<p><b>STATUS:</b></p> <p>06/09/23 Submission received and report to be prepared accordingly.</p> <p>20/09/23 No further update.</p> <p>04/10/23 Options investigation commenced.</p> <p>18/10/23 No further update. Investigations will take time to develop.</p> <p>06/11/23-22/11/23 No further update.</p> <p>05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024.</p> <p>20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting.</p> <p>08/05/24 No further update.</p> <p>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.</p> <p>04/06/24-18/06/24 No further update.</p>			
OCTOBER 2023			
6	SF3303	26/10/23	CFO
<p><b>RESOLUTION: Request for funding allocation – Design of Shared Pathway – Hyland Park to Mann Street</b></p> <p><del>THAT:</del></p> <p><del>1 If staff can identify sufficient available funds in reserves or the adopted 2023/2024 budget Council allocate those funds at the September 2023 Quarterly Budget Review to engage an external consultancy to prepare a design for a shared pathway from Hyland Park to Mann Street, Nambucca Heads.</del></p> <p><del>2 When a new round of Transport for NSW's Get NSW Active program opens or any other suitable grant funding opportunity arises Council apply for funding for an external consultancy to prepare a design for a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</del></p> <p><del>3 If sufficient funding cannot be identified in reserves or the current budget and no new grant funding opportunity has opened or if a grant funding application remains undetermined or has been unsuccessful Council consider a funding allocation in the 2024/2025 budget to engage external consultants to design a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</del></p> <p><del>4 The design encompass multi modal trip for cycle friendly infrastructure.</del></p>			
<p><b>STATUS:</b></p> <p><del>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.</del></p> <p><del>22/11/23 Council receiving ongoing letters of support and quotations received for survey design. Application to be lodged in December 2023.</del></p> <p><del>05/12/23 Application will be made prior to 12 December 2023 through NSW Get Active program.</del></p> <p><del>10/01/24 Grant application made and budget bid to be added to 24/25 budget process.</del></p> <p><del>21/02/24-20/03/24 No further update.</del></p> <p><del>20/03/24 Included in draft budget, waiting on adoption by Council.</del></p> <p><del>22/11/23 Will be part of design if grant application is successful.</del></p> <p><del>05/01/24-18/06/24 Awaiting decision from grant body.</del></p> <p><del>19/06/24 2024/25 Budget approved on 13 June 2024 Council meeting which included \$60,000 for the investigation and</del></p>			

**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

design of the shared pathway.			
<b>DECEMBER 2023</b>			
<b>7</b>	SF3190	14/12/23	DCS
<b>RESOLUTION: Subdivision - Lots 9 &amp; 10 DP884342 Warrell Creek</b>			
1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted.			
2 Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval.			
<b>STATUS:</b>			
10/01/24-05/02/24 Registration of subdivision underway as per Council resolution.			
20/02/24-20/03/24 No change, registration process underway at NSW Land Registry Service.			
02/04/24-18/06/24 No further update.			
<b>JANUARY 2024</b>			
<b>8</b>	PRF53	18/01/24	DES
<b>RESOLUTION: River Street Toilet Block Relocation</b>			
1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;			
2 Engage an architect to progress the design of the proposed new amenities and report back to Council.			
<b>STATUS:</b>			
06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged.			
20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan.			
15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.			
04/06/24 – Detailed survey pending.			
18/06/24 – No further update.			
<b>FEBRUARY 2024</b>			
<b>9</b>	SF3424	15/02/24	GM
<b>RESOLUTION: Public Forum - Nambucca Valley Community Resilience and MNCJO Simulation table.</b>			
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.			
<b>STATUS:</b>			
21/02/24-18/06/24 No further update.			
<b>MARCH 2024</b>			
<b>10</b>	SF2911	28/03/24	DCS
<b>RESOLUTION: Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing</b>			
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.			
<b>STATUS:</b>			
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.			
18/06/24 Report to be included in 11 July 2024 business paper.			
<b>APRIL 2024</b>			
<b>11</b>	SF3422	11/04/24	DES
<b>RESOLUTION: Request to name side road and correct rural addressing</b>			
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.			
<b>STATUS:</b>			
17/04/24 No update.			
08/05/24 Site plan developed for consultation with community.			
21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW (GNB) for approval.			

## ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

04/06/24 "Wanbro" sent to Muurrbay Aboriginal Language Centre at the request of the GNB for the name to be endorsed by the local Aboriginal community. 18/06/24 Pending response from Muurrbay Aboriginal Language Centre.			
<b>12</b>	SF2381	11/04/24	<b>MDE</b>
<p><b>RESOLUTION: Horticulture within the Nambucca Valley</b></p> <p>1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which includes the following amendments to the Nambucca Local Environmental Plan 2010:</p> <p>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'.</p> <p>b) The inclusion of the RU1 Primary Production and RU2 Rural Landscape zones in Schedule 2 so that the specified forms of 'horticulture' become exempt development in the same manner that they currently are in the R5 Large Lot Residential zone and add the prohibition of structures to support the exempt horticultural activity.</p> <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p> <p>Engage a formal meeting with The Hon. Mr Michael Kemp MP and any relevant Minister to pursue the opportunity for further funding for EPA, DPI, NRAR and any other regulatory body.</p>			
<p><b>STATUS:</b></p> <p>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. 19/06/24 Amended planning proposal resubmitted to the Minister for gateway determination.</p>			
<b>13</b>	SF3477	11/04/24	<b>MDE</b>
<p><b>RESOLUTION: Valla Urban Growth Area Amendment</b></p> <p>1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.</p> <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p><b>STATUS:</b></p> <p>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. 05/06/24-19/06/24 No further update.</p>			
<b>14</b>	SF3421	24/04/24	<b>DES</b>
<p><b>RESOLUTION: V-Wall Access to Beach – Wellington Drive Nambucca Heads</b></p> <p>That Council receive a report on the background of the removal of the steps and the work that has been done to date and matters raised in the public forum presentation and petition. Correspond with Ms Myra Davidson when the report is ready to be presented back.</p>			
<p><b>STATUS:</b></p> <p>06/05/24-21/05/24 Report being developed for the meeting on 27 June 2024. 04/06/24 Report to 27 June 2024 Council meeting. 18/06/24 Report moved to 11 July 2024 Council meeting pending letter from Nambucca Heads SLSC regarding the stairs to be included.</p>			
<b>15</b>	SF731	24/04/24	<b>DCS</b>
<p><b>RESOLUTION: Community Improvement Districts - Draft Bill – Consultation</b></p> <p>That Council</p> <p><del>1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.</del> <del>2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.</del></p> <p>3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.</p>			
<p><b>STATUS:</b></p> <p>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. 04/06/24-18/06/24 No further update.</p>			

**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

MAY 2024			
16	SF983	16/05/24	MDE
<p><b>RESOLUTION: Plan of Management for the Faringdon Fields</b> That Council</p> <p>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.</p> <p>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.</p> <p>3 In developing a draft Plan of Management consideration be given to the Len Roberts report commissioned by the Federal Government.</p> <p>4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.</p>			
<p><b>STATUS:</b> 21/05/24-5/06/24 No further update. 19/06/24 Draft Plan of Management sent to Aboriginal stakeholders and Gaagal Wanggaan Board of Management for comment by 15 July 2024. After this date the draft Plan of Management will be placed on public exhibition.</p>			
17	SF3327	30/05/24	DCS
<p><b>RESOLUTION: 2023/2024 Service Reviews</b> That Council notes</p> <p>1 The 2023/24 Service Review reports for Animal Control, Public Toilets, and Biosecurity.</p> <p>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.</p>			
<p><b>STATUS:</b> 04/06/24-18/06/24 No further update.</p>			
18	SF3327	30/05/24	DCS
<p><b>RESOLUTION: Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of -Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127</b> That Council</p> <p>1 <del>Provides Owner’s Consent for the lodgement of a Development Application of Lots 9, 17 and 18 /DP884316 using the attached plan.</del></p> <p>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.</p>			
<p><b>STATUS:</b> 04/06/24 No further update. 18/06/24 Valuation sought to determine sale price for boundary adjustment; property owners advised of resolution and progress. Any agreement reached will be brought back to Council.</p>			
19	SF3424	13/06/24	MDE
<p><b>RESOLUTION: Public Forum – Development Application process and impacts</b> That Council;</p> <p>1 Call for a report in relation to the gateway determination for the LEP amendment to horticulture.</p> <p>2 Report on;</p> <ul style="list-style-type: none"> <li>• the possibility on ministerial approval for interim moratorium on any form of development.</li> <li>• if successful, will the LEP amendment allow Council to require a DA for horticulture/intensive horticulture.</li> <li>• will that allow the capture of height, structure, distance buffers and footprint ratio of land.</li> <li>• City of Coffs Harbour Council experience in implementing DA’s.</li> <li>• potential circumstances on what would trigger a Land and Environment court proceedings.</li> </ul> <p>regarding the requirement of a DA for horticulture.</p> <ul style="list-style-type: none"> <li>• the need for a rural land use strategy to inform the LEP.</li> </ul>			
<p><b>STATUS:</b> 18/06/24 No further update.</p>			
20	SF3328	13/06/24	CFO/DES
<p><b>RESOLUTION: 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</b> That Council</p> <p>1 <del>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.</del></p> <p>2 <del>Adopts the 2024/2025 Schedule of Fees and Charges adjusted for:</del></p> <ul style="list-style-type: none"> <li>• <del>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.</del></li> <li>• <del>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</del></li> </ul>			

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**ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS**

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~~and Clean Fill) and Waste Charges (Annual Charge for Individual Additional Bins - Domestic and Commercial).~~

3 That Council receive a brief report on whether investigations, design and construction of drainage improvements on Taylors Arm Road adjacent to the Taylors Arm Reserve can be funded under the existing budget allocations for Survey & Design Investigation and/or from the Regional and Local Roads Repair (RLRRP) and Regional Road Emergency Road Repair Fund (RERRF) funding allocated to Council.

**STATUS:**

18/06/24 CFO comment Fees and charges have been adopted 13 June 2024 and committees notified.

**ATTACHMENTS:**

There are no attachments for this report.

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.1 SF3503 270624 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN  
COMMUNITY ENGAGEMENT**

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

**SUMMARY:**

The purpose of a Community Strategic Plan (CSP) is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving these goals. Whilst local Councils play a custodial role in initiating, preparing and maintaining the CSP on behalf of the community, they are not wholly responsible for its implementation. Under section 402 of the *Local Government Act 1993* the Council must review the CSP before 30 June in the year following an ordinary election of council i.e. the next review timeframe is before 30 June 2025. The Council may endorse the existing CSP, or develop and endorse a new CSP, as appropriate, to ensure that the local government area has a CSP covering at least the next 10 years.

In accordance with these requirements a review of the current 2022/23- 2031/32 CSP is due for the 10-year period post 30 June 2025. Council management believe that there is a need to undertake a comprehensive review of Council's CSP including refreshing the vision, themes, and priorities included in the current CSP. For such a comprehensive review to be meaningful Council should undertake extensive community engagement to understand the needs and aspirations of the Nambucca Valley community.

Along those lines Council staff have sought proposals from several consultants on undertaking community engagement for a CSP review. The funding of the successful proposal will be sourced from a carry forward of \$17,500 in the 2023/24 financial year remaining from a budget allocated for consultancy engagement for services reviews and from the 2024/25 budget for Integrated Planning and Reporting software of \$100,000.

The outcomes of the community engagement will be presented as a report to the new Council at the 28 November 2024 Council meeting for consideration in informing the 2025/26 to 2034/35 CSP.

**RECOMMENDATION:**

**That Council note the plan by staff to engage consultants to undertake community engagement for the review of the Community Strategic Plan.**

**OPTIONS:**

For information only.

**DISCUSSION:**

The previous CSP adopted by Council needs an update of its content and style including the community vision, themes and community priorities. To inform the revised CSP Council staff consider extensive engagement with the Nambucca Valley community essential so as to understand the community's future needs and aspirations. Current staff resourcing does not allow for adequate time to be dedicated to extensive community engagement, and therefore Council staff have sought proposals from several consultants (pricing ranging from \$21,200 ex GST to \$51,500 ex GST) on undertaking the community engagement process required for a comprehensive CSP review.

Community engagement is planned to occur over July/August 2024. The community engagement process will involve the following steps:

- 1 Conducting an inception meeting with key Council staff in-person at Council's offices and a detailed review of any background information such as Council reports, existing CSP, Community Engagement Strategy, results of the recent community satisfaction survey and any branding guidelines. These reviews will inform the development of a Community Engagement Plan by the consultants to be represented to Council staff for review.



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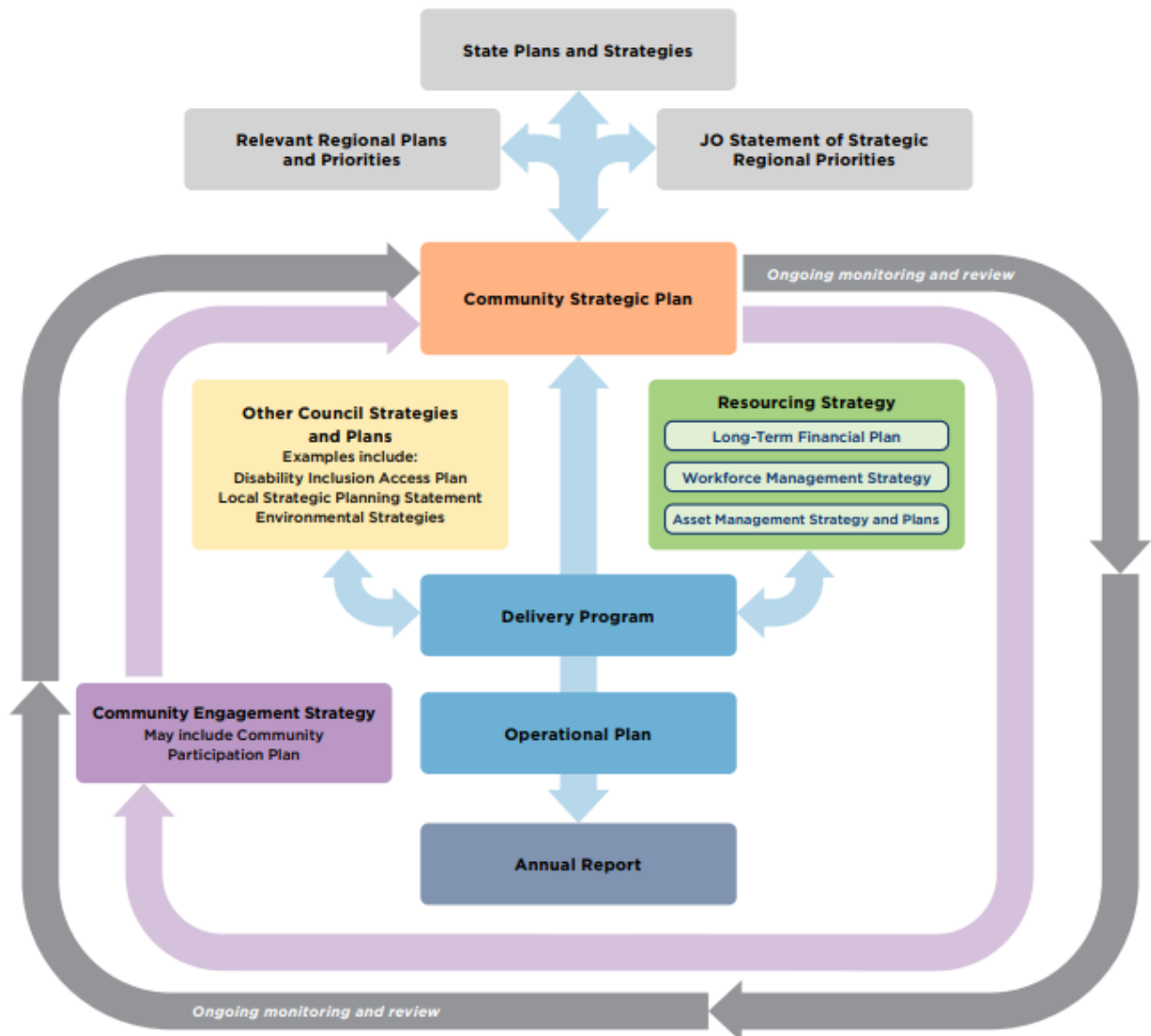
**ITEM 10.1 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN COMMUNITY ENGAGEMENT**

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- 2 Implementation of the agreed Community Engagement Plan i.e. creating a dedicated web page on Council's website for the community engagement project, distribution of an online survey seeking community feedback on matters such as what their vision for the valley would be by 2035, pop up events of several hours with Council staff in attendance to provide information regarding the community engagement process coinciding with other community events such as markets covering several localities (i.e. Valla Beach, Nambucca Heads, Scotts Head, Bowraville, Macksville, Taylors Arm and Eungai), targeted engagement with community segments (youth, indigenous peoples etc.) and a targeted co-design one day workshop open to the community to consolidate thinking on the CSP.
- 3 Creation of a community engagement outcomes report which will include suggested CSP vision/themes/ strategies, with the report to be provided to staff for review before being presented to the new Council at the 28 November 2024 Council meeting for consideration in informing the 2025/26 to 2034/35 CSP to be adopted by Council by 30 June 2025.

The vision, themes and community priorities proposed in a revised CSP will then inform the Delivery Program (DP) for the 2025/26 to 2028/29 period. The DP is a statement of commitment to the community from the newly elected Council, that translates the community's strategic goals into clear actions. It allows Council to determine what is achievable over the next 4 years, what the priorities are, and how programs will be scheduled. The Operational Plan is Council's action plan for achieving the community priorities outlined in the CSP and DP. The Operational Plan is prepared each year, and identifies the projects, programs, and activities that Council will conduct to achieve the commitments of the DP. The connection between these key strategic documents is best demonstrated through the IP&R Framework diagram shown on page 5 of the Integrated Planning and Reporting Handbook located at <https://www.olg.nsw.gov.au/wp-content/uploads/2021/11/Integrated-Planning-Reporting-Handbook-for-Local-Councils-in-NSW.pdf> :

**ITEM 10.1 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN COMMUNITY ENGAGEMENT**



**CONSULTATION:**

Executive Leadership Team

**SUSTAINABILITY ASSESSMENT:**

**Environment**

The community's views on environmental matters will be considered as part of the community engagement process.

**Social**

The community's views on social matters will be considered as part of the community engagement process.

**Economic**

The community's views on economic matters will be considered as part of the community engagement process.

**ITEM 10.1 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN COMMUNITY ENGAGEMENT**

**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Reputation risk if extensive community engagement is not undertaken to inform the next CSP.	H	M	Engage external consultants to undertake community engagement in a way that is accessible and transparent for the next version of the CSP and to review the Council's community engagement strategy.	Council staff currently do not have the capacity to undertake the required community engagement that a comprehensive review of the CSP necessitates.

**Delivery Program Action**

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

**FINANCIAL IMPLICATIONS:**

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

2023/24 budget service review consultancy allocation carried forward of \$17,500 and an allocation to be determined from the 2024/25 funding of \$100,000 for Integrated Planning and Reporting Software.

**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**

Staff will be required to attend workshops and community events as part of the community engagement process.

**ATTACHMENTS:**

1  22083/2024 - Nambucca Valley Council Community Strategic Plan 2022-2023 to 2031-32

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.2 SF270 270624 REMUNERATION TRIBUNAL DETERMINATION**

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

**SUMMARY:**

The Local Government Remuneration Tribunal (Tribunal) has handed down its 2024 Annual Report and Determination under sections 239 and 241 of the *Local Government Act 1993* (Local Government Act). The report determines the categories of councils and the maximum and minimum amounts of fees to be paid to mayors and councillors. The Tribunal's decisions take effect from 1 July 2024.

The Nambucca Valley Council is included in the Regional Rural Category by the Local Government Remuneration Tribunal. Fees payable to the Mayor and Councillors are determined by the Remuneration Tribunal and are based on the Category of Council. The Tribunal awarded a maximum fee increase to all categories of 3.75%. The remuneration range for Regional Rural Councils is \$10,220 to \$22,540 for Councillors and \$21,770 to \$49,200 for Mayors. A Council cannot fix a fee higher than the maximum amount determined by the Tribunal. If a Council does not fix a fee, the Council must pay the minimum fee determined by the Tribunal.

**RECOMMENDATION:**

**That Council adopt the maximum amount for the Regional Rural Council category for the Mayoral Fee for the 2024/25 financial year of \$49,200 and the Councillor Fee for the 2024/25 financial year of \$22,540 as recommended by the Local Government Remuneration Tribunal.**

**OPTIONS:**

- 1 Proposed recommendation
- 2 Approve an amount less than \$49,200 but equal to or greater than \$47,420 (2023/24 amount) for the Mayoral Fee for 2024/25, and an amount less than \$22,540 but equal to or greater than \$21,730 (2023/24 amount) for the individual Councillor Fee for 2024/25.
- 3 Council does not fix a fee and the minimum amount becomes payable.

**DISCUSSION:**

The Tribunal is required to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

In determining the maximum and minimum fees payable in each of the categories, the Tribunal is required, pursuant to section 242A (1) of the Local Government Act, to give effect to the same policies on increases in remuneration as those of the Industrial Relations Commission.

The Tribunal last undertook a significant review of the categories as part of its 2023 determination and will next review these categories in 2026.

The Tribunal also determined a 3.75% per annum increase in the minimum and maximum fees applicable to each category.

**CONSULTATION:**

Nil

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Not applicable

**ITEM 10.2 REMUNERATION TRIBUNAL DETERMINATION**

**Social**

Not applicable

**Economic**

Not applicable

**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Financial sustainability	H	M	Pursue cost reductions and/or revenue increase via 2024/25 quarterly budget review process.	Moderate

**Delivery Program Action**

CC4 - Maintain an effective governance regime

**FINANCIAL IMPLICATIONS:**

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

An increase of 3% has been allowed for in the 2024/25 budget for both the Mayoral Fee (resulting in an amount of \$49,000), and Councillor Fees for all 9 Councillors (totalling \$192,000). If the maximum amount of the Regional Rural category for 2024/25 is approved for payment the Mayoral Fee budget would be \$49,200 (an increase of \$200 to the 2024/25 budget) and the Councillor Fees 2024/25 budget for all 9 Councillors would be \$202,900 (an increase of \$10,900 to the 2024/25 budget) – a total increase to the 2024/25 budget of \$11,100 which would need to be adjusted in the September 2024 Quarterly Budget Review.

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

Nil

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

The total increase to the 2024/25 budget of \$11,100 would be indexed annually at a rate of 2.5% p.a. in the remaining years of the Long Term Financial Plan.

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

Nil

**ATTACHMENTS:**

- 1 30175/2024 - OLG Circular 24-08 2024-25 Determination of the Local Government Remuneration Tribunal
- 2 30174/2024 - Local Government Remuneration Tribunal-2024-Annual-Determination-29-April-2024

**DIRECTOR CORPORATE SERVICES REPORT**

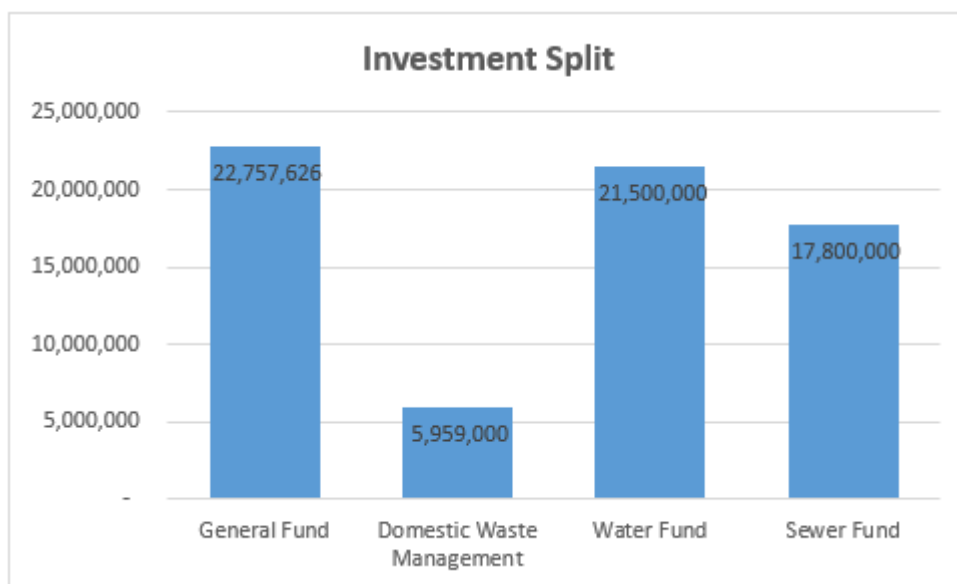
**ITEM 10.3 SF3358 270624 INVESTMENT REPORT FOR MAY 2024**

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

**SUMMARY:**

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

Council's investments as at 31 May 2024 of \$68,016,626 are split up as below:



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

**RECOMMENDATION:**

**That Council**

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

**OPTIONS:**

This report is for information only.

**DISCUSSION:**

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

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

**ITEM 10.3 INVESTMENT REPORT FOR MAY 2024**

TCorp	\$2,921,486
Floating Rate Notes	\$2,306,314
Fixed Bonds	\$4,488,826
Term Deposits	\$58,300,000
<b>Total</b>	<b>\$68,016,626</b>

**Portfolio Performance**

Council's total portfolio performance returned +0.46% in May, outperforming the benchmark AusBond Bank Bill index of +0.37%. On an annualised basis, the portfolio returned +5.53%p.a., outperforming the benchmark of +4.50%p.a. and the official cash rate of 4.35%.

Council's term deposits portfolio was yielding 4.90%p.a. for May a slight decrease from April with maturing investments being reinvested above 5%.

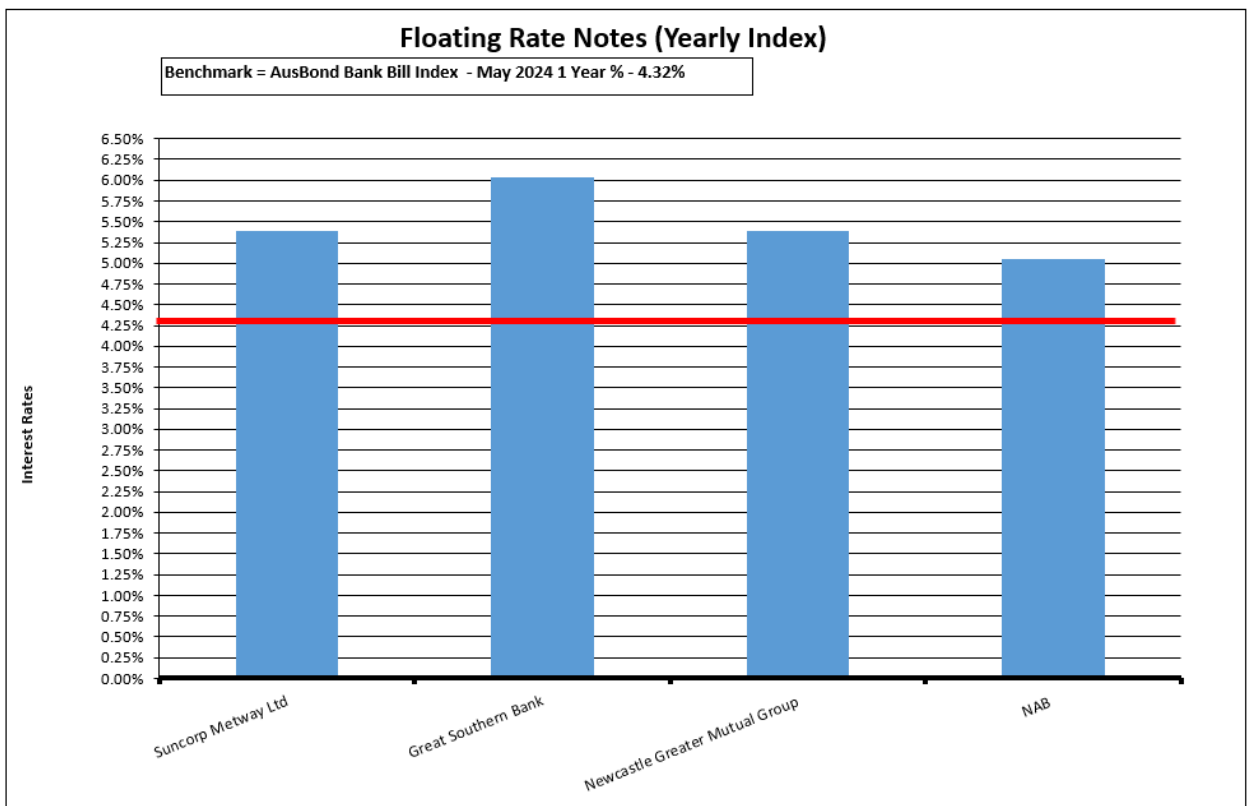
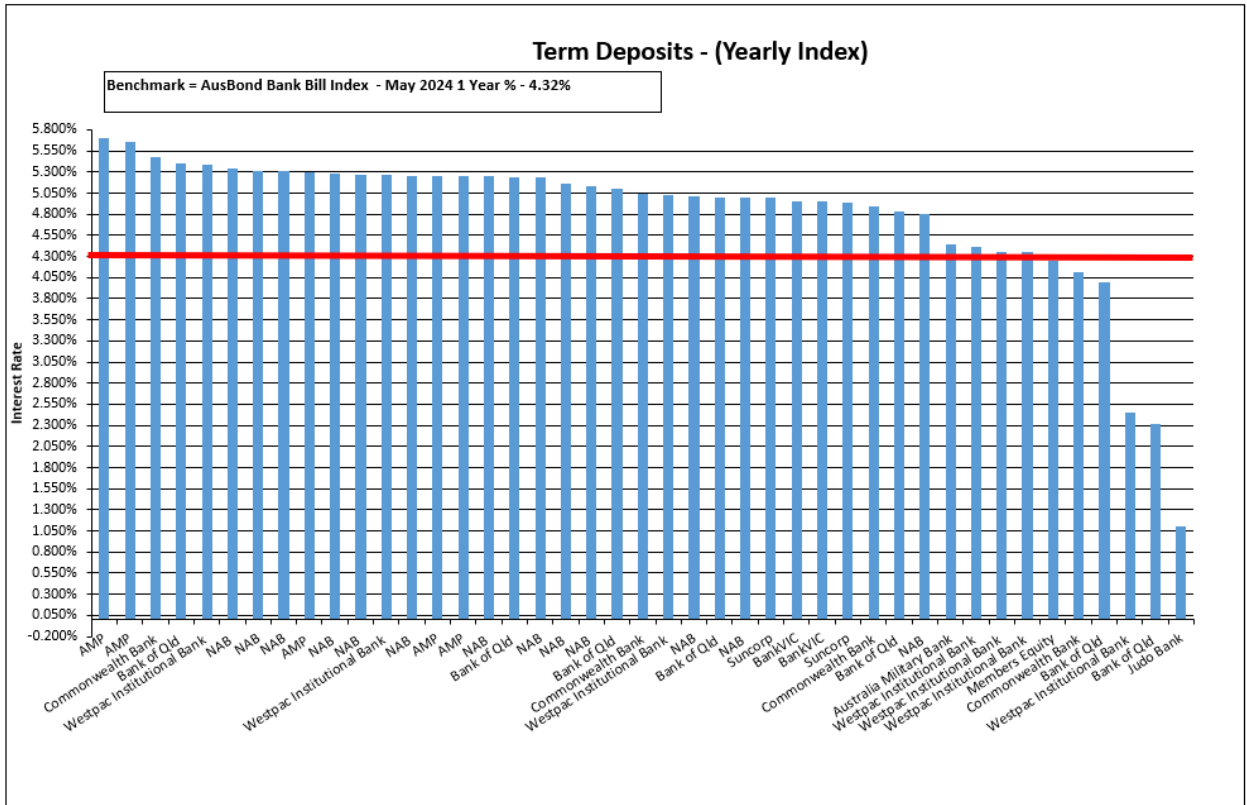
Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. At the advice of Arlo Advisory, council sold \$1,500,000 of low yielding FRN's and realised a capital gain of \$8,000. Council is still holding some sub-optimal FRN investments and consideration will be taken to sell these in the coming months dependent on the market. Arlo Advisory recommend selling the Suncorp and NAB FRN's next month as they are low yielding investments.

Council invests in NSW TCorp Long Term Growth fund which invests in domestic and international shares. During the month of May, council reduced its exposure by \$500,000 and will continue to monitor the TCorp Long Term Growth fund which fluctuates from month to month, however returned a positive return for the month +1.31%. Funds held with TCorp are looked at with a long term view.

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

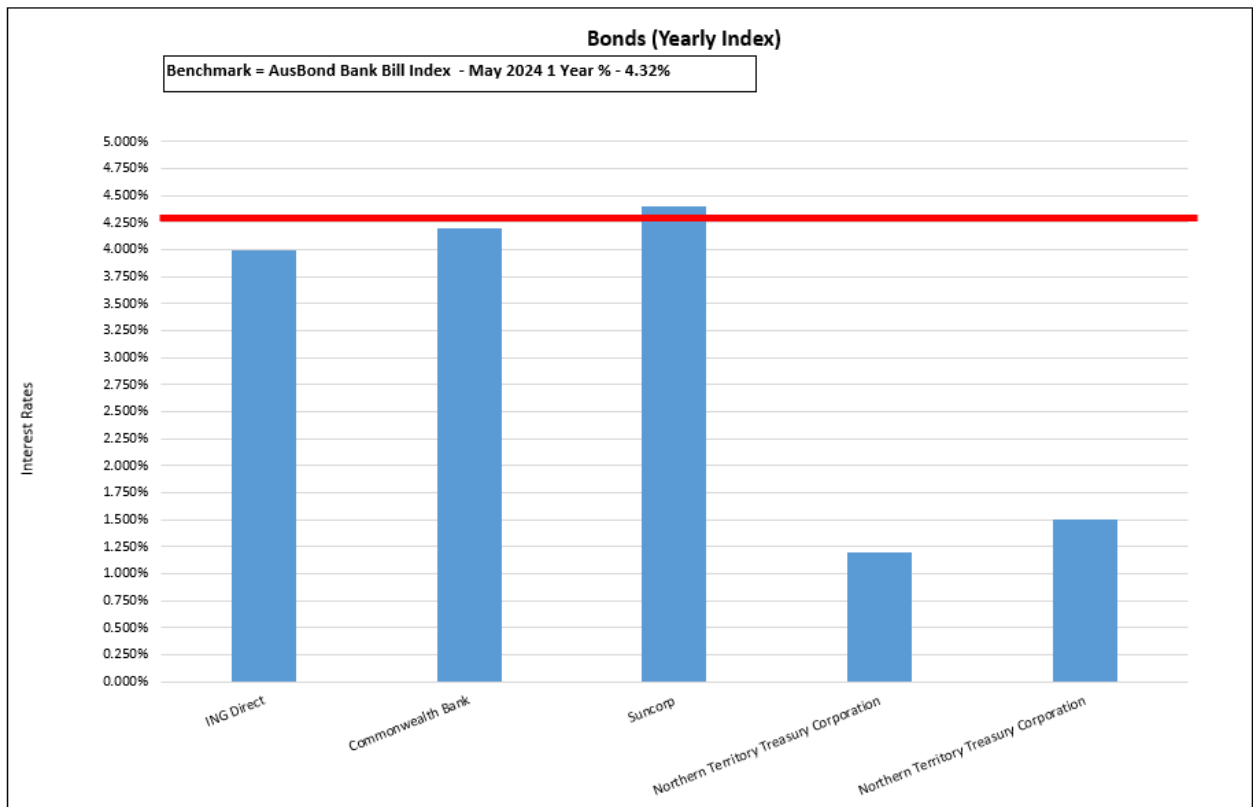
Retiring investments are being monitored closely and being reinvested to optimise their returns in line with Council's Investment Policy. The following charts indicate Council's performance against the 1 year Actual AusBond Bank Bill Index.

**ITEM 10.3 INVESTMENT REPORT FOR MAY 2024**





**ITEM 10.3 INVESTMENT REPORT FOR MAY 2024**



**Council’s Investment Policy**

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

**Table 1: Maturity – Term Limits**

**Maturity Compliance** as at 31/05/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	16,500,000.00	24.26	3.00	100.00	51,516,625.71
✓	91 - 365 days	24,795,831.00	36.46	0.00	100.00	43,220,794.71
✓	1 - 2 years	19,496,732.00	28.66	0.00	70.00	28,114,905.99
✓	2 - 5 years	4,302,576.70	6.33	0.00	50.00	29,705,736.15
✓	5 - 10 years	2,921,486.01	4.29	0.00	25.00	14,082,670.42
<b>TOTALS</b>		<b>68,016,625.71</b>	<b>100.00</b>			

**ITEM 10.3 INVESTMENT REPORT FOR MAY 2024**

**Table 2: Credit Rating Limits**

**Credit Quality Compliance** as at 31/05/2024

**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	495,831.00	0.73	100.00	67,520,794.71
✓	AA	36,597,274.70	53.81	100.00	31,419,351.01
✓	A	12,000,476.50	17.64	60.00	28,809,498.92
✓	BBB	16,001,557.50	23.53	45.00	14,605,924.07
✓	Unrated	2,921,486.01	4.29	18.00	9,321,506.62
<b>TOTALS</b>		<b>68,016,625.71</b>	<b>100.00</b>		

**Certification by Responsible Accounting Officer**

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

**CONSULTATION:**

Arlo Advisory

**SUSTAINABILITY ASSESSMENT:**

**Environment**

There are no environmental implications.

**Social**

There are no social implications.

**Economic**

There are no economic implications.

**Risk**

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

*“In May, risk assets rebounded despite inflation data continuing to challenge expectations for when central banks will begin easing monetary policy. In response, global bond yields remain elevated and have been volatile in recent months.*

*Over May, the average deposit rates offered by the major banks at the short-end (up to 9 months) remained relatively flat. In the medium-term (1-3 years), the average bids from the major banks rose between 7-12bp, reflective of the market positioning a ‘higher-for-longer’ period where official interest rates may remain stagnant for the foreseeable future. The deposit curve still remains inverse with markets still factoring in rate cuts in future years. With a global economic downturn and interest rate cuts being priced over the next 12 months, investors should consider diversifying and taking an ‘insurance policy’ against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above 5% p.a. (small allocation only).”*

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**ITEM 10.3 INVESTMENT REPORT FOR MAY 2024**

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

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



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

As above.

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

There are no changes or implications stemming from this report.

**ATTACHMENTS:**

- 1  30224/2024 - Investment Report May 2024
- 2  30223/2024 - Arlo Advisory Investment review May 2024

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**DIRECTOR CORPORATE SERVICES REPORT**

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**ITEM 10.4 SF3334 270624 2023/2024 SECTION 356 DONATION REQUEST FOR APPROVAL**

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**AUTHOR/ENQUIRIES:** Teresa Boorer, Grants and Contributions Officer

**SUMMARY:**

Council's Donations Budget for 2023/2024 has a small residual amount after the Donations Program 2023/2024 accepted applications, and those received at a later date, and also during the year outside program timeframes.

A request for a donation has been presented to Council's Manager Development and Environment, from the Animal Rescue Support Incorporated organisation.

The organisation meets the Donations Policy criteria, and the request has been supported by internal Managers.

The donation would be for the capped amount of **\$500.00**.

Council has a total allocation of \$24,500 for 2023/2024, of which, to date, \$22,083.23 has been allocated (*an extract from Council's Donations Register is attached to this report*).

**RECOMMENDATION:**

**That Council approve a \$500 donation to Animal Rescue Support Incorporated.**

**OPTIONS:**

- 1 Do nothing/business as usual
- 2 Approve recommendation
- 3 Alternative option - that Council approve an alternative amount.

**DISCUSSION:**

Donation Assessment

Council received an email request on 14 June 2024 for financial assistance from the Animal Rescue Cooperative (ARC) which is a division of Animal Rescue Support Incorporated. This group assists Nambucca Valley Council with taking on our rescued and impounded animals, and ensuring continued rehoming of animals.

The costs associated with transportation and storage of donated food and products is increasing, and the request was to provide some financial support for ARC to continue to offer this service.

ARC supply Council's Pound with a lot of food donations, and offer rehoming assistance. They are a group that is extremely active in our LGA.

A donation from Council would offer some financial assistance to the great service they provide to the Nambucca Valley area.

**RELATED DONATIONS INFORMATION**

As at 19 June 2024, there is currently an amount of \$2,416.77 available for donation, before 30 June 2024.

The updated donations listing is attached to this report for information. It is of note that one of the approved donations from the only round in 2023/2024 is still to be paid out, as the organisation is still working with an auspice organisation to be paid the donation on their behalf. To date, Council hasn't received the required paperwork to pay out this donation.

**ITEM 10.4 2023/2024 SECTION 356 DONATION REQUEST FOR APPROVAL**

This would reduce the available balance by \$500, if all information received before 30 June 2024.

**CONSULTATION:**

Acting General Manager  
 Acting Director Corporate Services  
 Manager Development and Environment

**SUSTAINABILITY ASSESSMENT:**

**Environment**

There are no environmental impacts associated with this report.

**Social**

There are positive social benefits associated with the donation of money to various community groups providing services throughout the Nambucca Valley.

**Economic**

There are positive economic impacts for this organisation to continue to meet the needs within the Nambucca Valley.

**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
No risks identified			

**FINANCIAL IMPLICATIONS:**

**Direct and indirect impact on current budgets**

A total 2023/2024 budget amount of \$24,500 on GL 03100.0405.0622 has been allocated, and the current available balance, prior to consideration of this report is \$2,416.77.

If this donation request is approved by Council the remaining balance in the 2023/2024 Donations budget will currently be \$1,916.77. This remaining balance is to 30 June 2024 only.

Should Council receive the required paperwork to pay out the other noted outstanding donation before 30 June 2024, the remaining balance will be \$1,416.77.

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

No impact on working funds, and general ledger funds allocated and established for Donations by Council.

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

No impacts on Long Term Financial Plan

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

No change or implications.

**ATTACHMENTS:**

- 1  31065/2024 - Extract from Donations budget - 2023-2024 year - Council meeting 27-06-2024

**DIRECTOR CORPORATE SERVICES REPORT**

**ITEM 10.5 SF3409 270624 MINUTES OF THE NAMBUCCA VALLEY COUNCIL ACCESS COMMITTEE MEETING HELD 4 JUNE 2024**

**AUTHOR/ENQUIRIES:** Michael Grieve, Community Development Officer

**SUMMARY:**

The minutes of the Nambucca Valley Council Access Committee meeting held Tuesday 4 June 2024 are **attached** for Council’s consideration.

**RECOMMENDATION:**

**That Council:**

- 1 Notes the Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024.**
- 2 Develop a business survey to garner feedback from business operators in the Valley on the challenges or concerns relating to employing people with disabilities.**

**OPTIONS:**

Nil – for information purposes only.

**DISCUSSION:**

The next meeting is scheduled for 27 August 2024.

**CONSULTATION:**

Access Committee members

**SUSTAINABILITY ASSESSMENT:**

**Environment**

No environmental impacts are identified by this report.

**Social**

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

**Economic**

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

**Risk Analysis**

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

**Delivery Program Action**

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

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**ITEM 10.5 MINUTES OF THE NAMBUCCA VALLEY COUNCIL ACCESS COMMITTEE MEETING  
HELD 4 JUNE 2024**

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

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

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

Nil

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

Nil

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

Nil

**ATTACHMENTS:**

1  27199/2024 - Minutes - Access Committee - 4 June 2024

**DIRECTOR CORPORATE SERVICES REPORT****ITEM 10.6 SF251 270624 SCHEDULE OF COUNCIL MEETINGS - 11 JULY 2024 TO 14 NOVEMBER 2024****AUTHOR/ENQUIRIES:** Rochelle McMurray, Business Services Coordinator**SUMMARY:**

The following is a schedule of dates for public Council and Council Committee meetings to be held 11 July 2024 to 14 November 2024. The meeting dates may change from time to time and this will be recorded in the next available report to Council.

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

**RECOMMENDATION:**


**That Council notes the schedule of meeting dates for 11 July 2024 to 14 November 2024.**

MEETING	DATE	VENUE	COMMENCING
<b>2024</b>			
Refreshments with the public prior to Council Meeting	11 July	South Arm Hall	5.00 PM
Council Meeting			5.30 PM
Council Meeting	25 July	Council Chambers	5.30 PM
Council Meeting	15 August	Council Chambers	5.30 PM
<b>Caretaker period commences (ceases 14 September 2024)*</b>	<b>16 August</b>		
Council Meeting	29 August	Council Chambers	5.30 PM
Council Meeting	12 September	Council Chambers	5.30 PM
<b>NSW Local Government Elections</b>	<b>14 September</b>		
Councillor Induction Training	10 October	Council Chambers	TBA
Council Meeting (first meeting of new Council)	17 October	Council Chambers	5.30 PM
Council Meeting	31 October	Council Chambers	5.30 PM
Council Meeting	14 November	Council Chambers	5.30 PM

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

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

**ATTACHMENTS:**

- 1  49668/2023 - Nambucca Valley Council Away Meetings to 29 August 2024 - Attachment to Council Report



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**MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**

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**ITEM 11.1 SF2284 270624 SUBMISSION TO NSW EPA - WASTE LEVY REVIEW AND FOOD ORGANICS AND GARDEN ORGANICS (FOGO) MANDATE**

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

**SUMMARY:**

This report is to advise Council of the NSW Environment Protection Authorities review of the waste levy and proposed mandate of for Food Organics and Garden Organics (FOGO) collection services, with a draft submission contained within **attachment 3**.

**RECOMMENDATION:**

**That Council makes a submission to NSW Environmental Protection Authority (EPA) regarding the waste levy review and proposed Food Organics and Garden Organics (FOGO) mandate as outlined within attachment 3.**

**OPTIONS:**

- 1 Not make a submission.
- 2 Proposed recommendation
- 3 Make amendments to the draft submission attached to this report.

**DISCUSSION:**

As part of the transition to a circular economy, the NSW Government is reviewing the waste levy and proposing to mandate Food Organics and Garden Organics (FOGO) recycling. Two papers have been released seeking input from stakeholders and the community which are contained within **attachments 1 and 2**.

It is considered that the current application of the waste levy is inappropriate and results in unnecessary costs to the community. While the FOGO mandate has merit, it appears that no consideration has been given to the processing issues faced by many Councils. As such, a draft submission addressing the key issues has been prepared and is contained within **attachment 3**.

A combined submission to both papers has been prepared because it is considered that both matters are linked with regards to facilitating regional waste processing.

The submission period for both papers close on 15 July 2024.

**CONSULTATION:**

Waste Services Coordinator

**SUSTAINABILITY ASSESSMENT:**

**Environment**

The recommended submission contains measures which will minimise environmental impacts.

**Social**

There will be no adverse social impact associated with the recommendation.

**Economic**

The recommended submission contains measures which will minimise economic impacts on the community.

**ITEM 11.1 SUBMISSION TO NSW EPA - WASTE LEVY REVIEW AND FOOD ORGANICS AND GARDEN ORGANICS (FOGO) MANDATE**

**Risk Analysis**

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

**Delivery Program Action**

CE6 - Provide an efficient and effective waste management facility that meets environmental standards

**FINANCIAL IMPLICATIONS:**

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

The removal of the waste levy from materials needed in the operation of the waste management facility will provide a significant cost saving for Council of approximately \$200,000 per year if cover material was to be sourced from off site.

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

N/A




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

As above.

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

Nil

**ATTACHMENTS:**

- 1  30413/2024 - Waste Levy Review Issues Paper
- 2  30414/2024 - FOGO Mandate Proposal Paper
- 3  30415/2024 - Draft Submission

**DEVELOPMENT AND ENVIRONMENTS**

**ITEM 11.2 SF3410 270624 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 19 June 2024, and development applications determined from 5 June to 19 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. Public exhibition period closed.			
<b>STATUS:</b> 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. Public exhibition period closed.			
<b>STATUS:</b> Exhibition finished. Awaiting additional information from the applicant relating to privacy, view sharing and visual impacts of the development.			

**ITEM 11.2 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.			
<b>STATUS:</b> 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
Fifteen submissions received. Public exhibition period closed on 10 June 2024.			
<b>STATUS:</b> Awaiting 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.			
<b>STATUS:</b> 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.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2018/115	30 April 2024	Modification to subdivision	80 Red Ash Road, Valla – Lot 2 DP 1173066
One submission received. Public exhibition period closed.			
<b>STATUS:</b> Awaiting response from the RFS and assessment by external assessing officer.			

**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 5 June to 19 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.

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**ITEM 11.2 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**

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**FINANCIAL IMPLICATIONS:**

**Direct and indirect impact on current budgets**

Nil.

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

Nil.

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

Nil.

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

Nil.

**ATTACHMENTS:**

There are no attachments for this report.

**MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**

**ITEM 11.3 SF3490 270624 MINUTES OF THE NAMBUCCA VALLEY CATCHMENTS AND COASTLINE MANAGEMENT COMMITTEE MEETING - 16 MAY 2024**

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

**SUMMARY:**

A meeting of the Nambucca Valley Catchments and Coastline Management Committee was held on Thursday 16 May 2024. **Attached** are the minutes for Council's information.

**RECOMMENDATION:**

**That Council notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 16 May 2024.**

**OPTIONS:**

For information only.

**DISCUSSION:**

The minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held on 16 May 2024 are contained within **Attachment 1**.

**CONSULTATION:**

Nambucca Valley Catchments and Coastline Management Committee members.

**SUSTAINABILITY ASSESSMENT:**

**Environment**

No negative environmental impacts are identified by this report.

**Social**

No negative social impacts.

**Economic**

No negative economic impact.

**Risk Analysis**

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

**Delivery Program Action**

CE13 - Develop management plans for environmentally sensitive areas.

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

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**ITEM 11.3 MINUTES OF THE NAMBUCCA VALLEY CATCHMENTS AND COASTLINE  
MANAGEMENT COMMITTEE MEETING - 16 MAY 2024**

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**FINANCIAL IMPLICATIONS:**

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

N/A

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

N/A


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

N/A

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

N/A

**ATTACHMENTS:**

- 1 24029/2024 - Minutes - Nambucca Valley Catchments and Coastline Management Committee - 16  
 May 2024