



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 25 JULY 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

For Councillors

If you would like to submit a Notice of Motion or Question with Notice for an upcoming Council meeting, please use the link [Councillor Notice of Motion/Questions with Notice](#)



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 25 JULY 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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13 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING

13.1 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.

13.2 General Manager's Half-Yearly Performance Review

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (a) of the Local Government Act, 1993, on the grounds that the report contains personnel matters concerning particular individuals.

13.3 Transfer of Land Required for Road Realignment Rodeo Drive, Bowraville

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.

13.4 Supply of Ready Mix Concrete For Period 1 January 2024 to 31 December 2025

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

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

14 MEETING CLOSED TO THE PUBLIC

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

Statement of ethical obligations:

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

NAMBUCCA VALLEY COUNCIL



DISCLOSURE OF INTEREST AT MEETINGS

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

I _____ declare the following interest:
(name)

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

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

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

For the reason that _____

Signed _____ Date _____

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

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

Definitions

(Local Government Act and Code of Conduct)

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

(Local Government Act, 1993 section 442 and 443)

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

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

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

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

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

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

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

Important information

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

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

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

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

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

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

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

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

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

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

Councillor's signature:

Date:

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

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

The following document is the minutes of the Ordinary Council meeting held **11 JULY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 25 July 2024 and therefore subject to change. Please refer to the minutes of 25 July 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

Cr James Angel
Cr Ricky Buchanan
Cr David Jones
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

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

APOLOGIES

Apologies (leave granted)

Matthew Sykes (Director Corporate Services)

Apologies

Nil

Absent

Nil

ACKNOWLEDGMENT OF COUNTRY

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

COUNCIL MEETING AUDIO RECORDINGS

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

PRAYER

Pastor Marshall Hodgekiss from the Action Church Macksville offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Jenvey declared a non-pecuniary - significant conflict of interest in Item 10.2 Planning Proposal - 44 Kookaburra Road, Bowraville under the Local Government Act as Cr Jenvey is on the association with one of the tenants in common on the planning application.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 27 JUNE 2024

213/24 **RESOLVED:** (Buchanan/Vance)

That the minutes of the Ordinary Council Meeting of 27 June 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 110724 Notice of Motion - Request for Leave - CR Rhonda Hoban OAM
12 July 2024 to 24 July 2024

214/24 **RESOLVED:** (Hoban/Angel)

That Cr Rhonda Hoban OAM be granted leave of absence in accordance with Section 234(1)(d) of the *Local Government Act 1993* for the period of 12 July 2024 to 24 July 2024 inclusive.

PUBLIC FORUM

RECOMMENDATION

That the following delegations be heard:

- i Mr Brett Etchells – on behalf of South Arm Hall Committee – Welcome*
- ii Ms Ilse Noble - on behalf of South Arm Hall Committee - Proposal of modernising the hall and toilets*
- iii Ms Anama Tesser – Condition of South Arm Road*
- iv Mr Robert Mackay – Access road to Bowraville Recreation Club*
- v Ms Joy van Son - on behalf of the Roads Actions Group – Road maintenance in the Shire, Antenna and communication*
- vi Ms Joy van Son - Removal of timber next to South Arm Hall*

PUBLIC FORUM

- i Mr Brett Etchells addressed Council with notes placed on 35859/2024 SF3424*
- ii Ms Ilse Noble addressed Council with notes placed on 35737/2024 SF3424*

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

iii Ms Anama Tesser addressed Council with notes placed on 34974/2024 SF3424

iv Mr Robert Mackay addressed Council with notes placed on 35534/2024 SF3424

v Ms Joy van Son addressed Council with notes placed on 35733/2024 SF3424

vi Ms Joy van Son addressed Council with notes placed on 35734/2024 SF3424

215/24 **RESOLVED** (Hoban/Angel)

That Council receive a report containing staff comments or responses to each of the matters raised by public forum speakers at the 11 July 2024 ordinary meeting at South Arm Hall.

DELEGATIONS

216/24 **RESOLVED** (Buchanan/Jones)

That Council bring Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville forward.

That the following delegations be heard:

Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville

vii Ron Hawkins – for the recommendation

DELEGATIONS

Item 10.2 - Planning Proposal - 44 Kookaburra Road, Bowraville

vii Ron Hawkins addressed Council with notes placed on 35711/2024 SF3424

Councillor Susan Jenvey changed her disclosure of interest from Non-Pecuniary, less significant conflict, to Non-Pecuniary, significant conflict and left the meeting after the commencement of this item, the time being 6:17 PM.

ITEM 10.2 SF3507 110724 Planning Proposal - 44 Kookaburra Road, Bowraville

217/24 **RESOLVED:** (Jones/Angel)

That

- 1 Council forward the attached planning proposal to amend the Nambucca Local Environmental Plan 2010 to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.**
- 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.**
- 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.**

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, M Ballangarry, Vance and Wilson Total (7)
Against the Motion:	Nil Total (0)

Councillor Susan Jenvey returned to the meeting at the completion of this item, the time being 6:25 PM

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.

ASKING OF QUESTIONS WITH NOTICE

ITEM 7.1	SF2897 Susan Jenvey	110724	Question with Notice - Model Code of Meeting Practice - Cr
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ITEM 7.2	SF2897 Code of Meeting Practice	110724	General Manager's Response to Question with Notice - Model
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218/24 **RESOLVED:** (Jenvey/Buchanan)

That Council notes the General Manager's response.

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	110724	Outstanding Actions and Reports
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219/24 **RESOLVED:** (Wilson/Jenvey)

That Council note the list of outstanding actions and reports.

220/24 **RESOLVED:** (Jenvey/Jones)

That Council do not consider the EOI's for the Visitor Information Centre until the tourism reports are finalised.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 10.1 SF3379 110724 Housekeeping Amendments to the Nambucca Local
Environmental Plan 2010

MOTION: (Angel/Vance)

That Council exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.

FORESHADOWED MOTION: (Jenvey/Jones)

That Council exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1 with the exception of 'B'.

Upon being put to the meeting, the foreshadowed motion was declared lost.

For the Motion:	Councillors Jenvey, Jones and M Ballangarry Total (3)
Against the Motion:	Councillors Angel, Buchanan, Hoban, Vance and Wilson Total (5)

AMENDMENT: (Hoban/Angel)

That Council:

- 1 Exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.
- 2 Only proceed with the rezoning of Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek if written agreement is received from Transport for NSW that each lot will only be sold and consolidated into adjoining land.

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson Total (8)
Against the Motion:	Nil Total (0)

221/24 **RESOLVED:** (Hoban/Angel)

That Council:

- 1 Exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.
- 2 Only proceed with the rezoning of Lot 3 DP 246173 and Lots 8, 9, 10, 13, 18, 19 & 20 DP 1007431 – Giinagay Way, Warrell Creek if written agreement is received from Transport for NSW that each lot will only be sold and consolidated into adjoining land.

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson Total (8)
Against the Motion:	Nil Total (0)

Item 10.2 was dealt with under delegations.

ITEM 10.3 SF3410 110724 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

222/24 **RESOLVED:** (Jones/Wilson)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 3 July 2024, and development applications determined from 20 June to 3 July 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 10.4 SF1148 110724 Council's Rangers' Report and Penalties Issued for May 2024

223/24 **RESOLVED:** (Jenvey/Angel)

That Council

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

ITEM 10.5 SF3410 110724 2024 June - Development Applications and Complying Development Applications Received

224/24 **RESOLVED:** (Wilson/Vance)

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 JULY 2024

ITEM 10.6 SF3410 110724 2024 June - Approved Construction Certificates and Complying Development Applications

225/24 **RESOLVED:** (Jones/Buchanan)

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 11.1 SF3339 110724 Temporary Road Closure Application - Volkswagen Spectacular Nambucca Heads - 3 August 2024

226/24 **RESOLVED:** (Jenvey/Angel)

That Council

- 1 Approves the temporary road closures of Bowra Street and Mann Street, Nambucca Heads from West Street to Ridge Street between 0800 and 1300 hours on 3 August 2024 for the Volkswagen Spectacular event noting the following documentation being received by Council:
 - Certificate of Currency for Public Liability Insurance
 - Confirmation of clear path of 2.5 metres being provided for access by emergency service vehicles through the road closure
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
 - Police advice on the road closure.
 - 2 Approves signs and devices necessary to affect the road closure.
 - 3 Advertises the road closure more than seven (7) days prior to the event.
-

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:22 PM.

Confirmed and signed by the Mayor on **25 JULY 2024**

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)

NOTICE OF MOTION

**ITEM 5.1 SF3407 250724 DANIEL WILLIAMS - YOUNG ATHLETE REPRESENTING
 AUSTRALIA**

AUTHOR/ENQUIRIES: Rhonda Hoban OAM, Councillor

SUMMARY:

Council has received the attached correspondence from Athletics New South Wales advising that local young athlete Daniel Williams of Hyland Park has been selected to represent Australia at the 2024 World Athletics Under 20s Championships in Lima Peru from 27-31 August 2024 in the 1500m.

Daniel is a talented young athlete who has worked extremely hard to achieve this success. The letter is self-explanatory but it is worthy of mention that apart from his own gruelling training regime Daniel finds time to assist in coaching other young athletes including those with disabilities.

It is fitting that Council and the community acknowledge and celebrate Daniel's achievements.

RECOMMENDATION:

That Council

- 1 Notes the advice from Athletics New South Wales that local resident Daniel Williams has been selected to represent Australia in the 1500m at the 2024 World Athletics Under 20s Championships in Lima Peru next month.**
- 2 Congratulates Daniel on his selection and wish him every success in his chosen event.**

OPTIONS:

For information only.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There are no direct or indirect impacts on current and future budgets.

ATTACHMENTS:

- 1  36737/2024 - Letter - Nambucca Valley Council - Daniel Williams - 5 July 2024**

NOTICE OF MOTION

ITEM 5.2 SF46 250724 REMEMBRANCE WALL AT SCOTTS HEAD

AUTHOR/ENQUIRIES: Rhonda Hoban OAM, Councillor

SUMMARY:

Council has received a request to revisit a 2018 proposal to create a remembrance wall at Scotts Head.

RECOMMENDATION:

That Council receives a report on the necessary steps to revisit the 2018 proposal, plans and recommendation to create a remembrance wall at a suitable location in Scotts Head.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation

BACKGROUND:

Scotts Head and surrounds is a growing community with a population in excess of one thousand people and is almost 20 kilometres from Macksville. Many residents choose to have their ashes spread at sea or from the beach or headland at Scotts Head but there is currently no local cemetery or provision for placement of memorial plaques. Council's policy in relation to memorials does not allow for items such as memorial plaques on rocks and in 2018 it was suggested that a more formal provision of a memorial wall should be considered.

Council staff provided several reports on the matter, the most recent to the 13 December 2018 Council meeting. The report recommended creation of a remembrance wall however a motion in support of the staff recommendation was lost.





Council has received a request to reconsider the matter.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There are no direct or indirect impacts on current and future budgets relating to receipt of a report.

ATTACHMENTS:

- 1  23978/2018 - Scotts Head Remembrance Wall
- 2  24022/2018 - Attachment 1 - Community Member Representations
- 3  24021/2018 - Attachment 2 - Draft Plans- remembrance wall
- 4  36552/2024 - Redacted attachment for Council Report - Mayor - Request for Council to Consider Scotts Head Memorial Wall

GENERAL MANAGER**ITEM 9.1 SF959 250724 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 notes the list of outstanding actions and reports.

	FILE NUMBER	COUNCIL MEETING DATE	ACTION BY
OCTOBER 2022			
1	SF3168	13/10/22	MDE
RESOLUTION: Notice of Motion - Future Waste Operations Post 2027 - Discussion with Councils			
That in consultation and possible partnership with Bellingen Shire Council, Nambucca Valley Council seek a meeting or meetings with nearby Councils (Port Macquarie-Hastings, Kempsey, Bellingen, and Coffs Harbour) to discuss potential options for waste arrangements post early 2027 when the current Coffs Coast Waste contracts are due to expire.			
STATUS:			
19/10/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022.			
02/11/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey.			
15/11/22 Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils.			
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.			
22/05/24-03/07/24 No further update.			
17/07/24 Exchanging information with PMHC to further progress discussions.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

MAY 2023			
2	SF2524	25/05/23	GM
<p>RESOLUTION: Lease of Lots 1 and 2 in DP 866932 Reserve 85113 - Nambucca Heads RSL Club Ltd Carpark Council as Crown Land Manager execute the 21-year lease to Nambucca Heads RSL Club Limited over Lots 1 and 2 in DP 866932 Reserve 85113 under Council seal.</p>			
<p>STATUS: 31/05/23 Followed up with NHRSL Club who will revert with decision on acceptance of lease by 2/6/23. 07/06/23 Meeting with RSL representatives to be held 07/06/23. 20/06/23 Councillors updated at meeting 15/06/23 - NHRSL Club advised of Council's position. No response to hand at this stage. 04/07/23 NHRSL Club has responded requesting a further meeting with Nambucca Valley Council. 19/07/23 A meeting took place on 11 July 2023 with the RSL to organise a meeting between the RSL Board and Council. 09/08/23 Lease not yet executed. Awaiting completion of Council's stormwater remediation project to be commenced imminently. 23/08/23 The General Manager met with the RSL on 18 August 2023 and the lease will be discussed at their Board Meeting 30 August 2023. The stormwater is 50% completed. 06/09/23 NHRSLCL have advised they will suspend signing the lease due to new issue presented during the stormwater rectification project – being a sinkhole and large cavity requiring remediation. Council's Project Manager is liaising with RSL's Stakeholder Liaison from C2Hills Consultancy and seeking involvement from NSW Public Works. 20/09/23 Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required. 04/10/23 Manager Projects has advised that NSW Public Works have undertaken their first review of Council's submission for funding. PWA have said that they will cover: - The full length of stormwater pipe replacement except for the first 12m - The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench - The concrete carpark for 3 car parking bays out of 7. This is pending the final review by PWA which could be in 2 weeks. 17/10/23 The Club have advised they do not wish to proceed with execution of the new licence until the current carpark works being done by Council are completed, or at least have progressed significantly. Council has had verbal commitment from NSW PWA (Public Works) to provide partial, but significant funding to the rectification works, however an executed funding deed has not yet been received. Once written confirmation has been received, Council will proceed to engage the contractors to undertake the identified works – including the sink hole cavities presented once the stormwater project commenced. This step will enable focus back to progressing the execution of the new licence agreement. 02/11/23 Meeting on-site with NHRSL CEO and Project Manager; AMED & Manager Projects to walk through issues identified with sink holes, cavities and current rectification works. Need has been identified that there is a much larger problem in the sub-surface which needs full investigation prior to any re-surfacing. Engineers to undertake proper and full investigation, project to rectify to be scoped; responsibilities of works to be clearly delineated; funding for project to be sought. Report to be brought back to Council on status once fully understood. 22/11/23 DoPE Crown Lands have advised they are completing independent Native Title Advice to be supplied to Council, however require 2 additional purposes to be added to the reserve purposes being Access, and Tourist Services. These will need to be gazetted and will provide approval for the existence of access to the boardwalk and boat ramp, and for the kiosk and café. The progressing of the new lease will be subject to the outcome of the exploration works with the stormwater rectification project works, then confirming our negotiated position with the RSL Club. 05/12/23-05/02/24 No further action. Awaiting completion of works at premises (estimated to be completed by the end of this financial year given the funding parameters set by TfNSW who have funded a large portion of the required works), and native title advice from DoPE Crown Lands. 20/02/24 Dept Crown Lands have advised they have reviewed and will no longer require Council to add the 2 previously identified purposes to the Reserve, and accordingly will no longer be undertaking a Native Title Assessment. Council may continue with the leasing process which remains subject to completion of the civil works being done to remediate the stormwater infrastructure. 04/03/24 Stormwater works project to recommence late April 2024, to be completed by 30 June 2024. 12/03/24 Project Engineer advised Surveyors will stake boundaries end of March. This will assist with discussion and planning moving forward. 02/04/2024 No further update. 12/04/24 Meeting with Project Engineer & Property Officer and RSL Club representatives to be arranged in coming days to update plan for physical stormwater works being completed by Council seeking the Club's intent to contribute to remainder of resurfacing works required. 16/04/24 Meeting with RSL scheduled for 23/4/24. 08/05/24 Meeting held with RSL representatives 01/05/24. Project Engineer provided budget for works to complete sub surface drainage and resurface works. Club asked for co-contribution of \$169,000 maximum (together with TfNSW funding) to complete full resurface works. This would be best opportunity for cost efficiency, and leave only the landscaping to complete works. Club Representatives agreed in principal, with further information to be supplied for review by Board. Should board agree to co-contribute, Agreement to be drafted and signed by both parties which will</p>			

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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.
 02/07/24 RSL Club invoiced for their co-contribution to works as per Deed of Agreement; works commenced 2 July 2024.
 17/07/24 Current works progressing with an expected completion date at the end of July.

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, Muurrbay 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, Muurrbay 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

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March and a list of invitees was forwarded to him. He advised that he will discuss the opportunity with these groups. 04/04/24-16/07/24 No further update.			
AUGUST 2023			
4	LF5363	31/08/23	DES
<p>RESOLUTION: Public Forum - Report on the Causeway to Stuarts Island Nambucca Heads Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 & 46082/2023)</p> <p>STATUS: 06/09/23 Submission received and report to be prepared accordingly. 20/09/23 No further update. 04/10/23 Options investigation commenced. 18/10/23 No further update. Investigations will take time to develop. 06/11/23-22/11/23 No further update. 05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024. 20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting. 08/05/24 No further update. 21/05/24 Nambucca Valley Catchments and Coastline Management Committee meeting item deferred pending outcome from GM and DES site meeting with Golf Club President scheduled for 21/05/24. Developing a plan of action for delivery in November 2024. 04/06/24-17/07/24 No further update.</p>			
DECEMBER 2023			
5	SF3190	14/12/23	GM
<p>RESOLUTION: Subdivision - Lots 9 & 10 DP884342 Warrell Creek 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.</p> <p>STATUS: 10/01/24-05/02/24 Registration of subdivision underway as per Council resolution. 20/02/24-20/03/24 No change, registration process underway at NSW Land Registry Service. 02/04/24-17/07/24 No further update.</p>			
JANUARY 2024			
6	PRF53	18/01/24	DES
<p>RESOLUTION: River Street Toilet Block Relocation 1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and; 2 Engage an architect to progress the design of the proposed new amenities and report back to Council.</p> <p>STATUS: 06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged. 20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan. 15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender. 04/06/24 Detailed survey pending. 18/06/24 No further update. 02/07/24 Survey Brief under development. 16/07/24 Survey Brief issued. Site survey being determined.</p>			
FEBRUARY 2024			
7	SF3424	15/02/24	GM
<p>RESOLUTION: Public Forum - Nambucca Valley Community Resilience and MNCJO Simulation table. That subject to staff resources and workloads Council receive a report on the cost and benefits of accessing the Mid North Coast Joint Organisation's Simtable for our community and how this might be achieved.</p> <p>STATUS: 21/02/24-01/07/24 No further update. 17/07/24 Grant application being prepared for sim table sessions under the Supporting Spontaneous Volunteers Grant Program.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

MARCH 2024			
8	SF2911	28/03/24	DCS
<p>RESOLUTION: Termination of Licence Agreement to operate Nambucca Heads Visitor Information Centre and tourism marketing</p> <p>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.</p>			
<p>STATUS:</p> <p>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. 02/07/24 EOI issued for VIC operation, report to August 2024 Council meeting. 15/07/24 At the Council meeting on 11 July 2024 220/24 RESOLVED: (Jenvey/Jones) That Council do not consider the EOI's for the Visitor Information Centre until the tourism reports are finalised. EOI closes on 19 July 2024.</p>			
APRIL 2024			
9	SF3422	11/04/24	DES
<p>RESOLUTION: Request to name side road and correct rural addressing</p> <p>1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest. 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.</p>			
<p>STATUS:</p> <p>17/04/24 No update. 08/05/24 Site plan developed for consultation with community. 21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW (GNB) for approval. 04/06/24 "Wanbro" sent to 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. 01/07/24 Pending response from Muurrbay Language & Culture Coop and Bowraville LALC. 17/07/24 No further update.</p>			
10	SF2381	11/04/24	MDE
<p>RESOLUTION: Horticulture within the Nambucca Valley</p> <p>1 Council forward a planning proposal to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which includes the following amendments to the Nambucca Local Environmental Plan 2010:</p> <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'. 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. 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p>STATUS:</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. 02/07/24 Awaiting response from Minister on the planning proposal. Letters from Ministers attached in regards to funding of regulatory bodies. 17/07/24 The Minister has determined that the matter should proceed and has issued a gateway determination. The planning proposal specifies that draft DCP controls will be placed on public exhibition at the same time as the planning proposal. Draft DCP controls will be reported to Council in August for consideration and once supported both the planning proposal and draft DCP controls will be publicly exhibited at the same time.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

11	SF3477	11/04/24	MDE
<p>RESOLUTION: Valla Urban Growth Area Amendment</p> <p>1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.</p> <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p>STATUS:</p> <p>17/04/24 Awaiting final maps for planning proposal before forwarding to Minister.</p> <p>09/05/24 Final maps received and will be sent to Minister.</p> <p>22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.</p> <p>05/06/24-19/06/24 No further update.</p> <p>02/07/24 Request for further information received from Minister with option to withdraw until information obtained.</p> <p>17/07/24 Planning proposal being amended.</p>			
12	SF3424	24/04/24	DES
<p>RESOLUTION: V-Wall Access to Beach – Wellington Drive Nambucca Heads</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.</p> <p>Correspond with Ms Myra Davidson when the report is ready to be presented back.</p>			
<p>STATUS:</p> <p>06/05/24-21/05/24 Report being developed for the meeting on 27 June 2024.</p> <p>04/06/24 Report to 27 June 2024 Council meeting.</p> <p>18/06/24 Report moved to 11 July 2024 Council meeting pending letter from Nambucca Heads SLSC regarding the stairs to be included.</p> <p>02/07/24 Report to be scheduled to Council pending response by Nambucca Heads SLSC.</p> <p>18/07/24 Report to 25 July 2024 Council meeting. Ms Davidson has been advised.</p>			
13	SF731	24/04/24	DCS
<p>RESOLUTION: Community Improvement Districts - Draft Bill – Consultation</p> <p>That Council</p> <p>1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.</p> <p>2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.</p> <p>3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.</p>			
<p>STATUS:</p> <p>08/05/24 Submission lodged.</p> <p>21/05/24 TfNSW met with DCS in regards to the content of the submission to the draft Bill. TfNSW has recommended Council putting Bowraville forward as a CID in future rounds of the CID pilot programs.</p> <p>04/06/24-16/07/24 No further update.</p>			
MAY 2024			
14	SF983	16/05/24	MDE
<p>RESOLUTION: Plan of Management for the Faringdon Fields</p> <p>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>STATUS:</p> <p>21/05/24-5/06/24 No further update.</p> <p>19/06/24-02/07/24 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> <p>17/07/24 The draft Plan of Management will now be publicly exhibited and reported back to Council at the end of the exhibition period.</p>			



ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

15	SF3327	30/05/24	DCS
RESOLUTION: 2023/2024 Service Reviews That Council notes 1 The 2023/24 Service Review reports for Animal Control, Public Toilets, and Biosecurity. 2 A further report will be presented to the 30 August 2024 Council meeting that provides management's responses to the recommendations made in the Centium Service Review reports on Animal Control, Public Toilets and Biosecurity.			
STATUS: 04/06/24-16/07/24 No further update. To be reported to August Council meeting.			
16	SF3327	30/05/24	GM
RESOLUTION: Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127 That Council 2 Approves Council staff proceeding with negotiations with the owners of Lot 1/DP374127 (190 Albert Drive, Warrell Creek) for the proposed boundary adjustment, with any agreement to be subject to the formal approval of Council.			
STATUS: 04/06/24 No further update. 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. 01/07/24 No further update. 17/07/24 Letter has been sent to resident.			
JUNE 2024			
17	SF3424	13/06/24	MDE
RESOLUTION: Public Forum – Development Application process and impacts That Council; 1 Call for a report in relation to the gateway determination for the LEP amendment to horticulture. 2 Report on; <ul style="list-style-type: none"> • 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. 			
STATUS: 18/06/24-01/07/24 To be reported to 25 July 2024 meeting. 17/07/24 Refer to separate report.			
18	SF3328	13/06/24	CFO/DES
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 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: <ul style="list-style-type: none"> • 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 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. 02/07/24 Report to 25 July 2024 Council meeting. 17/07/24 Report delayed to 29 August 2024 Council meeting.			

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19	SF3424	27/06/24	MDE
RESOLUTION: Public Forum - Fenced Off Leash Dog Park That Council receive a report into a fenced off leash dog park and potential locations within the Valley.			
STATUS: 02/07/24 No action taken. 17/07/24 It is intended to provide a report to Council in August.			
20	SF2897	27/06/24	DES
RESOLUTION: Question with Notice - Rule 72 Valla Beach Road Intersection That Council:			
<ol style="list-style-type: none"> 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 to the Minister for Regional Roads and copy the Local State Member, Mr. Michael Kemp MP requesting action regarding the residents safety concerns at the intersection of Giinagay Way and Valla Beach Road; and the inconsistent application of Rule 72. 3 If favourable advice is not received within one month, seek legal opinion on the application of Rule 72 to T intersections. 			
STATUS: 01/07/24 Letters to Minister submitted via Minister's Portal on 02/07/24 and copies emailed to Michael Kemp MP and the Mayor 03/07/24. Letter to Transport for NSW circulated via email 03/07/2024. 17/07/24 A community update has been received on 16/07/24 from Transport for NSW referencing Rule 73 – see attached. 18/07/24 Further correspondence has been received today from TfNSW. Please see attached letter addressed to the General Manager. Legal advice not required.			
21	SF3409	27/06/24	DCS
RESOLUTION: Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024 That Council:			
<ol style="list-style-type: none"> 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. 			
STATUS: 02/07/24 To be included in the scope of the Community Strategic Plan. 15/07/24 Community Strategic Plan currently being developed with Locale. Further information will be reported to Council at the August Council meeting.			
JULY 2024			
22	SF3409	11/07/24	DES
RESOLUTION: Public Forum That Council receive a report containing staff comments or responses to each of the matters raised by public forum speakers at the 11 July 2024 ordinary meeting at South Arm Hall.			
<ol style="list-style-type: none"> i Mr Brett Etchells – on behalf of South Arm Hall Committee – Welcome ii Ms Ilse Noble - on behalf of South Arm Hall Committee - Proposal of modernising the hall and toilets iii Ms Anama Tesser – Condition of South Arm Road iv Mr Robert McKay – Access road to Bowraville Recreation Club v Ms Joy van Son - On behalf of the Roads Actions Group – Road maintenance in the Shire, Antenno and communication vi Ms Joy van Son - Removal of timber next to South Arm Hall 			
STATUS: 15/07/24 Circulated to relevant responsible officers in preparation of report to Council in September.			
23	SF3409	11/07/24	MDE
RESOLUTION: Planning Proposal - 44 Kookaburra Road, Bowraville That 1 Council forward the attached planning proposal to amend the Nambucca Local Environmental Plan 2010 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979.			
<ol style="list-style-type: none"> 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination. 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan. 			
STATUS: 15/07/24 No further update.			

ATTACHMENTS:

- 1  36997/2024 - TfNSW Community Notification - Valla Beach Road - Give Way Sign explanation - Valla Beach
- 2  36992/2024 - TfNSW response to NVC re Valla Beach Road intersection

GENERAL MANAGER'S REPORT

ITEM 9.2 SF3415 250724 REQUEST TO SUPPORT THE ROTARY CLUB OF NAMBUCCA VALLEY WITH CORPORATE MEMBERSHIP

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager

SUMMARY:

A request has been received by Dave Banks, on behalf of the Nambucca Valley branch of Rotary, for Nambucca Valley Council to become a corporate member of their local Rotary Club.

RECOMMENDATION:

That Council joins the Nambucca Valley Rotary Club as a corporate member.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation

BACKGROUND:

See attached documents for more information about the Nambucca Valley branch of Rotary. As Council would be aware, volunteer organisations are finding it increasingly difficult to attract members, and in particular younger members, and this idea to increase participation is a great initiative by our local club.

DISCUSSION:

The Nambucca Valley Rotary Club meet on the first and third Wednesday evening at Macksville Ex Services Club for a dinner meeting from 6.30-8.00pm.

The cost of corporate membership with the Nambucca Valley Rotary Club is \$240.00 per year. This includes a primary corporate membership for one staff member and two other staff members as alternate participants. The staff member to be nominated will be open to all staff who wish to apply. If the membership is ongoing, the membership will be rotated between interested staff. It is expected the nominated member will be involved in the volunteer activities that are organised by Rotary, as would any other club member.

CONSULTATION:

SUSTAINABILITY ASSESSMENT:

Environment

Adopting the resolution will have no environmental impact.

Social

Participation as a corporate member of the Rotary Club will demonstrate community involvement and enhancement of partnering with an altruistic club, which is one of Council's core values. Council's participation may also encourage other corporate/business organisations to join the program.

Economic

Adopting the resolution will have no economic impact.

ITEM 9.2 REQUEST TO SUPPORT THE ROTARY CLUB OF NAMBUCCA VALLEY WITH CORPORATE MEMBERSHIP

Risk Analysis

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The \$240 corporate fee can be accommodated within the existing Corporate Services budget.

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  36495/2024 - 2024 Rotary Corporate letter
- 2  36497/2024 - 2024 Nambucca Valley Rotary info

GENERAL MANAGER'S REPORT

ITEM 9.3 SF262 250724 TRANSPORT FOR NSW RESPONSE TO COUNCIL'S QUESTIONS REGARDING THE MACKSVILLE BRIDGE REHABILITATION PROJECT

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager

SUMMARY:

Council submitted various feedback to Transport for NSW (TfNSW) regarding the upcoming Macksville Bridge Rehabilitation Project as well as questions asked as a result of the Councillor presentation on 30 May 2024.

RECOMMENDATION:

That Council notes the report from Transport for NSW regarding Council feedback.

OPTIONS:

For information only.

DISCUSSION:

TfNSW have engaged with Council throughout the planning of the upcoming Macksville Bridge Rehabilitation Project via a Councillor Presentation on 30 May 2024 where questions were identified.

Council staff also submitted a feedback response to TfNSW via their Review of Environmental Factors (REF) process. TfNSW response is attached for your information.

CONSULTATION:

N/A

SUSTAINABILITY ASSESSMENT:

Environment

Adopting the resolution will have no environmental impact.

Social

Adopting the resolution will have no social impact.

Economic

Adopting the resolution will have no economic impact.

Risk Analysis

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

N/A

Working funds – justification for urgency and cumulative impact

N/A

**ITEM 9.3 TRANSPORT FOR NSW RESPONSE TO COUNCIL'S QUESTIONS REGARDING THE
MACKSVILLE BRIDGE REHABILITATION PROJECT**


Impacts on 10 Year Long Term Financial Plan

N/A

Service level changes and resourcing/staff implications

N/A

ATTACHMENTS:

1  36486/2024 - TfNSW Response to Council's questions - Macksville Bridge Rehabilitation Project

GENERAL MANAGER'S REPORT

ITEM 9.4 SF1865 250724 LEASE TO NSW CROWN HOLIDAY PARKS - PART SCOTTS HEAD RESERVE

AUTHOR/ENQUIRIES: Andrea Baillie, Property Officer

SUMMARY:

At its meeting of 10 April 2013, Council considered a report on the Revised Option for the Scotts Head Caravan Park and Reserve, with several resolutions being adopted, including resolving to proceed with a lease of Council owned, Community classified land at Scotts Head to the North Coast Accommodation Trust (now NSW Crown Holiday Parks Trust) for 21 years, subject to approval from the Minister for the Office of Local Government.

Whilst the process became protracted, the lease was approved, prepared, executed by the Lessee, and is now ready for execution on behalf of Council. Approval to proceed to sign the lease under seal is now sought accordingly.

RECOMMENDATION:

That Council executes the lease of part Adin Street Reserve, Scotts Head being Folio Identifier 2/1202794 to NSW Crown Holiday Parks Land Manager under the seal of Council and signed by the Mayor and General Manager.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Adopt the proposed recommendation

BACKGROUND:

After significant public consultation, Council resolved 1 December 2011 to adopt the Plan of Management (PoM) for the community classified land at Adin Street reserve, Scotts Head. The PoM expressly authorised the leasing of part of the Reserve for a term not exceeding 21 years for use as a caravan and camping ground.

Further Council resolutions provided direction to proceed with leasing that part of the Reserve to NSW Crown Holiday Parks for the purposes of caravan and camping ground subject to agreement between Council and NSW Crown Holiday Parks Trust and subject to Ministerial approval.

The agreement between lessor and lessee was reached, drafted and subsequently signed and forms an annexure to the lease agreement.

Ministerial approval was sought with consent received in January 2014. The lease was then drafted and forwarded to the lessee for review and execution.

Although the matter had become protracted, the subject lease has now been signed by the Lessee and provided back to Council for their execution. This report now seeks resolution to proceed to sign on behalf of Council as lessor, under Council seal.

CONSULTATION:

Significant and extensive community consultation was undertaken on multiple occasions during the process of adopting the Plan of Management, and specifically for the lease of the subject community land.

ITEM 9.4 LEASE TO NSW CROWN HOLIDAY PARKS - PART SCOTTS HEAD RESERVE

SUSTAINABILITY ASSESSMENT:**Environment**

Adopting the resolution will have no environmental impact.

Social

Adopting the resolution will have no social impact.

Economic

Adopting the resolution will have no economic impact.

Risk Analysis

Risk in this instance is presented as reputational, should Council not proceed to execution of the lease which was the subject of significant public consultation, and is further supported by the adopted Plan of Management for the community land and the Office of Local Government Minister's approval.

Delivery Program Action

CC4 - Maintain an effective governance regime

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

Nil budget impacts as a result of adopting the resolution.

Working funds – justification for urgency and cumulative impact

Nil impacts on working funds by adopting the resolution.





Impacts on 10 Year Long Term Financial Plan

Nil impacts on the 10 Year Long Term Financial Plan by adopting the resolution.

Service level changes and resourcing/staff implications

No service level changes or resourcing required by adopting the resolution.

ATTACHMENTS:

- 1  23014/2013 - Dept Local Government Approval to grant lease
- 2  36221/2024 - partially signed lease for execution - part Adin Street reserve, Scotts Head - NSW Crown Holiday Parks Land Manager
- 3  34623/2011 - ADOPTED PLAN OF MANAGEMENT - Adin Street Reserve Scotts Head (Note - since superceded)
- 4  36243/2024 - Lease area - part Adin Street Reserve, Scotts Head

DIRECTOR CORPORATE SERVICES REPORT

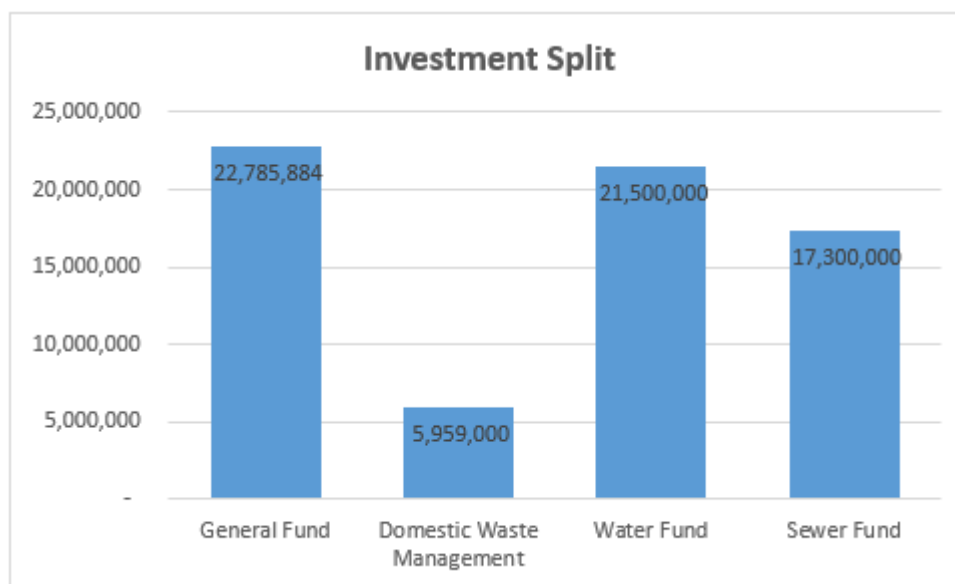
ITEM 10.1 SF3358 250724 INVESTMENT REPORT FOR JUNE 2024

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 June 2024.

Council's investments as at 30 June 2024 of \$67,544,884 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 June 2024.**
- 2 Adopts the certification of the Responsible Accounting Officer for the period of June 2024.**

OPTIONS:

This report is for information only.

DISCUSSION:

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

ITEM 10.1 INVESTMENT REPORT FOR JUNE 2024

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

TCorp	\$2,950,654
Floating Rate Notes	\$2,306,060
Fixed Bonds	\$4,488,170
Term Deposits	\$57,800,000
Total	\$67,544,884

Portfolio Performance

Council's total portfolio performance returned +0.42% in June, outperforming the benchmark AusBond Bank Bill index of +0.35%. On an annualised basis, the portfolio returned +5.23%p.a., outperforming the benchmark of +4.35%p.a. and the official cash rate of 4.35%.

Council's term deposits portfolio was yielding 4.89%p.a. for June a slight decrease from May with maturing investments being reinvested above 5%.

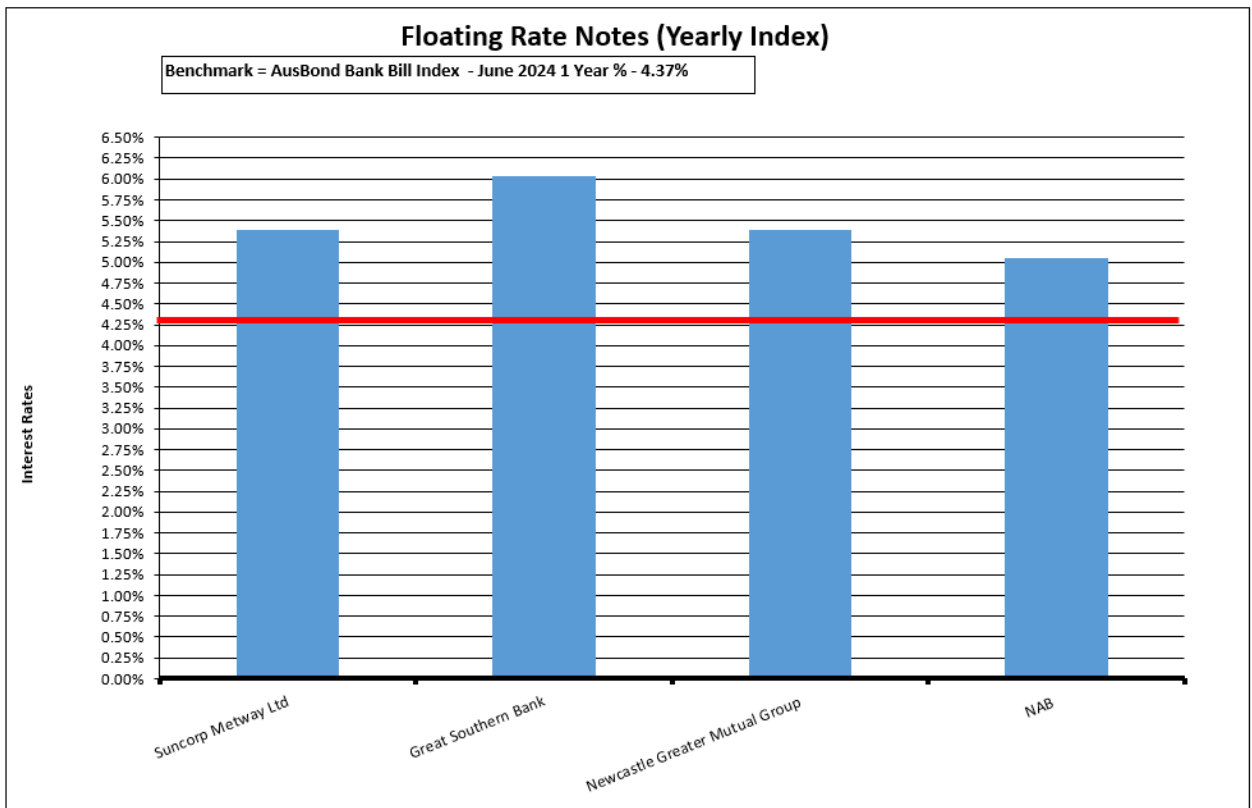
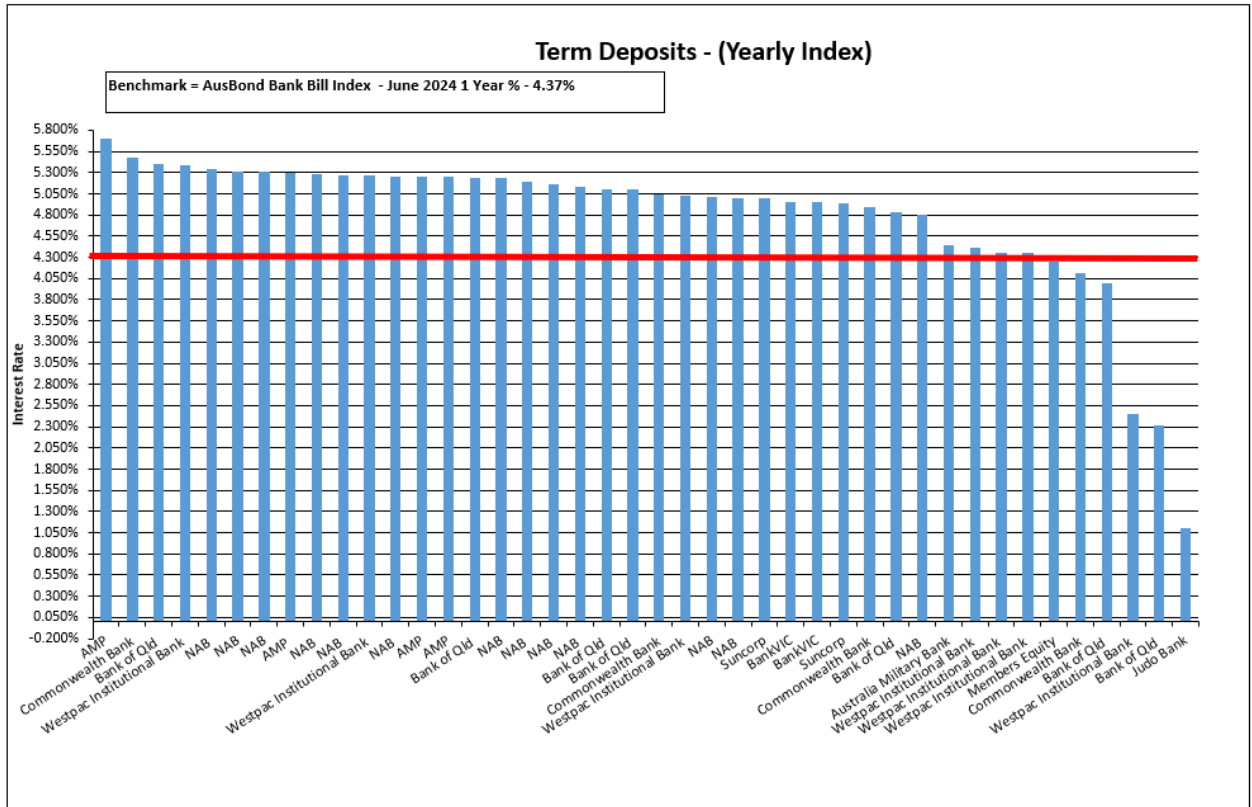
Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council is still holding 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. Council will continue to monitor the TCorp Long Term Growth fund which fluctuates from month to month, however returned a positive return for the month +1.0%. Funds held with TCorp are looked at with a long term view.

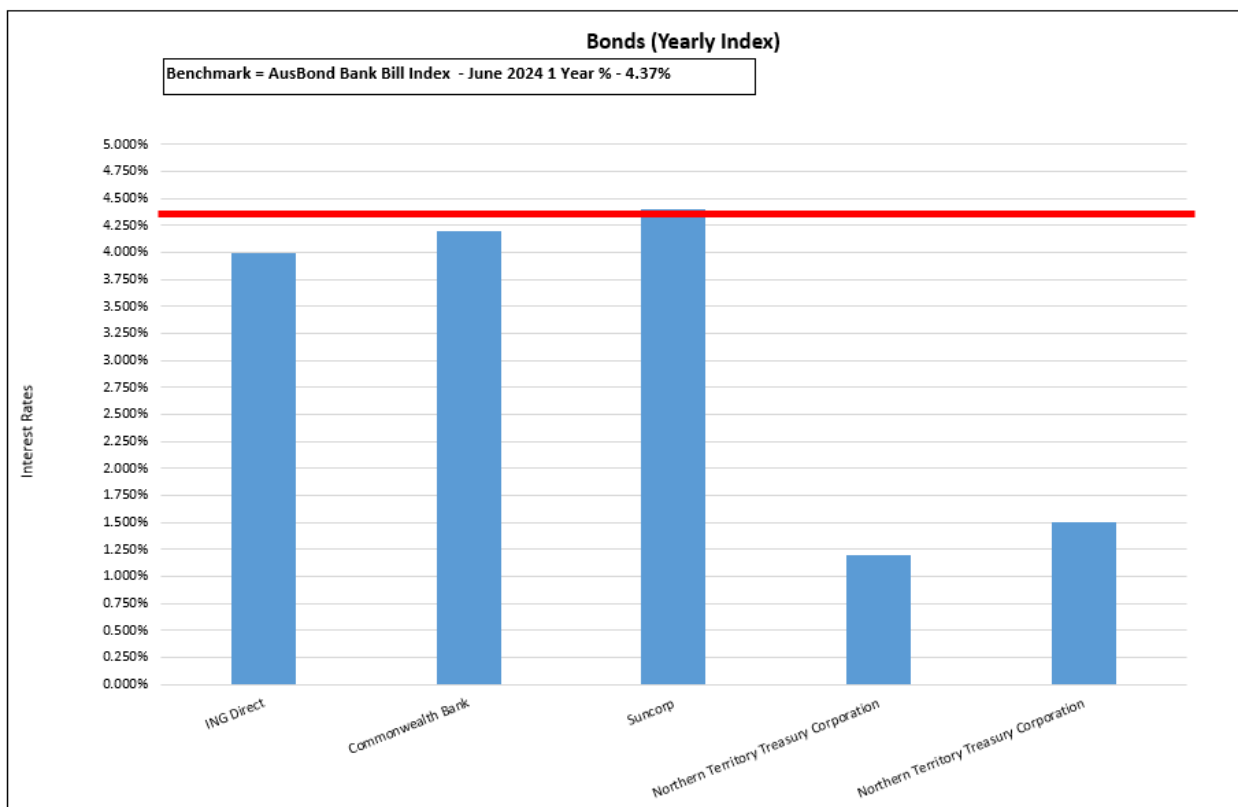
Council has invested in Senior Fixed Bonds. Council holds 2 sub-optimal Senior Fixed Bonds returning 1.2% p.a. and 1.5% p.a., however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The bonds have a maturity of December 2025 and December 2026.

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 10.1 INVESTMENT REPORT FOR JUNE 2024



ITEM 10.1 INVESTMENT REPORT FOR JUNE 2024



Council’s Investment Policy

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

Table 1: Maturity – Term Limits

Maturity Compliance as at 30/06/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	15,500,000.00	22.95	3.00	100.00	52,044,884.30
✓	91 - 365 days	25,295,784.00	37.45	0.00	100.00	42,249,100.30
✓	1 - 2 years	19,495,929.50	28.86	0.00	70.00	27,785,489.51
✓	2 - 5 years	4,302,516.70	6.37	0.00	50.00	29,469,925.45
✓	5 - 10 years	2,950,654.10	4.37	0.00	25.00	13,935,566.98
TOTALS		67,544,884.30	100.00			

ITEM 10.1 INVESTMENT REPORT FOR JUNE 2024

Table 2: Credit Rating Limits

Credit Quality Compliance as at 30/06/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	495,784.00	0.73	100.00	67,049,100.30
✓	AA	36,596,871.70	54.18	100.00	30,948,012.60
✓	A	11,999,961.00	17.77	60.00	28,526,969.58
✓	BBB	15,501,613.50	22.95	45.00	14,893,584.43
✓	Unrated	2,950,654.10	4.37	18.00	9,207,425.08
TOTALS		67,544,884.30	100.00		

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 June 2024 report page 2:*

In June, financial markets continue to reprice the time of rate cuts across several developed countries. Domestically, the market is now actually forecasting the small chance of a hike in coming months in response to ongoing inflationary pressures.

In the deposit market, over June, the average deposit rates offered by the major banks at the short-end (up to 12 months) rose between 8-11bp following the higher than expected monthly inflation figure. In the medium-longer term (2-5 years), the average bids from the major banks remained relatively flat, reflective of the market still factoring rate cuts in future years. The deposit curve is largely back to where it was 6 months ago (Dec 2023).

With a global economic downturn and interest rate cuts still being priced over the next 18-24 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).

ITEM 10.1 INVESTMENT REPORT FOR JUNE 2024

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  35119/2024 - Investment Report June 2024
- 2  34835/2024 - Arlo Advisory Investment review June 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF3504 250724 REQUESTS FOR SECTION 356 DONATIONS - NAMBUCCA MACKSVILLE EVENING VIEW CLUB (VENUE HIRE FEES) AND NAMBUCCA CHRISTMAS FESTIVAL

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council has received two (2) requests for Section 356 donations to assist local organisations.

The first request is from the Nambucca Macksville Evening VIEW Club to cover the venue hire costs (\$161.00) for the Macksville Senior Citizens Centre on Friday, 2 November 2024, for staging of their annual Spring Fair.

The second request is from the Nambucca Christmas Festival Committee, for a donation towards staging the 2024 Festival on Friday, 6 December 2024.

RECOMMENDATION:

That Council

- 1 Approves Section 356 donation to Nambucca Macksville Evening VIEW Club for \$161.00**
- 2 Approves Section 356 donation to Nambucca Christmas Festival Committee for \$500.00.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option - Council can resolve to donate a lesser amount to assist with the Christmas Festival event.

DISCUSSION:

Council received an application from Nambucca Macksville Evening VIEW Club BCDAL on 5 July 2024 to request a donation towards the hire costs of the Senior Citizens Centre in Macksville to host their annual Spring Fair on Friday, 2 November 2024.

This Spring Fair is held to raise funds for the Smith Family “Learning for Life” program, and the special guest this year is local author Karly Lane.

The donation is to cover the 7 hours of hire fees for the Centre, or \$161.00.

The second request was received on 8 July 2024 for a donation to assist with staging the now annual Christmas Festival in Nambucca Heads, on Friday, 6 December 2024.

The Festival has proved to be very well patronised by our community and has been a success over the past few years, however Council has only provided one donation for the event in previous years – back in 2022/2023. The Festival this year will be held in Coronation Park, and the donation will assist with costs associated with staging such a large event.

CONSULTATION:

Acting Director Corporate Services
Chief Financial Officer
Grants and Contributions Officer

ITEM 10.2 REQUESTS FOR SECTION 356 DONATIONS - NAMBUCCA MACKSVILLE EVENING VIEW CLUB (VENUE HIRE FEES) AND NAMBUCCA CHRISTMAS FESTIVAL

SUSTAINABILITY ASSESSMENT:

Environment

There is no impact on the environment

Social

Council's donation will assist both the Nambucca Macksville Evening VIEW Club and the Nambucca Christmas Festival committee to stage two (2) events for the benefit of our community.

Economic

There are no economic issues.

Risk Analysis

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

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Council's 2024/2025 general donations budget on account number 3100.405.622 has not had any donation requests approved as yet, however the annual donations to schools and other organisations will be paid out during August or September 2024. The available current balance is the budget for 2024/2025 of \$24,000. If the two (2) donations totalling of \$661 are approved as described in the report, this will leave an available balance of \$23,339 until 30 June 2025.

The Donations Program for the 2023/2024 year will potentially open to general community applications early in 2025.

Working funds – justification for urgency and cumulative impact

Nil as budgeted.

Impacts on 10 Year Long Term Financial Plan

No impact.

Service level changes and resourcing/staff implications

There is no impact on service level changes or resourcing/staff implications.

ATTACHMENTS:

- 1** 35328/2024 - Letter Requesting Fee Waived - Nambucca Macksville Evening View Club - 2 November 2024
- 2** 35331/2024 - 2024 Nambucca Christmas Festival - Request for a donation from Nambucca Valley Council

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF3504 250724 DONATION REQUEST - REQUEST FOR RATES RELIEF FOR NAMBUCCA VALLEY YOUTH SERVICES CENTRE INC

AUTHOR/ENQUIRIES: William Tory, Rates Officer

SUMMARY:

Council has received a request for a Section 356 donation from the Nambucca Valley Youth Services Centre Inc that manage and run the Nambucca Heads Youth Services Centre for rates and charges relief for the first two rate instalments of the 2024/2025 financial year, being \$1,301.54.

RECOMMENDATION:

That Council approves a donation of the requested \$1,301.54 for rates relief to the Nambucca Valley Youth Services Centre Inc.

OPTIONS:

- 1 Council can resolve not to donate.
- 2 Proposed recommendation to make an above cap donation.
- 3 Council can resolve to donate a lesser amount than requested for rates relief, to the capped donation amount of \$500.00 as the amount in the recommendation is above the policy limit.

DISCUSSION:

This is the third request for rates relief from the Nambucca Valley Youth Services Centre Inc (NVYSC) since to 2010.

The first request came in December 2010 and the request was for assistance with 3 years of overdue rates and charges due to administration issues with the cessation of the Scout Hall lease resulting in rate notices not being received by the NVYSC. Partial assistance was granted to the amount of \$3,818.98.

The second request came in September 2021 for funding assistance for five years. Council resolved to provide funding for the 2021/22 financial year's rate component (\$1,580.34), and individual submissions would be required for additional funding in future years.

Cost of living increases and limitations on grant funding have left the NVYSC in a difficult financial position, with consideration being made to cease the provision of their services in the future.

The organisation is a not-for-profit group dedicated to the valley and its residents, and provides the centre, and internal spaces, for community purposes.

An extract from the email received from the NVYSC on 13 June 2024 is below:

To the General Manager/Mayor/Councillors:

The Nambucca Valley Youth Services Centre has faced unprecedented increase in costs at the same time as a decline in income through grants and partnership activity.

As an Incorporated Association managing a Crown Land Lease and a Centre supporting youth in the Nambucca Valley, we have met our financial responsibilities for 20 years. This has included renovating and maintaining what was previously a bare scout hall, simultaneously increasing the value of the building, as well as its accessibility. We have never been in receipt of substantive funding and have met an average of \$3500 per month running costs through judicious financial management and the hard work of volunteers.

ITEM 10.3 DONATION REQUEST - REQUEST FOR RATES RELIEF FOR NAMBUCCA VALLEY YOUTH SERVICES CENTRE INC

Having no prospect, in the short term, of a substantial grant to allow us to continue into the future, we are meeting weekly to manage the funds we have and to discuss the potential of needing to wind up the Service. This brings us no joy, and particularly concerns us regarding the services for youth that could be axed. We still do have hope that the Centre's value will be recognised by a funding body, and want to hold on for this reason, as well as to give some certainty, in the short term, to the current services.

We are asking for rate relief for the next two rate periods, hoping we will not require the same into 2025.

Thank you for considering this request.

*Deidre Bear
On behalf of the Board*

CONSULTATION:

Acting Director Corporate Services
Rates Officer

SUSTAINABILITY ASSESSMENT:

Environment

There is no impact on the environment

Social

Council's donation of rates relief to the NVYSC will assist the greater community, enabling continued efforts to remain operational and provide services to the community.

Economic

There are no economic issues.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
If the requested donation is not approved, the service is likely to discontinue.	H	M	To provide an above cap donation equivalent to the rates.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current budgets

Council's 2024/25 general donation budget on account number 3100.405.622 is \$24,000. If the donation is approved as requested, the available balance for general donations would be \$22,698.46.

A decision was made that from 2021/2022, all rates donations or donations equivalent to the rates figure, will be processed through, and included in, the general donation budget moving forward, (3100.405.622), for ease of identification of the impact this is having on Council working funds.

**ITEM 10.3 DONATION REQUEST - REQUEST FOR RATES RELIEF FOR NAMBUCCA VALLEY
YOUTH SERVICES CENTRE INC**

Working funds – justification for urgency and cumulative impact

At this point there is no impact on working funds as there is an available balance in the 2024/2025 donations budget, to support the recommendation.

Impacts on 10 Year Long Term Financial Plan

No impact on 10 Year LTFP

Service level changes and resourcing/staff implications

There is no impact on service level changes or resourcing/staff implications.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.4 SF251 250724 SCHEDULE OF COUNCIL MEETINGS - 15 AUGUST 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 15 August 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 declared elected at that point.

RECOMMENDATION:

That Council notes the schedule of meeting dates for 15 August 2024 to 14 November 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
Council Meeting	15 August	Council Chambers	5.30 PM
Caretaker period commences (ceases 14 September 2024)*	16 August		
Council Meeting	29 August	Council Chambers	5.30 PM
Council Meeting	12 September	Council Chambers	5.30 PM
NSW Local Government Elections	14 September		
Councillor Induction Training	10 October	Council Chambers	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)*.
- appoint or reappoint the council's General Manager (except for temporary appointments).

ATTACHMENTS:

There are no attachments for this report.

DEVELOPMENT AND ENVIRONMENTS

ITEM 11.1 SF3410 250724 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 12 July 2024, and development applications determined from 3 July to 12 July 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.			
STATUS: The RFS refused general terms of approval. The applicant has made amendments to the DA to address the RFS concerns. Awaiting the response from the RFS regarding the amended application.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
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.			
STATUS: 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

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

2018/115	30 April 2024	Modification to subdivision	80 Red Ash Road, Valla – Lot 2 DP 1173066
One submission received. Public exhibition period closed.			
STATUS: Awaiting response from the RFS and assessment by external assessing officer.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/090	31 May 2024	20 Townhouses	12 & 14 Creek Street, Nambucca Heads - Lots 12 & 13 Sec 3 DP 758749
Eleven submissions received. Application re-exhibited until 12 August 2024 as a result of amended proposal.			
STATUS: Awaiting response from the RFS. View impact assessment and shadow diagrams received. Assessment to be finalised at the end of exhibition period.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/291	3 June 2024	Modify hours of operation and driveway construction for approved depot	45 Warrell Waters Road, Gumma - Lot 157 DP 755539
Thirteen submissions received. Exhibition period closed.			
STATUS: Application is being assessed by staff.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/122	1 July 2024	10 Lot Subdivision	Albert Drive, Warrell Creek - Lot 18 DP 884316
One submission received. Exhibition closes 22 July 2024.			
STATUS: Awaiting RFS referral response. Once received and exhibition complete the assessment will be finalised by an external Town Planner.			

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 3 July to 12 July 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.

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

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 11.2 SF3424 250724 RESPONSE TO QUESTIONS RELATING TO THE HORTICULTURE PLANNING PROPOSAL

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

This report provides information in response to questions raised following an address in the public forum on 13 June 2024 regarding the horticulture LEP amendment.

RECOMMENDATION:

That Council notes the information contained within the report.

OPTIONS:

For information only.

BACKGROUND:

Council has previously resolved to prepare and submit a planning proposal to the Planning Minister which seeks to amend the Nambucca Local Environmental Plan 2010 (LEP) so that development consent for horticulture is required in the rural zones. The Planning Minister has since issued the planning proposal with a gateway determination. The process for the LEP to be amended from this point is:

- Place the planning proposal on public exhibition.
- Consult with relevant state agencies.
- Report all submissions back to Council for consideration and a decision on whether or not the proposed LEP amendment should be made.
- If Council decides to make the LEP amendment, forward the planning proposal and all submissions received back to the Planning Minister for a final decision.

The planning proposal specifies that draft Development Control Plan (DCP) controls will be placed on public exhibition at the same time as the planning proposal so that the community is properly informed on what requirements are proposed to be placed on development applications for horticulture. Draft DCP controls will be reported to Council in August for consideration and once supported both the planning proposal and draft DCP controls will be publicly exhibited at the same time.

A copy of the draft planning proposal submitted to the NSW Department of Planning is contained within **attachment 1**. Please note that the conditions of the gateway determination require minor amendments to be made to the draft planning proposal prior to public exhibition. These amendments have not yet been made to the attached draft planning proposal.

DISCUSSION:

Following an address in the public forum by Mr Alan Manuel, Council made the following resolution:

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.*

ITEM 11.2 RESPONSE TO QUESTIONS RELATING TO THE HORTICULTURE PLANNING PROPOSAL

- *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.*

The possibility on ministerial approval for interim moratorium on any form of development.

There is no ability for an interim moratorium on horticulture until a decision has been made on the planning proposal and the LEP amended. The reason for this is that an LEP can only be made under division 3.4 of the Environmental Planning and Assessment Act 1979 (the act). The preparation of a planning proposal and gateway determination is a prerequisite before any LEP amendment is made. There is no provision in the act which allows for development permitted without development consent to be set aside through an interim moratorium without going through the statutory LEP amendment process outlined within division 3.4 of the act. This has been confirmed by the NSW Department of Planning as outlined within **attachment 2**.

If successful, will the LEP amendment allow Council to require a DA for horticulture/intensive horticulture.

Yes, this is the intent of the planning proposal.

Will that allow the capture of height, structure, distance buffers and footprint ratio of land.

The height of buildings and floor space ratio maps within the LEP are not proposed to be amended and have not been incorporated into the planning proposal. Currently the rural zones are not mapped on the height of buildings or floor space ratio maps. It is not recommended to include rural zones on these maps because it will result in unnecessary impacts on other forms of development such as silos and sheds which are generally higher than structures associated with horticulture. Furthermore, floor space ratio only applies to buildings with enclosing walls greater than 1.4m in height. As such, this wouldn't apply to netting/poles and tunnels.

However, if the LEP is amended the Nambucca Development Control Plan 2010 (DCP) can also be amended to include controls relating to horticulture. These DCP controls can relate to height, scale, and land use conflict buffers.

City of Coffs Harbour Council experience in implementing DA's.

The City of Coffs Harbour do not require development consent for horticulture in their rural zones under their LEP. However, they do require development consent for structures such as netting, tunnels and greenhouses as they no longer consider them to be ancillary structures. Their legal advice which altered their previous position that netting, tunnels and greenhouses are ancillary to horticulture has not been made public and is opposed by some in the horticulture industry.

Potential circumstances on what would trigger a Land and Environment court proceedings regarding the requirement of a DA for horticulture.

If a farmer erected a greenhouse without development consent or commenced a horticulture development within the R5 Large Lot Residential zone without development consent and contrary to the existing exemptions, then Council could issue the farmer a development control order. The farmer would have the option to contest the development control order in the NSW Land & Environment Court or Council could commence Court proceedings if the development control order was not complied with.

The need for a rural land use strategy to inform the LEP

It is not considered that there is a need for a rural land use strategy to inform the LEP on this issue. The reason for this is that it is clear that some forms of horticulture are not suitable to be carried out without development consent. Deferring an LEP amendment to undertake a strategy to inform Council of something it already knows would only be a waste of resources and delay the mitigation of impacts being experienced from some horticulture developments.

ITEM 11.2 RESPONSE TO QUESTIONS RELATING TO THE HORTICULTURE PLANNING PROPOSAL

Mr Alan Manuel's Comments

Mr Alan Manuel raised a number of matters during his address to Council and followed it up with an email to Council detailing the contents of his speech and seeking responses to his matters raised as part of this report. The following is provided in response to the matters raised by Mr Manuel:

- *What public consultations were obtained prior to lodgement of the proposed LEP changes and determination request to the Minister? Could they have reduced the subsequent need for further justification details requested from Council?*

Comment: Public consultation on a proposed LEP amendment is undertaken after a gateway determination is received from the Minister. The reasons for the proposed LEP amendment were clear to Council which is what resulted in the resolution to amend the LEP. Numerous representations were made to Council by community members concerned with the impact of horticulture prior to Council's resolution to prepare the planning proposal. Undertaking a public consultation period before sending the planning proposal to the Minister would not have assisted address the justification of the proposed amendment and would only have delayed the process.

- *In the response received by the NEN group submission it was stated that although agreeing to the need for them, amendments should be made to the Council DCP but only after clarifying the amendment process with the Minister. When is this to happen and why is the process not known by Council?*

Comment: As outlined above, draft development controls for horticulture developments to be incorporated into the DCP will be placed on exhibition at the same time as the planning proposal. The intent of this is to ensure the community is properly informed on what requirements are proposed to be placed on development applications for horticulture. Aside from the exhibition of the draft DCP controls with the planning proposal, the DCP amendment will be a separate process to the LEP amendment.

- *Is it expected we will have to wait another 5 months like it took to get and disclose the external legal opinion?*

Comment: The gateway determination requires the LEP amendment process to be completed by 10 January 2025. It is anticipated that Council could be in a position to refer the planning proposal back to the Planning Minister for a final decision on the making of the LEP amendment by November 2024.

- *The photos on the link provided by Council have been indicated as having been taken up to 6 months ago. Are ongoing audits underway?*

Comment: Council has access to regular aerial photography updates which will enable Council to identify any new greenhouses that are erected and commence compliance action.

- *The responses states that the information is retained to take applicable action. Are council saying they support that the Greenhouses are in breach or? And if so what if any action has been taken or is underway including reviews and classifications made of exempt and non-exempt structures.*

Comment: As outlined in the legal advice previously reported to Council, greenhouses are not considered to be ancillary structures for horticulture and require development consent. If any new greenhouses are erected without development consent Council will commence compliance action against the relevant land owner.

- *Council has proposed leaving it to the ratepayers including directly impacted growers, farmers to provided evidence and obtain expert opinions. What Council initiated external experts have been engaged and where are their reports if any available. Other than obtaining legal opinion on what basis is council actioning these issues.*

ITEM 11.2 RESPONSE TO QUESTIONS RELATING TO THE HORTICULTURE PLANNING PROPOSAL

Comment: It is not clear what is referred to in this statement. However, if Council becomes aware of a greenhouse being built without approval then staff will attend the site and gather the necessary evidence. If there is suspected water pollution or spray drift issues the EPA will inspect the site and obtain any evidence and water samples as necessary. As previously reported to Council, joint water quality testing was undertaken by the EPA and Council earlier this year, with this information being used to justify the proposed amendment to the LEP. Note that the EPA are continuing their inspection program of horticulture farms within the Nambucca Valley to monitor correct use of chemicals on these farms.

- *It was advised that approval from the minister would be required for council to act. At the meeting and subsequent meetings councillors have been approached about why has council not sought to pass a motion to request the interim approval from the minister. Why?*

Comment: As outlined above, there is no statutory ability for this to occur.

- *Who will be responsible for liability and or compensation for the above issues and impacts including any for inaction having been made aware of the issues and potential liability of council?*

Comment: Council is undertaking the amendment to the LEP as outlined within the planning proposal in accordance with the statutory process. If a pollution incident arises as a result of someone undertaking an activity with or without development consent, it is the polluter who is liable for their actions.

CONSULTATION:

NSW Department of Planning

SUSTAINABILITY ASSESSMENT:

Environment

N/A

Social

N/A

Economic

N/A

Risk Analysis

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

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil.

ITEM 11.2 RESPONSE TO QUESTIONS RELATING TO THE HORTICULTURE PLANNING PROPOSAL

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  33170/2024 - Draft Planning Proposal
- 2  35952/2024 - Email from Department of Planning

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.3 SF2278 250724 MINUTES OF THE CLEAN ENERGY COMMITTEE MEETING - 4 JUNE 2024

AUTHOR/ENQUIRIES: Keegan Noble, Environmental Project Officer

SUMMARY:

A meeting of the Clean Energy Committee was held on Tuesday 4 June 2024. **Attached** are the minutes for Council’s information and adoption.

RECOMMENDATION:

That Council notes the minutes of the Clean Energy Committee meeting held on 4 June 2024.

OPTIONS:

This report is for information only.

DISCUSSION:

The minutes of the Clean Energy Committee meeting held on 4 June 2024 are contained within **Attachment 1**, with discussion about each of the items within the Committees minutes contained within the agenda of the Committee within **Attachment 2**.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

No negative impacts on the environment.

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				

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil

Working funds – justification for urgency and cumulative impact

ITEM 11.3 MINUTES OF THE CLEAN ENERGY COMMITTEE MEETING - 4 JUNE 2024

Nil



Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Nil

ATTACHMENTS:

- 1  27324/2024 - Minutes - Clean Energy Committee - 4 June 2024
- 2  26366/2024 - Agenda - Clean Energy Committee - 4 June 2024

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 12.1 SF721 250724 V WALL ACCESS TO BEACH - WELLINGTON DRIVE
NAMBUCCA HEADS**

AUTHOR/ENQUIRIES: Matthew Leibrandt, Manager Infrastructure Services

SUMMARY:

This report details the investigations of Council Officers on the V Wall area of management, the beach access and safety of the beach for swimmers.

RECOMMENDATION:

That Council notes the information contained in this report.

OPTIONS:

1 Do nothing/business as usual

DISCUSSION:

As the Ordinary Meeting of Council on the 24/4/2024 Council resolved:

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. (SF3421)

Background into the Removal of the Steps

In April 2020, the Crown Lands Coastal Infrastructure Unit funded repairs to its failing coastal protection wall at the V Wall, subcontracting Council to project manage the works. The wall was in danger of catastrophic failure and the works were considered urgent and necessary.

The ocean facing wall was failing at the intersection of the east-west wall and the north-south wall with a void space eroded between the rock bed and the concrete structure requiring concrete infill and protection with large boulder rock.

The V Wall is constructed on Crown Land. Council is Crown Land Manager for Lot 7016/DP1056524 which includes the longer East-West part of the pathway. The shorter North-South portion being Lot 7032/DP1113188 is Crown Land that is not managed by Council. The Asset itself is the responsibility of Transport for NSW (TfNSW).

After consultation with Council the Crown Lands Coastal Infrastructure Unit finalised the design and the resulting works covered the stairs to the beach with large boulder rock.

The following factors were considered when Crown Lands and Council discussed the replacement of the stairs:

- The popularity of the beach area is in part due to the shallow water area enjoyed by young children; however, this area is ocean facing with fast moving tides and unstable sand at the interface with the deeper channel, which may be hazardous at times.
- The boulder rock protecting the coastal wall and footpath was required by Crown Coastal Engineers to be installed along the length of the wall linking the two rock walls.
- The previous stairs and handrail didn't conform to the relevant standard or disability access requirements and the provision of practical conforming stairs or ramp was considered challenging given the engineering and site constraints.
- The area is a natural collection point where debris is deposited on the beach.

ITEM 12.1 V WALL ACCESS TO BEACH - WELLINGTON DRIVE NAMBUCCA HEADS

- Any ramp structure constructed in this location would be required to withstand coastal forces capable on occasion of lifting boulders from the rock protection wall onto the adjacent concrete path and any ramp or stair structure would need to be tied into this structure.
- A structure constructed at this location could direct ocean water and sand onto the adjacent path.

Council has received a number of requests from residents and visitors to reinstate a formal access to this beach, with the general responses from Council staff indicating that such a project was not supported due to the following factors:

- The perceived danger of the beach.
- The perspective of Crown Coastal Engineers that the reinstatement of a complying structure would be difficult to achieve.
- There wasn't a budget allocation or a grant to fund such a structure and the cost estimate for such a structure was difficult to know without significant investigation and a detailed design undertaken by an experienced Coastal Engineer.
- The engineering constraints around building such a structure at a dynamic ocean facing location.
- The pathway for approval and funding of such a project is unclear.
- The Crown Lands Coastal Infrastructure Unit was disbanded and absorbed into RMS and then TfNSW and Councils Coordinator of Strategic Planning and Natural Resources moved on from Council.

Beach Safety

Council has a 2010 Masterplan for the Nambucca River developed by Resource Design & Management, which guides Council in the developments of the foreshore area. The Masterplan states on Page 103:

“Water Activity

In the same way it would be foolhardy for the study to support the further installation of infrastructure to increase swimming in and around the river mouth. It has been observed that the mouth is subject to dangerous currents and places swimmers in conflict with boat users.

For this purpose the design team has recommended that a new focus on swimming be provided within the and opposite Bellwood Park where family water theme already exists.”

On page 102 of the master plan sites location 6 as the V Wall swimming area and states:

“6 The placement of infrastructure to support swimming at these locations is not recommended. It may be appropriate to install warning signage and lifesaving devices due to strong currents and boat movement.”

The development of the V Wall beach has been undertaken in accordance with the current adopted Master Plan which recommends not encouraging swimming in this location.

Crown Land within 7032/DP1113188 and any works in this area would require Crown Lands approval.

V-Wall Ownership and Management

There are three Deposited Plans (DP) that cover the V wall area. These are:

- Road 1/DP1187844 (Attachment 1)
- Crown Land 7032/DP1113188 (Attachment 2)
- Crown Land 7016/DP1056524 (Attachment 3)

The V Wall is constructed on Crown Land. Council is Crown Land Manager for Lot 7016/DP1056524 which includes the longer East-West part of the pathway. The shorter North-South portion being Lot 7032/DP1113188 is Crown Land that is *not* managed by Council. To further complicate matters the asset itself (rock wall) is the responsibility of Transport for NSW (TfNSW).

ITEM 12.1 V WALL ACCESS TO BEACH - WELLINGTON DRIVE NAMBUCCA HEADS

As any new beach access will need to adjoin the existing pathway, and cross that area where TfNSW holds responsibility, any proposed new access structure will therefore be subject to consultation with and the approval of TfNSW.

As Council is not the Crown land manager for the Crown Land within 7032/DP1113188, any works in this area would additionally require Crown Lands approval.

As with any new construction on Council managed Crown Land, the usual land searches including Native Title Advice will also need to be sought prior to committing to new works.

CONSULTATION:

External:
Marine Rescue NSW Nambucca Heads
NHSLS

Internal:
NVC Property Officer
NVC Manager Technical Services
NVC Manager of Development and Environment
NVC Director Engineering Services

SUSTAINABILITY ASSESSMENT:

Environment

N/A

Social

N/A

Economic

N/A

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Public Safety	H	H	Risk Assessment with appropriate design and signage	M

Delivery Program Action

CC14 - Beach Safety

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

PP13 - Maintain and construct footpath and cycle ways to the level of service agreed with the community

ITEM 12.1 V WALL ACCESS TO BEACH - WELLINGTON DRIVE NAMBUCCA HEADS

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 30494/2024 - V WALL Previous Location of Stairs - Air photo with Lot and DP 1113188

- 2 30495/2024 - V Wall - DP 1113188p

- 3 30497/2024 - V Wall - DP 1056524p

- 4 36466/2024 - All Abilities Access to Beach - Letter from Nambucca Heads Surf Life Saving Club President

- 5 36587/2024 - Nambucca V-Wall proposed ramp - Response by Marine Rescue


DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.2 PRF32 250724 CAMPHOR LAUREL REMOVAL AT HENNESSEY TAPE OVAL

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

This report proposes the removal of camphor laurel trees from the riparian zone of a high use public area in Bowraville for the purpose of reducing long term maintenance and increasing the biodiversity at the site.

RECOMMENDATION:**That Council**

- 1 Supports the removal of the camphor laurel trees at Hennessey Tape Oval, Bowraville to enable native trees in the understory to revegetate.**
- 2 Allocates any funds from the sale of the camphor logs into the weeds maintenance budget.**

OPTIONS:

- 1 Do nothing/business as usual
 - The ongoing maintenance of camphor laurel seedlings will be a continual resource and financial burden on council and not lead to the desired outcome of transitioning the site from a camphor laurel monoculture to a biodiverse native riparian zone.
- 2 Proposed recommendation
 - Engage a local contractor that has an export market for camphor laurel timber to remove all trees and leave stumps in situ and burning of the tree heads and debris on site.
- 3 Alternative options
 - Install permanent fencing of the riverbank area from the public to enable the management of camphor laurels through selective poisoning and leaving the dead trees in situ for the purpose of enabling light to reach the planted native tree species.
 - Engaging an arborist to remove the entirety camphor laurel trees and wood chip and all associated tree debris removed from site.

BACKGROUND:

The reach of South Creek between the intersection of Belmore Street and Adams Street to the Western Boundary of Hennessey Tape Oval is a place for all community to access and enjoy the river.

In winter 2019, the area of riverbank around Hennessey Tape Oval and below the newly developed Bowraville playground, was planted with over 4000 native trees and shrubs as part of the Bowraville connections stage 4 project in an attempt to transition the riverbank area from a camphor laurel and narrow leaf privet monoculture to a biodiverse native riparian zone whilst increasing public access and amenity at the site.

The small leaf privet and juvenile camphor laurels were mulched to the ground with an excavator and forestry mulcher whilst avoiding the few remaining native tree species. Approximately 60% of the mature camphor laurels were left in situ to maintain stabilisation of the riverbank and act as shade cover for the newly planted native tree species. This shade was invaluable during the times of hot dry weather of 2019/20 spring summer. Since then, continual weed management and planting maintenance of the site has occurred approximately six times per year to stop the carpet of camphor laurel seedlings taking over

ITEM 12.2 CAMPHOR LAUREL REMOVAL AT HENNESSEY TAPE OVAL

the site. Current maintenance requires considerable time to meticulously treat the camphor laurel seedlings between the native trees. Over the course of a year this is a considerable burden on resources and the limited weed management budgets. With constant mass germination of camphor laurel and privet seedlings, an improved site management plan is required, this being removal of mature camphor laurel trees to cease the allelopathic (a biological phenomenon by which an organism produces one or more biochemicals that influence the germination, growth, survival, and reproduction of other organisms) impact these trees have on the long-term remediation of the site.

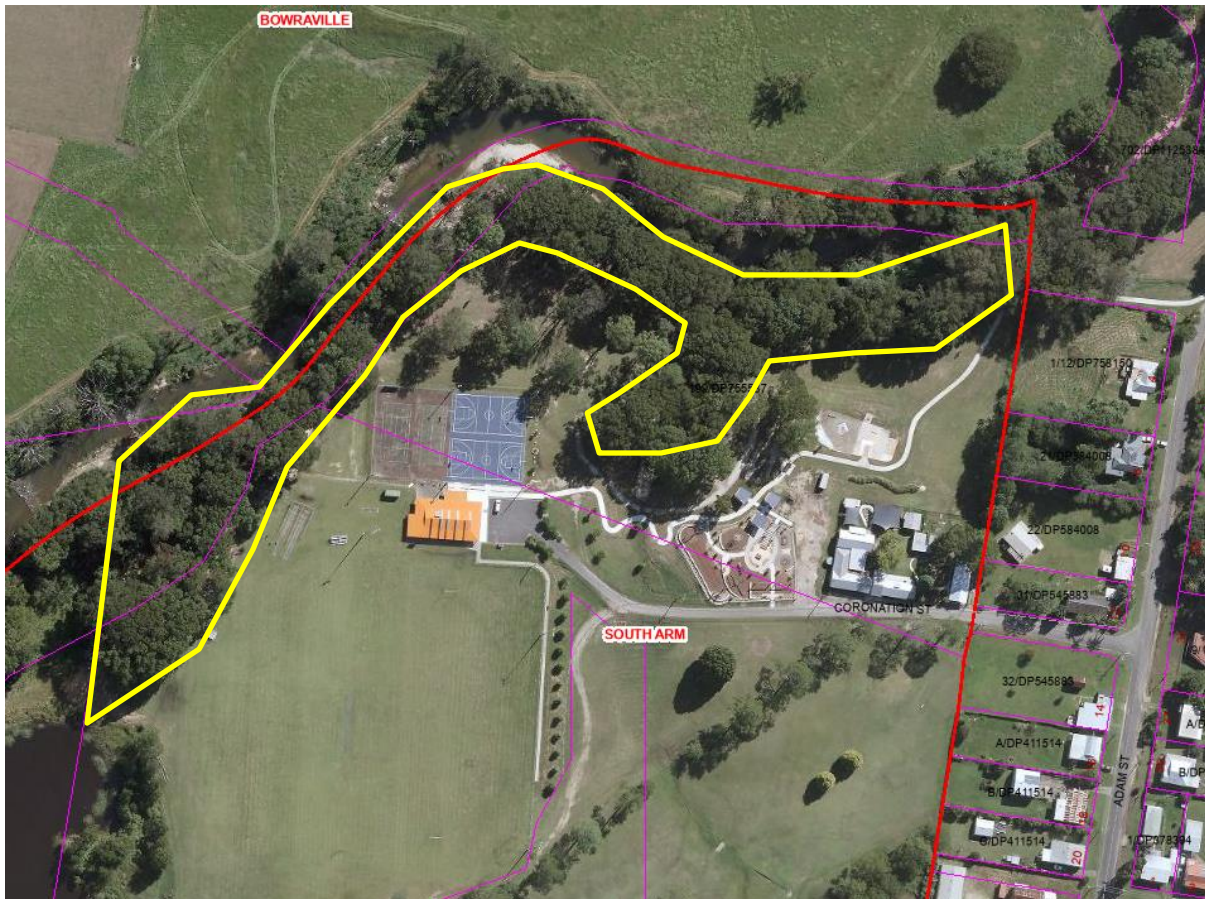


Figure 1: Identified area for camphor laurel removal shown above in yellow.

DISCUSSION:

The current management of the camphor laurel trees at the site, requires the ongoing maintenance of camphor laurel seedlings at a minimum cycle of 3 to 4 occasions per year. If this cycle is not maintained, then any progress made will be quickly lost i.e. the last 4 years of maintenance will be lost within one season of growth.

The process of a staged treatment of camphor laurel at the site through in situ poisoning will cost less financially and less aesthetic impact at the site. There are health and safety issues surrounding the retention of standing dead camphor laurel trees such as limb drop, or catastrophic failure of a mature poisoned camphor laurel tree could occur at any time at this heavily utilised public reserve. Also, undertaking maintenance of the plantings that are in the understory of the standing deceased trees is a workplace health and safety issue for the council staff or contractors. Fencing and signage of the site is possible but will require ongoing and constant maintenance, and still may not be a sufficient measure to exclude the public safety risk to an acceptable standard.

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The option of undertaking staged camphor laurel removal at the site using a local Arborist would be a sound plan however would come at a significant cost to Council. It is estimated with Arborists costs and the techniques required to remove these weedy tree species would cost over \$100k to undertake felling, chipping and removal of camphor laurel trees.

The option of engaging a contractor that is a camphor harvester for the purpose of timber exports is financially beneficial to Council and would achieve the desired outcome of providing light to the struggling native trees in the understory, removing the seed source of camphor laurel seedlings. In addition, it is estimated that there would be no immediate financial risk to Council as the works would be paid for by the sale of the camphor logs exported from the Bowraville site.

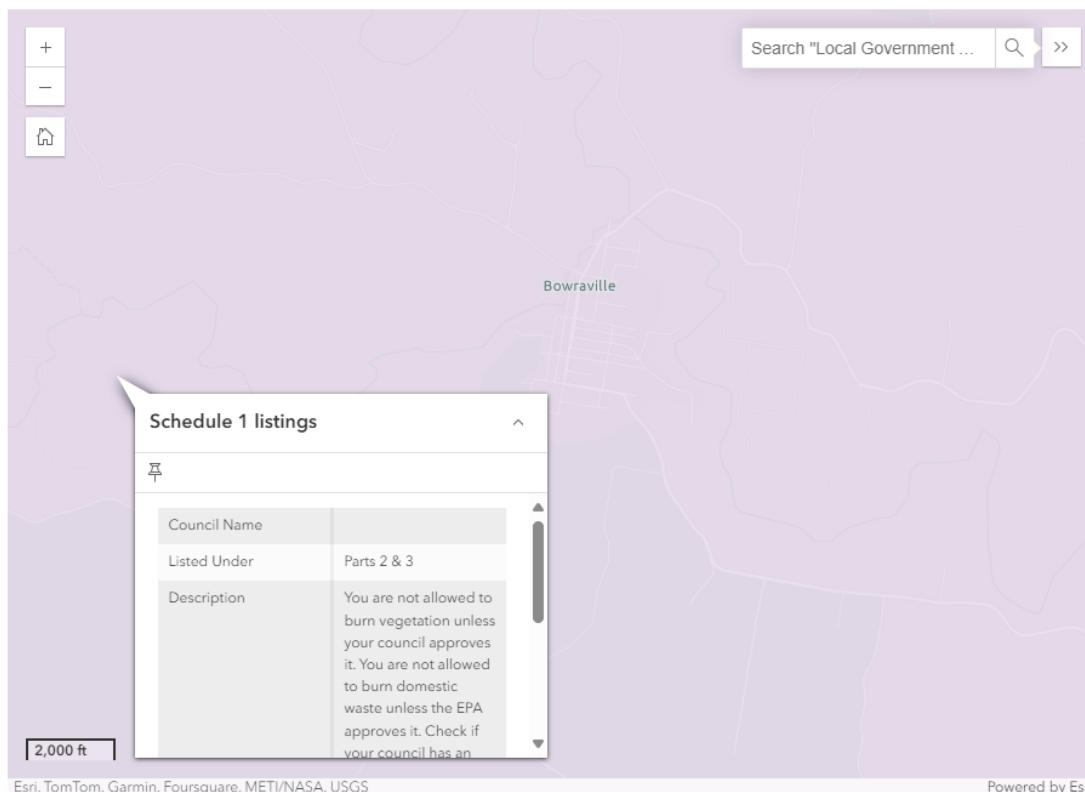
An inspection was undertaken on site with a logging contractor, where it was identified that the site contains and estimated 9 truckloads of camphor logs. It is estimated that Council will also receive an estimated fee of \$1000/truckload which would be put back into associated works such as burning and funding some further vegetation maintenance of the site through the weeds budget. All access, site clean-up and access track remediation tasks are included for the removal of these tree removal services.

Advice was sought from NSW DPI Fisheries in regard to the removal of the trees. It was recommended that the stumps of the trees be left in situ to prevent erosion from occurring. The removal of camphor laurels within riparian zones, would not be a contravention of the *Fisheries Management Act 1994* if works are performed under these same conditions. There is no regulation or Act that specifically protects riparian vegetation, only the *Local Lands Services Act 2013*, which governs vegetation management on a landscape scale. Camphor laurels being a pest plant species, are not protected in any current legislation or regulations. Within the *Local Land Services Act 2013*, there are a set of allowable activities which specify the clearing of vegetation for environmental protection works, such as, works associated with the rehabilitation of land towards a natural state.

The tree crowns and other associated unsuitable debris would need to be dealt with onsite through piling and burning, which the logging contractor would assist council with at no cost through having a machine onsite to create piles and stack piles during burning to assist in a clean burn. Camphor laurel is known to have a very high oil content which when freshly cut assists in the burning process but when left to dry the oils will evaporate from the timber and leave a timber product that is extremely difficult to burn. The burning process must be undertaken while the timber has been recently fallen, for this reason.

The Bowraville area is a no burn zone under the *Clean Air Regulation 2022* and Council approval is required to burn vegetation within this area. An open burning approval may be supplied by Council to undertake the burning of camphor laurel debris at the identified site which will then be supplied to the Bowraville Fire and Rescue for the purpose of acquiring a fire permit to undertake the works (and can be potentially utilised as a training exercise by the Bowraville Fire and Rescue). An estimate of 3 burn areas would be required. The piles would not be made large but instead started when small and progressively built and burned down to reduce radiant heat from the piles, whilst tree removals are being performed.

ITEM 12.2 CAMPHOR LAUREL REMOVAL AT HENNESSEY TAPE OVAL



- **You are not allowed to burn anything** in the open or in an incinerator, including any domestic waste or vegetation, unless the EPA approves it.
 - **You are not allowed to burn vegetation** unless your local council approves it. Check if your council has an open burning policy. Burning of and dead vegetation on large lots may be permitted subject to conditions.
 - **You are not allowed to burn domestic waste** unless the EPA approves it. Burning of domestic waste is permitted if there is no domestic waste collection service in your area.
 - **You are not allowed to burn vegetation** unless your council approves it. **You are not allowed to burn domestic waste** unless the EPA approves it. Check if your council has an open burning policy. Burning of dry and dead vegetation on large lots may be permitted subject to conditions. Burning of domestic waste is permitted if there is no domestic waste collection service in your area.
 - **No restrictions on burning of vegetation and domestic waste** in the open or in an incinerator.
- [Part 3 of the Clean Air Regulation](#) sets out the details of allowed and prohibited fires. sets out the details of allowed and prohibited fires.
- No burn notices issued by the EPA or Total Fire Bans issued by the Rural Fire Service override any of these conditions unless an exemption for

Figure 2: NSW EPA website showing the restrictions for open burning of vegetation at the identified area.

CONSULTATION:

Green Space Coordinator
 Biosecurity Officer

SUSTAINABILITY ASSESSMENT:

Environment

Long term sustainability of the environment will be gained at the site through the removal of camphor laurels and replacement with a biodiverse native riparian zone.

Social

Social aspects of the site will be disrupted due to closure of the area during tree removal and burning of debris. A loss of shade will impact the area in the short term which is a large attracting part of the reserve.

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Economic

The short-term economic risk of the project is very low as council would be paid for the timber and re-invest that money into the site for the purpose of site clean-up, revegetation and weed management. Longer term economic impacts will affect maintenance budgets but there will be a reduced level of maintenance over time as the native tree grow.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Public not happy for trees to be removed and short-term aesthetic change to the site	Medium	High	Ensure that the public are notified and informed before undertaking works	Medium
Ongoing maintenance increased in the short term	Medium	Medium	Ensure there are designated maintenance funds for the area over the next 5 years	Medium

Delivery Program Action

CE15 - Monitor, inspect and control invasive Plant Species as per the Biosecurity Act requirements

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There will be minimal impact on future budgets as maintenance of the site has already been occurring over the last 5 years and would need to continue if works do not occur.

Working funds – justification for urgency and cumulative impact

The initial works will not financially impact council.



Impacts on 10 Year Long Term Financial Plan

There is no impact on the 10-year period.

Service level changes and resourcing/staff implications

N/A

ATTACHMENTS:

- 1  36327/2024 - After Camphor Laurel Removal
- 2  36329/2024 - Before Camphor Laurel Removal

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.3 SF382 250724 ENDORSEMENT OF A NEW MASTER PLAN FOR CROWN RESERVE 65963 AND SURROUNDING COMMUNITY LANDS

AUTHOR/ENQUIRIES: Keegan Noble, Environmental Project Officer

SUMMARY:

There is a significant opportunity for Council and Reflections Holiday Parks to work with the local community to undertake a master planning process to identify the challenges, constraints and opportunities for the core visitor precinct and surrounding community land at Scotts Head. A master plan process will also provide the foundation for updating the statutory management plans for Scotts Reserve (2014) and the Adin Street Reserve (2018) to ensure they are contemporary and fit for purpose.

This report seeks Council endorsement for an application of funding to commence a master plan preparation process with key stakeholders about the future of the core Scotts Head visitor precinct, while moving forward with existing commitments.

RECOMMENDATION:

That Council

- 1 Endorses the preparation of a master plan for the core visitor precinct at Scotts Head, and surrounding community lands in consultation with Reflections Holidays, National Parks and Wildlife Service, Nambucca Valley Council and the community.**
- 2 Endorses opportunities for funding (in full or part) a master plan under the Nambucca Valley Coastal Management Program and in partnership with Reflections Holiday Parks.**
- 3 Notes the master plan will directly inform future work needed to update the Scotts Reserve and Adin Street Reserve statutory management plans.**

OPTIONS:

- 1 Do nothing/business as usual
 - This option would exacerbate existing issues, with ongoing impacts to visitors, residents and the environment. In turn, this will impact the value and attraction of the area to visitors and tourists, with adverse consequences to local economic activity and businesses. Doing nothing would also undermine statutory obligations to have up-to-date plans of management in place for Scotts Reserve and the Adin Street Reserve.
- 2 Proposed recommendation
 - The proposed recommendations will support all stakeholders working together through a transparent master plan process to look at key issues for the core visitor precinct and surrounding community lands to identify potential constraints and opportunities. This will provide a strong evidence base and understanding of stakeholder and community sentiment, which will lead to an holistic or Village approach and give guidance to well supported management decisions for Scotts Reserve and the Adin Street Reserve. A well-prepared master plan will also help support future funding applications for the implementation phase of any actions identified.
- 3 Alternative option
 - An alternative is to bypass the master plan phase and commence direct development of the statutory management plans for Scotts Reserve and the Adin Street Reserve. However, this would limit the potential for open stakeholder and community engagement to draw out critical issues and find consensus.

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BACKGROUND:

Scotts Head Reserve

The Scotts Head Reserve (around 42 hectares) includes all Scotts Head coastal foreshores, beaches and adjoining open space areas (including parks, picnic areas, toilets, car parks etc). These areas are all managed by Reflections Holidays, as the responsible Crown land manager, including the caravan/holiday park which occupies only around 2 hectares of the total reserve. This is an unusual situation. In comparison, in most other coastal locations the holiday park operator’s role is limited to the immediate area occupied by caravans, campers and ancillary facilities and does not extend to the beaches, coastal dunes and public open space.

Following adoption of the statutory management plan for the reserve in 2014, major reconfigurations of the day use area and caravan park were completed. Understandably, these were the primary focus of the 2014 management plan for Scotts Head Reserve.

Following completion of the works, there has been ad hoc investment in key areas including weed control, beach access paths/fencing, access roads, maintenance of the popular Point parking area (adjoining the surf club), and regulation of unauthorised activities (such as overnight camping, vehicles and dogs on the beach). This is a source of regular community concern and complaints. An overview of the key issues facing this area was presented by the SHCG to Council at the Ordinary Council Meeting on 11 April 2024.



Figure 1: Scotts Head Reserve (Reserve 65963) – The area in red is managed by Reflections Holidays

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Adin Street Reserve

The Adin Street Reserve (1.4 ha in total) is immediately to the south of Scotts Head Reserve and the area occupied by Reflections Holidays as a holiday/caravan park. It includes the Village Green, stormwater infrastructure, tennis courts/club house, and open space that is also available for local overflow parking. The reserve is managed in accordance with a 2018 statutory management plan. Under existing arrangements, Reflections Holidays undertakes day-to-day management of the Reserve, with the Tennis Court Committee of Management maintaining and operating the tennis courts and club house.

Similar issues and community concerns exist with respect to the management of the Adin Street Reserve, including lack of maintenance and issues associated with drainage, use of open space for overflow parking, and pressure for additional unstructured or structured recreation space.

In addition, the community has long advocated and supported proposals for a skate park at the Village Green, directly opposite the local shopping area, which has high visibility and excellent public access. On 9 February 2023 Council resolved to *“proceed to a detailed design for a local level skate park on the Village Green based on information in the attached report once a funding source has been obtained.”* No funds for the skate park have been secured to date.



Figure 2: Adin Street Reserve

Master Plan

The 2014 Scotts Head and 2018 Adin Street Reserve management plans were both informed by a non-statutory master plan process commissioned jointly by the then Department of Lands and Nambucca Valley Council in 2008, and publicly exhibited between December 2008 and February 2009. At that time there was extensive engagement with the community and stakeholders about the best ways to balance the needs of residents and visitors, economic viability of the caravan park, and integrated protection of the coastal foreshore area. Current issues that may have not been so exacerbated or emerged at the time will be captured in a new master plan process.

DISCUSSION:

Current issues raised by the community are degraded visitor infrastructure, increasing visitor pressures, weed invasion and unauthorised activities (dogs, beach driving and overnight camping).

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The statutory management plans for Scotts Reserve (2014) and the Adin Street Reserve (2018) require updating to ensure they are fit for purpose and aligned to provide strategic direction for the core visitor precinct at Scotts Head for the next decade. This is supported by actions in Council's adopted Nambucca Coastline and Estuaries Coastal Management Program (2022).

The passage of time and the emergence of new pressures and challenges indicate a new master plan process is needed for the core visitor precinct at Scotts Head and surrounding community lands, in conjunction with key stakeholders. Significant challenges to be considered by the master plan include:

- Growing visitor pressures, which are increasingly year-round rather than seasonal, including an effective doubling of the population when the caravan park is full (now a more frequent trend than a decade ago)
- Competition for space by cars, people, bikes, including access challenges for the elderly and the very young
- Declining condition of infrastructure needed to sustainably and safely manage visitors and support the local economy
- Declining condition of the natural environment in the face of visitor pressures and low maintenance investment (including significant weed issues in all foreshore dunes)
- Increasing tension and incidents of aggressive behaviour arising from unauthorised activities (dogs and cars on beaches, overnight camping, etc)
- Continuing uncertainties and confusion about land management and regulatory responsibilities.
- Continued improvement and implementation of community and visitor assets already committed to by council such as the skate park at the village green.

A master plan process provides the mechanism to gather all issues in an open, transparent way with interested parties and stakeholders. It will also then provide the evidence base to update the statutory management plans for Scotts Head Reserve and the Adin Street Reserve.

The master plan would focus on but not be limited to:

- The area of public land between the surf club (southern end of Forster Beach) to the northern edge of the Reflections Holiday's caravan/holiday park, and then west to Adin Street. This would encompass all the existing caravan park, Adin Street Reserve, the Point, and the Reserve Hall/Recreation Hut and adjoining picnic area and playground (see map below). This is the core visitor precinct in Scotts Head, accessed by almost all visitors and used daily by local community.
- Areas outside of this such as:
 - Ocean Street over flow carpark and day use area,
 - Matthew Street lookout,
 - Waratah Street beach access,
 - Wakki Beach car park and day use area, t
 - South Pacific Drive boat ramp reserve,
 - Parking and beach access at the "Youthie" beach access track and
 - South Pacific Drive beach access track,
 - 4WD beach access track and
 - all-natural areas within the management of Reflections Holiday Parks and Nambucca Valley Council will also be included in the master plan to add a broader perspective to the management of the village and options for expansion and new visitor / public infrastructure to take pressure off the core Scotts Head precinct area.

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Figure 5: Other reserve area outside of core Scotts Head precinct to be included in master plan



Figure 6: Other reserve area outside of core Scotts Head precinct to be included in master plan

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FundingMaster Plan Options

Councils adopted Nambucca Coastline and Estuaries Coastal Management Program (2022) qualifies Council to apply for 2:1 funding from the NSW Government. There are 3 actions in the program that could be leveraged in support of a master planning project.

- **Action PA3 (High Priority)** – commits the NSW Crown Holiday Parks Trust (i.e. Reflections Holidays) to prepare a new statutory management plan, including addressing coastal foreshore vegetation management, beach access and *consultation with the community regarding master plan arrangements*
- **Action MER10 (Medium Priority)** – requires a traffic study of beach parking areas at Scotts Head to identify opportunities for improved layout
- **Action WQ8 (Medium Priority)** – requires stormwater management plans to be developed, included for Scotts Head.
- **RU1 (High priority)** – review, implement and prepare new strategies and plans for coastal reserves and recreation areas.

Reflections Holidays endorsed the actions in the Coastal Management Program prior to its approval by the NSW Government. There is currently a positive working relationship between Reflections Holidays and Council, with arrangements being confirmed to jointly resource implementation of a three-year priority dune weed control program at Scotts Head and a commitment to jointly fund the installation of a new beach access ramp that will significantly improve safe access for elderly and less mobile visitors.

Council will also approach Reflections Holiday Parks for a contribution to development of the Masterplan.

CONSULTATION:

Recent informal discussions have indicated support from Reflections Holidays and the Scotts Head community to progress a joint master planning process with Council. As noted above, Action PA3 of Council's adopted Nambucca Coastline and Estuaries Coastal Management Program (2022) commits to preparation of a new statutory management plan for Scotts Reserve in consultation with the community regarding master plan arrangements.

SUSTAINABILITY ASSESSMENT:**Environment**

The proposed master plan process will support protection of high value environmental assets in the core Scotts Head visitor precinct and surrounding coastal environment areas.

Social

Similarly, the master plan process provides an important mechanism for the community to have an early and open say about the future of the core visitor precinct and other reserves which are of significant recreational and social value to the community.

Economic

The master plan process, and future updating of statutory management plans for Scotts Head Reserve and the Adin Street Reserve, will ensure coordinated maintenance and complimentary development to all community land supporting the village of Scotts Head and its value to local business and the local economy. Without investment in this process, and subsequent delivery of infrastructure and open space improvements, there will be declining suitability, amenity and environmental quality of the community lands.

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Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Adequate resources not available for master plan	Med	Med-High	Work with Reflections Holidays to identify funding opportunities, including leverage state government contributions under the Coastal Management Program	Med
Adequate resources not available for skate park	Med	Med-High	Work with Reflections Holidays to identify funding opportunities	Med
Lack of community support for master plan / skate park	Low	Low-Med	Work with SHCG and Reflections to inform and involve community, and maintain open communications	Low-Med

Delivery Program Action

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

CE13 - Develop management plans for environmentally sensitive areas

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

It is proposed that the funding for the masterplan come from the environmental levy for contributing funds towards a grant for the development of a master plan.

Working funds – justification for urgency and cumulative impact

As mentioned, community use issues at Scotts Head are only increasing and without future insight and investment will only get worse.

Impacts on 10 Year Long Term Financial Plan

Should the masterplan be endorsed then funding would need to be allocated to undertake actions within the Masterplan

Service level changes and resourcing/staff implications

N/A

ATTACHMENTS:

There are no attachments for this report.