



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 29 AUGUST 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 - 29 AUGUST 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.

AGENDA	Page
1 APOLOGIES	
2 PRAYER	
3 DISCLOSURES OF INTERESTS	
4 CONFIRMATION OF MINUTES — <i>Ordinary Council Meeting - 15 August 2024</i>	9
5 NOTICES OF MOTION	
6 PUBLIC FORUM & DELEGATIONS	
7 ASKING OF QUESTIONS WITH NOTICE	
8 QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED	
9 GENERAL MANAGER REPORTS	
9.1 Outstanding Actions and Reports	21
10 DIRECTOR CORPORATE SERVICES REPORTS	
10.1 2023/2024 Service Review Progress Update	30
10.2 2025/26 to 2034/35 Community Strategic Plan Community Engagement Update	36
10.3 Community Improvement Districts - Update	38
10.4 Investment Report for July 2024	40
10.5 Schedule of Council Meetings - 12 September 2024 to 14 November 2024.....	46
11 MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS	
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	47
11.2 Remembrance Wall at Scotts Head	49
11.3 2024 July - Approved Construction Certificates and Complying Development Applications	51
11.4 2024 July - Development Applications and Complying Development Applications Received	52

- 12 DIRECTOR ENGINEERING SERVICES REPORTS
- 12.1 Taylors Arm Road Drainage Improvements..... 53
- 12.2 Review of the Bowraville Theatre Project55
- 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 Outcome of General Manager's 2023-24 Mid-Term 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.*
- 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 15 AUGUST 2024

The following document is the minutes of the Ordinary Council meeting held **15 AUGUST 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 29 August 2024 and therefore subject to change. Please refer to the minutes of 29 August 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)
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Michael Grieve (Manager Economic Development and Tourism)

Suzanne Sullivan (Minute Secretary)

APOLOGIES

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 Dave Bosshard from the Nambucca Valley Christian Community Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mayor Rhonda Hoban OAM declared a pecuniary interest in *Item 11.3 Draft Development Controls for Horticulture* under the Local Government Act as she has previously declared a pecuniary interest in relation to the blueberry industry which is a form of horticulture. Mayor Rhonda Hoban left the meeting for this item.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 25 JULY 2024

252/24 **RESOLVED:** (Angel/Jones)

That the minutes of the Ordinary Council Meeting of 25 July 2024 be confirmed.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 150824 TfNSW Assessment of Link Road Giinagay Way

253/24 **RESOLVED:** (Hoban/Wilson)

That Council:

- 1 **Requests that Transport for New South Wales (TfNSW) conduct an assessment of options at Link Road – Giinagay Way intersection to:**
 - a **Improve traffic flow efficiency and safety outcomes by ensuring that preference is given to the major traffic movement**
 - b **Options such as roundabouts and change in the priority of traffic movement be considered**
- 2 **Include a copy of the presentation made in the Public Forum at the Council meeting of 25 July 2024.**

254/24 **RESOLVED:** (Hoban/Angel)

That Council bring forward Item 9.1.

ITEM 9.1 SF3422 150824 GM Response to Notice of Motion Item 5.2 Strategies and Plans for Affordable Housing

255/24 **RESOLVED:** (Jenvey/Buchanan)

That Council notes the General Manager's advice on Notice of Motion Item 5.2 Strategies and Plans for Affordable Housing.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

NOTICE OF MOTION - CR JENVEY

ITEM 5.2 SF3422 150824 Strategies and Plans for Affordable Housing

MOTION: (Jenvey/Jones)

That Council:

- 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.
- 2 Considers affordable housing for inclusion in the Community Strategic Plan.
- 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.

The motion was declared lost and an amended motion was put forward.

AMENDMENT: (Angel/Vance)

That Council:

- 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.
- 2 Considers affordable housing for inclusion in the Community Strategic Plan.
- 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.
- 4 Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.

The amendment was declared carried and became the motion.

256/24 **RESOLVED:** (Angel/Vance)

That Council:

- 1 **Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing.**
- 2 **Considers affordable housing for inclusion in the Community Strategic Plan.**
- 3 **Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.**
- 4 **Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jones, Vance and Wilson Total (6)
Against the Motion:	Councillors Jenvey and M Ballangarry Total (2)

PUBLIC FORUM

RESOLVED

That the following Public Forum be heard:

- i Mr Glen Davidson on behalf of the Nambucca Valley Youth Services Centre, history and current programs of the Youthie*
- ii Mr Chris Hewgill on behalf of the Nambucca Valley Youth Services Centre, youth in the community and the Youth Centre*
- iii Ms Ellie Tree on behalf of YOUth Speak, YOUth Speak Project*

PUBLIC FORUM

- i Mr Glen Davidson addressed Council with notes placed on 41541/2024 SF3424***

257/24 **RESOLVED:** (Vance/Ballangarry)

That Council grant an extension of time.

258/24 **RESOLVED:** (Angel/Jones)

That Council receive a report on options for assisting the Youthie in obtaining grant funding to sustain the current service and working with them or partnering with them.

- ii Mr Chris Hewgill addressed Council with notes placed on 39345/2024 SF3424***

- iii Ms Ellie Tree addressed Council with notes placed on 41658/2024 SF3424***

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

ITEM 9.5 LF4381 150824 Council to Become Crown Land Manager of Reserve 90906,
Valla Beach Reserve

262/24 **RESOLVED:** (Angel/Vance)

That Council writes to Department Planning, Housing and Infrastructure – Crown lands requesting appointment as Crown Land Manager of Crown Reserve 90906, Valla Beach Reserve.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3492 150824 Minutes of the Audit, Risk and Improvement Committee Meeting
held 10 July 2024

263/24 **RESOLVED:** (Wilson/Buchanan)

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

a That the Committee confirm the Minutes of the Meeting held 10 April 2024.

b Interim Audit Management Letter 2024.

i) The report on the Interim Audit Management Letter dated 25 June 2024 be received.

ii) A report be submitted to Audit, Risk and Improvement Committee Meeting indicating the progress made by management in addressing each of the issues detailed in the Interim Audit Management Letter.

c Progress update on Internal Audit findings.

That the Audit Risk and Improvement Committee defer this report to the next meeting where the executive team can provide a priority list of action items including timeframes with an estimated completion date. Noting items on the list may be redundant, rationale behind that decision to be provided.

d Progress update on findings from External Audits.

That the Audit Risk and Improvement Committee note the updates to the prior 3 years matters.

e 2024 Penetration Testing Results.

That the Audit Risk and Improvement Committee note the External Network Risk Summary from 2024 Penetration Testing and the related action taken by Council staff to address the issues identified from the testing.

f The Audit Risk and Improvement Committee Workplan for the CFO 2024 to 2027.

That the Audit, Risk and Improvement Committee adopt the new amended workplan for the CFO.

g Audit, Risk and Improvement Outstanding Actions and Reports.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

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

h Matters for information of the Audit Risk and Improvement.

That the Audit Risk and Improvement Committee notes the ICAC Investigation into the awarding of Transport for NSW and Inner West Council contracts (Operation Hector) and the seven corruption prevention recommendations made by the Commission.

i Project Management Framework.

That the Audit, Risk and Improvement Committee note the Project Management Framework.

j Changes to the Investment Policy.

That the Audit, Risk and Improvement Committee endorse the following changes prior to recommending to Council for adoption:

i) Council change the current Investment Policy to include the following 2 statements where, preference is to be given to financial institutions that publicly state that they do not invest in or finance the fossil fuel industry if:

- the investment is compliant with Council's Investment Policy; and*
- the investment rate of interest is equivalent to or more favourable to Council relative to other similar investments that may be on offer to Council at the time of the investment.*

ii) That Council amend point 8.8 in the current Investment Policy to read 'All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis. Removing the words, "including fair value movements."

k Nambucca Valley Council's - Software Systems.

That the Audit Risk and Improvement Committee notes the main software systems used operationally by Nambucca Valley Council.

l CONFIDENTIAL - Matters Regarding Realised or Potential Losses.

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

2 That Council approves the revised Investment Policy CS 08 as attached per the Committee's recommendation.

ITEM 10.2 SF42 150824 OLG Complaint Statistics

264/24 **RESOLVED:** (Angel/M Ballangarry)

That Council notes the Office of Local Government report on 2021/22 and 2022/23 Complaint Statistics.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

ITEM 10.3 SF296 150824 The Future of Nambucca Heads Visitor Information Centre and Tourism Marketing

265/24 **RESOLVED:** (Jenvey/Wilson)

That Council:

- 1 Approves the operations of the Visitor Information Centre function being brought back into the operations of Council on the understanding that there will be no impact on the 2024/25 budget.
 - 2 Approves the operations of tourism marketing function being brought back into the operations of Council on the understanding that there will be no impact on the 2024/25 budget.
 - 3 Notes that to implement recommendations 1 and 2, Council will engage a part time Tourism Officer within the allocation of the 2024/25 budget.
-

ITEM 10.4 SF3328 150824 2023/24 Carry Forwards and Revotes

266/24 **RESOLVED:** (Jones/Wilson)

That Council:

- 1 That Council note the 2023/24 carry forward expenditure of \$25,396,031 to be added to the 2024/2025 budget
 - 2 That Council approve all 2023/24 revotes of \$296,000 to be added to the 2024/25 budget.
-

ITEM 10.5 SF3504 150824 Request for a Section 356 Donation - St Jimmy's Christmas Lunch Committee - 2024 Christmas Day Lunch in the Bowraville community.

267/24 **RESOLVED:** (Angel/Vance)

That Council approves a Section 356 donation of \$500 to the St Jimmy's Christmas Lunch Committee to host the 2024 Christmas Day Lunch to be held in the Bowraville community.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 150824 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

268/24 **RESOLVED:** (Angel/Buchanan)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 7 August 2024, and development applications determined from 13 July to 7 August 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.2 DA2018/115 150824 Determination of Application to Modify Industrial Subdivision

269/24 **RESOLVED:** (Jenvey/Angel)

That Council as the consent authority, pursuant Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, modify development consent DA2018/115 for a sixteen lot subdivision of Lot 2 DP 1173066 – 80 Red Ash Road, Valla, subject to the schedule of conditions outlined in attachment 1 of this report.

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

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson

Total (8)

Against the Motion:

Nil

Total (0)

Councillor Rhonda Hoban left the meeting before the commencement of this item, the time being 6:42 PM

Deputy Mayor Wilson took the chair.

ITEM 11.3 SF3508 150824 Draft Development Controls for Horticulture

270/24 **RESOLVED:** (Jenvey/Jones)

That Council exhibit the draft DCP development controls contained within attachment 1 with the planning proposal relating to horticulture within the rural zones.

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

For the Motion: Councillors Angel, Buchanan, Jenvey, Jones, M Ballangarry, Vance and

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

	Wilson
Against the Motion:	Total (7)
	Nil
	Total (0)

Councillor Rhonda Hoban returned to the meeting at the completion of this item, the time being 6:46 PM

ITEM 11.4 SF1148 150824 Council's Rangers' Report and Penalties Issued for June 2024

271/24 **RESOLVED:** (M Ballangarry/Buchanan)

That Council:

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF90 150824 Minutes of the Nambucca Valley Traffic Committee Meeting - 6 August 2024

272/24 **RESOLVED:** (Wilson/Jenvey)

That Council:

- 1 Endorses the Drag-Ens Hot Rod Club Temporary Road Closure application of Bowra Street and Mann Street, Nambucca Heads, from the Ridge Street Intersection to West Street Intersection between 8.00am to 1.00pm on Saturday 5 October 2024, noting the following being received by Council:**
 - Certificate of Currency for Public Liability Insurance;**
 - Traffic Management Plan confirming Accredited Traffic Controllers will be on site; and**
 - Police approval for the road closures.**
- 2 Approves signs and devices necessary to affect the road closure.**
- 3 Notes, the endorsement is based on the additional requirement of the Drag-Ens Hot Rod club to mitigate the risk of both pedestrian and vehicle movement on Mann Street for access residences by:**
 - a The provision of six volunteers in high visibility clothing to guide vehicles (if necessary) to and from their residence(s) to ensure pedestrian safety is maintained, and**
 - b Advice to the residents impacted by the road closures along Mann Street of the true extent of the road closure on their residence(s), being up to six hours.**
- 4 Install a 30m bus zone at the eastern end of Adin Street Scotts Head, weekdays only.**
- 5 Replace the 30m bus zone with 1-hour time restricted parking weekends.**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

ITEM 12.2 T006/2023 150824 Nambucca Sporting Fields Subsoil Drainage Program
Expenditure Update

273/24 **RESOLVED:** (Buchanan/Jenvey)

That Council allocates an additional \$40,000 to the Nambucca Valley Sporting Fields Subsoil Drainage Program funded from the Green Space Shed Replacement project.

During the discussion Councillor Angel declared a non pecuniary -significant conflict of interest in Item 12.2 Nambucca Sporting Fields Subsoil Drainage Program Expenditure Update under the *Local Government Act 1993* as he is Vice President of the Nambucca Valley Lions. Councillor Angel left the meeting for this item.

Councillor James Angel left the meeting during this item, the time being 6:48 PM

Councillor James Angel returned to the meeting at the completion of this item, the time being 6:50 PM

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

274/24 **RESOLVED:** (Jones/M Ballangarry)

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

Reason reports are in Closed Meeting:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 150824 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.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 AUGUST 2024

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:51 PM.

RESUME IN OPEN MEETING

275/24 **RESOLVED:** (Jones/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:03 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 150824 Matters Regarding Realised or Potential Losses

276/24 **RESOLVED:** (Jones/Vance)

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:05 PM.

Confirmed and signed by the Mayor on **29 AUGUST 2024**

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

GENERAL MANAGER

ITEM 9.1 SF959 290824 OUTSTANDING ACTIONS AND REPORTS

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

SUMMARY:

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

RECOMMENDATION:

That Council notes the list of outstanding actions and reports.

	FILE NUMBER	COUNCIL MEETING DATE	ACTION BY
OCTOBER 2022			
1	SF3168	13/10/22	MDE
<p>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.</p> <p>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.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

07/08/24 GM met with KSC & PMHC GMs and obtained in-principal agreement to progress toward an agreement. 21/08/24 Draft MOU with PMHC expected to be received in the coming weeks which will be reported to Council.			
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: <ul style="list-style-type: none"> - 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</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

landscaping to complete works. Club Representatives agreed in principal, with further information to be supplied for review by Board. Should board agree to co-contribute, Agreement to be drafted and signed by both parties which will include commitment to enter into new lease.
 22/05/24 Draft Deed of Agreement drafted and forwarded to RSL Club for review and response.
 04/06/24 Deed of agreement signed by NVC & NH RSL. Amendments to draft lease now required to allow for these works.
 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.
 07/08/24 Pavement completed, line marking still to be done.
 21/08/24 No further update.

JUNE 2023			
3	SF3303	29/06/23	DCS

RESOLUTION: Provision of a Council Website Link to the Federal Government Voice Website
 As part of our support for the Voice to Parliament Nambucca Valley Council will convene a meeting of its Aboriginal Advisory Committee and extend its stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council's Community Strategic Plan.
 Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council's support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation's performances, art and culture in Council facilities.

STATUS:
 06/07/23 Placed on website.
 19/07/23 Awaiting replacement of the Manager Community Development position to undertake the actions of:

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

09/08/23 Report to this Council meeting on staff structure related to Community Development.
 22/08/23 Community Development Officer position to be recruited.
 06/09/23 Applications for Community Development Officer position close 24.09.23.
 18/09/23 No further update.
 04/10/23-18/10/23 Interviews for Community Development Officer position to be held 20/10/23.
 08/11/23-22/11/23 Community Development Officer to commence 4 December 2023.
 06/12/2023 Community Development Officer (CDO) commenced 4 December 2023.
 03/01/2024 CDO has:

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

01/02/2024 CDO is currently working through a consultation phase to engage with key aboriginal stakeholders (to date it has included meeting with two aboriginal councillors and a meeting with Jaanyмили 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.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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 Bawrrungga 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 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.

07/08/24 Council has been working to integrate local indigenous designs and culture in both its corporate branding and tourism marketing. Included in the tourism marketing, dual naming of our five main villages is being highlighted on tourism banners which aims to integrate Gumbaynggirr language more broadly across Council's communications. The indigenous designs will also be used to develop souvenir product. This will assist in promoting indigenous culture and provide royalties back to the artist. These gradual steps, plus more face to face interaction and support of local indigenous organisations, will strengthen Council's standing with the Gumbaynggirr community. This work will assist in seeking endorsement from indigenous stakeholders on the development of a Reconciliation Action Plan.

21/08/24 No further update.

AUGUST 2023			
4	LF5363	31/08/23	DES

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

STATUS:
 06/09/23 Submission received and report to be prepared accordingly.
 20/09/23 No further update.
 04/10/23 Options investigation commenced.
 18/10/23 No further update. Investigations will take time to develop.
 06/11/23-22/11/23 No further update.
 05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024.
 20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting.
 08/05/24 No further update.
 21/05/24 Nambucca Valley Catchments and Coastline Management Committee meeting item deferred pending outcome from GM and DES site meeting with Golf Club President scheduled for 21/05/24. Developing a plan of action for delivery in November 2024.
 04/06/24-21/08/24 No further update.

DECEMBER 2023			
5	SF3190	14/12/23	GM

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.

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.
 07/08/24 Formal submission currently being assessed.
 21/08/24 No further update.

JANUARY 2024			
6	PRF53	18/01/24	DES

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

STATUS:
 06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged.
 20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan.
 15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.
 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.
 07/08/24-21/08/24 No further update.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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. 07/08/24-21/08/24 No further update.</p>			
APRIL 2024			
8	SF3422	11/04/24	DES
<p>RESOLUTION: Request to name side road and correct rural addressing 1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest. 2 Consult all affected residents on both the side road and Kosekai Road regarding correcting the rural road numbering to aid accurate location for visiting traffic and in particular emergency services. 3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.</p> <p>STATUS: 17/04/24 No update. 08/05/24 Site plan developed for consultation with community. 21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW (GNB) for approval. 04/06/24 "Wanbro" sent to 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. 07/08/24 Email circulated seeking feedback by 02/09/24 from: Miimi Aboriginal Corporation, Jaanymili Bawrrungga, Nambucca Valley Local AECG, Unkya LALC, Nambucca LALC, Bowraville LALC, Nyambaga Bindarray Elders and Muurrbay Language Centre. 21/08/24 An email being sent to remind the organisations of the 2 September closing date.</p>			
9	SF2381	11/04/24	MDE
<p>RESOLUTION: Horticulture within the Nambucca Valley 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: 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. 07/08/24 Refer to separate report regarding draft DCP controls. 21/08/24 The planning proposal is on public exhibition until 25 September 2024.</p>			
10	SF3477	11/04/24	MDE
<p>RESOLUTION: Valla Urban Growth Area Amendment 1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan. 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination. 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

submissions received and a final decision as to whether Council will proceed to make the amended plan.			
STATUS:			
17/04/24 Awaiting final maps for planning proposal before forwarding to Minister.			
09/05/24 Final maps received and will be sent to Minister.			
22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.			
05/06/24-19/06/24 No further update.			
02/07/24 Request for further information received from Minister with option to withdraw until information obtained.			
17/07/24 Planning proposal being amended.			
07/08/24 No further update.			
21/08/24 Planning proposal still to be amended and will be resubmitted once complete as the previous one was refused.			
11	SF731	24/04/24	DCS
RESOLUTION: Community Improvement Districts – Draft Bill – Consultation			
That Council			
1 Make a submission to Transport for New South Wales for the draft Bill and Guide on Community Improvement Districts.			
2 Support the Local Government New South Wales submission to the draft Bill and Guide on Community Improvement Districts.			
3 Receive a report from the Director Corporate Services as to the appropriateness of putting Bowraville forward as a CID.			
STATUS:			
08/05/24 Submission lodged.			
21/05/24 TfNSW met with DCS in regards to the content of the submission to the draft Bill. TfNSW has recommended Council putting Bowraville forward as a CID in future rounds of the CID pilot programs.			
04/06/24-07/08/24 No further update.			
21/08/24 – Report included in 29 August 2024 Council meeting agenda.			
MAY 2024			
12	SF983	16/05/24	MDE
RESOLUTION: Plan of Management for the Faringdon Fields			
That Council			
4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.			
STATUS:			
21/05/24-5/06/24 No further update.			
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.			
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.			
07/08/24-21/08/24 The draft Plan of Management is on public exhibition until 16 September 2024.			
13	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:			
04/06/24-07/08/24 No further update. To be reported to 29 August 2024 Council meeting.			
21/08/24 – Report included in 29 August 2024 Council meeting agenda.			
14	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.			
07/08/24 Signed agreement received. Awaiting DA assessment and both items to be reported to Council together.			
21/08/24 No further update.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

JUNE 2024			
15	SF3328	13/06/24	CFO/DES
<p>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: • 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.</p>			
<p>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. 17/07/24-07/08/24 Report delayed to 29 August 2024 Council meeting. 21/08/24 Report in 29 August 2024 meeting agenda.</p>			
16	SF3424	27/06/24	MDE
<p>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.</p>			
<p>STATUS: 02/07/24 No action taken. 17/07/24 It is intended to provide a report to Council in August. 07/08/24 No further update. 21/08/24 Report to 12 September 2024 meeting.</p>			
17	SF3409	27/06/24	DCS
<p>RESOLUTION: Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024 That Council: 1 Notes the Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024. 2 Develop a business survey to garner feedback from business operators in the Valley on the challenges or concerns relating to employing people with disabilities.</p>			
<p>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. 07/08/24 The Access Committee resolved at their last meeting to host a stakeholder forum from the disability sector – scheduled for 27 August 2024. It is hoped that the forum will provide valuable insights for the Access Committee on the current challenges across the Valley for people with disabilities. Invitations will be issued on Friday 9 August 2024. Stakeholders from the disability sector will be surveyed more extensively to garner feedback on the challenges or concerns relating to employing people with disabilities which will add valuable insight into the development Community Strategic Plan. 21/08/24 No further update.</p>			
JULY 2024			
18	SF3409	11/07/24	DES
<p>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. 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</p>			
<p>STATUS: 15/07/24-07/08/24 Circulated to relevant responsible officers in preparation of report to Council in September.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

19	SF3409	11/07/24	MDE
<p>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. 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: 15/07/24 No further update. 07/08/24-21/08/24 Planning proposal forwarded to Minister and awaiting determination.</p>			
20	SF46	25/07/24	MDE
<p>RESOLUTION: Notice of Motion – Remembrance Wall at Scotts Head 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.</p>			
<p>STATUS: 07/08/24 No further update. 21/08/24 Report included in 29 August 2024 Council meeting agenda.</p>			
21	SF382	25/07/24	DES
<p>RESOLUTION: Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands. 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.</p>			
<p>STATUS: 07/08/24 Consultation meeting to be scheduled with Reflections Holiday Parks, NPWS and Scotts Head community representatives/stakeholders. 21/08/24 No further update.</p>			
22	SF3415	25/07/24	GM
<p>RESOLUTION: Request to Support the Rotary Club of Nambucca Valley with Corporate Membership That Council joins the Nambucca Valley Rotary Club as a corporate member.</p>			
<p>STATUS: 07/08/24 GM sent an email to all staff on 1/08/24 requesting interested staff to email by COB 7 August 2024. 21/08/24 EOI closed, GM and DES to be nominated as corporate members. Rotary to be notified.</p>			
23	SF2278	25/07/24	MDE/DCS
<p>RESOLUTION: Minutes of the Clean Energy Committee Meeting - 4 June 2024 That Council 2 Include net zero targets for itself and the community in the community strategic plan. 3 Include investigation of opportunities for the circular economy in the community strategic plan.</p>			
<p>STATUS: 07/08/24-21/08/24 No further update.</p>			
AUGUST 2024			
24	SF3422	15/08/24	GM
<p>RESOLUTION: TfNSW Assessment of Link Road Giinagay Way That Council: 1 Requests that Transport for New South Wales (TfNSW) conduct an assessment of options at Link Road – Giinagay Way intersection to: a Improve traffic flow efficiency and safety outcomes by ensuring that preference is given to the major traffic movement b Options such as roundabouts and change in the priority of traffic movement be considered 2 Include a copy of the presentation made in the Public Forum at the Council meeting of 25 July 2024.</p>			
<p>STATUS: 21/08/24 Letter sent requesting TfNSW undertake an assessment of options.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

25	SF3422	15/08/24	GM
<p>RESOLUTION: Strategies and Plans for Affordable Housing That Council: 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing. 2 Considers affordable housing for inclusion in the Community Strategic Plan. 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs. 4 Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.</p>			
<p>STATUS: 21/08/24 No further update.</p>			
26	SF3422	15/08/24	GM
<p>RESOLUTION: Council to Become Crown Land Manager of Reserve 90906, Valla Beach Reserve That Council writes to Department Planning, Housing and Infrastructure – Crown lands requesting appointment as Crown Land Manager of Crown Reserve 90906, Valla Beach Reserve.</p>			
<p>STATUS: 21/08/24 No further update.</p>			

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF3327 290824 2023/2024 SERVICE REVIEW PROGRESS UPDATE

AUTHOR/ENQUIRIES: David Moloney, Director Engineering Services; Matthew Sykes, Director Corporate Services; Daniel Walsh, Manager Development and Environment

SUMMARY:

At the 30 May 2024 Council meeting Council resolved (resolution number 162/24 Angel/Jenvey):

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.

Along those lines this report provides an update to Council of management's responses to the recommendations made in the Centium Service Review reports.

RECOMMENDATION:

That Council notes management's responses to the recommendations made in the Centium Service Review reports on Animal Control, Public Toilets and Biosecurity.

OPTIONS:

For information only.

DISCUSSION:

The Service Reviews made the following maturity assessments on each of the review scope items:

Low maturity – Services are reactive and only basic management processes are in place
Medium maturity – Services are partly proactive, and implement consistent management processes
High maturity – Services are of high quality, and innovations drive customer value and loyalty

These scope maturity assessments have been assigned to each of the recommendations below.

Public Toilets Service Review recommendations and management responses:

Recommendation 1.1 – low maturity - develop a Public Toilet Strategy through public consultation that takes into account the recent community feedback and creates a framework for future rationalisation and utilisation strategies.

Management response – Agreed that development of a Public Toilet Strategy would assist in the future decision making around Public Toilets however would be subject to budget allocation.

Recommendation 1.2 - low maturity - complete a condition assessment of all facilities as part of the development of a public toilet strategy. This will provide a starting point for understanding the current position to then work towards formulating future needs. It also helps to inform budget and resourcing considerations.

Management response - Agreed that condition assessments would be needed to inform the way forward in the Public Toilet Strategy.

Recommendation 2.1 – medium maturity - consider reviewing opening hours of each facility through a classification as part of the strategy development.

Management response - Agree that reviewing opening hours of each facility will be an outcome/recommendation of the Public Toilet Strategy.

ITEM 10.1 2023/2024 SERVICE REVIEW PROGRESS UPDATE

Recommendation 3.1 – medium maturity - as part of the development of a strategy and classifications, develop and document design specifications for all toilets in the LGA.

Management response - Agree that the development and documentation of design specifications for all toilets in the Local Government Area (LGA) will be an outcome/recommendation of the Public Toilet Strategy.

Recommendation 4.1 – high maturity - arrange for a Design/Assets or other suitable staff representative to attend future Access Committee meetings with an agenda item to include updates on projects that are underway or planned. In turn there is an opportunity for members to provide feedback to Council's Assets Section.

Management response - Partly agree as with limited resources staff should only attend as required. Reporting and updates on projects will be via Council reports.

Recommendation 5.1 - low maturity - utilise a contract template that is fit for purpose for cleaning services and if necessary, ensure that the provisions are reviewed by Council's legal advisor before being executed.

Recommendation 5.2 - low maturity - ensure that future contracts contain provisions that refer to regular vendor performance reviews to enforce required service standards and if they fail to be met then they can be enforced.

Recommendation 5.3 - low maturity - to ensure that expectations are met with future vendors and to improve overall contract management, introduce a formal and regular monitoring program that includes regular (at least monthly) vendor performance meetings.

Recommendation 5.4 - low maturity - outcomes from the performance discussions and actions agreed upon by both parties should be documented and filed in Council's Records Management System.

Recommendation 5.5 - low maturity - analyse the number and type of customer complaints/requests received that ties in with cleaning performance to assist with monitoring and identification of trends.

Management response to recommendations 5.1/5.2/5.3/5.4/5.5 – Agreed, performance measures are to be developed as part of the contract.

Recommendation 5.6 - low maturity - review budgets and expenditure as part of the development of the Public Toilet Strategy aimed at working towards creating efficiencies and improving community satisfaction.

Management response - Agree that reviewing budgets and expenditure will be an outcome/recommendation of the Public Toilet Strategy.

Recommendation 5.7 - low maturity - develop quarterly reports identifying complaint and customer request trends and recommendations for improvement. The management reports should be aligned to the policy in a format and frequency that meets the requirements of management, the Audit, Risk & Improvement Committee and Council.

Management response - partially agree, metrics will form part of the contract key performance indicators.

Biosecurity Service Review recommendations and management responses:

Recommendation 1.1 - high maturity - build on successes in local weed management to apply for and manage new weed control projects.

Management response – agreed, this is already a practice of Council.

ITEM 10.1 2023/2024 SERVICE REVIEW PROGRESS UPDATE

Recommendation 2.1 - medium maturity - present a summary of weed infestations, weed inspections and weed compliance actions in Council's Annual Report.

Management response – Partially agree, as whilst communication of the actions undertaken is important, this action will likely stretch the already limited resources in the weeds area and be lost in a large Annual Report. Instead a one-off communications piece for Council in another forum is preferred.

Recommendation 3.1 - medium maturity - evaluate the implementation of the current Roadside Vegetation Management Policy 2019 to assess its effectiveness and identify potential legal and safety risks

Management response – Agreed, evaluation will be undertaken when the policy is updated.

Recommendation 4.1 - high maturity - record the possible risk of infestation of Cabomba weed into the off-stream water storage dam in Council's Risk Register.

Management response – Agreed, the risk has already been added to the Enterprise Risk Management Plan.

Recommendation 4.2 - high maturity - develop a monitoring, reporting and response plan for the infestation of Cabomba weed in Nambucca Valley.

Management response – Agreed, development of plan is important to the management of Cabomba.

Recommendation 6.1 - medium maturity - implement Chartis software to monitor and track weed infestations and inspections.

Management response – Agreed, Council is already looking to implement this software.

Recommendation 6.2 - medium maturity - research and explore the use of drones to support weed inspections.

Management response – Agreed, the use of drones will be investigated.

Recommendation 7.1 - medium maturity - consider appointing a second Biosecurity Officer on a contract basis to conduct and follow up on weed inspections.

Management response – Agree, consideration will be given in the 2025-26 budget discussion as it requires a budget allocation and consideration of a wholistic approach to Council resources.

Animal Control Service Review recommendations and management responses:

Recommendation 1.1 - medium maturity - develop systems and processes requiring Rangers to develop and maintain a schedule of checking on dangerous and menacing dogs in accordance with the Companion Animals Act 1998.

Management response – an internal compliance list is being prepared and will be implemented.

Recommendation 2.1 – low maturity - utilise opportunities provided by community events such as local markets and festivals to promote registration and microchipping.

Management response – agreed to be implemented when resources permit.

Recommendation 2.2 - low maturity - develop a campaign to regularly remind residents to keep their details up to date on the pet register.

Management response – reminders sent out with rates notices.

ITEM 10.1 2023/2024 SERVICE REVIEW PROGRESS UPDATE

Recommendation 3.1 - medium maturity - reconstruct the dog pens and move the cameras to allow for safe animal handling.

Management response – front section of the pound has been upgraded, the back section of pound is to be completed in the coming months.

Recommendation 3.2 - medium maturity - undertake regular monitoring and spot checks to ensure pound attendants wear lone worker device.

Management response – the history of use of lone worker devices is reviewed regularly and raised with staff if there is a lack of use.

Recommendation 4.1 - high maturity - introduce an online application process to receive enquiries to rehome impounded animals.

Management response – an application form is in the process of being developed.

Recommendation 5.1 – low maturity - update the Companion Animals Policy to refresh and review the content.

Management response – a review will be undertaken to address the matters raised this financial year.

Recommendation 5.2 - low maturity - consider other promotional materials to refresh and clarify the descriptions of prohibited, on-leash and off-leash areas.

Management response – this will be considered as part of the Companion Animals Policy review.

Recommendation 6.1 - medium maturity - replace the off-leash dog area sign at Hyland Park and conduct a rolling upgrade of dog area signs to ensure a consistent standard.

Management response – the sign at Hyland Park has been relocated and dog signs throughout the valley are regularly monitored and upgraded.

Recommendation 8.1 - medium maturity - proceed with funding a second ranger position in the 2024/2025 budget to ensure levels of service and employee safety.

Management response – a second Ranger has now been employed.

CONSULTATION:

Director Engineering Services
Manager Development Environment

SUSTAINABILITY ASSESSMENT:**Environment**

Public toilets - properly managed public toilets help protect the environment by preventing human waste from contaminating natural resources like rivers and soil. This contributes to cleaner waterways and healthier ecosystems.

Biosecurity - noxious weeds can outcompete native plants, leading to a loss of biodiversity. By controlling these weeds, Council will help preserve native plant species and the overall health of ecosystem.

Animal control - by managing animal populations, rangers help protect local wildlife and ecosystems.

ITEM 10.1 2023/2024 SERVICE REVIEW PROGRESS UPDATE

Social

Public toilets - well-maintained public toilets ensure that everyone, including people with disabilities, the elderly, and families with young children, can comfortably use public spaces. This promotes social inclusion and equality. Access to clean and well-maintained public toilets can significantly improve people's quality of life. It reduces feelings of discomfort and shame, enhances mental well-being by providing a sense of safety and privacy, and helps prevent the spread of diseases.

Biosecurity - noxious weeds can make recreational areas less enjoyable and accessible. Controlling them helps maintain the beauty and usability of parks, trails, and other outdoor spaces. Some noxious weeds are highly flammable and can increase the risk of bushfires. Controlling these weeds can help reduce fire hazards and protect both natural and human-made environments.

Animal control - effective animal control helps prevent dangerous encounters between humans and animals, reducing the risk of bites and attacks.

Economic

Public toilets – well-maintained public toilets can boost local economies by attracting tourists and encouraging longer stays in public areas.

Biosecurity - noxious weeds can reduce crop yields and quality by competing for resources like water, nutrients, and sunlight. Effective weed management helps maintain productive agricultural lands. Certain noxious weeds are toxic to livestock. By managing these weeds, Council can prevent poisoning and ensure healthier grazing lands

Animal control - well-managed public spaces free from stray animals are more attractive to tourists and businesses, boosting local economies.

Risk Analysis

Various risks may arise as a result of the recommendations of the service reviews not being implemented or are not implemented economically, efficiently and effectively. The possible risk of infestation of Cabomba weed into the off-stream water storage dam has been recorded in Council's risk register.

Delivery Program Action

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

CE18 - Maintain and clean public toilets

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

Public Toilets – there is no 2024/25 budget allocation for the development of a Public Toilet Strategy. Once a Public Toilet Strategy has been developed it will inform future operating/maintenance/capital budgets.

Biosecurity - consideration will be given in the 2025/26 budget discussions on appointing a second Biosecurity Officer on a contract basis to conduct and follow up on weed inspections.

Animal Control – there is \$120,000 in the 2024/25 original budget for the pound upgrade. A second ranger position has been included in the 2024/2025 budget.

Working funds – justification for urgency and cumulative impact

As above.

ITEM 10.1 2023/2024 SERVICE REVIEW PROGRESS UPDATE

Impacts on 10 Year Long Term Financial Plan

Public Toilets - Once a Public Toilet Strategy has been developed it will inform the forecast expenditure in the long term financial plan.

Service level changes and resourcing/staff implications

Public toilets – developing a Public Toilet Strategy will create an additional workload for staff. Condition assessments are required to be undertaken as part of a comprehensive asset revaluation process for asset accounting purposes at a minimum every 5 years with the next revaluation for public toilets scheduled for the 2027/28 financial year as part of the Buildings asset category revaluation.

Biosecurity - developing a monitoring, reporting and response plan for the infestation of Cabomba weed in Nambucca Valley will create an additional workload for staff.

Animal Control - utilising opportunities provided by community events such as local markets and festivals to promote registration and microchipping will add to current staff workloads.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.2 SF3503 290824 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN
COMMUNITY ENGAGEMENT UPDATE**

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

At the 27 June 2024 Council meeting item 10.1 '2025/26 to 2034/35 Community Strategic Plan Community Engagement' was presented to Council. The Council resolution relating to that item was:

200/24 RESOLVED: (Wilson/Jenvey)

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

This report provides an update on the progress of the community engagement process including the number of community survey's completed.

RECOMMENDATION:

That Council notes the progress update on the community engagement project for the review of the Community Strategic Plan.

OPTIONS:

For information only.

DISCUSSION:

In order to inform the update to the Community Strategic Plan following the election, Council in conjunction with Locale Consulting has been undertaking a range of consultation activities with the community. This includes an online survey which opened on 17 July 2024 and closes on 30 August 2024, as well as a series of pop-up events across the local government area.

As of 19 August 2024, there have been 339 survey responses, with feedback from across the different localities in the local government area as well as age demographics.

Location and dates of the pop up events were as follows:

- Macksville - outside Foodworks Supermarket - Wednesday 31 July 2024 9.00am - 12.00pm
- Nambucca Heads - Farmers Market, Gordon Park - Thursday 1 August 2024 2.00pm - 5.00pm
- Scotts Head - opposite the Friendly Grocer - Saturday 17 August 2024 8.30am - 10.30am
- Taylors Arm - Pub with No Beer - Saturday 17 August 2024 12.00pm - 2.00pm
- Valla Beach - outside Nourish Cafe - Monday 19 August 2024 8.30am - 10.30am (changed from 13 August due to weather)
- Bowraville - outside the IGA - Monday 19 August 2024 12.00pm - 2.00pm (changed from 13 August due to weather)
- Funkya @ Unkya markets on Sunday 25 August 2024 8.00am - 12.00pm.

The purpose of these events has been to capture general input from the broader community to supplement the online survey. The events also reach people in the community that may not normally interact with council. There has been positive feedback from the community about these informal consultation

ITEM 10.2 2025/26 TO 2034/35 COMMUNITY STRATEGIC PLAN COMMUNITY ENGAGEMENT UPDATE

opportunities, with higher levels of participation in Macksville and Nambucca Heads, reflecting these larger population centres.

Following the close of the survey, a consultation report will be prepared by the consultant and provided to the 28 November 2024 Council meeting.

CONSULTATION:

Locale Consulting

SUSTAINABILITY ASSESSMENT:

Nil.

Risk Analysis

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

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

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

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Staff attended workshops and community events as part of the community engagement process.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF731 290824 COMMUNITY IMPROVEMENT DISTRICTS - UPDATE

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

At the 24 April 2024 Council meeting Item 10.1 'Community Improvement Districts - Draft Bill – Consultation' was presented to Council. The resolution regarding this item was as follows:

124/24 RESOLVED: (Jenvey/Jones)

That Council;

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

Along those line this report provides an update on the actions required from the Council resolution.

RECOMMENDATION:

That Council notes:

- 1 **The action taken regarding a submission to Transport for New South Wales for the Draft Bill and Guide on Community Improvement Districts**
- 2 **The advice from TfNSW regarding putting Bowraville forward as a Community Improvement District in a future round of the program.**

OPTIONS:

For information only.

DISCUSSION:

On 8 May 2024 Council lodged a submission to Transport for New South Wales (TfNSW) for the draft Bill and Guide on Community Improvement Districts (CID) which included content from Local Government New South Wales submission to the Draft Bill and Guide on Community Improvement Districts.

On 21 May 2024 TfNSW held an online meeting with the Director Corporate Services in regards to the content of the submission to the Draft Bill. At that meeting the appropriateness of putting Bowraville forward as a CID was raised. TfNSW recommended Council put Bowraville forward as a CID in future grant rounds of the CID pilot programs, but could not provide dates as to when the next round would be open.

On 15 August 2024 the Director Corporate Services sought an update on the next round of CID program funding from the CID team at TfNSW and as at 20 August 2024 the CID team have advised that future funding rounds for the CID Pilot Program are currently in design and will be announced soon and for Council to monitor the CID web page <https://www.transport.nsw.gov.au/CIDPilot>

CONSULTATION:

TfNSW

ITEM 10.3 COMMUNITY IMPROVEMENT DISTRICTS - UPDATE

SUSTAINABILITY ASSESSMENT:

Nil for actions taken.

Delivery Program Action

PP2 - Liaise with local business and State and Federal Government agencies to promote economic and regional development

FINANCIAL IMPLICATIONS:

Nil for actions taken.

Service level changes and resourcing/staff implications

Additional workload will be incurred when applying for future grant funding for a CID in Bowraville.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

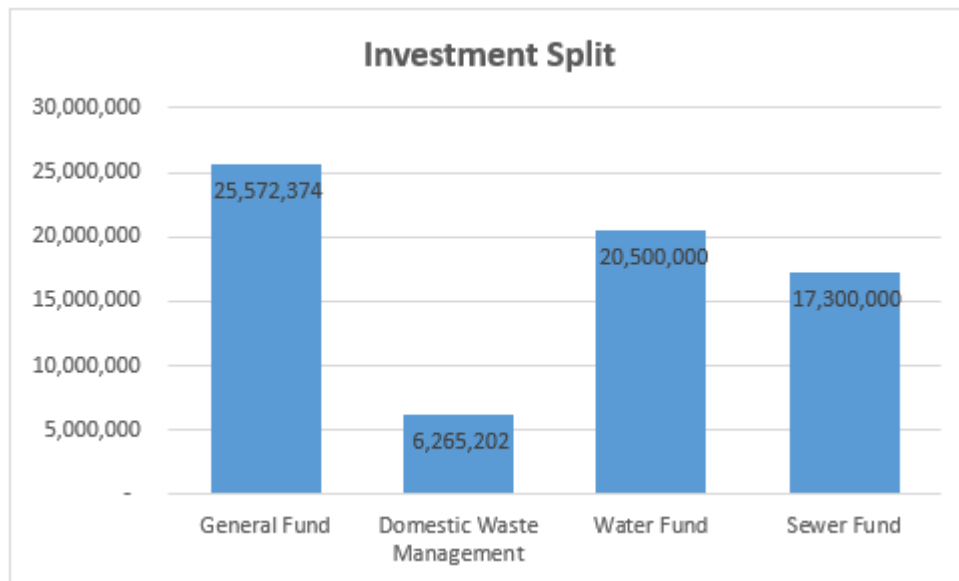
ITEM 10.4 SF3528 290824 INVESTMENT REPORT FOR JULY 2024

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 July 2024.

Council’s investments as at 31 July 2024 of \$69,637,576 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 July 2024.**
- 2 Adopts the certification of the Responsible Accounting Officer for the period of July 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 10.4 INVESTMENT REPORT FOR JULY 2024

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

TCorp	\$3,034,725
Floating Rate Notes	\$2,309,106
Fixed Bonds	\$4,493,745
Term Deposits	\$59,800,000
Total	\$69,637,576

Portfolio Performance

Council's total portfolio performance returned +0.52% in July, outperforming the benchmark AusBond Bank Bill index of +0.37%. On an annualised basis, the portfolio returned +6.26%p.a., outperforming the benchmark of +4.49%p.a. and the official cash rate of 4.35%.

Council's term deposits portfolio was yielding 5%p.a. for July an increase from June with maturing investments being reinvested above 5%. Council now only holds 3 term deposits that are below the benchmark which is an outstanding result for council.

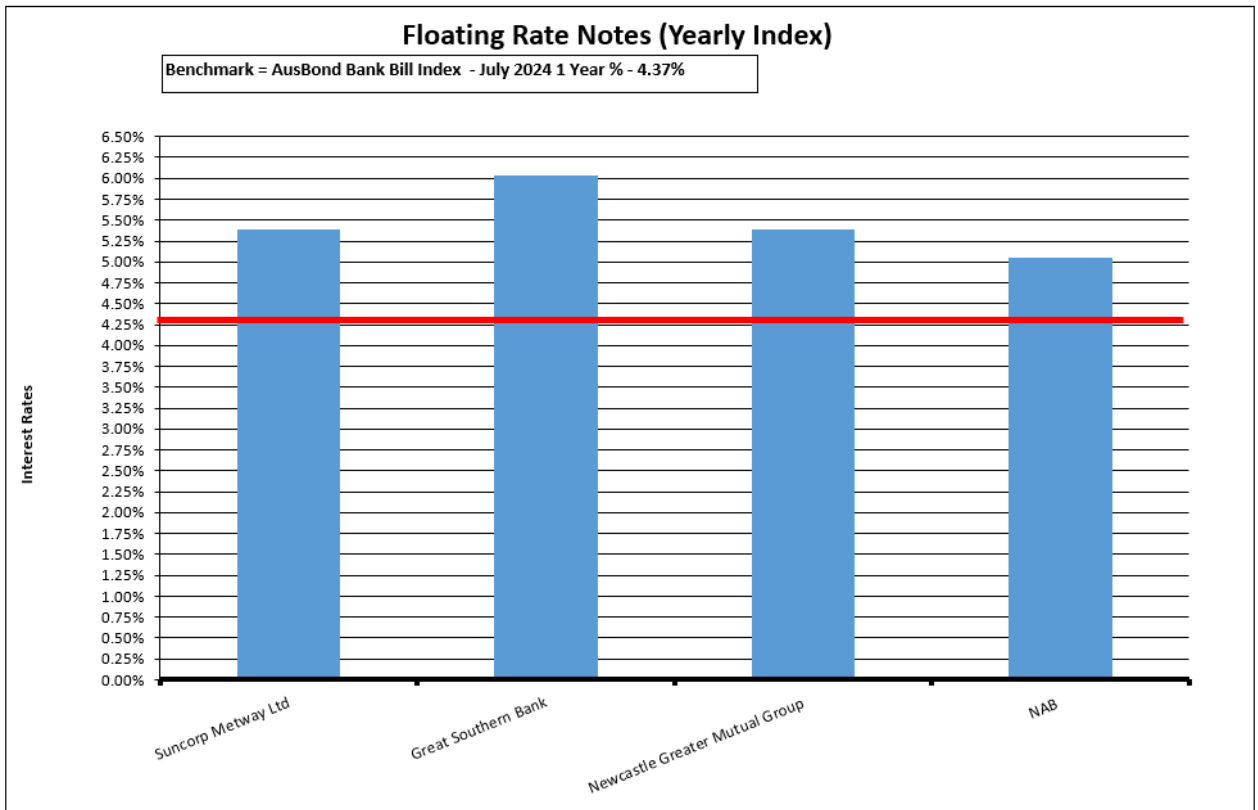
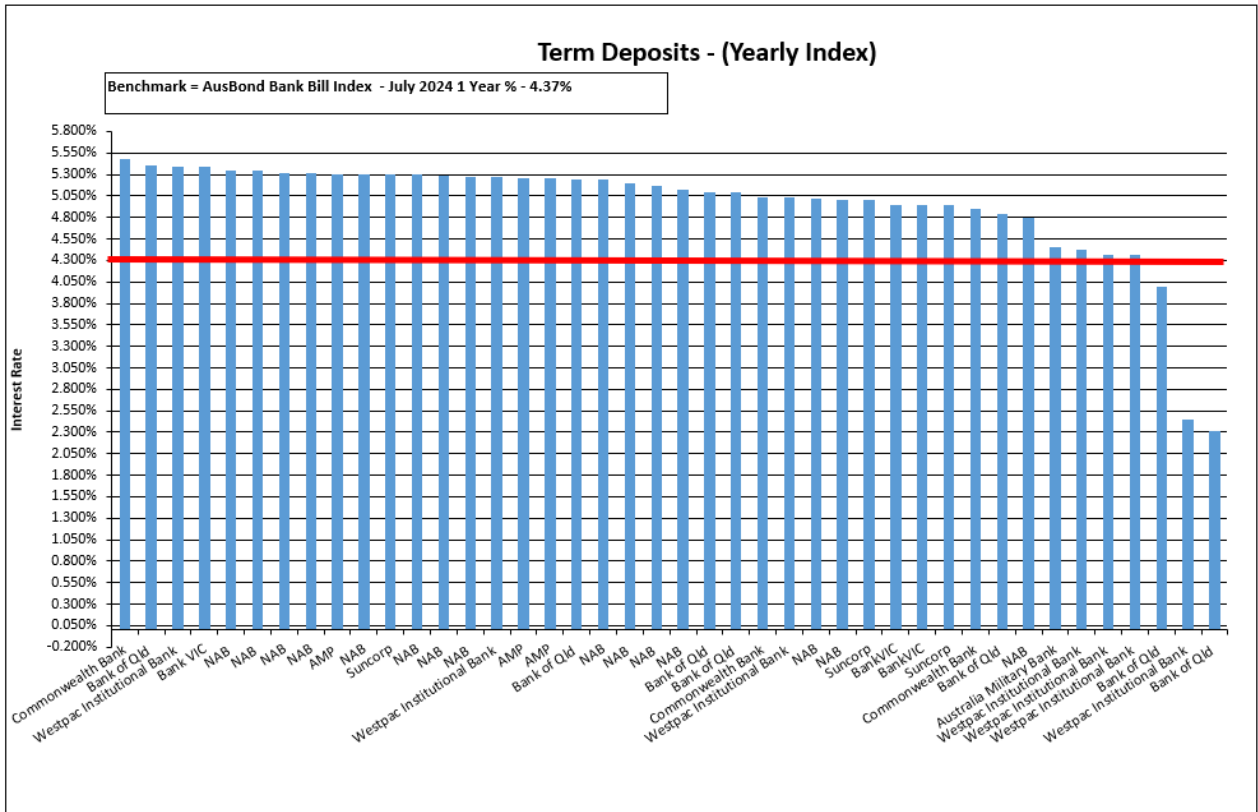
Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council is still holding 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 FRN's to close off the books in this asset class which will result in small capital gains except for the Newcastle FRN.

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 +2.85%. Funds held with TCorp are looked at with a long term view.

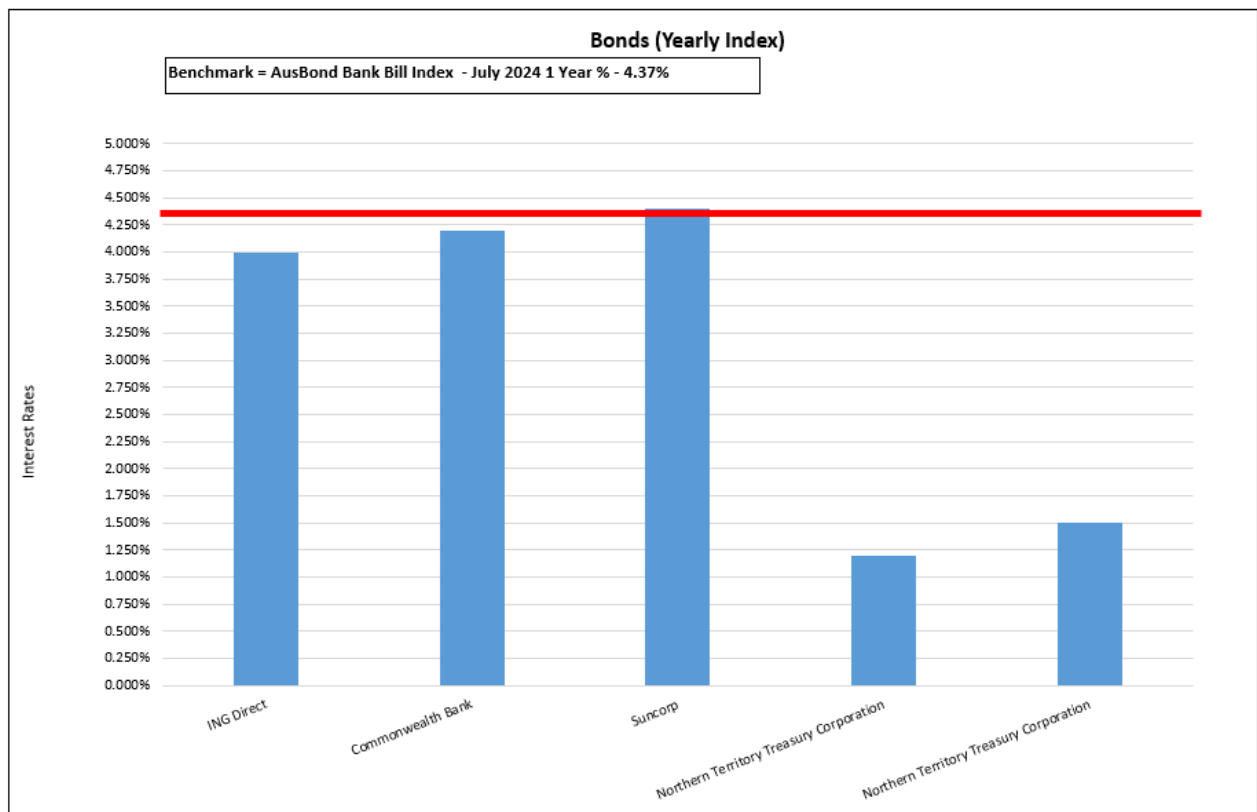
Council has invested in Senior Fixed Bonds. Council holds 2 sub-optimal Senior Fixed Bonds returning 1.2% p.a. and 1.5% p.a., however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The bonds have a maturity of December 2025 and December 2026.

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 10.4 INVESTMENT REPORT FOR JULY 2024



ITEM 10.4 INVESTMENT REPORT FOR JULY 2024



Council’s Investment Policy

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

Table 1: Maturity – Term Limits

Maturity Compliance as at 31/07/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	10,500,000.00	15.08	3.00	100.00	59,137,575.61
✓	91 - 365 days	32,297,221.00	46.38	0.00	100.00	37,340,354.61
✓	1 - 2 years	19,500,675.50	28.00	0.00	70.00	29,245,627.43
✓	2 - 5 years	4,304,954.40	6.18	0.00	50.00	30,513,833.41
✓	5 - 10 years	3,034,724.71	4.36	0.00	25.00	14,374,669.19
TOTALS		69,637,575.61	100.00			

ITEM 10.4 INVESTMENT REPORT FOR JULY 2024

Table 2: Credit Rating Limits

Credit Quality Compliance as at 31/07/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	497,221.00	0.71	100.00	69,140,354.61
✓	AA	43,602,561.90	62.61	100.00	26,035,013.71
✓	A	7,500,000.00	10.77	60.00	34,282,545.37
✓	BBB	15,003,068.00	21.55	45.00	16,333,841.03
✓	Unrated	3,034,724.71	4.36	18.00	9,500,038.90
TOTALS		69,637,575.61	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 July 2024 report page 2:*

In July, risk markets provided modest returns again, boosted by softening inflation and expectations of interest rate cuts in the short to medium term. In the deposit market, over July, the average deposit rates offered by the major banks increased across most tenors as the market priced the potential of another rate hike prior to the lower than expected inflation print on the last day of July. Notably, the average deposit rates offered by the major banks rose in the 6-12 months tenors by around 5bp, compared to where they were in June. The deposit curve remains inverse with rates peaking at the 12 month tenor and then dipping/flattening across the 2-5 year terms (with the lowest rates offered in the 4 year tenor), with the market still factoring in multiple rate cuts starting next year. 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

ITEM 10.4 INVESTMENT REPORT FOR JULY 2024

'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).

Source: Imperium

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

Interest accrued for the month of July was \$258,489. Council's forecasted budgeted interest revenue for 2024/2025 is \$3,182,100. As council's investments continue to outperform the benchmark, council would expect to meet the budgeted forecast.

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  41986/2024 - Investment Report July 2024
- 2  41985/2024 - Arlo Advisory Investment Review July 2024

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.5 SF251 290824 SCHEDULE OF COUNCIL MEETINGS - 12 SEPTEMBER 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 12 September 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 currently 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 may not have been declared elected at that point.

RECOMMENDATION:

That Council notes the schedule of meeting dates for 12 September 2024 to 14 November 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
Caretaker period begins*	16 August		
Council Meeting	12 September	Council Chambers	5.30 PM
NSW Local Government Elections	14 September		
Councillor Induction Training	10 October	Council Chambers	10.00 AM
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 290824 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 21 August 2024, and development applications determined from 7 August to 21 August 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
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: Updated noise impact assessment has been received and is being assessed by Council and the EPA.			
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
Twelve submissions received. Exhibition period closed.			
STATUS: Further information regarding truck manoeuvrability within the development has been requested from the applicant. Once received the assessment will be finalised.			

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

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/122	1 July 2024	10 Lot Subdivision	Albert Drive, Warrell Creek - Lot 18 DP 884316
Three submissions received. Exhibition period closed.			
STATUS: Awaiting RFS referral response. The external Town Planner has requested further information for the assessment of the application.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2012/011	1 August 2024	Modify 325 Lot Subdivision	ALEXANDRA DRIVE, NAMBUCCA HEADS - Lot 1003 DP 1272665
One submission received. Exhibition period closes 28 August 2024.			
STATUS: Awaiting RFS referral response and closure of exhibition period before finalisation of assessment.			

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 7 August – 21 August 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

To be undertaken in assessment of individual development applications.

Economic

To be undertaken in assessment of individual development applications.

Risk Analysis

None identified.

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.2 SF46 290824 REMEMBRANCE WALL AT SCOTTS HEAD

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

This report addresses a Council resolution to revisit the 2018 proposal to create a remembrance wall at a suitable location in Scotts Head.

RECOMMENDATION:

That Council investigates a suitable location for a remembrance wall in Scotts Head as part of the preparation of the master plan for the core visitor precinct and surrounding community lands.

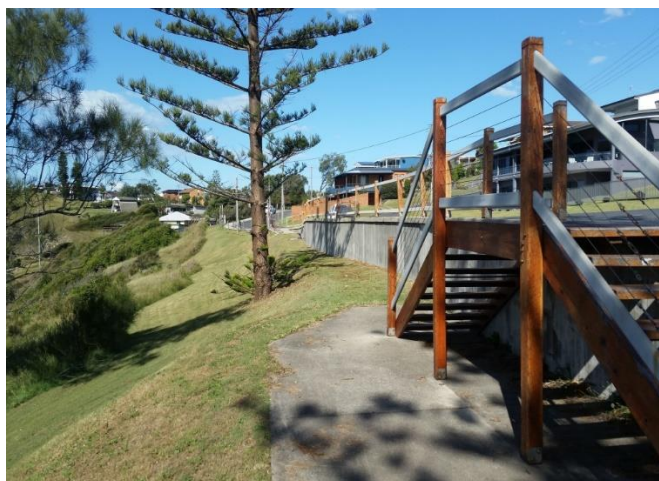
OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Select a site for the remembrance wall.

BACKGROUND:

The idea of creating a remembrance wall at Scotts Head came from the local community in 2018. The idea was for a memorial wall to be erected near one of the headlands in Scotts Head for people to display a plaque as a memorial for friends or relatives who have passed away or whose ashes have been cast into the ocean.

A report was presented to Council for consideration in 2018 recommending the use of an existing retaining wall on Ocean Street for people to purchase and install bronze plaques on. The plaques were to be purchased and installed by Councils contractor to ensure a consistent appearance. The existing wall was chosen due to its location close to the ocean and that Council would not be exposed to additional capital costs. A photo of the existing retaining wall can be seen below.



After consideration of this option, Council did not resolve to progress with a remembrance wall in Scotts Head.

At the Council meeting on 25 July 2024 Council made the following resolution:

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.

ITEM 11.2 REMEMBRANCE WALL AT SCOTTS HEAD

DISCUSSION:

The reasons why Council did not proceed with the 2018 proposal is unclear. However, Council will soon be preparing a new master plan for the core visitor precinct at Scotts Head and surrounding community lands in consultation with Reflections Holidays, National Parks and Wildlife Service and the community.

It is considered that it is more appropriate to revisit the idea of a remembrance wall in Scotts Head as part of this masterplan process. The reasons for this are that all potential locations for the wall can be included to minimise potential conflicts within the precinct and the community can comment on the future of the precinct as part of one planning process.

CONSULTATION:

General Manager

SUSTAINABILITY ASSESSMENT:**Environment**

The recommendation will not result in any environmental impacts.

Social

The recommendation will not result in any social impacts.

Economic

The recommendation will not result in any economic impacts.

Risk Analysis

Nil

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Nil

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.3 SF3410 290824 2024 JULY - APPROVED CONSTRUCTION CERTIFICATES
AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Development Certificates for the month of July 2024 as at 13 August 2024.

RECOMMENDATION:

That Council notes the Construction Certificates and Complying Development Certificates approved for July 2024.

ATTACHMENTS:

1  41321/2024 - Construction Certificates & Complying Developments Approved July 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.4 SF3410 290824 2024 JULY - DEVELOPMENT APPLICATIONS AND
COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at the meeting on 16 January 2014 resolved:


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

Attached is a list of Development Applications and Complying Developments received in July 2024 as at 13 August 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  41322/2024 - Development Applications & Complying Developments Received July 2024

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.1 SF3328 290824 TAYLORS ARM ROAD DRAINAGE IMPROVEMENTS

AUTHOR/ENQUIRIES: David Moloney, Director Engineering Services; Evan Webb, Chief Financial Officer

SUMMARY:

As part of the budget process the Taylors Arm Recreation Reserve Committee submitted a proposal to the 2024/25 Annual Budget. Council resolved for a brief report on funding for the Taylors Arm Recreation Reserve Management Plan, for funding under the Regional and Local Roads Repair (RLRRP) and Regional Road Emergency Road Repair Fund (RERRF)

RECOMMENDATION:

That Council notes the report on Taylors Arm Road Drainage Improvements.

BACKGROUND:

At its Council Meeting on 13/6/2024, Council resolved:

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:

- 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.*

This report investigates whether projects above can be funded by either of the two funding sources.

DISCUSSION:

The two funding sources identified in the resolution above are both NSW State Government programs. The Regional and Local Roads Repair Program (RLRRP) is a NSW Government program to support councils to undertake urgent repairs to their road network, which have been significantly impacted by severe flooding, storm damage and persistent wet weather events during 2022.

The Regional Emergency Road Repair Fund (RERRF) grant program supports regional NSW councils to fix damaged roads.

After reviewing both programs there is no funds available under the RERRF or the RLRRP.

Council does have a small (\$33,400) that is for design and investigations of projects without funding that is only for the design costs. This fund could be used to get a design and survey undertaken at the reserve however the construction costs would deplete the funds significantly.

Council's current allocations have been fully budgeted for, so there are no spare funds are available. It is proposed to undertake the design and survey via the above budget and then look for savings in the budget at future QBR to fund the construction costs.

Council will continue to monitor existing budgets and should any funds become available a quarterly budget review will be reported in order for the works to be carried out in the 2024/25 financial year.

ITEM 12.1 TAYLORS ARM ROAD DRAINAGE IMPROVEMENTS

Councils finance staff will also ensure that if no funds become available in the 2024/25 financial year that this item be added to the 2025/26 budget process as a budget submission.

CONSULTATION:

Chief Financial Officer

SUSTAINABILITY ASSESSMENT:

N/A

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Works are Identified under the Taylors Arm Plan of Management and will require funding in the future	M	M	Plan in future budgets for allocation to the Master Plan projects	M

FINANCIAL IMPLICATIONS:

Nil

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.2 SF3114 290824 REVIEW OF THE BOWRAVILLE THEATRE PROJECT

AUTHOR/ENQUIRIES: David Moloney, Director Engineering Services

SUMMARY:

This report details the high level review into Bowraville Theatre Project and the current issues associated with the project.

RECOMMENDATION:

That Council:

- 1 Notes the contents of this report**
- 2 Writes to the Department of Primary Industries & Regional Development requesting to mutually terminate the agreement for the Bowraville Theatre Project.**

OPTIONS:

- 1 Do nothing/business as usual – This will likely trigger a Project Viability Assessment.
- 2 Proposed recommendation.

BACKGROUND:

At the Council Meeting on the 15 August 2024, the General Manager advised he had asked for an investigation into the current status of the Bowraville Theatre Project. The project was funded with Bushfire Local Economic Recovery (BLER) Fund.

The BLERF program is part of the \$4.5 billion bushfire support program co-funded by the Australian and NSW governments for bushfire recovery, response and preparedness in NSW.

Under the BLERF Program, phases one & two, Council was awarded \$8.4m for five projects. To date, two projects have been completed, Nambucca Heads Seawall & Telecommunication Project for a total \$4.6m.

The remaining two projects, Visitor Information Centre Boardwalk & Halls & Facilities Projects totalling \$3.1m will be completed by the end 2024.

Under BLERF, Council allocated \$707,000 in funding from this program to the Bowraville Theatre Project.

DISCUSSION:

As part of the investigation several

- Funding Information / Grant Deadline
- Project Costs / Estimate
- Project Resourcing
- Development Application / Construction Certificate

Project Resourcing

There have so far been 3 different resources that have been allocated to this project. Two project managers that have been running the project has left the organisation creating the need to hand the project over to another project manager.

ITEM 12.2 REVIEW OF THE BOWRAVILLE THEATRE PROJECT

The Project is currently located within Council's projects team which had the project handed over in early June 2024. Each time the project was handed over momentum on the project was lost causing time delays to the project while new project managers were found.

Funding Information / Grant Deadline

Council received funding in 2020/21 from the Department of Primary Industries & Regional Development (DPIRD) for the amount of \$708,000. Funding was for the upgrade of the Historical Bowraville Theatre including new change rooms and disabled access, under the Bushfire Local Economic Recovery Fund (BLERF).

To date Council has received a payment of \$176,988 and has spent a total of \$41,000. This expenditure has been kept low due to the work undertaken by the theatre committee in the early stages of the project. Council has also requested numerous extensions of time (EOT) and the funding body DPIRD has advised that the final date for completion of the all projects (not just this project) under the BLERF program is 30 June 2025.

Council's Finance Staff had a meeting with Representatives from DPIRD on the 16 August 2024 where the following question were asked.

- Can Council change the scope of the project, only deliver part of the project, for example, only the disabled access? The answer to this was a definite no.
- Can Council reduce the scope to design, including Construction Certificate and Quantity Survey for costing? The answer was again a definite no.

Advice was given by DPIRD that if Council were to submit a variation request to change the scope of the project, given the late stage and the number of EOT's already approved that this would trigger a Project Viability Assessment (PVA) by the Grants Managements Office (GMO). The DPIRD have granted an extension until the 30 August 2024 for Council's response regarding a change of scope or mutual termination of the grant agreement.

A PVA would entail a thorough investigation of the entire project and would potentially have an impact on the funds that Council has already spent to date. The advice from DPIRD was that this would be a unfavourable outcome for Council.

The alternative approach offered by DPIRD was that if Council is unable to complete the entire project as originally approved, the best option for Council would be to agree to mutually terminate the project with the GMO. This would be achieved by writing a letter to the GMO sighting the reasons why Council has decided to requested to mutually terminate the agreement. This is by no means gives assurance that the funds that Council had already expensed will not be refunded back to the GMO, however the advice provided was that this option would be the most favourable for Council and the community.

Should Council decide to do nothing and continue on the path as it is, it is likely the GMO will undertake a PVA itself to determine if the project is still viable. This would most likely require Council to hand back the advanced payment it currently has and lose the chance to get funding for costs to date.

Project Costs / Estimate

This project was originally funded in 2013 with \$500,000 being allocated and then retracted. A Quantity Survey at the time was estimated at \$495,000. Council Officers have done a high level estimate of the project based on limited information, previous estimate, escalation in costs and additional fire compliance works. An opinion of probable cost was estimated to be over \$1.35M. Please note this is a high level estimate only to determine if Council has sufficient funds for the project.

At the time of writing this report, I was unable to obtain any evidence as to how the current allocation was determined other than a similar process to that undertaken by Council Staff as listed above.

ITEM 12.2 REVIEW OF THE BOWRAVILLE THEATRE PROJECT

Development Applications / Construction Certificate

A DA has been issued for this project. One of the main issues hindering the projects is the issuing of a Construction Certificate (CC). The works required are triggering upgrades in accordance with the BCA and in particular complying with fire compliance. This has raised issues around mechanical, electrical and hydraulic fire services. This relates to fire compartmentalisation and the need to have designed fire dampeners, fire collars on all penetrations, general fire protection including hose reels and evacuation procedures.

It would appear at the concept/DA stage, these items were not known to be required and therefore not included in the estimated costs, however it is estimated that these alone will be in the hundreds of thousands of dollars.

Construction Deadline

As discussed above the BLERF grant will be wrapped up on 30 June 2025. Based on the CC still requiring to be finalised and then tendering, award and construction and assuming Council has the budget to deliver the project and a new project manager in place, it is almost certain that Council cannot deliver this project by the 30 June 2025. This means that the grant funding would then be at risk, leaving Council with the need to fund any shortfall.

Discussion with the Funding Body

Council has reached out to the funding body looking at options for project. Officers and GMO discussed the following:

- 1 Reduce funding and scope to design only component
- 2 Reduce scope to include design and some construction

Acceptable options for which the funding body suggested:

- 3 Deliver the project to scope and on time
- 4 Agree to mutually terminate the agreement

Options 1 & 2, were explored to see if there was any flexibility in the project to deliver some outcome to the project. While the GMO options were discussed, based on the information reviewed the only viable option is 4 since Council cannot achieve options 1, 2 or 3.

Conclusion

Based on the review data above it is concluded that:

- 1 the project scope cannot be delivered within an extended funding deadline and/or
- 2 The project cannot be completed within the current budget of \$707,000.

Without the appropriate budget, Council would be committing to a project without a significant amount of funding in place to complete the works. If the project is not completed by the 30 June 2025 then the Grant funding would also be put at risk, requiring Council to find the full funding for the project.

Investigations into the financial expenditure to date shows that Council has currently spent \$41,000 on the project to date.

CONSULTATION:

Director Corporate Services
Chief Financial Officer
Manager Development and Environment
Manager Natural Disaster
Team Leader Health and Building
Grants and Contributions Officer

ITEM 12.2 REVIEW OF THE BOWRAVILLE THEATRE PROJECT

SUSTAINABILITY ASSESSMENT:

Environment

N/A

Social

The improvements to the Theatre will not be undertaken leading to loss in the potential acts and shows that can be attracted to the venue.

Economic

There is a shortfall in the funding required to deliver this project. In addition, without the upgrades the Bowraville Theatre may lose some bookings due to the current amenities on offer.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Failure to complete the project will impact on the reputation of Council on delivering projects	H	H	Future projects are scoped and designed with QS prior to grant being applied for	H
Improvements to the Theatre will not be delivered	H	M	The improvements to the Theatre will not be undertaken leading to loss in the potential acts and shows that can be attracted to the venue	H
If Council choose to contribute additional funds to the project and it is still not delivered by 30 June 2025, the \$707,000 remains at risk.	H	H	Terminate agreement.	L

Delivery Program Action

LW5 - Maintain public buildings where justified by community use

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Discussion with the GMO has indicated that if Council mutually terminates the project that the current expenditure on the project (\$41,000), is more likely to be funded and not returned.

Working funds – justification for urgency and cumulative impact

The grant advance money would need to be returned which would come out of a reserve and not impact on the working funds.

Impacts on 10 Year Long Term Financial Plan

The shortfall in the project funding would impact on the LTFFP as the additional project funds required are not in the LTFFP.

Service level changes and resourcing/staff implications

Existing service levels will be maintained.

ATTACHMENTS:

There are no attachments for this report.