



# NAMBUCCA VALLEY COUNCIL

---

## ORDINARY COUNCIL MEETING AGENDA ITEMS 17 OCTOBER 2024

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

### *Our Vision*

Nambucca Valley ~ Living at its best.

### *Our Mission Statement*

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

### *Our Values in Delivery*

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

## **Council Meetings: Overview and Proceedings**

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

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

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

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

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

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

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

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

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

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

## **Council Meeting Audio Recordings**

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

### **Meeting Agenda**

These are available Council's website: [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au)

### **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](#)



3:00PM INSPECTION: Warrell Creek Subdivision  
4:00PM WORKSHOP: Presentations in Council Chambers

## NAMBUCCA VALLEY COUNCIL

### ORDINARY COUNCIL MEETING - 17 OCTOBER 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.

| <b>AGENDA</b>  | <b>Page</b> |
|--|-------------|
| 1 APOLOGIES  |             |
| 2 PRAYER   |             |
| 3 DISCLOSURES OF INTERESTS   |             |
| 4 CONFIRMATION OF MINUTES —<br><i>Ordinary Council Meeting - 12 September 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 Oath or Affirmation of Office.....   | 14          |
| 9.2 Election of Deputy Mayor .....   | 16          |
| 9.3 Proposed Councillor Training and Induction .....   | 19          |
| 9.4 Proposed Frequency and Timing of Future Council Meetings.....  | 24          |
| 9.5 Countback Election Instead of By-Election .....  | 26          |
| 9.6 2024 LGNSW Annual Conference Voting Delegates .....  | 28          |
| 9.7 Council Advisory Committees .....  | 29          |
| 9.8 Council Section 355 Committees .....   | 32          |
| 9.9 Outstanding Actions and Reports .....  | 34          |
| 10 DIRECTOR CORPORATE SERVICES REPORTS   |             |
| 10.1 OLG Councillor Conduct and Meeting Practices A New Framework - Discussion Paper .....   | 42          |
| 10.2 Tabling of Returns Disclosing Interest of Councillors and Designated Persons.....   | 45          |
| 10.3 Disclosure of Political Donations and Electoral Expenditure .....   | 47          |
| 10.4 National Celebration Day Committee Nominations.....   | 49          |
| 10.5 Delivery Program and Operational Plan Update .....  | 50          |
| 10.6 Draft 2023/2024 Annual Financial Statements .....   | 51          |
| 11 MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS   |             |
| 11.1 Undetermined Development Applications greater than 12 months, where submissions<br>have been received, or where an application to vary development standards under<br>Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation ..... | 53          |
| 11.2 Determination of Development Application DA2024/122 - 10 Lot Subdivision - Albert<br>Drive, Warrell Creek .....   | 55          |

- 12 DIRECTOR ENGINEERING SERVICES REPORTS
- 12.1 Request for a Temporary Road Closure - Macksville .....57
- 13 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING
- 13.1 Boundary Realignment 190 Albert Drive Warrell Creek
- It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business (Council will seek to sell subsequent subdivided lots in this location, and this valuation should not set a precedent for the market value of those lots.)*
- 13.2 T432021NAM - Supply & Install Galvanised Piles for Valla Footbridge - Tender Assessment
- It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*
- 13.3 Matters Regarding Realised or Potential Losses
- It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- a Questions raised by Councillors at 8 above
- i MOTION TO CLOSE THE MEETING
- ii PUBLIC VERBAL REPRESENTATIONS REGARDING PROPOSAL TO CLOSE
- iii CONSIDERATION OF PUBLIC REPRESENTATIONS
- iv DEAL WITH MOTION TO CLOSE THE MEETING
- 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](mailto:council@nambucca.nsw.gov.au)

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

## Definitions

(Local Government Act and Code of Conduct)

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

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

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

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

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

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

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

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

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

#### Important information

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

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

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

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

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

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

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

| <b>Pecuniary interest</b>   |   |
|---|---|
| Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)   |   |
| Relationship of identified land to the councillor<br>[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).<br><input type="checkbox"/> An associated person of the councillor has an interest in the land.<br><input type="checkbox"/> An associated company or body of the councillor has an interest in the land. |
| <b>Matter giving rise to pecuniary interest<sup>1</sup></b>   |   |
| Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup><br>[Tick or cross one box]                            | <input type="checkbox"/> The identified land.<br><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 12 SEPTEMBER 2024

The following document is the minutes of the Ordinary Council meeting held **12 SEPTEMBER 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 17 October 2024 and therefore subject to change. Please refer to the minutes of **17 OCTOBER 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)  
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 Sydney Coetzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

### DISCLOSURE OF INTEREST

Nil

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 SEPTEMBER 2024

### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 29 AUGUST 2024**

296/24 **RESOLVED:** (Wilson/Angel)

That the minutes of the Ordinary Council Meeting of 29 August 2024 be confirmed.

---

### NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3422 120924 Notice of Motion - Council Motor Vehicle Leaseback Policy

297/24 **RESOLVED:** (Hoban/Vance)

That Council:

- 1 Refers future reviews of the Motor Vehicle Leaseback Policy to the Audit Risk and Improvement Committee for consideration prior to adoption.
  - 2 When priorities permit and in consultation with staff ARIC compare the financial and administrative efficiency of the current leaseback arrangements with the option of providing pool vehicles offset with an additional salary component for affected staff.
- 

### NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.2 SF3422 120924 Notice of Motion - Australia Post Infrastructure Expansion

298/24 **RESOLVED:** (Hoban/Angel)

That Council writes to the Chief Executive Officer of Australia Post requesting an infrastructure expansion to cater for current and future services provided by Macksville Post Office.

---

### NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.3 SF3422 120924 Notice of Motion - Bowraville Healthcare

299/24 **RESOLVED:** (Hoban/Wilson)

That Council:

- 1 Writes to the Minister of Health requesting the provision of funding for additional General Practitioner hours at the Bowraville Health One facility in order to improve health outcomes for Bowraville and surrounding residents and reduce the extensive waiting list
  - 2 Makes a submission to the New South Wales Government's Special Commission of Inquiry into Healthcare Funding supporting the Bowraville General Practitioner funding arrangements as a means of effectively and efficiently delivering high quality, timely, equitable and accessible patient-centred care and health services to rural and disadvantaged communities.
-

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 SEPTEMBER 2024

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

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

---

#### ASKING OF QUESTIONS WITH NOTICE

---

ITEM 7.1    SF2897            120924    Question with Notice - Claim Against Roads and Maritime - Water Main under Pacific Highway

---

**Director Engineering Services addressed Council verbally in response to this question with notice.**

Council has been in contact with Transport for NSW over the past 2 or 3 months just trying to push this along. I have had a call as recently as this afternoon from them to arrange a call back tomorrow to discuss the claim and how it has advanced. It is only because Council has been pushing it that the claim has been moving along so we will continue to do that tomorrow and try and get a resolution as soon as we can.

---

ITEM 7.2    SF2897            120924    Question with Notice - Compensation Arrangements with Property Owner on Valla Entrance to the Bowra Dam

---

**Director Engineering Services addressed Council verbally in response to this question with notice.**

I have done a review of the Council records in and around the arrangements that we had where we needed to acquire the property when we did need the entrance road and it appears based on the records that, that issue has been resolved. The Council does now have that access road as a road even though it is a closed road in there. So from the access point of view, yes, that's all been sorted. As to the opening so just on a review of the documentation as well, as its a road it can be open so an initial assessment there doesn't appear to be any barriers to opening the road and creating viewing area, however it would probably be prudent to have a lawyer just run over it and get legal advice on the agreement that we had with the property owners to make sure we are not contravening anything that was in those legal agreements.

---

#### GENERAL MANAGER REPORTS

---

ITEM 9.1    SF959            120924    Outstanding Actions and Reports

---

300/24 **RESOLVED:**    (Angel/Buchanan)

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

---

ITEM 9.2    SF3337            120924    Report regarding Accessing the Mid Coast Joint Organisation's Simtable

---

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 SEPTEMBER 2024

---

301/24 **RESOLVED:** (Angel/Vance)

That Council notes the report regarding accessing the Mid Coast Joint Organisations Simtable.

---

### DIRECTOR CORPORATE SERVICES REPORTS

---

ITEM 10.1 SF1031 120924 Revised Library Management Policies

302/24 **RESOLVED:** (Wilson/Jenvey)

That Council approves the following revised policies:

- 1 **G16 - Library Management Waiving of Charges Policy**
- 2 **G17 - Library Management Internet Policy**
- 3 **G18 - Library Management Loans Policy**
- 4 **G28 - Library Virtual Reality and Gaming System Policy**

---

ITEM 10.2 SF399 120924 Commonwealth Financial Assistance Grant 2024-25

303/24 **RESOLVED:** (Angel/Buchanan)

That Council notes the letter from the Local Government Grants Commission and its associated appendices attached relating to the 2024-25 Commonwealth Financial Assistance Grant.

---

ITEM 10.3 SF3321 120924 Duress Alarms for Library Staff

304/24 **RESOLVED:** (Jenvey/Buchanan)

That Council allocates an additional budget of \$17,000 for the installation of duress alarms at the Macksville and Nambucca Heads Libraries.

---

### MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

---

ITEM 11.1 SF226 120924 Fenced Off Leash Dog Park

305/24 **RESOLVED:** (Jenvey/Jones)

That Council exhibits the potential locations for fenced off leash dog parks as listed in this report for a period of 21 days and that any submissions received will be reported back to Council for consideration.

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 12 SEPTEMBER 2024

---

ITEM 11.2 SF453 120924 Waste Management Quarterly Report - April to June 2024

---

306/24 **RESOLVED:** (Buchanan/Angel)

**That Council notes the information provided in the quarterly report for the period 1 April to 30 June 2024.**

---

ITEM 11.3 SF948 120924 Council's Rangers' Report and Penalties Issued for July 2024

---

307/24 **RESOLVED:** (Wilson/M Ballangarry)

**That Council:**

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

## DIRECTOR ENGINEERING SERVICES REPORTS

---

ITEM 12.1 SF843 120924 Minutes of the Vehicular Access to Beaches Committee - 9 August 2024

---

308/24 **RESOLVED:** (Vance/Buchanan)

**That Council:**

- 1 Notes the minutes of the Vehicular Access to Beaches Committee meeting held on 9 August 2024.**
  - 2 Considers the pedestrian connection at Main Beach Nambucca Heads between the surf club and Beilbys Beach as part of the Community Strategic Plan development.**
- 

## CLOSURE

There being no further business the Mayor then closed the meeting the time being 6:32 PM.

Confirmed and signed by the Mayor on **17 OCTOBER 2024**.

**MAYOR  
(CHAIRPERSON)**

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.1 SF42 171024 OATH OR AFFIRMATION OF OFFICE**

---

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

**SUMMARY:**

This is a procedural requirement to be conducted at the commencement of the meeting and is not a matter requiring a vote by the Council.

**RECOMMENDATION:**

**That Council notes all Councillors have completed the oath or affirmation prior to the meeting.**

**OPTIONS:**

There are no options. The requirement for each councillor to take an oath of office or affirmation of office is a legal requirement.

**DISCUSSION:**

The NSW Local Government Act requires that a councillor must take an oath of office or make an affirmation of office at or before the first meeting of the council after the councillor is elected. The oath or affirmation may be taken or made before the general manager of the council, an Australian legal practitioner or a justice of the peace.

Section 233A of the Local Government Act 1993 requires the Oath and Affirmation to be in the following form:

***Oath***

*I (name of councillor) swear that I will undertake the duties of the office of councillor in the best interests of the people of the Nambucca local government area and the Nambucca Valley Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.*

***Affirmation***

*I (name of councillor) solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of the Nambucca local government area and the Nambucca Valley Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.*

It is proposed that each Councillor take the oath or affirmation at the commencement of this meeting.

It is suggested that each Councillor stand to read either the oath or affirmation, that the General Manager similarly stand and that the minute taker record each Councillor as taking the oath or affirmation (as appropriate) in the minutes of this meeting.

**CONSULTATION:**

Director Corporate Services

---

**ITEM 9.1 OATH OR AFFIRMATION OF OFFICE**

---

**SUSTAINABILITY ASSESSMENT:**

**Environment**

There are no implications for the environment.

**Social**

There are no social issues.

**Economic**

There are no economic issues.

**Risk**

A councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office is not entitled to attend a meeting as a councillor.

**FINANCIAL IMPLICATIONS:**

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

There are no budgetary implications.

**Source of fund and any variance to working funds**

There is no impact on working funds.

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

There is no impact on service levels or resourcing implications.

**ATTACHMENTS:**

There are no attachments for this report.

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.2 SF830 171024 ELECTION OF DEPUTY MAYOR**

---

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

**SUMMARY:**

It is a requirement under the *Local Government (General) Regulation 2021*, Clause 394 that the annual election of a Deputy Mayor is to be in accordance with Schedule 7 of that Regulation.

**RECOMMENDATION:**

**That Council:**

- 1 Invite nominations for the election of a Deputy Mayor.**
- 2 Proceed with the election of a Deputy Mayor by ordinary (secret) ballot, if required.**
- 3 Advise the Office of Local Government NSW of the Deputy Mayor and update Council's website.**

**OPTIONS:**

There are options as to the method of election being open voting (show of hands); ordinary (secret) ballot or a preferential (secret) ballot.

**DISCUSSION:**

Attachment – Election Deputy Mayor Ballot Form

Schedule 7 provides that the General Manager is the Returning Officer, that nominations may be without notice but nominations must be in writing by two or more Councillors (one of whom may be the nominee) and is not valid unless the nominee has indicated consent to the nomination in writing and the nomination is delivered or sent to the Returning Officer.

Whilst a nomination form is included in this report, I appreciate that Councillors may not be able to print same. For this reason I will have printed copies of the form available before the Council meeting. I have also put a printed copy of the form in Councillors' trays.

If only one Councillor is nominated, that Councillor is elected. Where more than one nomination is received the Council **must resolve** whether the election is to proceed by preferential ballot, ordinary ballot or open voting (preferential ballot and ordinary ballot are in fact secret ballots while open voting is a show of hands).

Ordinary Ballot or Open Voting

The process for an ordinary ballot or open voting is as follows:

- Where there are only **two** candidates, the candidate with the highest number of votes is elected, and if they are tied the one to be elected is the one chosen by lot.
- Where there are **three** or more candidates, the one with the lowest number of votes is excluded.
- If three or more candidates then remain, a further vote is taken and the one with the lowest number of votes from that further vote is excluded.



---

**ITEM 9.2 ELECTION OF DEPUTY MAYOR**

---

- If after that three or more candidates still remain the procedure is to be repeated until only two candidates remain.

Where there are only two candidates (remaining) with equal votes the one **elected** is the one chosen by lot. By contrast, where there are three or more candidates and some are tied for lowest, the one **excluded** is the one chosen by lot.

If the method of voting resolved by Council is by ordinary ballot or open voting the Part 2 of the Regulations apply (paragraph 20-2360 and onwards).

**Preferential Ballot**

The ballot papers are to contain the names of all the candidates. The councillors are to mark their votes by placing the numbers "1", "2", and so on against the various names to indicate their order of preference for all the candidates.

If the candidate has an absolute majority of first preference votes, the candidate is elected. If not the candidate with the lowest number of first preference votes is excluded and the votes on the unexhausted ballot papers counted to him or her are transferred to the candidates with the second preferences on those ballot papers. A candidate who then has an absolute majority of votes is elected, but if no candidate then has an absolute majority of votes, the process is repeated until one candidate has received an absolute majority of votes.

For tied candidates, if there are 2 candidates and the numbers of votes cast for each are equal, the candidate whose name is first chosen by lot is taken to be elected. If there are 3 or more candidates remaining in the election and the numbers of votes cast for 2 or more candidates are equal and those candidates are the ones with the lowest number of votes, then the candidates whose name is first chosen by lot is taken to have the lowest number of votes and is excluded.

**Choosing by lot**

The names of the candidates who have equal numbers of votes are written on similar slips of paper by the returning officer, the slips are folded by the returning officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the returning officer and the candidate whose name is on the drawn slip is chosen.

**CONSULTATION:**

There has been no consultation.

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

There are no environmental implications.

**Social**

There are no social implications.

---

**ITEM 9.2 ELECTION OF DEPUTY MAYOR**

---

**Economic**

There are no economic implications.

**Risk**

There are no risk implications.

**FINANCIAL IMPLICATIONS:**

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

There are no financial implications for Council.


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

There are no implications for Working Funds.

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

There are no service level or staffing implications.

**ATTACHMENTS:**

1  44573/2024 - Election of Deputy Mayor - Nomination Form and Ballot Paper 2024

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.3 SF256 171024 PROPOSED COUNCILLOR TRAINING AND INDUCTION**

---

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

**SUMMARY:**

Councillor induction training conducted by an external provider which included training on the Code of Conduct and Code of Meeting Practice was undertaken on 10 October 2024 at the Council Chambers and ran from 10am until 4pm. In addition to that training a Councillor workshop was undertaken on 17 October 2024 prior to the Council meeting which was comprised of a series of short presentations by Executive Leadership Team staff members on their areas of responsibility at Council. A tour of Council facilities which are not open to the public will also be organised in the next few months. The Mayoral induction training will be held in late November 2024.

The Office of Local Government (OLG) is also offering a series of "Hit the Ground Running" webinars which Councillors should register and participate in. The dates for the OLG webinars are in the discussion section of this report. Please note that webinar 10 relates to metropolitan councils and is not really relevant to regional councils.

Each Councillor's induction and training will be reported in Council's Annual Report and it is strongly recommended by the OLG that you register for the webinars.

**RECOMMENDATION:**

**That Council notes the information concerning the proposed training and induction for the new Council.**

**OPTIONS:**

For information only.

**DISCUSSION:**

Under the *Local Government (General) Regulation 2021* (the Regulation), councils must ensure that induction training is delivered to councillors who have been elected for the first time and refresher training for councillors who are re-elected, within 6 months of their election. Councils are also required to provide supplementary training to mayors.

Consideration has been given to Councillor training and induction post the 14 September 2024 election. There are many potential options for councillor training and induction. A component of a successful council will be one where councillors feel engaged and confident to question and if necessary challenge the information and views which are presented.

A proposed training and induction program is as follows:

Councillor Induction Training 10 October 2024:

At this initial induction forms will be distributed for Disclosure of Interest Returns. Also, Councillors will need to provide contact details and any special dietary requirements. Photos of the new Council will be taken at this induction. Information Communication Technology (ICT) and Records Management staff presentations will be made – ICT will provide tablets and instruction in their use and Records staff will explain to Councillors what constitutes a record and their record keeping duties.

An electronic copy of the business paper for the scheduled Council Meeting on 17 October 2024 will be distributed and a practice meeting will be undertaken so that new Councillors are ready for their first meeting on 17 October 2024.

---

**ITEM 9.3 PROPOSED COUNCILLOR TRAINING AND INDUCTION**


---

Topics covered by the training include:

- Local Government Governance (includes legislative requirements; roles & responsibilities etc)
- Code of Conduct & associated policies – with a strong focus on conflict of interests, Media and Social Media
- Decision making and the Code of Meeting Practice
- Councillor Expenses and Facilities
- Integrated Planning and Reporting Framework

Mayoral Induction Training late November 2024.

Topics covered by the training include:

- How to be an effective leader
- The role of the chair and how to chair council meetings [Code of Meeting Practice]
- Role of the mayor and responsibilities under the Code of Conduct
- The mayor's role in integrated planning and reporting
- The mayor's role and responsibilities in relation to the GM's employment
- The mayor's civic and ceremonial role and attendance at community functions

Councillor Workshop 17 October 2024 4pm to 5pm

It is proposed to conduct a series of short, up to 10 minute briefings by each member of the Executive Leadership Team covering their areas of responsibility as follows:

- General Manager and executive support responsibilities
- Finance including Budgets, Annual Financial Statements, Rates, Reserves, Special Rate Variations (SRV's), and the Councillor travel reimbursement and IT reimbursement process.
- Governance including Integrated Planning and Reporting
- Engineering Services including Asset Management Plans and an update of Engineering works and status of disaster works.
- Development and Environment including Local and Regional Strategic Planning such as Town Planning Law.
- Human Resources including Workforce Management Planning.

Tours of Council Facilities

At a later stage Councillors will undertake a separate tour of Council facilities which are not open to the public. For Council facilities which are open to the public (libraries, Visitor Information Centre, Macksville Memorial Aquatic and Fitness Centre etc.), if Councillors wish to learn more about them they can visit them at a time of their convenience.

**OLG's Hit the Ground Running webinars**

For the OLG Hit the Ground Running webinars Councillors will need to register for each webinar individually. Councillors will receive a certificate of attendance to provide to their councils for each of the webinars they attend to assist councils to comply with their reporting obligations under the Regulation in relation to councillor participation in training.

Details of the webinars are as follows (note hyperlink go to the registration page - registration must be based upon a government email address (i.e. ...@\_.nsw.gov.au):

| No. Webinar title                    | Date     | Registration Link                          | Description of webinar  |
|--------------------------------------|----------|--|---|
| 1. <b>Roles and responsibilities</b> | Thursday | <a href="#">Roles and responsibilities</a> | This webinar will cover everything councillors need to know to achieve positive community outcomes and understand the context in which councils |

**ITEM 9.3 PROPOSED COUNCILLOR TRAINING AND INDUCTION**

| No. | Webinar title  | Date   | Registration Link   | Description of webinar  |
|-----|--|--|---|---|
|     |  | 17 Oct 24<br>4.00 pm<br>Thursday                 |   | operate. Participants will understand their council's role in the local community, the different roles of a councillor and how to manage the challenges involved.   |
| 2.  | <b>Making the most of meetings</b>                     | 24 Oct 24<br>4.00 pm                             | <a href="#">Making the most of meetings</a>                     | This webinar will cover everything councillors need to know about council meetings, their purpose, and process. Participants will understand expectations for council meetings as well as how to make them effective and maximise the benefits.   |
| 3.  | <b>Integrated Planning and Reporting</b>               | Thursday<br>31 Oct 24<br>4.00 pm                 | <a href="#">Integrated Planning and Reporting</a>               | This webinar will cover everything a councillor needs to know about engaging with their community and setting the long-term direction for your council to ensure that money and other resources are used effectively. Participants will gain an understanding of their responsibilities and obligations under Integrated Planning and Reporting, its effectiveness as a planning tool and be updated regarding general strengths and areas for development. |
| 4.  | <b>The governing body and financial management</b>     | Thursday<br>7 Nov 24<br><b>STARTS at 4:30 PM</b> | <a href="#">The governing body and financial management</a>     | This webinar will provide councillors with an understanding of their legislative responsibilities in relation to accounting practice, financial management and financial reporting of councils. Participants will gain an understanding of the principles of sound financial management, the difference between internal and external reporting and the budget and audit processes.   |
| 5.  | <b>Risk management and internal audit</b>              | Thursday<br>14 Nov 24<br>4.00 pm                 | <a href="#">Risk management and internal audit</a>              | This webinar will cover the mandatory local government risk management and internal audit framework with particular emphasis on how audit, risk and improvement committees will support councillors to perform their roles as the strategic drivers and decision makers of councils.  |
| 6.  | <b>Appropriate conduct and ethical decision-making</b> | Thursday<br>21 Nov 24<br>4.00 pm                 | <a href="#">Appropriate conduct and ethical decision-making</a> | This webinar will cover key elements of the Model Code of Conduct for Local Councils in NSW including general conduct, behaviour in meetings, managing conflicts of interest and interactions with council staff. Participants will gain an understanding about how to protect and enhance their individual and council's credibility and reputation through appropriate conduct.   |
| 7.  | <b>Corruption risk and prevention</b>                  | Thursday<br>28 Nov 24<br>4.00 pm                 | <a href="#">Corruption risk and prevention</a>                  | This webinar is presented by the NSW Independent Commission Against Corruption (ICAC). It will cover ICAC investigations and recommendations on topics such as the lobbying of councillors and how to mitigate corruption risks; overseas travel by councillors and what to consider to protect your reputation and security while travelling; and how to deal with property developers to minimise corruption risks.                                       |
| 8.  | <b>Working together</b>                                | Thursday<br>5 Dec 24<br>4.00 pm                  | <a href="#">Working together</a>                                | This webinar will cover the key components of emotional intelligence. Research has shown that what distinguishes outstanding leaders is their degree of emotional intelligence, not their technical or analytical skills. Participants will learn how to  |

**ITEM 9.3 PROPOSED COUNCILLOR TRAINING AND INDUCTION**

| No. | Webinar title                 | Date      | Registration Link                      | Description of webinar  |
|-----|-------------------------------|-----------|--|---|
|     |                               | Thursday  |  | create a healthy, inclusive, and respectful workplace that is fundamental for creating a successful organisation. |
| 9.  | <b>Work health and safety</b> | 12 Dec 24 | <a href="#">Work health and safety</a> | <i>Details coming soon</i>  |
|     |                               | 4.00 pm   |  |   |

**Webinar schedule: 30 January – 27 February 2025**

| Date |   |              |  |   |
|------|---|--------------|--|---|
| No.  | Webinar title   | Thurs        | Registration Link  | Description of webinar  |
|      |   | <b>4-6pm</b> |  |   |
|      |   | Thursday     |  |   |
| 10.  | <b>Metropolitan strategic planning</b>                      | 30 Jan 25    | <a href="#">Metropolitan strategic planning</a>                      | This webinar will provide an overview of the NSW planning framework and priorities. Participants will gain an understanding of their responsibilities as a councillor when it comes to strategic planning for metropolitan areas, including the roles of the Department of Planning, Housing and Infrastructure, and the Western Parkland City Authority. |
|      |   | 4.00 pm      |  |   |
|      |   | Thursday     |  |   |
| 11.  | <b>Local and regional strategic planning</b>                | 6 Feb 25     | <a href="#">Local and regional strategic planning</a>                | This webinar will provide an overview of the NSW local and regional planning framework and priorities. Participants will gain an understanding of their responsibilities as a councillor when it comes to strategic planning for local and regional areas.  |
|      |   | 4.00 pm      |  |   |
|      |   | Thursday     |  |   |
| 12.  | <b>Crown lands native title, and Aboriginal land rights</b> | 13 Feb 25    | <a href="#">Crown lands native title, and Aboriginal land rights</a> | This webinar will provide an overview of Crown land in NSW and council requirements under the <i>Crown Land Management Act 2016</i> . Participants will gain an understanding of the <i>Native Title Act 1993</i> , and Aboriginal land rights under the <i>Aboriginal Land Rights Act 1983</i> .   |
|      |   | 4.00 pm      |  |   |
|      |   | Thursday     |  |   |
| 13.  | <b>Town water services: a Councillor's responsibilities</b> | 20 Feb 25    | <a href="#">Town water services: a Councillor's responsibilities</a> | In this webinar participants will develop a greater understanding of their additional responsibilities when councils provide essential water services. Using case studies and interviews the seminar will illustrate a range of water issues that councillors will encounter when making decisions about drinking water, recycled water and sewage.       |
|      |   | 4.00 pm      |  |   |
|      |   | Thursday     |  |   |
| 14.  | <b>Ongoing professional development</b>                     | 27 Feb 25    | <a href="#">Ongoing professional development</a>                     | Our final webinar for the series, will guide councillors on what it takes to be successful in the role, as well as understand what their individual training and support requirements are and how they can undertake further professional development during their term as a councillor.  |
|      |   | 4.00 pm      |  |   |

**CONSULTATION:**

There has been consultation with Senior staff, the external induction training provider, and OLG.

---

**ITEM 9.3 PROPOSED COUNCILLOR TRAINING AND INDUCTION**

---

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk**

The purpose of the training and induction is so that Councillors are better able to perform their role and as such reduce the risk of errors and mistakes.

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

The cost for the Councillor and Mayoral Induction training is \$10,300.

**Source of fund and any variance to working funds**

\$8,800 has been allocated in the 2024/25 budget to Work Order 1026.104.401. A \$1,500 budget variation will be processed as part of the September 2024 Quarterly Budget Review.

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

Nil

**ATTACHMENTS:**

There are no attachments for this report.

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.4 SF251 171024 PROPOSED FREQUENCY AND TIMING OF FUTURE COUNCIL MEETINGS**

---

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

**SUMMARY:**

Council has the option of changing the frequency and timing of future council meetings.

**RECOMMENDATION:**

**That Council:**

- 1 Meets once per month at 2.00pm on the fourth Tuesday of the month**
- 2 Holds the December meeting on Tuesday 17 December 2024**
- 3 Holds the January meeting on Tuesday 21 January 2025**
- 4 Amends the Model Code of Meeting Practice to reflect the changes.**

**OPTIONS:**

- 1 Retain existing meeting time and frequency
- 2 Proposed recommendation
- 3 Alternative option – any combination of day, time and frequency.

**BACKGROUND:**

Council meetings are currently held twice per month on the last Thursday and the Thursday two weeks prior, except January when only one meeting is held. Meeting time is 5.30pm and generally run for 2-2.5 hours. Dinner for Councillors and staff is provided after the meeting.

**DISCUSSION:**

**Meeting frequency**

The Local Government Act requires Council to meet a minimum of 10 times per year on a monthly basis. The current schedule of two meeting per month requires additional staff resources to prepare twice the reports and agendas. In addition, the cost of staff overtime and dinner for two meetings per month is approximately \$14,000 per year. This cost would effectively be halved for one meeting per month.

Less duplication of reports will provide some efficiencies with staff not having to work on routine council reports every fortnight.

The January meeting needs to be a week earlier to accommodate the resolution of the National Celebration Day award recipients.

**Meeting time**

Councils across the state have their meetings at various times and often during the day depending on Councillor's needs. A monthly meeting will require 3-4 hours to deal with the volume of reports brought to the meeting. There are a number of ways this can be mitigated such as dealing with items by exception by way of a single unanimous resolution as per Part 13 of the Model Code of Meeting Practice.

There are pros and cons with having either day or evening meetings.



**ITEM 9.4 PROPOSED FREQUENCY AND TIMING OF FUTURE COUNCIL MEETINGS**

|                     | <b>Pros</b>   | <b>Cons</b>  |
|---------------------|---|--|
| Day time meetings   | <ul style="list-style-type: none"> <li>• Meal costs reduced.</li> <li>• Access to the admin building during opening hours.</li> <li>• Better staff availability.</li> <li>• No overtime costs.</li> </ul> | <ul style="list-style-type: none"> <li>• May conflict with Councillors existing priorities.</li> </ul>   |
| Night time meetings | Provides better access for people who work during the day.  | <ul style="list-style-type: none"> <li>• Staff availability and cost of overtime.</li> <li>• Meal costs.</li> <li>• May conflict with Councillors existing priorities.</li> <li>• Risk to staff travelling home at night.</li> </ul> |

The meeting day could also be moved to earlier in the week, for example Tuesday or Wednesday. This would ensure Councillors would receive the agenda papers prior to the weekend for preparation for the meeting.

A typical Council months schedule would look like the following:

|   |                                   |
|---|-----------------------------------|
| Notices of Motion required by:                    | 9.00am Monday 18 November 2024    |
| Questions with Notice required by:                | 9.00am Monday 18 November 2024    |
| Agenda emailed:                                   | 5.00pm Wednesday 20 November 2024 |
| Public Delegation Requests and Speaking notes by: | 11.00am Tuesday 26 November 2024  |
| <b>Council Meeting Date:</b>                      | Tuesday 26 November 2024          |

**CONSULTATION:**

Executive Leadership Team.  
Business Services Coordinator

**SUSTAINABILITY ASSESSMENT:**

Not applicable

**FINANCIAL IMPLICATIONS:**

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

Day time meetings will save approximately \$14,000 on staff overtime and meal costs.

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

Not applicable

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

Not applicable

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

There are a number of staff who travel after council meetings at night which places them at risk.

**ATTACHMENTS:**

There are no attachments for this report.

**GENERAL MANAGER'S REPORT****ITEM 9.5 SF3284 171024 COUNTBACK ELECTION INSTEAD OF BY-ELECTION****AUTHOR/ENQUIRIES:** Matthew Sykes, Director Corporate Services**SUMMARY:**

Section 291A of the *Local Government Act 1993* provides for a countback to be held instead of a by-election in certain circumstances, particularly if a vacancy arises in the first 18 months following a general election. This is primarily to save councils the cost of conducting a by-election, which in Nambucca Valley Council's case would cost in excess of \$100,000. Expenses incurred by the Electoral Commission in a countback are also to be paid by Council but these are considered far less than a by-election.

Council at its first Ordinary Meeting following the ordinary election of councillors can resolve that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office. If it doesn't then a by-election must be held.

**RECOMMENDATION:****That Council:**

- 1 Pursuant to Section 291A(1)(b) of the *Local Government Act 1993* (the Act) Nambucca Valley Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors held on 14 September 2024, are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act.**
- 2 Notifies the Electoral Commissioner of NSW of the Council's decision within 7 days of the resolution.**

**OPTIONS:**

- 1 Per the recommendation.
- 2 Alternate option - reject the recommendation and conduct a by-election if a casual vacancy arises within 18 months of the election.

**DISCUSSION:**

Section 291A of the Act is reprinted below for Council's information;

**LOCAL GOVERNMENT ACT 1993 - SECT 291A**

Countback to be held instead of by-election in certain circumstances

**291A Countback to be held instead of by-election in certain circumstances**

- (1) This section applies to a casual vacancy in the office of a councillor if--
  - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
  - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected--
  - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or
 

**Note** : See [section 285](#) (Voting system for election of councillors).
  - (b) in an election without a poll being required to be held.
 

**Note** : See [section 311](#) (Uncontested elections).

---

**ITEM 9.5 COUNTBACK ELECTION INSTEAD OF BY-ELECTION**

---

(3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.

(4) A countback election to fill a casual vacancy to which this section applies must be conducted--  
(a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner--by a returning officer appointed by the Electoral Commissioner, or  
(b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council--by a returning officer appointed by the electoral services provider.

(5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election--  
(a) the returning officer must notify the general manager of the council concerned, and  
(b) a by-election in accordance with this Part must be held to fill the casual vacancy.

(5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.

(6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

Clause 393C of the *Local Government (General) Regulation 2021* is also reprinted below for Council's information;

**LOCAL GOVERNMENT (GENERAL) REGULATION 2021 - CLAUSE 393C**

Countback elections

**393C Countback elections**

(1) A countback election referred to in section 291A of the Act is to be carried out in accordance with Schedule 9A.

(2) For the purpose of section 291A (6) of the Act the prescribed day is 12 September 2020.

(3) If a council resolves, at its first meeting following an ordinary election of councillors for the area, that a countback election is to be held to fill any casual vacancy that occurs within 18 months after the date of that ordinary election, the general manager is to notify the election manager of the ordinary election within 7 days of the resolution.

Schedule 9A can be found at <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2021-0460#sch.9A>

**CONSULTATION:**

Office Local Government  
NSW Electoral Commission

**SUSTAINABILITY ASSESSMENT:** Nil**Risk**

A count back reduces Council's financial risk as no funds are provided in the budget for a by-election.

**FINANCIAL IMPLICATIONS:** Nil**ATTACHMENTS:**

There are no attachments for this report.

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.6 SF45 171024 2024 LGNSW ANNUAL CONFERENCE VOTING DELEGATES**

---

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

**SUMMARY:**

The 2024 Local Government NSW (LGNSW) Annual Conference will be held from Sunday 17 to Tuesday 19 November 2024 in Tamworth.

Nambucca Valley Council is categorised as a Regional Rural Council, and allocated three voting delegate positions at the LGNSW annual conference.

Council needs to determine who will be the three voting delegates. Last year it was the Mayor and two other Councillors attending the conference.

**RECOMMENDATION:**

**That Council:**

- 1 Nominates the four Councillors to attend the 2024 LGNSW Annual Conference**
- 2 Determines its three Councillor voting delegates for the 2024 LGNSW Annual Conference.**

**OPTIONS:**

A maximum of three voting delegates is allowed for Nambucca Valley Council however Council may choose a lesser number. Council may also send additional delegates

**DISCUSSION:**

Early Bird registrations closed on 25 September 2024, but standard registrations are still open. Council has purchased tickets for four Councillors to attend as per previous years conference. Voting delegates are to be nominated by Wednesday 6 November 2024.

Further information can be found on the LGNSW Website at: <https://lgnswconference.org.au/>

**CONSULTATION:**

LGNSW  
Mayor

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Nil impacts

**Social**

Nil impacts

**FINANCIAL IMPLICATIONS:**

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

Attendance and accommodation costs for four Councillors has been budgeted for in the 2024/25 Budget.

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

The only staff member attending is the General Manager.

**ATTACHMENTS:**

There are no attachments for this report.

**GENERAL MANAGER'S REPORT**

**ITEM 9.7 SF842 171024 COUNCIL ADVISORY COMMITTEES**

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

**SUMMARY:**

The report lists the committees which operated over the previous term of Council and which now require new Councillor representatives.

**RECOMMENDATION:**

**That Council appoints representatives to the list of Advisory Committees as shown in the report.**

**OPTIONS:**

The Council largely has discretion as to the committee structure it uses and the delegation of authority which it provides to those committees. A number of committees and their functions such as Audit, Risk and Improvement Committee as well as the Local Traffic Committee are outside Council's control.

There are a number of factors to be considered in determining the value or cost effectiveness of Advisory Committees. Without limiting the range of considerations, the following should be considered in the establishment of any Committee.

- Whether or not the subject matter is important and complex, requiring more detailed scrutiny and consideration than could be afforded through Council's normal twice monthly meetings.
- Whether or not Council's consideration of the matter could be improved by having members of the public or representatives of government departments with particular knowledge or expertise providing advice in a process separate to Council's normal twice monthly meetings.
- Whether or not the number and/or timing of decisions which need to be made in relation to a matter will require the delegation of authority to a Committee instead of decisions being made by Council at its normal twice monthly meetings.
- Whether or not the consultative opportunities provided by a Committee may improve public participation in decision making over and above what could be achieved through Council's normal processes for community engagement.

**DISCUSSION:**

A brief summary of Council's Committees which have operated over the previous term are as follows:

| <b>Committee</b>     | <b>Recommended Council representation</b>  | <b>Terms of Reference</b>   |
|----------------------|--|---|
| Access Committee     | 1 Councillor<br>Alternate Delegate   | To advise on strategies which aim to ensure that the Nambucca Valley becomes an accessible community to all people, regardless of their abilities/ disabilities.  |
| Arts Mid North Coast | Cr Susan Jenvey until 30 June 2025<br><br>1 Councillor from 1 July 2025 for the remainder of the Council term. | This is not a committee of Council but rather a regional arts body which receives funding from councils and the State Government and whose mission is to foster and support the creative arts on the Mid North Coast.<br><br>Any Council nomination can only be appointed for a maximum of two consecutive terms. The current term finishes 30 June 2025. Each term is 4 years. |

**ITEM 9.7 COUNCIL ADVISORY COMMITTEES**

|   |   |   |
|---|---|---|
| Audit, Risk & Improvement Committee   | 1 non-voting Councillor excluding the Mayor | Committee must review the following aspects of the Council's operations: compliance, risk management; fraud control; financial management; governance; implementation of strategic plan, delivery program and strategies; service reviews; collection of performance measurement data by the Council; any other matters prescribed by regulation.   |
| Clean Energy Committee  | 2 Councillors                               | To provide advice to Council in respect of:<br>The status of Council's Climate Change Adaptation Plan<br>The implementation of the Climate Change Adaptation Fund of the Environmental Levy<br>Activities related to Council's membership with the Sustainability Advantage Program<br>The sustainable management of Council assets<br>Identifying opportunities for investment in green/sustainable enterprises<br>Promoting capacity building & sustainability education in the community<br>External funding applications/projects and programs related to sustainability.   |
| General Manager's Performance Review Committee  | Mayor, Deputy Mayor and 2 Councillors       | Council must undertake a minimum annual review of the General Manager's performance and is facilitated by an independent consultant.  |
| Land Development Committee  | All Councillors                             | The Council has an extensive property portfolio that comprises both operational and community land. The portfolio requires strategic management. The Committee has met infrequently, mainly because many property matters have been reported direct to Council meetings.  |
| Local Traffic Committee (please note that despite the name, the Committee is not a committee of Council but rather the TfNSW) | 1 Councillor                                | Primarily a technical review committee which is required to advise the Council on matters referred to it (as per the guide to the delegation to councils for the regulation of traffic).<br><br>The committee comprises of 1 Councillor and representatives from NSW Police, TfNSW and Local State Member or their nominee.   |
| Lower North Coast Bushfire Management Committee   | 1 Councillor                                | The Committee is responsible for the Lower North Coast Bushfire Risk Management Plan preparation and review for Kempsey and Nambucca LGA's. It meets quarterly.   |
| Nambucca Bushfire Management Committee  | 1 Councillor                                | The Committee is primarily concerned with planning for hazard reduction and meets quarterly.  |
| Nambucca Valley Catchments and Coastline Management Committee   | 3 Councillors                               | Provides advice for future management of Nambucca LGA's river estuaries, coastal floodplains, coastal zone and flood risk in accordance with the NSW Coastal Policy, Flood Policy, State Rivers and Estuary Policy and NSW Wetlands Policy.<br>To provide feedback on various investigations and studies that are required to evaluate flood risk, coastal zone and estuarine management options.<br>Provide feedback to Council in the preparation of Flood, Estuary and Coastal Zone Management Plans for all Nambucca Valley's estuaries and coasts in accordance with the State Government Flood, Coast and Estuary Management Manuals.<br>Assist Council in obtaining funding for works and projects that are identified as scheduled actions in Flood, Estuary and/or Coastal Management Plans; deemed necessary to effect improved management of coastal and estuary systems prior to the development of such plans. |

**ITEM 9.7 COUNCIL ADVISORY COMMITTEES**

|   |               |   |
|---|---------------|---|
|   |               | Act as an advisory body to Council on coastal and estuary issues.<br>Provide a forum for open discussion, debate and education on coast, flood and estuary issues.<br>Provide linkages to other natural resource management committees, the catchment management board and community/stakeholder groups.  |
| NSW North Coast Weed Advisory Committee | 1 Councillor  | The objectives of the Committee are to promote awareness of noxious and environment weeds, to recommend weed policy, and to educate and train people in all matters pertaining to weeds. The Committee meets about quarterly.   |
| Vehicular Access to Beaches Committee   | 1 Councillor  | Council has a policy of permitting authorised and licensed motor vehicles to gain access to designated beach areas and the Committee meets to address the implementation of the policy including standard of access, signage, repairs to access, fees etc. This Committee generally only meets twice a year to assess beach access points and any repairs which might be necessary. |
| VUGA Project Control Group (PCG)        | 3 Councillors | Valla Urban Growth Area Project Control Group oversees the development and implementation of both the new industrial and residential subdivisions at Valla.   |

**CONSULTATION:**

Nil

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk**

The main risk concerns the opportunity cost of Councillors and staff applying their limited time to supporting the operation of committees. All committees need to be able to demonstrate that better outcomes were achieved through their deliberations than would have occurred without them.

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

There is no budgetary impact

**Source of fund and any variance to working funds**

There is no impact on working funds

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

The management of committees can require a significant commitment of staff time. This arises out of the preparation and circulation of agendas, attending meetings, responding to questions and proposals from committee members as well as preparing and actioning minutes. The commitment of staff time is a cost borne by the organisation so requires careful consideration. Of course there are also time and expense costs incurred by committee members other than Council staff which also need to be considered.

**ATTACHMENTS:**

There are no attachments for this report.

---

**GENERAL MANAGER'S REPORT**

---

**ITEM 9.8 SF842 171024 COUNCIL SECTION 355 COMMITTEES**

---

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

**SUMMARY:**

Section 355 of the *Local Government Act 1993* states:

*355 How a council may exercise functions*

*A function of a council may, subject to this Chapter, be exercised—*

*(a) by the council by means of the councillors or employees, by its agents or contractors, by financial provision, by the provision of goods, equipment, services, amenities or facilities or by any other means, or*

***(b) by a committee of the council, or***

*(c) partly or jointly by the council and another person or persons, or*

*(d) jointly by the council and another council or councils (including by means of a joint organisation or a Voluntary Regional Organisation of Councils of which the councils concerned are members), or*

*(e) by a delegate of the council (which may, for example, be a joint organisation or a Voluntary Regional Organisation of Councils of which the council is a member).*

Council has many Section 355 Committees managing Council facilities and also staging community events. Council has previously resolved that a roster be developed for the attendance of either Councillors or the General Manager or his nominee at the Annual General Meeting (AGM) of each Committee of Management.

After a general council election all committees must be re-advertised and nominations sought and subsequently approved by Council. This is currently underway.

**RECOMMENDATION:**

**That Council:**

- 1 Dissolves the Local Disaster Recovery Committee**
- 2 Allocates Councillors to the various Section 355 Committees.**

**DISCUSSION:**

Councillors are, by virtue of their office (ex officio) entitled to attend all meetings of Committees of Council.

However, although Councillors may attend in an ex officio capacity they do not necessarily have a right to vote. That right to vote attaches to the appointment as a representative or member or delegate as appropriate.

The involvement of a Council representative in the AGM's is valued by the Committees as it links them to Council's administration and provides an opportunity to respond to any particular operational questions or problems they might have.

The current Section 355 committees are shown in the following table along with the previous representative from Council. Whilst Council staff endeavour to ensure that Section 355 Committees provide adequate notice of their AGM's, if a rostered person is unable to attend an AGM for whatever reason, then that person should organise a replacement.



**ITEM 9.8 COUNCIL SECTION 355 COMMITTEES**

| <b>COMMITTEE OF MANAGEMENT</b>                | <b>ROSTER FOR AGM ATTENDANCE</b>       |
|---|--|
| Argents Hill Hall                             | 1 Councillor                           |
| Bowraville Sports Ground (Hennessy Tape Oval) | 1 Councillor                           |
| Burratine Public Hall                         | 1 Councillor                           |
| Coronation Park                               | 1 Councillor                           |
| EJ Biffin Playing                             | 1 Councillor                           |
| Eungai District Soldiers Memorial Hall        | 1 Councillor                           |
| Local Disaster Recovery Committee             | Recommend this committee be dissolved. |
| Macksville Park and Sports                    | 1 Councillor                           |
| Mary Boulton Pioneer Cottage and Museum       | 1 Councillor                           |
| Missabotti Community Centre                   | 1 Councillor                           |
| Nambucca District Band                        | 1 Councillor                           |
| Nambucca District Historical Society & Museum | 1 Councillor                           |
| Nambucca Community and Arts Centre            | 1 Councillor                           |
| National Celebration Day Committee            | Mayor, 2 Councillors                   |
| North Macksville Playing Fields & Soccer Club | 1 Councillor                           |
| Scotts Head Sports Field                      | 1 Councillor                           |
| South Arm Hall                                | 1 Councillor                           |
| Talarm Hall and Welsh Pioneer Park            | 1 Councillor                           |
| Taylor's Arm Hall                             | 1 Councillor                           |
| Taylor's Arm Sports Reserve                   | 1 Councillor                           |
| Unkya Reserve                                 | 1 Councillor                           |
| Utungun Community Hall                        | 1 Councillor                           |
| Valla Beach Community Association             | 1 Councillor                           |
| Valla Public Hall                             | 1 Councillor                           |
| Warrell Creek Public Hall                     | 1 Councillor                           |
| We're Here                                    | 1 Councillor                           |

**CONSULTATION:**

Nil

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk**

There are no risks associated with this report.

**FINANCIAL IMPLICATIONS:**

Nil

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

Nil

**ATTACHMENTS:**

There are no attachments for this report.

**GENERAL MANAGER****ITEM 9.9 SF959 171024 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 |
|--|-------------|----------------------|-----------|
| <b>OCTOBER 2022</b>  |             |                      |           |
| 1  | SF3168      | 13/10/22             | MDE       |
| <b>RESOLUTION: Notice of Motion - Future Waste Operations Post 2027 - Discussion with Councils</b>   |             |                      |           |
| That in consultation and possible partnership with Bellingen Shire Council, Nambucca Valley Council seek a meeting or meetings with nearby Councils (Port Macquarie-Hastings, Kempsey, Bellingen, and Coffs Harbour) to discuss potential options for waste arrangements post early 2027 when the current Coffs Coast Waste contracts are due to expire. |             |                      |           |
| <b>STATUS:</b>   |             |                      |           |
| 19/10/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022.  |             |                      |           |
| 02/11/22 Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey.   |             |                      |           |
| 15/11/22 Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils.  |             |                      |           |
| Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022.  |             |                      |           |
| 01/02/23 Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils.  |             |                      |           |
| 16/02/23 Virtual meeting arranged for 22 March 2023.   |             |                      |           |
| 20/03/23 Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated.  |             |                      |           |
| 22/03/23 Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils.  |             |                      |           |
| 30/03/23 Item to remain open at the request of Cr Jenvey.  |             |                      |           |
| 05/04/23 Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised.   |             |                      |           |
| 13/04/23 Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council.  |             |                      |           |
| 14/04/23 Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time.  |             |                      |           |
| 19/04/23 Meeting to be arranged by EPA.  |             |                      |           |
| 03/05/23 The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity.  |             |                      |           |
| 17/05/23-7/06/23 Waiting for response from EPA.  |             |                      |           |
| 21/06/23-4/07/23 Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue.   |             |                      |           |
| 19/07/23 Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence's facilities is currently being undertaken.                                    |             |                      |           |
| 09/08/23 No further update.  |             |                      |           |
| 23/08/23 Refer to separate report with update.   |             |                      |           |
| 06/09/23-17/04/24 No further update.   |             |                      |           |
| 17/04/24 Meeting scheduled with PMHC for 29 April 2024.  |             |                      |           |
| 09/05/24 Met with PMHC and sharing information to progress the discussion.   |             |                      |           |
| 22/05/24-03/07/24 No further update.   |             |                      |           |
| 17/07/24 Exchanging information with PMHC to further progress discussions.   |             |                      |           |

**ITEM 9.9 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.  
 03/09/24 Joint application for grant funding to further investigate potential waste management and collection options being submitted. Draft MOU not yet received.  
 08/10/24 No further update.

| MAY 2023 |        |          |    |
|----------|--------|----------|----|
| 2        | SF2524 | 25/05/23 | GM |

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

**STATUS:**  
 31/05/23 Followed up with NHRSL Club who will revert with decision on acceptance of lease by 2/6/23.  
 07/06/23 Meeting with RSL representatives to be held 07/06/23.  
 20/06/23 Councillors updated at meeting 15/06/23 - NHRSL Club advised of Council's position. No response to hand at this stage.  
 04/07/23 NHRSL Club has responded requesting a further meeting with Nambucca Valley Council.  
 19/07/23 A meeting took place on 11 July 2023 with the RSL to organise a meeting between the RSL Board and Council.  
 09/08/23 Lease not yet executed. Awaiting completion of Council's stormwater remediation project to be commenced imminently.  
 23/08/23 The General Manager met with the RSL on 18 August 2023 and the lease will be discussed at their Board Meeting 30 August 2023. The stormwater is 50% completed.  
 06/09/23 NHRSLCL have advised they will suspend signing the lease due to new issue presented during the stormwater rectification project – being a sinkhole and large cavity requiring remediation. Council's Project Manager is liaising with RSL's Stakeholder Liaison from C2Hills Consultancy and seeking involvement from NSW Public Works.  
 20/09/23 Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required.  
 04/10/23 Manager Projects has advised that NSW Public Works have undertaken their first review of Council's submission for funding. PWA have said that they will cover:  
 - The full length of stormwater pipe replacement except for the first 12m  
 - The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench  
 - The concrete carpark for 3 car parking bays out of 7.  
 This is pending the final review by PWA which could be in 2 weeks.  
 17/10/23 The Club have advised they do not wish to proceed with execution of the new licence until the current carpark works being done by Council are completed, or at least have progressed significantly.  
 Council has had verbal commitment from NSW PWA (Public Works) to provide partial, but significant funding to the rectification works, however an executed funding deed has not yet been received. Once written confirmation has been received, Council will proceed to engage the contractors to undertake the identified works – including the sink hole cavities presented once the stormwater project commenced. This step will enable focus back to progressing the execution of the new licence agreement.  
 02/11/23 Meeting on-site with NHRSL CEO and Project Manager; AMED & Manager Projects to walk through issues identified with sink holes, cavities and current rectification works. Need has been identified that there is a much larger 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.

**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

08/05/24 Meeting held with RSL representatives 01/05/24. Project Engineer provided budget for works to complete sub surface drainage and resurface works. Club asked for co-contribution of \$169,000 maximum (together with TfNSW funding) to complete full resurface works. This would be best opportunity for cost efficiency, and leave only the landscaping to complete works. Club Representatives agreed in principal, with further information to be supplied for review by Board. Should board agree to co-contribute, Agreement to be drafted and signed by both parties which will include commitment to enter into new lease.

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

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

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.

21/08/24-20/08/24 No further update.

03/09/24 Linemarking contractor engaged to undertake work, awaiting surveying resources to be available to spot the car park.

08/10/24 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 Bawrrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP's of other organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, 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

**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

scheduled for 28 March 2024. The CDO has also engaged in mentoring to improve his understanding and skills in facilitating meetings with aboriginal communities. The CDO will also attend the screening of a Cultural Burns Journey 2024 in Macksville on the 27 March 2024.

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

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

Nambucca Aboriginal Land Council, Bowraville Aboriginal Land Council, Unkya Aboriginal Land Council, Jaanymili Bawrungga Association, Muurrbay Aboriginal Language and Cultural Cooperative, Ngurrala Aboriginal Corporation and Miimi Aboriginal Corporation. The apparent lack of interest in the meeting was discussed with Cr M Ballangarry on the 27 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.

21/08/24-03/09/24 No further update.

08/10/24 New Community Development Officer re-engaging LALCs and Aboriginal Organisations for interest in memberships of Aboriginal Advisory Committee and progressing further projects for Aboriginal community.

**AUGUST 2023**

|          |        |          |     |
|----------|--------|----------|-----|
| <b>4</b> | 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.

03/09/24 Meeting scheduled for GM/DES/MEDT on 18/09/24.

08/10/24 Mayor and GM met with the Nambucca Heads Island Golf Club and Michael Kemp MP on the issues with the causeway.

**DECEMBER 2023**

|          |        |          |    |
|----------|--------|----------|----|
| <b>5</b> | 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.

20/02/24-08/10/24 No change, registration process underway at NSW Land Registry Service.

**JANUARY 2024**

|          |       |          |     |
|----------|-------|----------|-----|
| <b>6</b> | 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

**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

| <p>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.<br/>                 15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.<br/>                 04/06/24 Detailed survey pending.<br/>                 18/06/24 No further update.<br/>                 02/07/24 Survey Brief under development.<br/>                 16/07/24 Survey Brief issued. Site survey being determined.<br/>                 07/08/24-08/10/24 No further update.</p>  |        |          |     |
|---|--------|----------|-----|
| APRIL 2024  |        |          |     |
| 7   | SF3422 | 11/04/24 | DES |
| <p><b>RESOLUTION: Request to name side road and correct rural addressing</b><br/>                 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.<br/>                 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.<br/>                 3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.</p>  |        |          |     |
| <p><b>STATUS:</b><br/>                 17/04/24 No update.<br/>                 08/05/24 Site plan developed for consultation with community.<br/>                 21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW (GNB) for approval.<br/>                 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.<br/>                 18/06/24 Pending response from Muurrbay Aboriginal Language Centre.<br/>                 01/07/24 Pending response from Muurrbay Language &amp; Culture Coop and Bowraville LALC.<br/>                 17/07/24 No further update.<br/>                 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.<br/>                 21/08/24 An email being sent to remind the organisations of the 2 September closing date.<br/>                 03/09/24 Submission period is now closed.<br/>                 08/10/24 No submissions received. Resubmitted to NSW Geographical Names Board for consideration.</p>   |        |          |     |
| 8   | SF2381 | 11/04/24 | MDE |
| <p><b>RESOLUTION: Horticulture within the Nambucca Valley</b><br/>                 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>   |        |          |     |
| <p><b>STATUS:</b><br/>                 17/04/24-09/05/24 Planning proposal to be drafted and sent to the Minister.<br/>                 22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.<br/>                 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.<br/>                 19/06/24 Amended planning proposal resubmitted to the Minister for gateway determination.<br/>                 02/07/24 Awaiting response from Minister on the planning proposal. Letters from Ministers attached in regards to funding of regulatory bodies.<br/>                 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.<br/>                 07/08/24 Refer to separate report regarding draft DCP controls.<br/>                 21/08/24-03/09/24 The planning proposal is on public exhibition until 25 September 2024.<br/>                 08/10/24 Exhibition extended to 2 October 2024. To be reported to Council meeting on 31 October 2024.</p> |        |          |     |
| 9   | SF3477 | 11/04/24 | MDE |
| <p><b>RESOLUTION: Valla Urban Growth Area Amendment</b><br/>                 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.<br/>                 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.<br/>                 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>   |        |          |     |

**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

|   |        |          |            |
|---|--------|----------|------------|
| <b>STATUS:</b><br>17/04/24 Awaiting final maps for planning proposal before forwarding to Minister.<br>09/05/24 Final maps received and will be sent to Minister.<br>22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.<br>05/06/24-19/06/24 No further update.<br>02/07/24 Request for further information received from Minister with option to withdraw until information obtained.<br>17/07/24 Planning proposal being amended.<br>07/08/24 No further update.<br>21/08/24-03/09/24 Planning proposal still to be amended and will be resubmitted once complete as the previous one was refused.<br>08/10/24 Planning proposal amended and re-submitted to Minister for gateway determination.  |        |          |            |
| <b>MAY 2024</b>   |        |          |            |
| <b>10</b>   | SF983  | 16/05/24 | <b>MDE</b> |
| <b>RESOLUTION: Plan of Management for the Faringdon Fields</b><br>That Council<br>4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.   |        |          |            |
| <b>STATUS:</b><br>21/05/24-5/06/24 No further update.<br>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.<br>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.<br>07/08/24-03/09/24 The draft Plan of Management is on public exhibition until 16 September 2024.<br>08/10/24 To be reported to 31 October Council meeting.   |        |          |            |
| <b>11</b>   | SF3327 | 30/05/24 | <b>GM</b>  |
| <b>RESOLUTION: Albert Drive Warrell Creek - Proposed 9 Lot Subdivision of - Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127</b><br>That Council<br>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.   |        |          |            |
| <b>STATUS:</b><br>04/06/24 No further update.<br>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.<br>01/07/24 No further update.<br>17/07/24 Letter has been sent to resident.<br>07/08/24-03/09/24 Signed agreement received. Awaiting DA assessment by external planner and both items to be reported to Council together.<br>08/10/24 DA report to Council 17 October 2024.   |        |          |            |
| <b>JUNE 2024</b>  |        |          |            |
| <b>12</b>   | SF3409 | 27/06/24 | <b>DCS</b> |
| <b>RESOLUTION: Minutes of the Nambucca Valley Council Access Committee meeting held 4 June 2024</b><br>That Council:<br><del>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.</del>   |        |          |            |
| <b>STATUS:</b><br><del>02/07/24 Data from the Access and Inclusion Survey to be included in the scope of the Community Strategic Plan<br/>15/07/24 Community Strategic Plan currently being development with Locale. Further Information will be reported to Council at the August Council Meeting<br/>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 current challenges across the Valley for people with disabilities. Invitations will be issued on Friday 9 August. Stakeholders will be surveyed more extensively to garner feedback on challenges and concerns relating to employing people with disabilities which will add valuable insight into the development of the Community Strategic Plan.<br/>21/08/24 No further update<br/>03/09/24 Both the Stakeholder Event and Business Survey failed to attract a strong response. The survey will be left open for a few more weeks to facilitate a greater increase in the response. The Manager of Technical Services provided an update on infrastructure projects relative to Council's Access and Inclusion Plan.</del> |        |          |            |

**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

| JULY 2024  |        |          |          |
|--|--------|----------|----------|
| 13   | SF3409 | 11/07/24 | DES      |
| <p><b>RESOLUTION: Public Forum</b><br/>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.</p> <p>i Mr Brett Etchells – on behalf of South Arm Hall Committee – Welcome<br/>ii Ms Ilse Noble - on behalf of South Arm Hall Committee - Proposal of modernising the hall and toilets<br/>iii Ms Anama Tesser – Condition of South Arm Road<br/>iv Mr Robert McKay – Access road to Bowraville Recreation Club<br/>v Ms Joy van Son - On behalf of the Roads Actions Group – Road maintenance in the Shire, Antenno and communication<br/>vi Ms Joy van Son - Removal of timber next to South Arm Hall</p>   |        |          |          |
| <p><b>STATUS:</b><br/>15/07/24-07/08/24 Circulated to relevant responsible officers in preparation of report to Council in September.<br/>03/09/24 Report now programmed for the October Council meeting.<br/>08/10/24 Report to 31 October Council meeting.</p>   |        |          |          |
| 14   | SF3409 | 11/07/24 | MDE      |
| <p><b>RESOLUTION: Planning Proposal - 44 Kookaburra Road, Bowraville</b><br/>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.<br/>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.<br/>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>  |        |          |          |
| <p><b>STATUS:</b><br/>15/07/24 No further update.<br/>07/08/24-21/08/24 Planning proposal forwarded to Minister and awaiting determination.<br/>03/09/24 Gateway determination received. Planning proposal on exhibition until 8 October 2024.<br/>08/10/24 Results of exhibition to be reported to Council on 31 October 2024.</p>  |        |          |          |
| 15   | SF382  | 25/07/24 | DES      |
| <p><b>RESOLUTION: Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands.</b><br/>That Council:<br/>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.<br/>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.<br/>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><b>STATUS:</b><br/>07/08/24 Consultation meeting to be scheduled with Reflections Holiday Parks, NPWS and Scotts Head community representatives/stakeholders.<br/>21/08/24-08/10/24 No further update. Remembrance wall to be included in the discussions around the new Master Plan.</p>   |        |          |          |
| AUGUST 2024  |        |          |          |
| 16   | SF3422 | 15/08/24 | GM / MDE |
| <p><b>RESOLUTION: Strategies and Plans for Affordable Housing</b><br/>That Council:<br/>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.<br/><del>2 Considers affordable housing for inclusion in the Community Strategic Plan.</del><br/>3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs.<br/>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><b>STATUS:</b><br/>21/08/24 No further update.<br/>03/09/24 Point 2 – submitted to contractor for consideration in the Community Strategic Plan.<br/>08/10/24 No further update.</p>  |        |          |          |



**ITEM 9.9 OUTSTANDING ACTIONS AND REPORTS**

|   |        |            |            |
|---|--------|------------|------------|
| <b>17</b>   | SF3114 | 29/08/24   | <b>DES</b> |
| <b>RESOLUTION: Review of the Bowraville Theatre Project</b>   |        |            |            |
| That Council:   |        |            |            |
| 1 Works with the Bowraville Arts Council to explore options to move the project forward including designs and approvals on the existing proposal or a reduced project scope and a financial analysis of the options.  |        |            |            |
| 2 Create a project group including Councillors and Arts Community representation to report back to Council.   |        |            |            |
| 3 Lobby State and Federal governments for additional funding to support the construction of the Bowraville Theatre Project.   |        |            |            |
| <b>STATUS:</b>  |        |            |            |
| 03/09/24 No further update.   |        |            |            |
| 08/10/24 Proposal submitted to funding body to de-scope the current project and deliver on some key facility upgrades. For example, disability access upgrades and some electrical upgrades. It will take 6-8 weeks for the assessment to be undertaken by the funding body and communicated back to Council.   |        |            |            |
| <b>SEPTEMBER 2024</b>   |        |            |            |
| <b>18</b>   | SF3422 | 12/09/2024 | <b>DES</b> |
| <b>RESOLUTION: Notice of Motion – Council Motor Vehicle Leaseback Policy</b>  |        |            |            |
| That Council:   |        |            |            |
| 1 Refers future reviews of the Motor Vehicle Leaseback Policy to the Audit Risk and Improvement Committee for consideration prior to adoption.  |        |            |            |
| 2 When priorities permit and in consultation with staff ARIC compare the financial and administrative efficiency of the current leaseback arrangements with the option of providing pool vehicles offset with an additional salary component for affected staff.  |        |            |            |
| <b>STATUS:</b>  |        |            |            |
| 08/10/24 We have reached out to a couple of Councils that provide allowances for vehicles to understand their policy and process in determining providing allowances for leaseback vehicles.  |        |            |            |
| <b>19</b>   | SF3422 | 12/09/2024 | <b>GM</b>  |
| <b>RESOLUTION: Notice of Motion – Australia Post Infrastructure Expansion</b>   |        |            |            |
| That Council writes to the Chief Executive Officer of Australia Post requesting an infrastructure expansion to cater for current and future services provided by Macksville Post Office.  |        |            |            |
| <b>STATUS:</b>  |        |            |            |
| 08/10/24 No further update.   |        |            |            |
| <b>20</b>   | SF3422 | 12/09/2024 | <b>GM</b>  |
| <b>RESOLUTION: Notice of Motion – Bowraville Healthcare</b>   |        |            |            |
| That Council:   |        |            |            |
| 1 Writes to the Minister of Health requesting the provision of funding for additional General Practitioner hours at the Bowraville Health One facility in order to improve health outcomes for Bowraville and surrounding residents and reduce the extensive waiting list   |        |            |            |
| 2 Makes a submission to the New South Wales Government's Special Commission of Inquiry into Healthcare Funding supporting the Bowraville General Practitioner funding arrangements as a means of effectively and efficiently delivering high quality, timely, equitable and accessible patient-centred care and health services to rural and disadvantaged communities. |        |            |            |
| <b>STATUS:</b>  |        |            |            |
| 08/10/24 No further update.   |        |            |            |
| <b>21</b>   | SF226  | 12/09/2024 | <b>MDE</b> |
| <b>RESOLUTION: Fenced Off Leash Dog Park</b>  |        |            |            |
| That Council exhibits the potential locations for fenced off leash dog parks as listed in this report for a period of 21 days and that any submissions received will be reported back to Council for consideration.   |        |            |            |
| <b>STATUS:</b>  |        |            |            |
| 08/10/24 Exhibition period closes 21 October 2024.  |        |            |            |

**ATTACHMENTS:**

There are no attachments for this report.

---

**DIRECTOR CORPORATE SERVICES REPORT**

---

**ITEM 10.1 SF42 171024 OLG COUNCILLOR CONDUCT AND MEETING PRACTICES A NEW FRAMEWORK - DISCUSSION PAPER**

---

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

**SUMMARY:**

On 5 September 2024 the Office of Local Government (OLG) issued OLG Circular 24-17 'Councillor conduct and meeting practices – a discussion paper' – see attached. In the Circular OLG advised that the Councillor Conduct Framework is under review with the aim to facilitate and support local decision making. Along those lines OLG issued the 'Councillor conduct and meeting practices – A new framework discussion paper' – see attached. OLG are seeking the views of the community, key stakeholders, and the local government sector about the proposed changes and are requesting that submissions on the discussion paper are made to the OLG by 15 November 2024.

**RECOMMENDATION:**

**That:**

- 1 Council notes the Office of Local Government 'Councillor conduct and meeting practices – A new framework discussion paper'.**
- 2 Councillors can either make a submission individually or send their feedback to the Director Corporate Services by 14 November 2024 to make a submission on behalf of Council.**

**OPTIONS:**

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

**DISCUSSION:**

The NSW Government has proposed reforms to limit councillor misconduct and improve transparency by simplifying and improving a system widely seen as dysfunctional.

In the attached 'Councillor conduct and meeting practices – A new framework discussion paper' discussion the NSW government outlines a revamp of the current framework to reduce the number of trivial complaints lodged under the current Model Code of Conduct, which has become an administrative burden for councils. In the last three years, 4289 code of conduct complaints were lodged forcing councils to divert resources from essential services to handle these disputes.

The proposed framework will be based on the following principles of change:

- Council leadership and decision making is paramount
- Freedom of speech is fundamental
- Transparency and accountability are maintained
- Issues are dealt with at the most immediate or local level
- A strong and proportionate local government regulator
- Justice is timely and proportionate
- Significant penalties should only be imposed by a judicial or quasi-judicial body

The new proposal suggests condensing the current Model Code of Conduct which is sixty two pages (see <https://www.olg.nsw.gov.au/wp-content/uploads/2020/08/Model-Code-of-Conduct-2020.pdf>) to two or three pages, similar to the framework used for state parliamentarians in order to establish clear, concise behavioural expectations for the state's 1,300 councillors.

Minor breaches under the proposal would be managed by a councillor's peers, while serious issues, such as conflicts of interest, would be escalated to the OLG for investigation and prosecution. However,

**ITEM 10.1 OLG COUNCILLOR CONDUCT AND MEETING PRACTICES A NEW FRAMEWORK - DISCUSSION PAPER**

significant sanctions (such as suspension, financial penalties or disqualification) will only be made by an appropriate tribunal (such as NCAT).

The options presented in this discussion paper put the burden back on addressing and resolving issues of councillor misbehaviour at the local Council level, rather than escalating complaints for the NSW government or private investigators to fix.

Key changes outlined in the discussion paper include:

1. The formation of a Local Government Privileges Committee to address councillor misconduct.
2. Banning private councillor briefing sessions, except in limited cases i.e. As the leader of the organisation, the mayor needs to have candid conversations with the general manager outside of formal meetings.

The proposed framework would also give mayors greater authority to expel councillors from meetings for acts of disorder, and remove councillors’ entitlements for a month if they are found guilty of such misconduct.

Feedback on the reforms are being sought from the general public, councils, individual councillors and council staff with submissions open until 15 November 2024. Feedback can be provided by either using the online form (see <https://www.olg.nsw.gov.au/councils/misconduct-and-intervention/councillor-conduct-framework/>), in writing to [councillorconduct@olg.nsw.gov.au](mailto:councillorconduct@olg.nsw.gov.au), or in writing to Postal address: Locked Bag 3015, NOWRA NSW 2541. Submissions must be clearly labelled “Councillor Conduct Framework Review” and the OLG asks that when providing feedback to keep responses outcomes-focused stating that there is no need to suggest draft wording or clauses for the legislation.

**CONSULTATION:**

General Manager  
LGNSW

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk Analysis**

| Identified  | Risk Likelihood (H,M,L) | Impact of risk (H,M,L) | Strategy to manage risk  | Residual Risk |
|---|-------------------------|------------------------|--|---------------|
| Proposal to ban closed council briefing sessions provided by staff - any move to ban private briefings would have significant adverse impacts on councillors’ opportunity to be fully informed prior to decision making during a council meeting. | M                       | M                      | Lodge a submission opposing banning closed briefing sessions provided by staff to Councillors. | L             |

**Delivery Program Action**

CC4 - Maintain an effective governance regime

---

**ITEM 10.1 OLG COUNCILLOR CONDUCT AND MEETING PRACTICES A NEW FRAMEWORK - DISCUSSION PAPER**

---



**FINANCIAL IMPLICATIONS:**

The proposed framework may lead to a reduction in costs to councils by way of removing the role of private investigators as complaints about conflicts of interest would be made directly to the OLG and complaints about misbehaviour would be made directly to a Local Government Privileges Committee.

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

Nil

**ATTACHMENTS:**

- 1  51548/2024 - OLG Circular to Councils 24/17 Councillor conduct and meeting practices, a discussion paper
- 2  51547/2024 - OLG Councillor-Conduct-and-Meeting-Practices-Discussion-Paper

---

**CORPORATE SERVICES**

---

**ITEM 10.2 SF355 171024 TABLING OF RETURNS DISCLOSING INTEREST OF COUNCILLORS AND DESIGNATED PERSONS**

---

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

**SUMMARY:**

The *Local Government Act 1993* ('the Act') and Clause 4.21 of the Model Code of Conduct requires that Councillors and designated persons submit returns disclosing their pecuniary interests and other matters annually. These must then be tabled at a Council Meeting no later than the first available Meeting after the 30 September.

**RECOMMENDATION:**

**That Council tables the returns disclosing interests of Councillors and designated persons, for the period ended 30 June 2024.**

**OPTIONS:**

For information only.

**DISCUSSION:**

Section 440AAB of the Act requires the returns to be submitted to the General Manager and tabled at a Council Meeting.

The Office of Local Government has advised that these Returns must be placed on Council's website with Council having the option to redact home addresses and signatures. This option will be taken up for the protection of designated persons.

In accordance with Section 440AAB of the Act, returns disclosing interests of Councillors and designated persons have been requested and received from:

Councillors

Rhonda Hoban OAM; Martin Ballangarry OAM; Susan Jenvey, David Jones, Troy Vance, James Angel, Ricky Buchanan and John Wilson.

Designated Staff

Bede Spannagle; Matthew Sykes; David Moloney; Evan Webb; Veronica Webb; Joanne Hudson; Michael Grieve; Daniel Walsh; Matthew Leibrandt; Richard Spain; David Banwell; Keith Williams; Darren Moulds.

Other Designated Persons

Audit Risk Improvement Committee (ARIC) are regarded as designated persons as they meet Section 4.8 (d) of our code of conduct definition:

*d. a person (other than a member of the senior staff of Council) who is a member of a committee of Council identified by Council as a committee whose members are designated persons because the functions of the committee involve the exercise of Council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.*

As ARIC provides independent oversight and objective assurance across Council, they may come across items of business that give rise to a conflict hence why they need to be included on the designated persons list. ARIC independent members are: Barry Ford; Elizabeth Jeremy; and Michael Reardon.

**ITEM 10.2 TABLING OF RETURNS DISCLOSING INTEREST OF COUNCILLORS AND DESIGNATED PERSONS**

**CONSULTATION:**

Nil

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk Analysis**

| Identified                                     | Risk Likelihood (H,M,L) | Impact of risk (H,M,L) | Strategy to manage risk                     | Risk Assessment |
|--|-------------------------|------------------------|---|-----------------|
| Returns disclosing interests are not received. | Low                     | Low                    | Follow up & Councillors designated persons. | Low             |

**Delivery Program Action**

CC4 - Maintain an effective governance regime

**FINANCIAL IMPLICATIONS:**

Nil

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

Nil

**ATTACHMENTS:**

There are no attachments for this report.

**DIRECTOR CORPORATE SERVICES REPORT****ITEM 10.3 SF1026 171024 DISCLOSURE OF POLITICAL DONATIONS AND ELECTORAL EXPENDITURE**

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

**SUMMARY:**

Councillors and mayors elected at the local government elections on 14 September 2024 must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission periodically for their term in office. The first disclosures must be submitted by 11 February 2025.

**RECOMMENDATION:**

**That Council notes the due dates for the 2024/25 financial year for political donation and electoral expenditure disclosures by Councillors to the NSW Electoral Commission.**

**OPTIONS:**

There are no options as the returns must be completed.

**DISCUSSION:**

Elected members must submit political donation and electoral expenditure disclosures to the NSW Electoral Commission for the remainder of their term.

There are three types of disclosures to submit each year as an elected member: two half-yearly disclosures of political donations made and received and an annual disclosure of electoral expenditure incurred. All political donations (except those disclosed in a pre-election period disclosure) must be disclosed every six months in a half-yearly donation disclosure.

In relation to the 2024/25 financial year, an elected member must also submit disclosures in their capacity as a candidate.

The relevant periods each disclosure covers and the lodgement periods for disclosures for 2024/25 are:

| <b>Disclosure type</b>                                     | <b>Disclosure period</b>        | <b>Disclosure lodgement period</b> | <b>Disclosure due</b>    |
|--|---------------------------------|------------------------------------|--------------------------|
| 1 <sup>st</sup> half-yearly political donations disclosure | 1 July 2024 to 31 December 2024 | 1 January 2025 to 11 February 2025 | <b>11 February 2025</b>  |
| 2 <sup>nd</sup> half-yearly political donations disclosure | 1 January 2025 to 30 June 2025  | 1 July 2025 to 11 August 2025      | <b>11 August 2025</b>    |
| Annual electoral expenditure disclosure                    | 1 July 2024 to 30 June 2025     | 1 July 2025 to 22 September 2025   | <b>22 September 2025</b> |

If no political donations are made or received or no electoral expenditure is incurred, 'Nil' disclosure forms must still be submitted.

Disclosures can be made through [Funding and Disclosure Online](#), the NSW Electoral Commission's online portal for electoral participants. Those who do not yet have access can [request access today](#).

Detailed information about disclosures is available on the NSW Electoral Commission [website](#).

Elected members who have not provided the NSW Electoral Commission with up-to-date contact details are requested to do so as soon as possible by emailing [fdc@elections.nsw.gov.au](mailto:fdc@elections.nsw.gov.au).

---

**ITEM 10.3 DISCLOSURE OF POLITICAL DONATIONS AND ELECTORAL EXPENDITURE**

---

A current email address and mobile number for each elected member is required so that the NSW Electoral Commission can send notifications about when and how to disclose political donations and electoral expenditure.

Elected members who do not comply with disclosure requirements could be penalised, including a fine or prosecution.

**CONSULTATION:**

NSW Electoral Commission

**SUSTAINABILITY ASSESSMENT:**

Nil

**Risk**

There is a risk of fines if returns are not submitted

**FINANCIAL IMPLICATIONS:**

Nil

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

Nil

**ATTACHMENTS:**

There are no attachments for this report.



---

**DIRECTOR CORPORATE SERVICES REPORT**

---

**ITEM 10.4 SF3501 171024 NATIONAL CELEBRATION DAY COMMITTEE NOMINATIONS**

---

**AUTHOR/ENQUIRIES:** Kelly Pacey, Executive Assistant

**SUMMARY:**

The National Celebration Day Committee is to have a maximum of 10 members including the Mayor, 2 Councillors, an Indigenous representative and 6 community representatives to be selected from nominations called after each general Council Election, with membership held until the next Council Election.

Council has advertised and received four nominations from the community. These are attached for Council's consideration. All are very worthy nominations. It is recommended they be endorsed and provided with the Terms of Reference, Code of Conduct for Delegates, S355 Committee Guidelines and Volunteer Safety Handbook.

Council representatives are the Mayor as Chairperson and two Councillors also need to be confirmed.

**RECOMMENDATION:**

**That Council:**

- 1 Accepts the nominations from Janine Reed, Lorraine Hemsworth, John Wilson and Ian Flarrey to become members of the National Celebration Day Committee.**
- 2 The successful nominees be provided with a copy of the Terms of Reference, Code of Conduct for Delegates, S355 Committee Guidelines and Volunteer Safety Handbook.**

**OPTIONS:**

Not accept all or any of the nominations.

**DISCUSSION:**

Council should look at gaining one indigenous representative and another two community nominations.

**CONSULTATION:**

Community via advertisement.

**SUSTAINABILITY ASSESSMENT:**

**Social**





The annual Awards recognise outstanding individuals within the community.

**Risk**

There is minimal risk in accepting these nominations.

**FINANCIAL IMPLICATIONS:** N/A

**ATTACHMENTS:**

- 1  52598/2024 - Nomination Form - National Celebration Day Committee - Mrs Janine Reed**
- 2  52602/2024 - Nomination Form - National Celebration Day Committee - Mrs Lorraine Hemsworth**
- 3  52698/2024 - Nomination Form - National Celebration Day Committee - Mr John Wilson**
- 4  52764/2024 - Nomination Form - National Celebration Day Committee - Mr Ian Flarrey**

---

**CORPORATE SERVICES**

---

**ITEM 10.5 SF1620 171024 DELIVERY PROGRAM AND OPERATIONAL PLAN UPDATE**

---

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

**SUMMARY:**

Sections 404 and 405 of the *Local Government Act 1993* require Council to adopt a Delivery Program and Operational Plan. This report comments on the status of the 2022-23 to 2025-26 Delivery Program and Operational Plan as at 30 June 2024 and the extent to which the performance targets have been achieved.

**RECOMMENDATION:**

**That Council notes the status of the Delivery Program and Operational Plan as at 30 June 2024.**

**OPTIONS:**

The report is for information purposes only.

**DISCUSSION:**

Section 404 of the *Local Government Act 1993* states that the General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its Delivery Program. Managers have made comments on the status of each target as at 30 June 2024 as detailed in the **attachment**.

**CONSULTATION:**

Managers

**SUSTAINABILITY ASSESSMENT:**

As outlined in the attached report

**FINANCIAL IMPLICATIONS:**

Not applicable

**ATTACHMENTS:**

1  46918/2024 - Delivery Program progress update as at 30 June 2024

---

**DIRECTOR CORPORATE SERVICES REPORT**

---

**ITEM 10.6 SF3360 171024 DRAFT 2023/2024 ANNUAL FINANCIAL STATEMENTS**

---

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

**SUMMARY:**

Council is required to refer the 2023/2024 Annual Financial Statements to audit and seek authorisation of the Statement by Councillors and Management for the General Purpose Financial Statements and the Special Purpose Financial Statements.

**RECOMMENDATION:**

**That Council resolves:**

- 1 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements for the year ended 30 June 2024 made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW).**
- 2 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the Special Purpose Financial Statements for the year ended 30 June 2024 made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.**
- 3 In accordance with Section 413 (1) of the *Local Government Act 1993* (NSW), to refer the 2023/2024 Annual Financial Statements to the Audit Office of NSW for audit.**

**OPTIONS:**

This is for the Council's information and to satisfy requirements stipulated by *Local Government Act 1993* (NSW) and the Local Government Code of Accounting Practice and Financial Reporting. There are no other options.

**DISCUSSION:**

Under Section 416(1) of the *Local Government Act 1993* (NSW), Council must prepare and arrange for its Annual Financial Statements to be audited within four (4) months of year end. As per the Audit Office of NSW Annual engagement plan, the audit commenced on the 9 September 2024 and due to be completed on the 31 October 2024.

Council in accordance with Section 413(1) of the *Local Government Act 1993* (NSW) is required to resolve to formally refer the 2023/2024 Annual Financial statements to the auditor for audit.

Council in accordance with Section 413(2)(c) of the *Local Government Act 1993* (NSW) must have the Statement by Councillors and Management for the General Purpose Financial Statements signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer. Council in accordance with the Local Government Code of Accounting Practice and Financial Reporting must have the Statement by Councillors and Management for the Special Purpose Financial Statements signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer. In accordance with the Audit Office of NSW Annual Engagement Plan for the 2023/24 financial year, this is due to be actioned by the 31 October 2024.

A copy of the Draft 2023/2024 Annual Financial Statements are attached to the report. Council's Net Operating Result is \$20.6m which includes \$19.4m of Capital Grants and Contributions.

Once completed and audited the 2023/2024 Annual Financial Statements are required to be lodged with the Office of Local Government no later than the 31 October 2024. The audited 2023/2024 Annual Financial Statements will be presented at the November council meeting.

---

**ITEM 10.6 DRAFT 2023/2024 ANNUAL FINANCIAL STATEMENTS**

---




**CONSULTATION:**

NVC Finance Team  
Audit Office of New South Wales  
HLB Mann Judd Advisory and Accounting

**SUSTAINABILITY ASSESSMENT:**

Nil

**ATTACHMENTS:**

- 1  51685/2024 - Draft 2023/2024 Annual Financial Statements
- 2  51661/2024 - Statement by Councillors and Management GPFS
- 3  51662/2024 - Statement by Councillors and Management SPFS

**DEVELOPMENT AND ENVIRONMENTS**

**ITEM 11.1 SF3410 171024 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 3 October 2024, and development applications determined from 22 August to 3 October 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.   |                 |  |   |
| <b>STATUS:</b> 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.   |                 |  |   |
| <b>STATUS:</b> 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.                         |                 |                    |   |
| <b>STATUS:</b> Ready for determination. Refer to separate report.             |                 |                    |   |
| DA NUMBER   | DATE OF RECEIPT | PROPOSAL           | ADDRESS   |
| 2024/196  | 22 August 2024  | 11 Lot Subdivision | 103 Soldier Settlers Road, Newee creek- Lot 236 DP 755550 |
| One submission received. Exhibition period closed.                            |                 |                    |   |
| <b>STATUS:</b> Awaiting RFS general terms of approval prior to determination. |                 |                    |   |

**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 22 August to 3 October 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 DA2024/122 171024 DETERMINATION OF DEVELOPMENT APPLICATION  
DA2024/122 - 10 LOT SUBDIVISION - ALBERT DRIVE, WARRELL CREEK**

---

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

**Summary:**

**Attached** to this report is an assessment report for a development application seeking approval for the subdivision of 4 lots into 10 lots. The existing lots are known as Lots 9, 17 & 18 DP 884316, and Lot 1 DP 374127 – Albert Drive, Warrell Creek.

The attached assessment report was prepared by Planning Staff at Bellingen Shire Council to minimise a conflict of interest resulting from Nambucca Valley Council owning three of the existing lots the subject of the development application.

Also **attached** to this report is a copy of the proposed subdivision plan and relevant documents submitted with the development application.

**NOTE: This matter requires a “Planning Decision” meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.**

**RECOMMENDATION:**

**That Council as the consent authority, pursuant Section 4.16 of the *Environmental Planning and Assessment Act 1979*, grant consent for Development Application DA2024/122 for a 10 lot subdivision of Lots 9, 17 & 18 DP 884316, and Lot 1 DP 374127 – Albert Drive, Warrell Creek; subject to the schedule of conditions attached to this report.**

**OPTIONS:**

- (a) Grant consent to the development application, either unconditionally or subject to conditions, or
- (b) Refuse consent to the development application.

**DISCUSSION:**

Council purchased Lots 9, 17 & 18 DP 884316 - Albert Drive, Warrell Creek from Transport for New South Wales (TfNSW) and classified the lots as operational land under the Local Government Act 1993 to facilitate a proposal to subdivide the land into residential lots.

In preparation of the proposed subdivision plan Council staff consulted with the owner of the adjoining Lot 1 DP 374127 regarding purchasing some of the land in order to rectify existing encroachments on Councils land. With the agreement of the owners of Lot 1 DP 374127, it has been incorporated into the development application through boundary adjustment with Councils land and is shown as Lot 2 of the proposed subdivision plan. The agreement regarding the purchase of this section of land the subject of the boundary adjustment has been reported separately to Council.

Council has a reciprocal arrangement with Bellingen Shire Council for development applications such as this one where Council has a conflict of interest is assessed by the other Council to minimise the potential conflict. The assessment report prepared by Bellingen Shire Council is **attached**. The report contains a recommendation that the development application be approved subject to conditions. The condition headings stated at the end of the assessment report are from Councils standard conditions book. These have been detailed in the recommended conditions of consent which are **attached** to this report.

**ITEM 11.2 DETERMINATION OF DEVELOPMENT APPLICATION DA2024/122 - 10 LOT  
SUBDIVISION - ALBERT DRIVE, WARRELL CREEK**

**CONSULTATION:**

Public consultation  
Bellingen Shire Council Planning Staff  
Development Engineer  
Team Leader Health & Building

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Addressed in attached report.

**Social**

Addressed in attached report.

**Economic**

Addressed in attached report.

**Risk Analysis**








| Identified | Risk Likelihood (H,M,L) | Impact of risk (H,M,L) | Strategy to manage risk | Residual Risk |
|------------|-------------------------|------------------------|-------------------------|---------------|
| Appeal     | L                       | L                      | Recommendation          | L             |

**Delivery Program Action**

PP1 - Foster development opportunities

**FINANCIAL IMPLICATIONS:** Nil.

**ATTACHMENTS:**

- 1  52083/2024 - Assessment Report
- 2  29640/2024 - Proposed Plan of Subdivision
- 3  52084/2024 - Amended Statement of Environmental Effects
- 4  27183/2024 - Original Statement of Environmental Effects
- 5  27181/2024 - OSSM Report
- 6  52095/2024 - Submissions
- 7  52166/2024 - Schedule of Conditions



---

**DIRECTOR ENGINEERING SERVICES REPORT**

---

**ITEM 12.1 SF3339 171024 REQUEST FOR A TEMPORARY ROAD CLOSURE - MACKSVILLE**

---

**AUTHOR/ENQUIRIES:** Keith Williams, Manager Technical Services

**SUMMARY:**

Council has received a request for temporary road closures in Macksville for the Nambucca Valley Open Streets Project – Street Festival.

**RECOMMENDATION:**

**That Council:**

- 1 Approves the temporary road closures in Macksville, from Cooper Street to McKay Street:
  - River Street (west)
  - Wallace Lane, and
  - Princess Street (North)

**Between 17:00 22 November and midday 24 November 2024 – for the Nambucca Valley Open Streets Project – Street Festival.**

**Noting the following documentation being received by Council:**

- Certificate of Currency for Public Liability Insurance
- Confirmation of clear path of 2.5 metres being provided for access by emergency service vehicles through the road closure
- Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
- Police advice of the road closure.

- 2 Approves signs and devices necessary to affect the road closure.
- 3 Advertises the road closure more than seven (7) days prior to the event.

**OPTIONS:**

- 1 Refuse the application
- 2 Proposed recommendation
- 3 Request changes or additional information

**BACKGROUND:**

The **Nambucca Valley Open Streets Project**, led by the Nambucca Valley Council, invites local youth aged 12-24 to join the Youth Event Crew and take the lead in naming, designing, and running this riverside event on Gumbaynggirr country, under the mentorship of local industry professionals.

The event includes food and market stalls, music for all tastes, outdoor cinemas, roving performers, car and motorcross displays, amusements and a never-before-seen street parade incorporating music, dance, lanterns, puppets and something to light up the sky.

**DISCUSSION:**

To conduct the event from 2:00pm – 8:30pm Saturday 23 November 2024, the applicants have requested temporary closure of the following streets near the riverbank in Macksville:

- River Street (west)

**ITEM 12.1 REQUEST FOR A TEMPORARY ROAD CLOSURE - MACKSVILLE**

- Princess Street (North)
- Wallace Lane

The applicants propose placing traffic controllers from 3:00pm Friday 22 November;

- To Stop traffic from entering the event zone and allow cars already parked to leave
- Allow buses through for final route commitments

The full closure will commence from 5:00pm Friday 22 November for event set up, through to midday Sunday 24 November, to allow for set down of structures after the event.

There is potential to open Princess Street and River Street after midnight Sunday 24 November.

Wallace Lane will remain closed with barriers in place until midday Sunday 24 November.

The applicants have contacted Busway and their two (2) Saturday Services will be redirected.

A 2.5m wide clear emergency access path will be in place along the entire length of the road closure on Princess Street and River Street, however there is a proposal for a stage to be placed at the southern end of Wallace Lane, however - if emergency services need to respond they have immediate access from Wallace Street.

Members of the Local Traffic Committee have been contacted for concurrence or otherwise.

**CONSULTATION:**

Joel Grimson Project Coordinator  
 Manager Economic Development and Tourism  
 Busways  
 Local Traffic Committee

**SUSTAINABILITY ASSESSMENT:**

**Environment**

Potential for litter entering the river, however organisers are engaging with Oz Greens to collect recycled materials.

**Social**

Positive event for the community in particular engagement with the youth of the valley.

**Economic**

Local businesses will benefit from the event community if they decide to be involved and keep their premises open.

**Risk Analysis**

| Identified       | Risk Likelihood (H,M,L) | Impact of risk (H,M,L) | Strategy to manage risk   | Residual Risk |
|------------------|-------------------------|------------------------|---|---------------|
| Vehicle accident | L                       | H                      | Roads will be closed. Vehicles will enter site at predetermined access points prior to commencement of the event. | M             |

---

**ITEM 12.1 REQUEST FOR A TEMPORARY ROAD CLOSURE - MACKSVILLE**

---

**Delivery Program Action**

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

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

PP3 - Participate in local and regional marketing events to promote the Valley

**FINANCIAL IMPLICATIONS:** Nil**Service level changes and resourcing/staff implications**

Should be no impact providing applicants arrange for the adequate collection of rubbish and there is minimal damage to assets in the precinct.

**ATTACHMENTS:**

- 1  51478/2024 - NV\_Open Streets Project - 2024 Road Closure Map v2
- 2  51480/2024 - NV\_Open Streets Project - Road Closure Supporting Information
- 3  51476/2024 - Notification of Event (Nambucca Valley Open Streets Project) - Mid North Coast Police
- 4  51486/2024 - NV\_OSP - Event on Council Land Application\_v2