



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 31 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

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](#)



4PM – LOCALE CONSULTING COMMUNITY ENGAGEMENT OUTCOME REPORT

NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 31 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.

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	<i>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.</i>	
	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
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14	MEETING CLOSED TO THE PUBLIC	
15	REVERT TO OPEN MEETING FOR DECISIONS IN RELATION TO ITEMS DISCUSSED IN CLOSED MEETING.	

Statement of ethical obligations:

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

NAMBUCCA VALLEY COUNCIL



DISCLOSURE OF INTEREST AT MEETINGS

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

I _____ declare the following interest:
(name)

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

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

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

For the reason that _____

Signed _____ Date _____

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

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

Definitions

(Local Government Act and Code of Conduct)

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

(Local Government Act, 1993 section 442 and 443)

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

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

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

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

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

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

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

Important information

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

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

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

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

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

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

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

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

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

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

Councillor's signature:

Date:

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

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

The following document is the minutes of the Ordinary Council meeting held **17 OCTOBER 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 31 October 2024 and therefore subject to change. Please refer to the minutes of 31 October 2024 for confirmation.

PRESENT

Cr Gary Lee (Mayor)
Cr Martin Ballangarry OAM
Cr David Jones
Cr Ljubov Simson
Cr Troy Vance

Cr James Angel
Cr Susan Jenvey
Cr Tamara McWilliam
Cr Jane Smith

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)
Rochelle McMurray (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

Reverend Jo-anne Smalbil from the Uniting Church Nambucca Heads offered a prayer on behalf of Nambucca Minister's Association

DISCLOSURE OF INTEREST

Nil

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 12 SEPTEMBER 2024

309/24 **RESOLVED:** (Angel/Vance)

That the minutes of the Ordinary Council Meeting of 12 September 2024 be confirmed.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

DELEGATIONS

310/24 **RESOLVED:** (Angel/Vance)

That Item 11.2 be brought forward.

That the following delegations be heard:

Item 11.2 - Determination of Development Application DA2024/122 - 10 Lot Subdivision - Albert Drive, Warrell Creek

- i Mr Geoff Smith – against recommendation*
- ii Mr Jonathon Deans – against recommendation*

DELEGATIONS

- i Mr Geoff Smith addressed Council with notes placed on 54230/2024 SF3424*
- ii Mr Jonathon Deans addressed Council with notes placed on 54453/2024 SF3424*

ITEM 11.2 DA2024/122 171024 Determination of Development Application DA2024/122 - 10 Lot Subdivision - Albert Drive, Warrell Creek

311/24 **RESOLVED:** (Angel/Vance)

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.

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

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance
	Total (9)
Against the Motion:	Nil
	Total (0)

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

GENERAL MANAGER REPORTS

ITEM 9.1 SF42 171024 Oath or Affirmation of Office

MOTION:

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

AMENDMENT:

That Council:

- 1 Note Councillors have completed the oath or affirmation at this meeting.
- 2 At the commencement at the next term of Council that Councillors take the Oath or Affirmation at the first public Meeting of Council.

312/24 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 **Note Councillors have completed the oath or affirmation at this meeting.**
- 2 **At the commencement at the next term of Council that Councillors take the Oath or Affirmation at the first public Meeting of Council.**

Mayor Gary Lee suspended the Ordinary Council meeting at 5:55pm to allow Councillors to take the Oath or Affirmation.

Mayor Gary Lee resumed the Ordinary Council meeting at 6:04pm.

ITEM 9.2 SF830 171024 Election of Deputy Mayor

313/24 **RESOLVED:** (Vance/McWilliam)

That Council:

- 1 **Proceed with the election of a Deputy Mayor by ordinary (secret) ballot, if required.**
 - 2 **Receive one nomination for Deputy Mayor from Councillor James Angel.**
 - 3 **Advise the Office of Local Government NSW of the Deputy Mayor Councillor James Angel for a period of 12 months and update Council's website.**
-

ITEM 9.3 SF256 171024 Proposed Councillor Training and Induction

314/24 **RESOLVED:** (Jenvey/Simson)

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 9.4 SF251 171024 Proposed Frequency and Timing of Future Council Meetings

315/24 **RESOLVED:** (Smith/Angel)

That Council defer the proposed frequency and timing of Council meetings for six months.

ITEM 9.5 SF3284 171024 Countback Election Instead of By-Election

316/24 **RESOLVED:** (Jones/Jenvey)

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.**
-

ITEM 9.6 SF45 171024 2024 LGNSW Annual Conference Voting Delegates

317/24 **RESOLVED:** (Jenvey/Angel)

That Council:

- 1 Nominates the four Councillors to attend the 2024 LGNSW Annual Conference, Mayor Lee, Cr Angel, Cr Smith and Cr Ballangarry.**
 - 2 Determines its three Councillor voting delegates for the 2024 LGNSW Annual Conference to be Mayor Lee, Cr Angel and Cr Ballangarry.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 9.7 SF842 171024 Council Advisory Committees

318/24 **RESOLVED:** (Smith/Vance)

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

Committee	Recommended Council representation	Terms of Reference
Access Committee	Cr Simson, Cr Angel Cr Jenvey (Alternate)	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	Resolved to defer this decision until June 2025	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. 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. (Cr Susan Jenvey until 30 June 2025)
Audit, Risk & Improvement Committee	Cr McWilliam	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	Cr Jenvey Cr Simson	To provide advice to Council in respect of: The status of Council's Climate Change Adaptation Plan The implementation of the Climate Change Adaptation Fund of the Environmental Levy Activities related to Council's membership with the Sustainability Advantage Program The sustainable management of Council assets Identifying opportunities for investment in green/sustainable enterprises Promoting capacity building & sustainability education in the community External funding applications/projects and programs related to sustainability.
General Manager's Performance Review Committee	Mayor Lee, Cr Angel, Cr Jenvey, Cr Jones, Cr McWilliam, Cr Smith	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)	Mayor Lee	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). The committee comprises of 1 Councillor and representatives from NSW Police, TfNSW and Local State Member or their nominee.
Lower North Coast Bushfire	Cr Vance	The Committee is responsible for the Lower North Coast Bushfire Risk Management Plan preparation and review for

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

Management Committee		Kempsey and Nambucca LGA's. It meets quarterly.
Nambucca Bushfire Management Committee	Cr Vance	The Committee is primarily concerned with planning for hazard reduction and meets quarterly.
Nambucca Valley Catchments and Coastline Management Committee	Cr Simson, Cr Jones, Cr Smith, Cr McWilliam, Cr Vance, Cr Ballangary	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. To provide feedback on various investigations and studies that are required to evaluate flood risk, coastal zone and estuarine management options. 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. 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. Act as an advisory body to Council on coastal and estuary issues. Provide a forum for open discussion, debate and education on coast, flood and estuary issues. Provide linkages to other natural resource management committees, the catchment management board and community/stakeholder groups.
NSW North Coast Weed Advisory Committee	Cr Angel	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	Cr Vance	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)	Cr Angel, Cr Smith, Cr Jenvey, Cr Vance	Valla Urban Growth Area Project Control Group oversees the development and implementation of both the new industrial and residential subdivisions at Valla.

319/24 **RESOLVED:** (Jenvey/Angel)

That the National Celebration Day Committee becomes an advisory Committee of Council.

National Celebration Day	Mayor Lee, Cr McWilliam	To acknowledge the achievement of outstanding individuals, young and old who have made a valuable contribution to the Nambucca Valley community through an annual awards program. Such awards will help inspire and encourage accomplishment in community service and volunteering, sport, education, arts and culture and be truly inclusive.
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Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 9.8 SF842 171024 Council Section 355 Committees

320/24 **RESOLVED:** (Vance/McWilliam)

That Council:

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

COMMITTEE OF MANAGEMENT	ROSTER FOR AGM ATTENDANCE
Argents Hill Hall	Cr Jenvey
Bowraville Sports Ground (Hennessey Tape Oval)	Cr Angel
Burratine Public Hall	Cr Simson
Coronation Park	Cr Jones
EJ Biffin Playing Fields	Cr Jones
Eungai District Soldiers Memorial Hall	Cr Simson
Macksville Park and Sports	Cr Angel
Mary Boulton Pioneer Cottage and Museum	Cr Vance
Missabotti Community Centre	Cr Jenvey
Nambucca District Band	Cr Ballangarry
Nambucca District Historical Society & Museum	Cr Jenvey
Nambucca Community and Arts Centre	Cr Smith
North Macksville Playing Fields & Soccer Club	Cr McWilliam
Scotts Head Sports Field	Cr Angel
South Arm Hall	Mayor Lee
Talarm Hall and Welsh Pioneer Park	Cr Simson
Taylors Arm Hall	Mayor Lee
Taylors Arm Sports Reserve	Mayor Lee
Unkya Reserve	Cr Ballangarry
Utungun Community Hall	Cr Simson
Valla Beach Community Association	Cr Jenvey
Valla Public Hall	Cr Smith
Warrell Creek Public Hall	Cr McWilliam
We're Here	Cr Jones

ITEM 9.9 SF959 171024 Outstanding Actions and Reports

321/24 **RESOLVED:** (Jones/Angel)

That Council notes the list of outstanding actions and reports.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF42 171024 OLG Councillor Conduct and Meeting Practices A New Framework - Discussion Paper

322/24 **RESOLVED:** (Angel/Smith)

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.**
-

ITEM 10.2 SF355 171024 Tabling of Returns Disclosing Interest of Councillors and Designated Persons

323/24 **RESOLVED:** (Angel/Smith)

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

ITEM 10.3 SF1026 171024 Disclosure of Political Donations and Electoral Expenditure

324/24 **RESOLVED:** (Jenvey/Simson)

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.

ITEM 10.4 SF3501 171024 National Celebration Day Committee Nominations

325/24 **RESOLVED:** (Jones/McWilliam)

That Council:

- 1 Accepts the nominations from Janine Reed, Lorraine Hemsworth, John Wilson, Ian Flarrey and Lisa Hall 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 and Volunteer Safety Handbook.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

ITEM 10.5 SF1620 171024 Delivery Program and Operational Plan Update

326/24 **RESOLVED:** (Smith/Simson)

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

ITEM 10.6 SF3360 171024 Draft 2023/2024 Annual Financial Statements

327/24 **RESOLVED:** (Angel/Jenvey)

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.**
-

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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

328/24 **RESOLVED:** (Angel/Vance)

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.

ITEM 11.2 – was dealt with under delegations.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF3339 171024 Request for a Temporary Road Closure - Macksville

329/24 **RESOLVED:** (Jones/Vance)

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.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

330/24 **RESOLVED:** (Vance/Jenvey)

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

Reason reports are in Closed Meeting:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 171024 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.).

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 171024 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.

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 171024 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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:14PM.

RESUME IN OPEN MEETING

331/24 **RESOLVED:** (Angel/Smith)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:42 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 171024 Boundary Realignment 190 Albert Drive Warrell Creek

332/24 **RESOLVED:** (Angel/Simson)

That Council:

- 1 Approves the acquisition and disposal of land in accordance with the attached Agreement with the sale of net 166.4 m2 being part lot 18/DP884316 to the owners of 190 Albert Drive, Warrell Creek subject to formal development consent of the proposed subdivision of land.**
- 2 Approves execution of relevant transfer documentation under the seal of Council to be signed by the Mayor and General Manager.**

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 OCTOBER 2024

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 171024 T432021NAM - Supply & Install Galvanised Piles for Valla Footbridge - Tender Assessment

333/24 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 Accepts the quotation from Civil Sydney in response to Regional Procurement Tender in the amount of \$676,500.00, utilising the Regional Government Procurement contract T432021NAM.**
- 2 Updates the Contract Register.**

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

For the Motion:	Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 171024 Matters Regarding Realised or Potential Losses

334/24 **RESOLVED:** (Jones/Vance)

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:45PM.

Confirmed and signed by the Mayor on **31 OCTOBER 2024**.

Cr Gary Lee
MAYOR
(CHAIRPERSON)

NOTICE OF MOTION

**ITEM 5.1 SF3422 311024 NOTICE OF MOTION - REQUEST FOR LEAVE - CR TROY
VANCE 17 DECEMBER 2024 TO 11 JANUARY 2025**

AUTHOR/ENQUIRIES: Troy Vance, Councillor

SUMMARY:

Cr Troy Vance has requested leave for the period 17 December 2024 to 11 January 2025 inclusive. An approved leave of absence for a Councillor requires a resolution of Council.

RECOMMENDATION:

That Council grants a leave of absence to Cr Troy Vance in accordance with Section 234(1)(d) of the *Local Government Act 1993* for the period of 17 December 2024 to 11 January 2025 inclusive.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

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

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER**ITEM 9.1 SF959 311024 OUTSTANDING ACTIONS AND REPORTS**

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

SUMMARY:

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

RECOMMENDATION:

That Council notes the list of outstanding actions and reports.

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

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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.
 08/10/24-23/10/24 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 9.1 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.

08/10/24-22/10/24 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 Jaanyimili Bawrrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP's of other organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, 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 9.1 OUTSTANDING ACTIONS AND REPORTS

<p>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.</p> <p>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.</p> <p>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, Jaanymilli 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.</p> <p>04/04/24-16/07/24 No further update.</p> <p>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.</p> <p>21/08/24-03/09/24 No further update.</p> <p>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.</p> <p>21/10/24 CDO has met with a number of local Aboriginal organisations and discussed council's desire for Aboriginal Advisory Group and reconciliation. Feedback from community and leaders is the need for healing and trust. CDO investigating ways council can make steps towards that trust to enable the formation of a meaningful Aboriginal Advisory Committee, including considering it being a community-based group with a more culturally appropriate and sensitive structure. Attempts to engage with LALCs have not yet resulted in a meeting. CDO also attended Reconciliation Australia information session regarding developing a RAP. CDO recommends council pursue a Reflect Level RAP (which starts with engaging staff and leaders in understanding the importance of reconciliation and includes developing relationships with Aboriginal stakeholders, and scoping where Council can best have impact in our sphere of influence - minimum 12 month process) and the need for the Aboriginal Advisory Group to be part of driving Council's RAP goals.</p>			
AUGUST 2023			
4	LF5363	31/08/23	DES
<p>RESOLUTION: Public Forum - Report on the Causeway to Stuarts Island Nambucca Heads Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 & 46082/2023)</p> <p>STATUS: 06/09/23 Submission received and report to be prepared accordingly. 20/09/23 No further update. 04/10/23 Options investigation commenced. 18/10/23 No further update. Investigations will take time to develop. 06/11/23-22/11/23 No further update. 05/12/23-07/02/24 Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024. 20/02/24-15/04/24 Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting. 08/05/24 No further update. 21/05/24 Nambucca Valley Catchments and Coastline Management Committee meeting item deferred pending outcome from GM and DES site meeting with Golf Club President scheduled for 21/05/24. Developing a plan of action for delivery in November 2024. 04/06/24-21/08/24 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. 22/10/24 Options report being developed.</p>			
DECEMBER 2023			
5	SF3190	14/12/23	GM
<p>RESOLUTION: Subdivision - Lots 9 & 10 DP884342 Warrell Creek 1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted. 2 Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval.</p> <p>STATUS: 10/01/24-05/02/24 Registration of subdivision underway as per Council resolution. 20/02/24-08/10/24 No change, registration process underway at NSW Land Registry Service.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

22/10/24 Subdivision now registered. Newly created lot to be prepared for sale.			
JANUARY 2024			
6	PRF53	18/01/24	DES
<p>RESOLUTION: River Street Toilet Block Relocation</p> <p>1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;</p> <p>2 Engage an architect to progress the design of the proposed new amenities and report back to Council.</p> <p>STATUS:</p> <p>06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged.</p> <p>20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan.</p> <p>15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender.</p> <p>04/06/24 Detailed survey pending.</p> <p>18/06/24 No further update.</p> <p>02/07/24 Survey Brief under development.</p> <p>16/07/24 Survey Brief issued. Site survey being determined.</p> <p>07/08/24-22/10/24 No further update.</p>			
APRIL 2024			
7	SF3422	11/04/24	DES
<p>RESOLUTION: Request to name side road and correct rural addressing</p> <p>1 Consult affected residents to name the side road that runs off Kosekai Road and seek their view on a preference of Wanbro, Dunggir and Mistake in that order or any other name they might suggest.</p> <p>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.</p> <p>3 Subject to approval, install road naming signage and replace the rural road number signs for the affected owners.</p> <p>STATUS:</p> <p>17/04/24 No update.</p> <p>08/05/24 Site plan developed for consultation with community.</p> <p>21/05/24 Community consultation completed and "Wanbro" sent to the Geographical Names Board of NSW (GNB) for approval.</p> <p>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.</p> <p>18/06/24 Pending response from Muurrbay Aboriginal Language Centre.</p> <p>01/07/24 Pending response from Muurrbay Language & Culture Coop and Bowraville LALC.</p> <p>17/07/24 No further update.</p> <p>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.</p> <p>21/08/24 An email being sent to remind the organisations of the 2 September closing date.</p> <p>03/09/24 Submission period is now closed.</p> <p>08/10/24 No submissions received. Resubmitted to NSW Geographical Names Board for consideration.</p> <p>22/10/24 Approval received from the NSW GNB to proceed with renaming and currently undergoing the statutory advertising period and closes on the 8 November 2024.</p>			
8	SF2381	11/04/24	MDE
<p>RESOLUTION: Horticulture within the Nambucca Valley</p> <p>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p> <p>STATUS:</p> <p>17/04/24-09/05/24 Planning proposal to be drafted and sent to the Minister.</p> <p>22/05/24 Planning proposal drafted and sent to the Minister for gateway determination.</p> <p>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.</p> <p>19/06/24 Amended planning proposal resubmitted to the Minister for gateway determination.</p> <p>02/07/24 Awaiting response from Minister on the planning proposal. Letters from Ministers attached in regards to funding of regulatory bodies.</p> <p>17/07/24 The Minister has determined that the matter should proceed and has issued a gateway determination. The planning proposal specifies that draft DCP controls will be placed on public exhibition at the same time as the planning proposal. Draft DCP controls will be reported to Council in August for consideration and once supported both the planning proposal and draft DCP controls will be publicly exhibited at the same time.</p> <p>07/08/24 Refer to separate report regarding draft DCP controls.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

21/08/24-03/09/24 The planning proposal is on public exhibition until 25 September 2024. 08/10/24 Exhibition extended to 2 October 2024. To be reported to Council meeting on 31 October 2024. 22/10/24 To be reported to 14 November meeting.			
9	SF3477	11/04/24	MDE
<p>RESOLUTION: Valla Urban Growth Area Amendment</p> <p>1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan.</p> <p>2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p>STATUS:</p> <p>17/04/24 Awaiting final maps for planning proposal before forwarding to Minister. 09/05/24 Final maps received and will be sent to Minister. 22/05/24 Planning proposal drafted and sent to the Minister for gateway determination. 05/06/24-19/06/24 No further update. 02/07/24 Request for further information received from Minister with option to withdraw until information obtained. 17/07/24 Planning proposal being amended. 07/08/24 No further update. 21/08/24-03/09/24 Planning proposal still to be amended and will be resubmitted once complete as the previous one was refused. 08/10/24 Planning proposal amended and re-submitted to Minister for gateway determination. 22/10/24 Planning proposal returned to Council. Staff to meet with Department of Planning staff to try to resolve the issues raised.</p>			
MAY 2024			
10	SF983	16/05/24	MDE
<p>RESOLUTION: Plan of Management for the Faringdon Fields</p> <p>That Council</p> <p>4 Exhibits the draft Plan of Management in accordance with section 38 of the Local Government Act 1993.</p>			
<p>STATUS:</p> <p>21/05/24-5/06/24 No further update. 19/06/24-02/07/24 Draft Plan of Management sent to Aboriginal stakeholders and Gaagal Wanggaan Board of Management for comment by 15 July 2024. After this date the draft Plan of Management will be placed on public exhibition. 17/07/24 The draft Plan of Management will now be publicly exhibited and reported back to Council at the end of the exhibition period. 07/08/24-03/09/24 The draft Plan of Management is on public exhibition until 16 September 2024. 08/10/24 To be reported to 31 October Council meeting. 22/10/24 Public Hearing to be conducted before reporting back to Council.</p>			
44	SF3327	30/05/24	GM
<p>RESOLUTION: Albert Drive Warrell Creek – Proposed 9 Lot Subdivision of – Lots 9, 17 and 18 DP884316 and Boundary Adjustment to Lot 1 DP374127</p> <p>That Council</p> <p>2 Approves Council staff proceeding with negotiations with the owners of Lot 1/DP374127 (190 Albert Drive, Warrell Creek) for the proposed boundary adjustment, with any agreement to be subject to the formal approval of Council.</p>			
<p>STATUS:</p> <p>04/06/24 No further update. 18/06/24 Valuation sought to determine sale price for boundary adjustment; property owners advised of resolution and progress. Any agreement reached will be brought back to Council. 01/07/24 No further update. 17/07/24 Letter has been sent to resident. 07/08/24-03/09/24 Signed agreement received. Awaiting DA assessment by external planner and both items to be reported to Council together. 08/10/24 DA report to Council 17 October 2024.</p>			
JULY 2024			
12	SF3409	11/07/24	DES
<p>RESOLUTION: Public Forum</p> <p>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. Mr Brett Etchells – on behalf of South Arm Hall Committee – Welcome</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

<p>ii Ms Ilse Noble – on behalf of South Arm Hall Committee – Proposal of modernising the hall and toilets iii Ms Anama Tesser – Condition of South Arm Road iv Mr Robert McKay – Access road to Bowraville Recreation Club v Ms Joy van Son – On behalf of the Roads Actions Group – Road maintenance in the Shire, Antenna and communication vi Ms Joy van Son – Removal of timber next to South Arm Hall</p>			
<p>STATUS: 15/07/24-07/08/24 Circulated to relevant responsible officers in preparation of report to Council in September. 03/09/24 Report now programmed for the October Council meeting. 08/10/24 Report to 31 October Council meeting. 22/10/24 Report being presented to the 31 October 2024 Council Meeting</p>			
13	SF3409	11/07/24	MDE
<p>RESOLUTION: Planning Proposal – 44 Kookaburra Road, Bowraville That 1 Council forward the attached planning proposal to amend the Nambucca Local Environmental Plan 2010 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979. 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination. 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.</p>			
<p>STATUS: 15/07/24 No further update. 07/08/24-21/08/24 Planning proposal forwarded to Minister and awaiting determination. 03/09/24 Gateway determination received. Planning proposal on exhibition until 8 October 2024. 08/10/24 Results of exhibition to be reported to Council on 31 October 2024. 22/10/24 Refer to separate report.</p>			
14	SF382	25/07/24	DES
<p>RESOLUTION: Endorsement of a new Master Plan for Crown Reserve 65963 and Surrounding Community Lands. That Council: 1 Endorses the preparation of a master plan for the core visitor precinct at Scotts Head, and surrounding community lands in consultation with Reflections Holidays, National Parks and Wildlife Service, Nambucca Valley Council and the community. 2 Endorses opportunities for funding (in full or part) a master plan under the Nambucca Valley Coastal Management Program and in partnership with Reflections Holiday Parks. 3 Notes the master plan will directly inform future work needed to update the Scotts Reserve and Adin Street Reserve statutory management plans.</p>			
<p>STATUS: 07/08/24 Consultation meeting to be scheduled with Reflections Holiday Parks, NPWS and Scotts Head community representatives/stakeholders. 21/08/24-08/10/24 No further update. Remembrance wall to be included in the discussions around the new Master Plan. 22/10/24 No further update.</p>			
AUGUST 2024			
15	SF3422	15/08/24	GM / MDE
<p>RESOLUTION: Strategies and Plans for Affordable Housing That Council: 1 Establish an Affordable Housing Fact Sheet to disseminate and promote greater understanding of the availability and the need for different types of multi dwellings on residential land and land sharing options. To educate this community so they are happier to accept changes to the character of an area to create more opportunities for secure housing. 2 Considers affordable housing for inclusion in the Community Strategic Plan. 3 Advocate for Community Housing Regional Targets from the Housing Australia Future Fund which looks at acute housing needs. 4 Write to the Federal Government requesting that a proportion of the ten billion dollar Housing Australia Future Fund be released immediately and made available to appropriate government agencies and approved non-government organisations for the immediate purchase of existing homes and units for sale in order to provide immediate relief to individuals and particularly families on affordable or subsidised housing waiting lists.</p>			
<p>STATUS: 21/08/24 No further update. 03/09/24 Point 2 – submitted to contractor for consideration in the Community Strategic Plan. 08/10/24 No further update. 22/10/24 Fact sheet is on Council's website. 24/10/24 Letter sent.</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

16	SF3114	29/08/24	DES
<p>RESOLUTION: Review of the Bowraville Theatre Project 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.</p>			
<p>STATUS: 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. 22/10/24 Contract Project Manager engaged to progress project to construction stage ready for if the scope change to the funding body is approved.</p>			
SEPTEMBER 2024			
17	SF3422	12/09/2024	DES
<p>RESOLUTION: Notice of Motion – Council Motor Vehicle Leaseback Policy 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.</p>			
<p>STATUS: 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. 22/10/24 No further update.</p>			
18	SF3422	12/09/2024	GM
<p>RESOLUTION: Notice of Motion – Australia Post Infrastructure Expansion 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.</p>			
<p>STATUS: 08/10/24 No further update. 24/10/24 Letter posted to the Australia Post CEO 24/10/24 (advised by Aust Post that they are unable to be emailed).</p>			
19	SF3422	12/09/2024	GM
<p>RESOLUTION: Notice of Motion – Bowraville Healthcare 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.</p>			
<p>STATUS: 08/10/24 Submission period already closed. 22/10/24 Letter emailed to the Minister for Regional Health, The Hon. Ryan Park MP.</p>			
20	SF226	12/09/2024	MDE
<p>RESOLUTION: Fenced Off Leash Dog Park 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.</p>			
<p>STATUS: 08/10/24 Exhibition period closes 21 October 2024. 22/10/24 To be reported to Council in November.</p>			
21	SF45	17/10/2024	DCS
<p>RESOLUTION: Countback Election Instead of By-Election 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</p>			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

<p>section 291A of the Act. 2 Notifies the Electoral Commissioner of NSW of the Council's decision within 7 days of the resolution.</p>			
<p>STATUS: 22/10/24 The Electoral Commissioner was notified on 20.10.24 and an acknowledgement was received 21.10.24.</p>			
22	SF45	17/10/2024	GM
<p>RESOLUTION: 2024 LGNSW Annual Conference Voting Delegates That Council: 1 Nominates the four Councillors to attend the 2024 LGNSW Annual Conference, Mayor Lee, Cr Angel, Cr Smith and Cr Ballangarry. 2 Determines its three Councillor voting delegates for the 2024 LGNSW Annual Conference to be Mayor Lee, Cr Angel and Cr Ballangarry.</p>			
<p>STATUS: 23/10/24 Conference details updated. Refer to report to Council 31 October 2024 reallocation of voting delegate.</p>			
23	SF830	17/10/2024	GM
<p>RESOLUTION: Election of Deputy Mayor That Council: 1 Proceed with the election of a Deputy Mayor by ordinary (secret) ballot, if required. 2 Receive one nomination for Deputy Mayor from Councillor James Angel. 3 Advise the Office of Local Government NSW of the Deputy Mayor Councillor James Angel for a period of 12 months and update Council's website.</p>			
<p>STATUS: 22/10/24 OLG was notified on 20.10.24 and an acknowledgement was received 21.10.24.</p>			

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER

ITEM 9.2 SF45 311024 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 resolve who will be the three voting delegates.

RECOMMENDATION:

That Council change the third voting delegate from Councillor Ballangarry to Councillor Smith for the 2024 Local Government NSW (LGNSW) Annual Conference.

OPTIONS:

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

DISCUSSION:

Council resolved at the 17 October meeting the voting delegates to be Mayor Lee, Deputy Mayor Angel and Cr Ballangarry.

Cr Ballangarry has subsequently advised that whilst he will still be attending the conference, thought it best due to personal circumstances, to allocate the voting right to another Councillor attending the conference. The other Councillor attending the conference is Councillor Smith.

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

CONSULTATION:

General Manager
Cr Ballangarry

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.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF1438 311024 STATE OF OUR VALLEY REPORT- PROGRESS REPORT ON IMPLEMENTING THE 2022/23 TO 2031/32 COMMUNITY STRATEGIC PLAN

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

Under Integrated Planning and Reporting (IPR) requirements, a report detailing progress on the implementation of a Council's Community Strategic Plan is to be presented to the incoming Council following elections. This is to inform the new Council about the implementation and effectiveness of the Plan.

An end of term report, now named State of Our Valley, on the implementation of the Nambucca Valley Community Strategic Plan 2022/23 to 2031/32 is **attached** for the new Council's information.

Ordinarily, the report would span the 4 years of an electoral term, however in this case, the report covers a period of 2 years and 9 months from the previous election in December 2021.

RECOMMENDATION:

That Council notes the State of Our Valley Report on the achievements or otherwise of the actions within the Nambucca Valley Council 2022/23 to 2031/32 Community Strategic Plan.

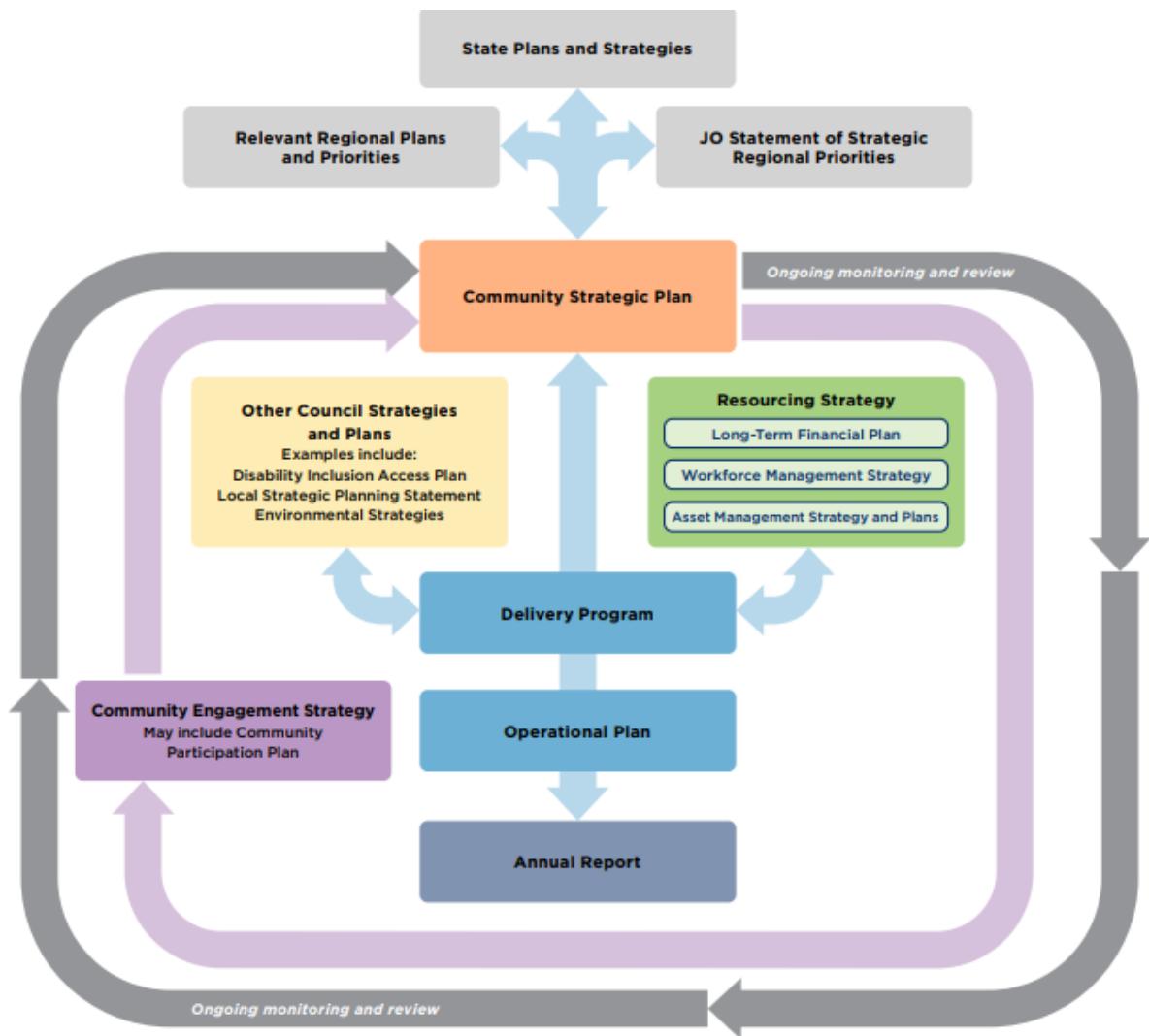
OPTIONS:

The IPR requirements are statutory and there are no options to be considered.

DISCUSSION:

The IPR process diagram below summarises the IPR framework.

ITEM 10.1 STATE OF OUR VALLEY REPORT- PROGRESS REPORT ON IMPLEMENTING THE 2022/23 TO 2031/32 COMMUNITY STRATEGIC PLAN



Under the current *Integrated Planning and Reporting Guidelines for Local Government in NSW*, a report on the progress of the implementation of the Community Strategic Plan must be presented and endorsed at the second meeting of the new council. Therefore the report also informs and provides guidance to the newly elected Council in developing a new Community Strategic Plan in the early months of the new electoral term.

Note: The Council’s Community Strategic Plan is the highest level of strategic planning undertaken by a council and it has a 10-year+ timeframe. All other plans must support the achievement of this Plan.

The current Community Strategic Plan can be found on Council’s website at:

<https://www.nambucca.nsw.gov.au/files/assets/public/v/1/development-amp-planning/community-strategic-plan-2022-2023-2032-2033.pdf>

Now that a new Council has been appointed, the Community Strategic Plan will need to be reviewed and by 30 June 2025 Council needs to endorse the existing Plan, endorse amendments to the Plan or endorse a new Plan. A range of different community consultation and feedback processes will inform the next Plan, including Council’s public forums, community surveys, community pop-up events, pre-Council meeting presentations, the 2024 Community Satisfaction Survey, targeted consultation and public exhibition.

ITEM 10.1 STATE OF OUR VALLEY REPORT- PROGRESS REPORT ON IMPLEMENTING THE 2022/23 TO 2031/32 COMMUNITY STRATEGIC PLAN

The review also presents an opportunity to refine linkages between the various corporate plans/documents, performance reporting and financial management structures.

For those new to the IPR framework the following is taken from the Office of Local Government Guidelines. IPR provides a pathway for elected representatives to:

- work directly with their community to identify long-term priorities for local identity, growth and lifestyle
- understand the range of services the community wants, the service standards they expect and the infrastructure that will be required
- have meaningful conversations about the cost of meeting community expectations including allocating resources within council's means and map out a 4-year strategy to deliver key priorities, projects and services
- set appropriate rates, fees and charges and monitor the council's progress in delivering priorities, projects and services through the Operational Plan
- report to the community on their success in achieving these goals
- be assured that their council is meeting planning, consulting and reporting requirements under other laws.

In preparation for a new Community Strategic Plan, Council's Community Engagement Strategy is also reviewed.

CONSULTATION:

General Manager, Directors and Council's Management Team

SUSTAINABILITY ASSESSMENT:

Nil

FINANCIAL IMPLICATIONS:

Nil

Service level changes and resourcing/staff implications

There are no resourcing implications arising from this report. Service levels are determined by the various elements of the IPR.

ATTACHMENTS:

1  55150/2024 - State of Our Valley Report

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.2 SF3503 311024 COMMUNITY STRATEGIC PLAN CONSULTATION
ENGAGEMENT REPORT**

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

At the 29 August 2024 Council meeting Item 10.2 '2025/26 to 2034/35 Community Strategic Plan Community Engagement Update' was presented to Council.

The report stated that in order to inform the update to the Community Strategic Plan (CSP) following the 2024 election, Council in conjunction with Locale Consulting had been undertaking a range of consultation activities with the community which included an online survey as well as a series of pop-up events across the local government area.

The attached Community Strategic Plan Consultation Engagement Report from Locale Consulting summarises the results of the survey and pop-up events and follows a presentation by Locale Consulting made at a Councillor workshop also held on 31 October 2024 regarding these results.

RECOMMENDATION:

That Council notes the Community Strategic Plan Consultation Engagement Report from Locale Consulting.

OPTIONS:

For information only.

DISCUSSION:

The attached Community Strategic Plan Consultation Engagement Report documents the outcomes of engagement activities undertaken by Council with the assistance of Locale Consulting including the results of the online survey and feedback received at seven pop-up events held across the local government area.

The online survey opened on 17 July 2024 and closed on 30 August 2024 and there were 460 survey responses, with feedback from across the different localities in the local government area as well as age demographics.

Based on the results from the survey and the pop-up events the following key priority areas for the community have been identified:

Protect the environment and live sustainably

Preserve our highly valued pristine environment, minimising our impacts and living sustainably whilst adapting to climate change. Includes retention of important habitat and trees whilst managing our impacts on land and rivers/waterways.

Encourage vibrant town centres and villages

Focus on revitalising and improving town centres and village precincts to help build strong businesses, greater retail diversity and nightlife. This will assist in creating localised and meaningful employment opportunities for local residents.

Demonstrate Council leadership and governance

Show that Council listens, communicates, and responds to community needs and desires. From enforcement activities to meaningful engagement on key issues, Council plays a core role as a delivery partner with the community.

ITEM 10.2 COMMUNITY STRATEGIC PLAN CONSULTATION ENGAGEMENT REPORT

Improve community recreational infrastructure

Establish and improve infrastructure opportunities to support healthy and active communities. This includes foot and cycle paths that connect to places and spaces, and parks and playgrounds that meet recreational needs for all ages.

Connect and support all communities

Respond to diverse community desires for connection to each other and our local places. Includes a focus on First Nations, the ageing population and people living with a disability, by improving services (e.g. health) and assisting those that are most vulnerable.

Support young people to thrive

Building on the YOUth Speak Local Government Area wide project, collaborate with younger generations to create positive change, reduce negative stigma/stereotypes, and take action on the issues that are important to them.

Enhance community safety

Work with State Government and other community sector partners to help address the underlying cause of crime and to build a community that feels safer, stronger, more respected and engaged across all age groups and community sectors.

Manage the intensification of agriculture

Respond to the rapid growth of intensive agriculture and manage impacts on the community and natural environment. This includes review of land use planning and enforcement measures to mitigate potential negative impacts.

Provide safe roads and increase access

Provide and maintain safe and suitable roads and bridges that enable physical community connectedness. From unsealed rural roads and verges to safe urban intersections, there are ongoing desires for improvements across the road network.

Balance housing and population growth

Recognise the tension between the desire to retain existing character and scale with future growth that is sustainable and suitably located. This includes opportunities to ensure housing is affordable and available now and into the future.

The community priorities identified above will now be considered for reflection in the development of the Nambucca Valley CSP, which will be developed, exhibited and adopted by Council by 30 June 2025. In developing the plan, Council will also need to consider its diverse and varied responsibilities and how it will work with partners, including the community, to deliver on what it has heard.

Council will also need to meet its legislative requirements in developing the plan, including its broader Integrated Planning and Reporting responsibilities. This will include developing the:

- o CSP: as a 10-year community-led document that includes a 'vision', 'strategic objectives' and 'strategies' to achieve those objectives,
- o Delivery Program: as 4-year Council-led plan that sets out the 'strategies' from the CSP and what 'actions' Council will take to implement them over the four term of the current Council,
- o Operational Plan: is an annual plan that contains details of the 'actions' taken from the Delivery Program, and
- o Resourcing strategy: a suite of three plans that support implementation, being the:
 - Long term financial plan
 - Workforce management plan
 - Asset management plan

ITEM 10.2 COMMUNITY STRATEGIC PLAN CONSULTATION ENGAGEMENT REPORT

Outcomes of these processes will provide further direction to the development and implementation of other 'core' and 'supporting' strategies and plans over time.

CONSULTATION:

Locale Consulting
Nambucca Valley Council community members.

SUSTAINABILITY ASSESSMENT:

Nil impact in undertaking the community engagement process to produce the Community Engagement Outcomes report.

Risk Analysis

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

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

\$60,275 Community Strategic Plan Community Engagement project funded from savings in 2024/25 budget allocation.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

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

ATTACHMENTS:

1  53591/2024 - Community Strategic Plan - Community Engagement Report

DIRECTOR CORPORATE SERVICES REPORT

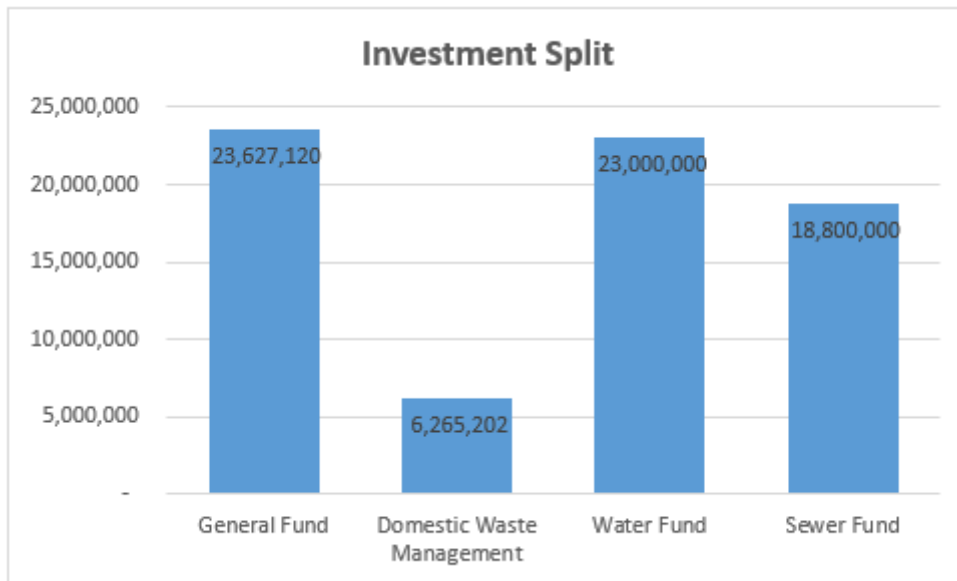
ITEM 10.3 SF3528 311024 INVESTMENT REPORT FOR SEPTEMBER 2024

AUTHOR/ENQUIRIES: Evan Webb, Chief Financial Officer

SUMMARY:

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

Council's investments as at 30 September 2024 of \$71,692,322 are split up as below:



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

RECOMMENDATION:

That Council:

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

OPTIONS:

This report is for information only.

DISCUSSION:

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

ITEM 10.3 INVESTMENT REPORT FOR SEPTEMBER 2024

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

TCorp	\$3,084,324
Floating Rate Notes	\$2,311,660
Fixed Bonds	\$4,496,338
Term Deposits	\$61,800,000
Total	\$71,692,322

Portfolio Performance

Council's total portfolio performance returned +0.44% in September, outperforming the benchmark AusBond Bank Bill index of +0.36%. On an annualised basis, the portfolio returned +5.46%p.a., outperforming the benchmark of +4.45%p.a. and the official cash rate of 4.35%.

Council's term deposits portfolio was yielding 5.01%p.a. for September an increase from August Council now only holds 2 term deposits that are below the benchmark which is an outstanding result for council.

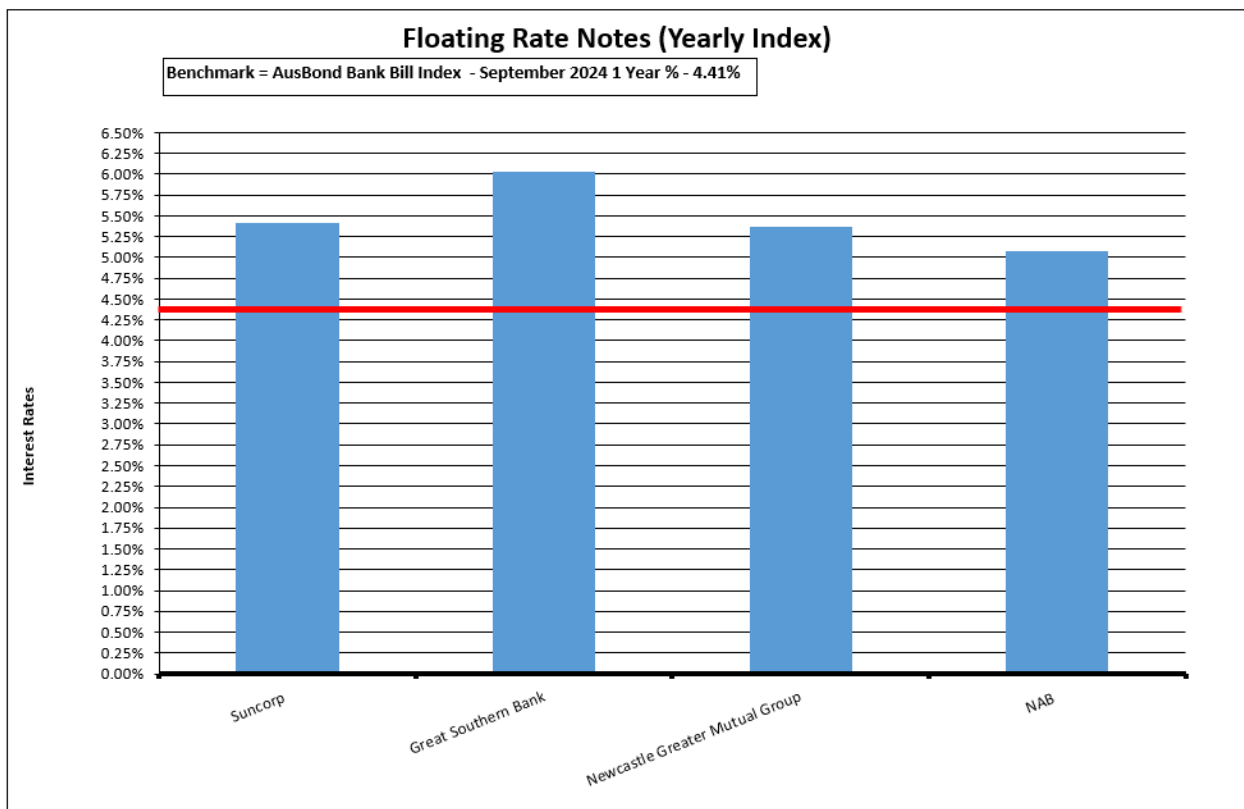
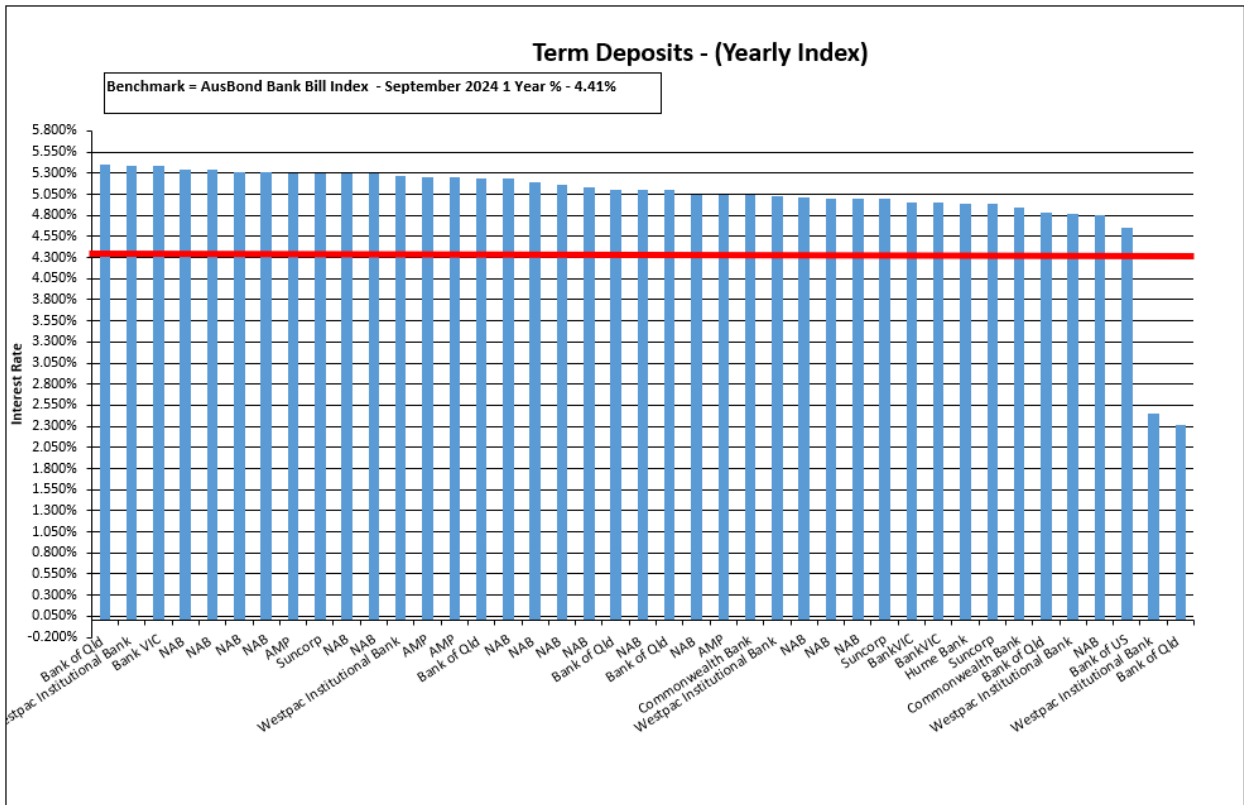
Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council is still holding some sub-optimal FRN investments and consideration will be taken to sell these in the coming months dependent on the market. Arlo Advisory recommend selling the FRN's to close off the books in this asset class which will result in small capital gains except for the Newcastle FRN.

Council invests in NSW TCorp Long Term Growth fund which invests in domestic and international shares. Council will continue to monitor the TCorp Long Term Growth fund which fluctuates from month to month, however returned a positive return for the month +1.25%. Funds held with TCorp are looked at with a long term view.

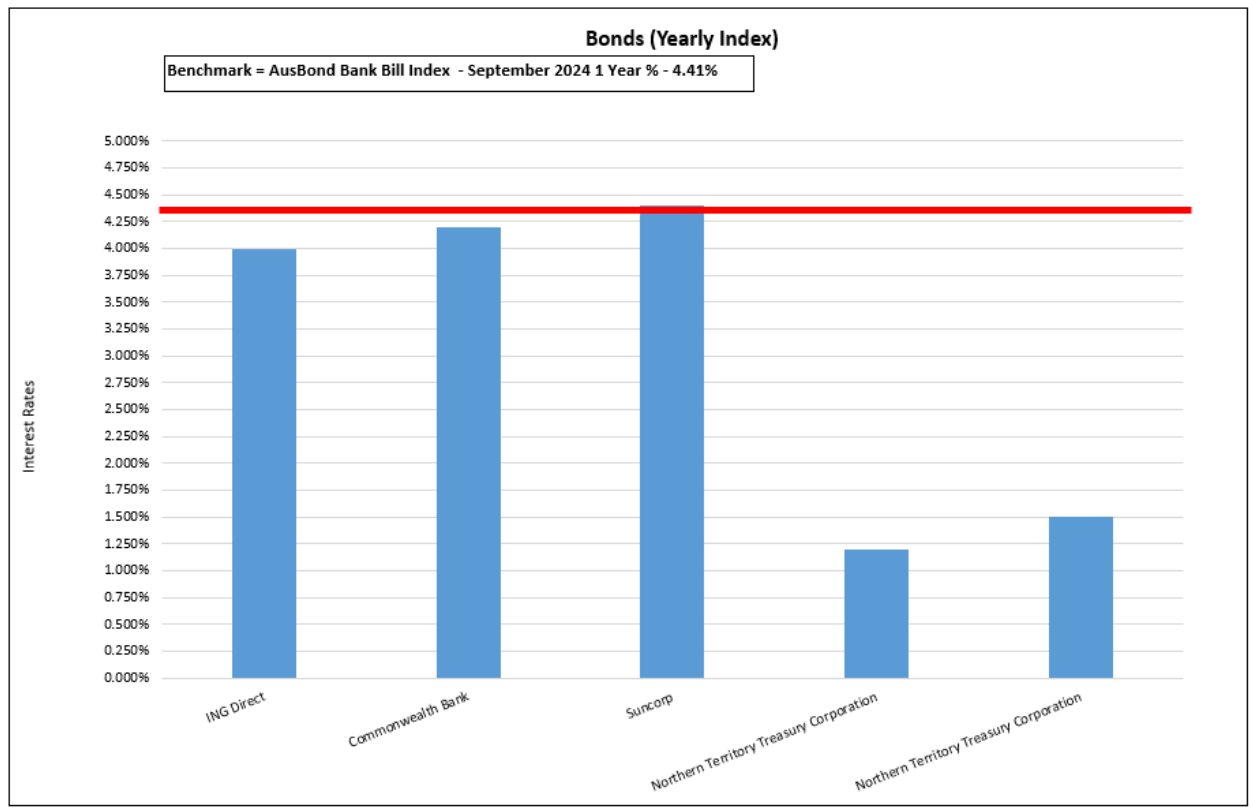
Council has invested in Senior Fixed Bonds. Council holds 2 sub-optimal Senior Fixed Bonds returning 1.2% p.a. and 1.5% p.a., however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The bonds have a maturity of December 2025 and December 2026.

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

ITEM 10.3 INVESTMENT REPORT FOR SEPTEMBER 2024



ITEM 10.3 INVESTMENT REPORT FOR SEPTEMBER 2024



Council’s Investment Policy

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

Table 1: Maturity – Term Limits

Maturity Compliance as at 30/09/2024

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	11,800,000.00	16.46	3.00	100.00	59,892,321.76
✓	91 - 365 days	32,996,338.00	46.02	0.00	100.00	38,695,983.76
✓	1 - 2 years	19,503,873.50	27.20	0.00	70.00	30,680,751.73
✓	2 - 5 years	4,307,786.80	6.01	0.00	50.00	31,538,374.08
✓	5 - 10 years	3,084,323.46	4.30	0.00	25.00	14,838,756.98
TOTALS		71,692,321.76	100.00			

ITEM 10.3 INVESTMENT REPORT FOR SEPTEMBER 2024

Table 2: Credit Rating Limits

Credit Quality Compliance as at 30/09/2024

Long Term Investments

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	498,005.50	0.69	100.00	71,194,316.26
✓	AA	42,104,082.80	58.73	100.00	29,588,238.96
✓	A	7,000,000.00	9.76	60.00	36,015,393.06
✓	BBB	19,005,910.00	26.51	45.00	13,255,634.79
✓	Unrated	3,084,323.46	4.30	18.00	9,820,294.45
TOTALS		71,692,321.76	100.00		

Certification by Responsible Accounting Officer

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

CONSULTATION:

Arlo Advisory

SUSTAINABILITY ASSESSMENT:

Nil

Risk

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

In September, risk markets continued their positive momentum, welcoming the US Federal Reserve’s decision to commence their easing cycle. Other developed central banks are poised to follow or continue in the same path over coming months.

In the deposit market, over September, the average deposit rates offered by the major banks remained below where they were the previous month (August) by around 5-10bp at the long-end of the curve. The overall deposit curve remains significantly inverse with rates now peaking at the 6 month term and then dropping across 1-5 year horizon (with the lowest rates offered in the 3 year tenor at around 4.30%), as the market aggressively factors in multiple rate cuts in 2025.

Source: *Arlo Advisory.*

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Interest accrued for the month of September was \$273,263, totalling \$787,701 this financial year. Council’s forecasted budgeted interest revenue for 2024/2025 is \$3,182,100. As council’s investments continue to outperform the benchmark, council would expect to meet the budgeted forecast.

ITEM 10.3 INVESTMENT REPORT FOR SEPTEMBER 2024

Any major impacts on the budget will be adjusted if necessary at each quarterly budget review.


Working funds – justification for urgency and cumulative impact

As above.

Service level changes and resourcing/staff implications

There are no changes or implications stemming from this report.

ATTACHMENTS:

- 1  53385/2024 - Investment Report September 2024
- 2  53382/2024 - Arlo Investment Report September 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.4 SF1031 311024 DRAFT CS38 ARTIFICIAL INTELLIGENCE GOVERNANCE POLICY

AUTHOR/ENQUIRIES: Darren Moulds, Manager ICT**SUMMARY:**

The emergence and rapid advancement of Artificial Intelligence (AI) provides opportunities for Local Government to operate more effectively and efficiently. However, there is also the potential for AI to be poorly used or applied and there are also ethical questions when it comes to the use of AI for some tasks.

The attached Artificial Intelligence Governance Policy seeks to address the use of AI tools by Council staff in a way that embraces the potential of positive transformative change presented by the technology, but also ensures that the utilisation of AI aligns with Council's legal, ethical, and community standards.

RECOMMENDATION:

That Council adopts the new draft policy CS 38 Artificial Intelligence Governance.

OPTIONS:

- 1 Per the recommendation.
- 2 Propose amendments to the new Policy.
- 3 Do nothing – business as usual.

DISCUSSION:

AI's rapid innovation will inevitably lead to integration with various industries and sectors and Local Government will be no exception. It seems clear that this technology has the potential to reshape the nature of work in the not-too-distant future.

AI can create efficiencies and deliver improved outcomes for some tasks and services. It can be used in a range of ways from taking on mundane tasks to generating/gathering ideas.

Governments, organisations and businesses globally are considering the benefits and challenges of using artificial intelligence. Simpler forms of AI have been around for decades (spellchecking, facial recognition, chatbots) but in recent years the level of sophistication and 'generative learning' capability of AI has taken a quantum leap.

While there is widespread agreement that AI can deliver benefits, governments in particular are cognisant that there are also risks associated with AI.

Risks include

- Data risk, where Council requests to AI and its responses are stored in places and by companies about which we know little.
- Responsibility around the use of AI and culpability if it makes mistakes.
- Unknowing use of copyrighted, personal, confidential or commercially sensitive information.

The attached policy aims to address the use of AI tools by Council staff in a way that embraces the potential of positive transformative change presented by the technology, but also ensures that the utilisation of AI aligns with Council's legal, ethical, and community standards.

Due to the rapidly changing AI space this policy may require frequent review as the technology matures and regulation occurs.

CONSULTATION:

MANEX – Council's Managers Forum.

ITEM 10.4 DRAFT CS38 ARTIFICIAL INTELLIGENCE GOVERNANCE POLICY

SUSTAINABILITY ASSESSMENT:

Environment

Nil impacts from the policy.

Social

AI governance can promote transparency in decision-making processes and enhance accountability in public administration.

Economic

Regulations focusing on data privacy and security can build public trust in AI technologies, encouraging broader adoption and investment. Addressing ethical concerns through governance policies can mitigate risks such as bias and discrimination in AI systems. This can enhance social acceptance and integration of AI technologies.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Data security and privacy	H	M	Adopt AI Governance Policy that requires that inputs to AI do not include or reveal any classified information, or personal information held by Council.	L

Delivery Program Action

CC8 - Integrate effective risk management practices across the organisation

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

AI tools will most likely move from free to cost based and require purchasing in the future.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Nil

ATTACHMENTS:

- 1  45447/2024 - DRAFT CS38 AI Governance Policy.DOCX

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.5 SF3504 311024 REQUEST FOR A 2024/2025 SECTION 356 DONATION - ASSIST WITH PURCHASES OF AED UNITS FOR GIRRALONG COMMUNITY

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council has received a request for a Section 356 donation to assist with the purchase of an Automatic Electronic Defibrillator (AED) unit for the Girralong community. The request has been submitted by the Girralong Residents' Group AED Project Team under the auspices of the Community Defib Project.

RECOMMENDATION:

That Council approves a Section 356 donation of \$500 to the Girralong Residents' Group Automatic Electronic Defibrillator (AED) Project Team.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option - Council can resolve to donate a lesser amount than the requested capped donation amount of \$500 to assist with the community AED purchase.

DISCUSSION:

Council received the Donation Request application from the Girralong Residents' Group AED Project Team on 6 September 2024, however due to Caretaker period for Council, the report is only now being submitted to Council for consideration. The group were advised of the delays in regards to Council's decision.

The Girralong Residents' Group (GRG) comprises residents of the Girralong area of the Nambucca Valley. For the purposes of this project, the GRG is under the auspices of the Community Defib Project, a non-profit organisation established to facilitate the installation of community-accessible defibrillators (AEDs) in vulnerable communities. While it had its genesis in Wisemans Ferry, the Community Defib Project has assisted in installation of defibrillators throughout NSW including, on the Mid North Coast, at Valla and Dorrigo.

The GRG are working to see the purchase and installation of the first of the AED units for remote locations, in the Girralong Community, and the requested donation will assist with purchase of the unit.

The local group intends to fundraise to fulfil their vision of the purchase and installation of three (3) AED units in this area. To date, a total of \$6,400 has been raised for the project, through fundraising enterprises and other donations and sponsorships.

The donation application submitted is attached to this report.

CONSULTATION:

Director Corporate Services
Chief Financial Officer

SUSTAINABILITY ASSESSMENT:

Environment

There is no impact on the environment

ITEM 10.5 REQUEST FOR A 2024/2025 SECTION 356 DONATION - ASSIST WITH PURCHASES OF AED UNITS FOR GIRRALONG COMMUNITY

Social

Council's donation will assist the community in installing AED units in a remote area of the Nambucca Valley.

Risk Analysis

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

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Council's 2024/2025 general donations budget on account number 3100.405.622 has now had four (4) donation requests approved, and the annual donations to schools and other organisations have also been paid out during August/September 2024. The available current balance is now \$19,748.47. If a donation of \$500 is approved to the Girralong Residents' Group, this will leave an available balance of \$19,248.47 until 30 June 2025.



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

A copy of an extract from the current budget is attached to this report.

Service level changes and resourcing/staff implications

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

ATTACHMENTS:

- 1  51567/2024 - Section 356 application - 6-9-24 - Donation towards AED purchase (Girralong Residents Group)
- 2  51575/2024 - Extract from Donations budget - 2024-2025 year - Council meeting 31-10-2024

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.6 SF963 311024 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT****AUTHOR/ENQUIRIES:** Jocelyn Box, Community Development Officer**SUMMARY:**

Council has twenty-four (24) Section 355 Committees of Management. The Committees have a long history within Council with many long term and new volunteers who manage a Council facility on behalf of Nambucca Valley Council. Nominations for each Committee are shown in the table below in the discussion section for Council's consideration. It is recommended that the following nominations be endorsed and be provided with the Terms of Reference, Code of Conduct for Delegates, Section 355 Committee Guidelines and Volunteer Safety Handbook.

RECOMMENDATION:**That Council:**

- 1 Accepts the new nominations to the following Section 355 Committees of Management as per the table in the body of the report.**
- 2 Provides the successful nominees with a copy of the Terms of Reference, Code of Conduct for Delegates, Section 355 Committee Guidelines and Volunteer Safety Handbook.**

OPTIONS:

There are no other options. Council needs voluntary Committees of Management to manage recreation, cultural and community facilities across the Nambucca Valley.

DISCUSSION:

Committee	Nominees	Reason for nominating
Burratine Public Hall	Nora Sepers	Community-minded. Seeking re-election
	Julie Noble	Community-minded
	Carolyn Cox	A desire to see the continuation of the Burratine Hall for the benefit of the community
Coronation Park	Robyn Kennedy	Elected by the Nambucca Strikers Football Club as a delegate for Coronation Park Trust
	Peter Lewis	Would like to continue as an Office Bearer of the Committee
Missabotti Community Centre	Chantal Binding	Previous member and wants to nominate again.
	Dawn Kennedy	Previous member and wants to nominate again.
	Tina Holmes	Previous member and wants to nominate again.
	Adrian Weir	Wants to keep the Community Hall open for all.
Nambucca Community Arts Centre &	Dianne Gulson	Application for position of President/Joint Secretary
	Carol McKee	To maximise the use of council halls by local community with personal assistance and support
	Deborah Mann	Previous member and wants to nominate again.
Taylors Arm Hall Committee	Allen Ward	To keep the Community Hall viable
	Raelene Daley	To keep the Community Hall open and viable
	Vicki Provost	To keep the Community Hall open for the community.
	Julie Gooch	To keep the Community Hall viable
	Shirley Duffy	To keep the Community Hall open

ITEM 10.6 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT

	Leanne Goldspring	To keep out community hall open
	Nicole Cisterne	Continuing support for the Hall Committee
Valla Beach Community Association (VBCA)	Julie Collins	Leader of Valla Expressions Art Show – run by VBCA
	Patricia Greenwood	To support community, improve services, help to deliver equitable access to funding
	Susan Hughes	Community, for Valla service
	Mac Wilson	Continuing support for the Hall Committee
	John Windmill	VBCA needs a Vice President
	Ceri Wrobel	Supporting Valla Beach
	Carole Anderson	Previous member and wants to nominate again.
	Kerri Mergan	To continue to provide assistance and support to the Association whenever needed in various ways, including co-ordination the annual Valla Beach Christmas Carols event
	Peter Sobey	To continue to build the VBCA and support the community
	Graham Jessen	Help run the Art Show
	Lyn Walsh	Help run the Valla Expressions Art Show
	Vanessa Wells	Volunteer to assist with the activities in the community
	Loredana Warren	Continuing on committee
Warrell Creek Public Hall	Shane O'Neill	Community support
	Robyn Wood	To support local community
	Helen Searle	Currently member wishing to continue supporting the local community
	Tracy Welsh	Previous member and wants to nominate again.
	Julie Roberts	Community support
We're Here	Mark Tyler	Importance of health in veterans lives post-service
	Jannelle McKay	Work within ex-services community
	John Wilson	Have lived and worked in Nambucca Heads since April 1981. Over the years has met and worked with many local people and organisations. Through his membership of the NH Lions Club, NH Bowling Club, and NH RSL Club he has had the opportunity to meet and work with local primary and high schools in various capacities and functions and enjoys working for his community.
	Mick Birtles	To be able to continue with the work of assisting transitioning Veterans relocating to the Nambucca Valley
	Garry McKay	Believes in what the committee is achieving
	Todd Vercoe	Wants to continue to service the Veteran community
	Trevor Lynch	As a veteran wants to help others get the best outcomes from their transition from the ADF

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:

Nil

ITEM 10.6 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
Injury to volunteers	M	H	Volunteers are given a Volunteer Safety Handbook after approval of Council.
Mismanagement	L	H	Council Code of Meeting Practice and Code of Conduct must be adhered to.
Fraud	L	H	Code of Conduct must be adhered to.

FINANCIAL IMPLICATIONS:

Nil

Service level changes and resourcing/staff implications

Nil impacts.

ATTACHMENTS:

- 1  54769/2024 - Burrupine Hall Committee of Management Nominations
- 2  54774/2024 - Coronation Park Committee of Management Nominations
- 3  54778/2024 - Missabotti Community Hall Committee of Management Nominations
- 4  54781/2024 - Nambucca Community and Arts Centre Committee of Management Nominations
- 5  54785/2024 - Taylors Arm Hall Committee of Management Nominations
- 6  54811/2024 - Valla Beach Community Association Committee of Management Nominations
- 7  54797/2024 - Warrell Creek Hall Committee of Management Nominations
- 8  54799/2024 - We're Here Committee of Management Nominations

DEVELOPMENT AND ENVIRONMENTS

**ITEM 11.1 SF3507 311024 PLANNING PROPOSAL - 44 KOOKABURRA ROAD,
BOWRAVILLE**

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

Summary:

A planning proposal seeking an amendment to the Nambucca Local Environmental Plan 2010 (LEP) has been received which proposes a reduction in the minimum lot size of Lot 2 DP 609465 – 44 Kookaburra Lane, Bowraville from 40ha to 18ha. The intent of the amendment is to facilitate the subdivision of the land into two lots. A concept of the future subdivision is contained within the planning proposal.

A gateway determination has been issued by the Minister of Planning and the planning proposal has been publicly exhibited in accordance with the gateway determination. Two submissions were received from public authorities.

The proposed amendment is supported as the lot already contains two dwellings and is located within the release area in Councils Rural Residential Land Release Strategy.

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 make the local environmental plan as outlined within the planning proposal contained within attachment 1 in accordance with section 3.36(2) of the *Environmental Planning and Assessment Act 1979*.

OPTIONS:

- 1 Not proceed with proposed amendments to the LEP.
- 2 Amend the planning proposal. This would require Council to seek a new Gateway Determination from the Minister.

BACKGROUND:

After consideration of the planning proposal contained within **attachment 1**, Council made the following resolution at the meeting on 11 July 2024 in relation to a proposed amendment to the Nambucca Local Environmental Plan 2010 (LEP):

That

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

ITEM 11.1 PLANNING PROPOSAL - 44 KOOKABURRA ROAD, BOWRAVILLE

The planning proposal seeks to amend the Nambucca Local Environmental Plan 2010 (LEP) by reducing the minimum lot size of Lot 2 DP 609465 – 44 Kookaburra Lane, Bowraville (the land) from 40ha to 18ha.

An aerial photo of the land can be seen below.



As can be seen in the photo above, the land is divided by a Crown road reserve. There are two existing dwellings on the land, one on the eastern side of the road and one on the western side of the road. The occupants of both dwellings own the land as tenants in common.

The intent of the planning proposal is to facilitate a subdivision of the land into two lots so that both owners can own their own lot individually on separate sides of the road.

DISCUSSION:

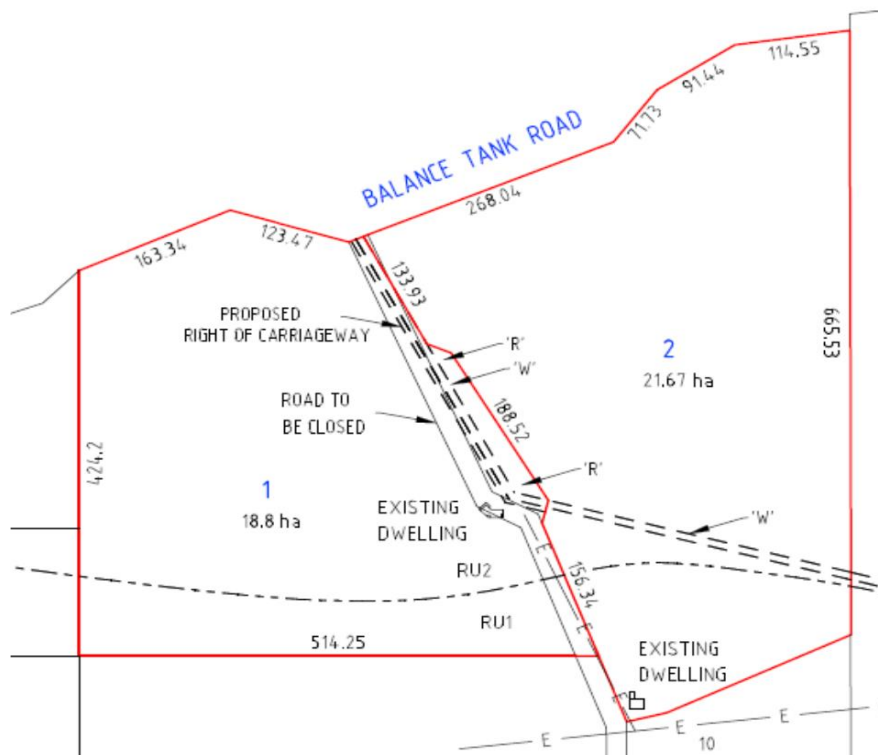
A gateway determination was received in August 2024 and the planning proposal was publicly exhibited from 6 September to 8 October 2024. No public submissions were received during the exhibition period.

The planning proposal was referred to the NSW Rural Fire Service and the NSW Biodiversity Conservation and Science Group in accordance with the Gateway Determination. A response from both agencies were received which have been included within **attachments 12 & 13.**

The NSW Rural Fire Service supports the planning proposal. However, the NSW Biodiversity Conservation and Science Group lodged an objection to the planning proposal. Their reasoning for this is that the proposal will result in potential subdivision of the land, involving the creation of a new property boundary adjacent to the existing crown road. It is thought that this could lead to additional clearing due to there being clearing entitlements along boundaries under the Rural Boundary Clearing Code.

As outlined in the aerial photo above, the existing crown road is already bordered by two lot boundaries as they are what distinguishes the land from the road. The intent of the planning proposal is to enable a subdivision of the land so that both land owners can own separate sides of the existing road by leaving the boundaries as they are. The planning proposal contains the below concept subdivision plan which illustrates a potential closure of the public road. If this were to eventuate, it would only limit the extent of potential clearing under the code due to a reduction in boundary length.

ITEM 11.1 PLANNING PROPOSAL - 44 KOOKABURRA ROAD, BOWRAVILLE



The NSW Biodiversity Conservation and Science Group also reviewed threatened species data and found several threatened flora records in the locality including the Critically Endangered Scrub Turpentine (*Rhodamnia rubescens*) and Native Guava (*Rhodomyrtus psidioides*), which are recorded within and surrounding the land. Threatened fauna records also occur in the locality including Barking Owl (*Ninox connivens*) and Koala (*Phascolarctos cinereus*).

Based on the above the NSW Biodiversity Conservation and Science Group are of the view that the planning proposal should be amended to:

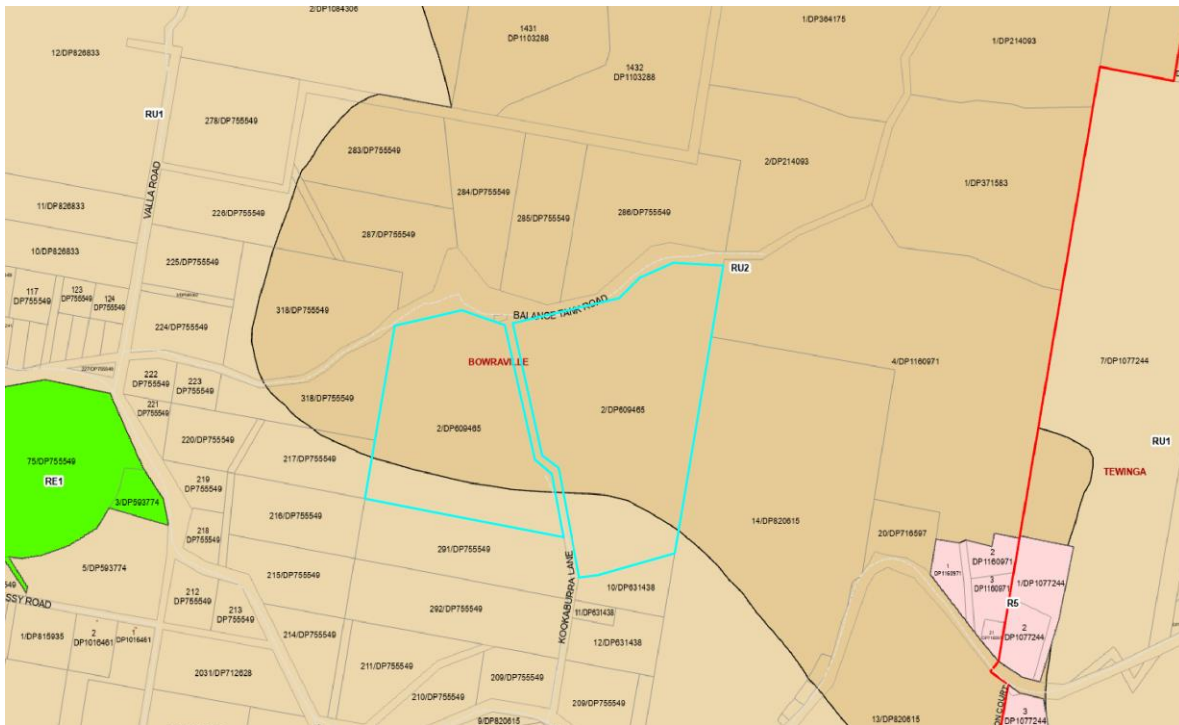
- a Apply the C2 Environmental Conservation zone to most areas of native vegetation in the planning area, and
- b Apply the RU1 and/or RU2 zones to the remaining parts of the planning area, and an 18ha Minimum Lot Size to the planning area that only enables a two-lot subdivision of the planning area.

While zoning part of the land as conservation zone isn't opposed, it is not considered that it should be done as part of the subject planning proposal. The intent of the planning proposal is to enable the subdivision of the land in a manner which will not result in any further physical impacts on the land.

It has been identified that it is not just this site, but the surrounding locality where records of threatened species have been identified. It is considered that any rezoning to a conservation zone should be done as part of a broader proposal which looks at the threatened species data of the region rather than undertaking an isolated rezoning of this site.

Below is the current zone map for the land (outlined blue) and the surrounding area. As can be seen, rezoning the land to a conservation zone would result in an isolated pocket of conservation zone which would have no correlation to the surrounding area which has also been identified as high environmental value.

ITEM 11.1 PLANNING PROPOSAL - 44 KOOKABURRA ROAD, BOWRAVILLE



All conditions of the Gateway Determination have been complied with and it is recommended that Council proceed with making the amendments to the LEP.

Due to the objection received from the NSW Biodiversity Conservation and Science Group, Council will not be the local plan making authority, meaning it will be the decision of the Planning Minister on how the planning proposal should proceed.

CONSULTATION:

Public agency and community consultation.

SUSTAINABILITY ASSESSMENT:

Environment

The proposal will not result in any significant environmental impacts.

Social

The proposal will not result in any significant social impacts.

Economic

The proposal will not result in any significant economic impacts.

Risk Analysis

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

Delivery Program Action

PP1 - Foster development opportunities

ITEM 11.1 PLANNING PROPOSAL - 44 KOOKABURRA ROAD, BOWRAVILLE

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

Nil.

Working funds – justification for urgency and cumulative impact

N/A














Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

- 1  33192/2024 - Planning Proposal
- 2  33193/2024 - Appendix A - Current Lot Size Map
- 3  33194/2024 - Appendix A - Proposed Lot Size Map
- 4  33195/2024 - Appendix B - SEPP Checklist
- 5  33196/2024 - Appendix C - Ministerial Directions Assessment
- 6  33197/2024 - Appendix D - Plan of Proposed Subdivision - Aerial Photo
- 7  33198/2024 - Appendix D - Plan of Proposed Subdivision
- 8  33199/2024 - Appendix E - Bushfire Assessment
- 9  33200/2024 - Appendix F - AHIMS Search
- 10  33201/2024 - Appendix G - Title Searches and Deposited Plans
- 11  55079/2024 - Gateway Determination
- 12  55080/2024 - RFS Submission
- 13  55078/2024 - DCCEEW Submission

DEVELOPMENT AND ENVIRONMENTS

ITEM 11.2 SF3410 311024 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 22 October 2024, and development applications determined from 3 – 22 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.			
STATUS: Updated noise impact assessment has been received and found to be inadequate. Application to be refused.			
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.			
STATUS: Assessment being finalised.			

ITEM 11.2 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

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

No development applications were determined between 3 - 22 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 11.3 DA2022/377 311024 COMMUNITY FACILITY (GUMBAYNGGIRR KEEPING PLACE)
- MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR
TWO LOT SUBDIVISION**

AUTHOR/ENQUIRIES: Michael Coulter, Senior Town Planner

Summary:

The proposed Nambucca Valley Gumbaynggirr Keeping Place aims to create a “landmark” building that seeks to celebrate Indigenous culture – the land, heritage, and the stories it is connected to; provides a special welcoming place that brings the community together for cultural sharing and collaboration, learning and education, community support and wellbeing, entertainment and recreation; and, provides a facility for safe keeping of important cultural artefacts.

The development is proposed for Council owned land between the Macksville library and the Dawkins Park lake and includes a subdivision to create a lot to contain the building. Council approved the proposed development at its meeting on 30 March 2023. However due to cost escalation the applicant now seeks Council’s approval by way of a modified consent to a “scaled back” proposal. The revised building design will include an open display and sales area; gallery space; café and kitchen; multi-use rooms; multi-use auditorium; yarnning circle; staff office; artefacts storage; and store.

The applicant is also seeking the release of a subdivision certificate which will permit the proposed subdivision to proceed in advance of the building. The creation of the subdivision does not confer a transfer of ownership, the latter being a separate process. Whilst it is a matter of governance (not planning), it is suggested the ownership of Lot 2 should not be transferred to the Land Council entity until an Occupation Certificate for the Gumbaynggirr Keeping Place has been issued. This will likely necessitate a separate legal agreement between Council and the Land Council entity binding the Council to transfer the land once the Occupation Certificate for the Keeping Place has been issued.

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:

- 1 Approves the application to modify the consent for DA2022/377 in accordance with the determination shown in attachment 1 and the plans shown in attachment 2.**
- 2 Notes the Subdivision Certificate for DA2022/377 will be issued upon compliance with the consent conditions, including a Notice of Compliance from Essential Energy. Further, the applicant be advised that if the subdivision proceeds in advance of the Occupation Certificate they will need to ensure any required easements are identified in advance of the construction.**
- 3 Notes that the Land Council entity be responsible for all costs associated with the transfer of the land including but not limited to infrastructure, survey, legal, stamp duty and plan registration.**
- 4 Enter a deed of agreement prior to the commencement of construction between the parties wherein the Council agrees to the transfer of ownership of the land for one dollar upon the issue of an Occupation Certificate and where the Land Council entity agrees to accept the transfer of ownership.**

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

- 5 Include a condition of transfer of the land in the deed that in the event the Land Council entity is wound up or seeks to transfer the land for any reason, Council have first right of refusal to resume ownership of the land for one dollar.**

OPTIONS:

- 1 Recommendation – with or without changes to conditions
- 2 Refusal – reasons to be provided
- 3 As the owner of the land the Council can withdraw owner's consent for either the development or the subdivision or both. This action would effectively terminate the application. This option involves non-planning considerations in relation to governance and asset management. It would involve a question as to liability for the expenditure which has been incurred to date in plan preparation and project management.

BACKGROUND:

At Council's meeting on 17 March 2022 it was resolved that:

“Council formally commit to providing land adjacent to the Macksville Library for the construction of the Keeping Place or another site that may be more suitable due to the flood prone nature of the Library site in consultation with the Local Aboriginal Land Councils.

At Council's meeting on 30 March 2023 it was resolved that:

1. *Development application DA2022/377 for the construction of the Gumbaynggirr Keeping Place and its subdivision from the land containing the Macksville library be approved subject to the conditions shown in Attachment 2.*
2. *Council enter into an agreement/s to allow the construction of the facility on Council owned land and to provide for the transfer of the completed development on the subdivided lot to the Unkya, Bowraville and Nambucca Heads Local Aboriginal Land Councils subject to the Land Councils meeting all infrastructure, survey, legal, stamp duty and plan registration costs associated with the transfer of the land.*
3. *Council's seal be attached to any documents pertaining to the agreement/s to allow the construction of the facility and the transfer of the land.*

The site and some perspectives of the approved development are shown in Figures 1, 2 and 3.

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION



Figure 1 Site of approved Gumbayngirr Keeping Place with proposed lot edged red

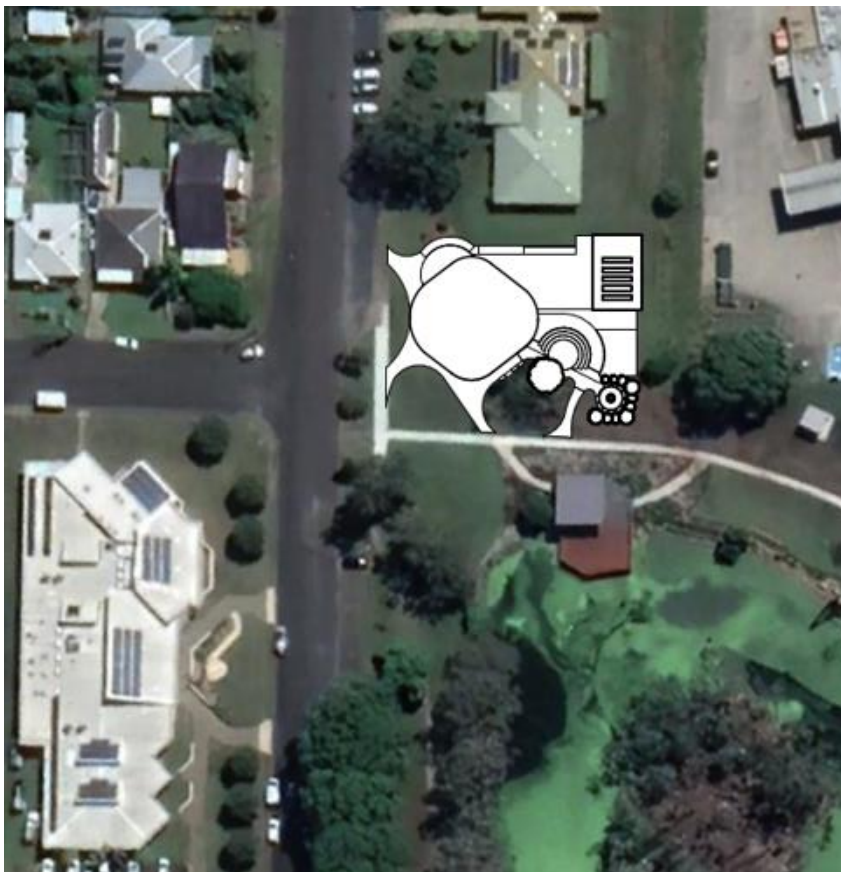


Figure 2 – Site plan showing approved Gumbayngirr Keeping Place

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Figure 3 – Perspectives of approved Gumbaynggirr Keeping Place – top is the view from Princess Street looking east – bottom is the building viewed from Dawkins Park looking north.

Application to Modify Development Consent

On 13/09/2024 the Council received an application to modify the development consent in response to a revised scope of works. According to the modification application, since approval significant efforts were made to engage a contractor to undertake the approved work. The application notes;

“However, due to rising material and labour costs, the original approval has become financially unfeasible and exceeding budgetary constraints. Consequently, a revised development plan has been prepared, which still aims to deliver a landmark building that celebrates indigenous culture – honouring the land, heritage and connected stories. The project is designed to create a welcoming space that fosters cultural

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sharing, collaboration, learning, education, community support, and wellbeing, entertainment, and recreation, while also providing a facility for safekeeping of important cultural artefacts.

To address the budget constraints, the development's size has been revised by removing the first floor, which was a major contributor to the increased construction costs and modifying the ground floor layout to maintain the same uses on a smaller scale. The revised development now proposes:

- The revised floor plan consolidates the development by removing the (first) floor, ensuring the project aligns with budget constraints. The streamlined design remains within the approved building footprint and accommodates essential functions, including display areas, gallery space, multi-use studios, offices, and amenities, promoting efficient use of the site.*
- The ground floor level has been raised from the previously approved 4.15m AHD to 4.50m AHD, which exceeds the 1% flood level, ensuring greater resilience to flood events. A key objective of the development is the protection and preservation of significant cultural relics. The artefact room will be equipped with elevated storage facilities, offering enhanced protection in the event of a major flood.*
- The modified development maintains dual access from both the adjacent recreation area and Princess Street. A consolidated entrance now addresses both frontages sympathetically. The western façade, which faces Princess Street, will no longer feature a separate entrance; instead, this façade will incorporate Indigenous artwork panels that wrap around towards the main entrance, enhancing the visual engagement with the streetscape.*
- The building's distinctive stingray shape, a culturally significant design that symbolises the heritage of the area, is retained in the modified proposal.*
- The consolidated development ensures that ancillary spaces such as the yarning circle and seating area are now situated entirely within the boundaries of 39 Princess Street, rather than the adjacent Dawkins Park. This redesign maintains a direct pedestrian connection to the park, facilitating seamless public access between the two spaces.*
- Two new development features are proposed: a sculpture at the front of the site, visible from Princess Street, and a flagpole to display the Aboriginal flag, reinforcing the site's cultural and community significance. Notably, both items could be pursued via exempt development (SEPP – Exempt and Complying Development Codes 2008).*

The revised floor plan and perspectives are shown in the following figures.

The modification application is referred to Council for determination as it involves Council owned land.

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

Legend

1. Street entry
2. Gallery foyer
3. Display/ sales
4. Gallery
5. Kitchen
6. Café outdoor seating
7. Multi-use studio A
8. Multi-use studio B
9. Outdoor seating area
10. Yarning circle
11. Office
12. Artefacts storage
13. Store
14. Disabled parking
15. Staff / VIP parking
16. Scooter parking
17. Bin Area
18. Male Toilets
19. Female Toilets
20. Accessible Toilet to AS 1428.1-2009
21. Sculpture
22. Flag poles
23. Accessible ramp
24. Lockers
25. Existing tree to retain

Figure 4 – Legend for modified floor plan

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

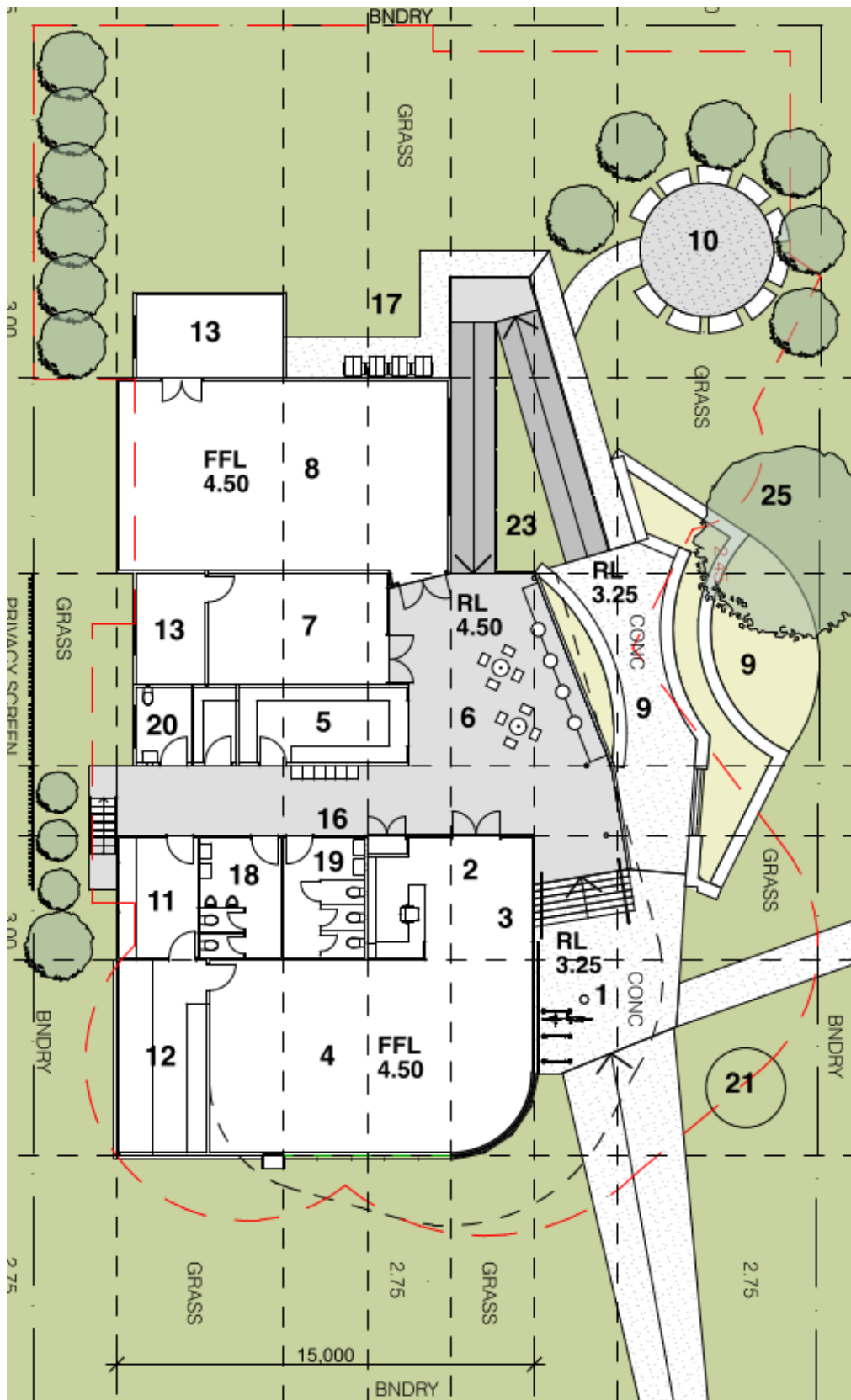


Figure 5 - Modified floor plan showing a single level at RL4.5m Australian Height Datum (AHD). The original building outline is shown with red dashes. The flag pole is outside the boundary to the right of 21.

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION**Perspective Views**

Figure 6 – Perspectives of modified plans – top is the view from Princess Street – bottom is the view from Dawkins Park

Application to Issue Subdivision Certificate (to allow registration of the plan of subdivision)

Separate to the modification application previously discussed, the applicant has lodged an application for a subdivision certificate for the two lot subdivision of land (as approved on 30 March 2023). The proposed plan of subdivision provides for the widening of Princess Street through a road widening 6.235m wide (Z). The proposed road widening boundary is located at a minimum offset of 0.5m from the existing concrete footpath. This road widening is to be dedicated to Council upon registration of the proposed plan of subdivision which is shown in the following figure.

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

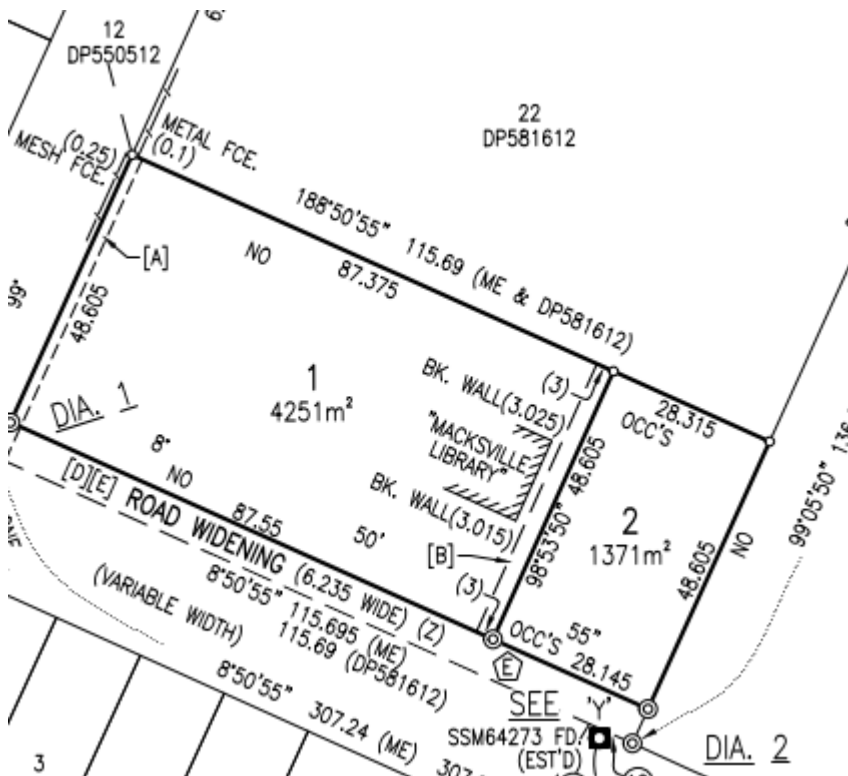


Figure 7 – Plan of proposed subdivision with [B] being an easement for maintenance 3m wide.

The application for the subdivision certificate is compliant with the approved plan and conditions except that if the subdivision is to proceed in advance of the construction of the building (which it can) then the Council will require the applicant to obtain a Notice of Arrangement from Essential Energy that satisfactory arrangements have been made for the supply of electricity to the new lot 2. This requirement was included as condition 39 of the development consent issued following the Council’s meeting on 30 March 2023.

If the subdivision proceeds in advance of the building it is necessary to be certain as to the location of all the required services as services which encroach on the other lot will require an easement. There will be additional costs associated with the creation of easements after the registration of the plan of subdivision.

In relation to the creation of the new lot 2 it should be noted that the subdivision will create the lot, with the transfer of ownership being a separate process. Whilst it is a matter of governance (not planning), the ownership of Lot 2 should not be transferred to the Land Council entity until an occupation certificate for the Gumbayngirr Keeping Place has been issued. This will likely necessitate a separate legal agreement between Council and the Land Council entity binding the Council to transfer the land once the occupation certificate for the Keeping Place has been issued and binding the Land Council entity to accept the transfer. Otherwise the Council will “inherit” an expensive built asset which will come with significant operational and depreciation expenses.

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

DISCUSSION:

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ASSESSMENT

The proposed modification application is assessed against the relevant subsections of section 4.55 of the *Environmental Planning and Assessment Act 1979* as follows:

SECTION 4.55(1A)		
<i>Council may on application being made by the applicant or any other person entitled to act on a consent granted by Council, modify the development if:</i>		
	Complies	Comments
<i>(a) It is satisfied that the proposed modification is of minimal environmental impact,</i>	Yes	The proposed modified building has a smaller footprint to the approved building.
<i>(b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),</i>	Yes	The development has essentially the same form with the most significant change being the deletion of the first floor.
<i>(c) It has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,</i>	n/a	The modified application was notified as per Council's notification policy.
<i>(d) It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	n/a	The period for submissions closed on 3 October 2024 with nil submissions being received. The Council received a verbal query that the proposed flag pole should be located on Lot 2 rather than on the adjoining Dawkins Park public reserve as shown on the modified ground floor plan. It is agreed that any flag pole/s should be located on the proposed Lot 2 so the operational and maintenance responsibilities for the pole/s are clear. If it is located on Council land there may be an expectation that Council is responsible for its operation. A consent condition has been applied to address this.
SECTION 4.55(2) – not applicable – the application meets the requirements of 4.55(1A) above		

SECTION 4.55 (3)

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(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The matters referred to in section 4.15 (1) are as follows:

	Complies	Comments
<i>a the provisions of:</i>		
<i>(i) any environmental planning instrument, and</i>	Yes	<p>The site is zoned B3 Commercial Core pursuant to the Nambucca Local Environmental Plan 2010. The objectives of the zone are to provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community. The application directly addresses this objective. The application also addresses the other objectives of the zone being to encourage appropriate employment opportunities and maximising public transport patronage and encouraging walking and cycling. An “<i>information and education facility</i>” is a permissible use with consent.</p> <p>The maximum building height for the site is 14m. The approved development had a maximum height of 8.85m and the modified plans indicate a maximum height of less than 5m, well within the height limit.</p> <p>There is no nominated floor space ratio (FSR) for the site.</p> <p>A relevant provision in the Nambucca Local Environmental Plan 2010 (the LEP) concerns Clause 5.21 Flood Planning. Consent must not be granted unless Council is satisfied the development is compatible with flood function; will not adversely affect flood behaviour; will not adversely affect the safe occupation and evacuation of people; incorporates measures to manage risk to life; and will not adversely affect the environment.</p> <p>Whilst the building is not habitable, it is an important public building and consideration needs to be given to the extent to which it is flood proofed. At the upper end some public buildings should be built above the probable maximum flood (PMF) as was the case with the Macksville hospital. This site is below the PMF.</p> <p>The 2017 Nambucca Floodplain Risk Management Study contains a matrix showing appropriate flood related planning controls for different land use categories. It nominates “<i>critical uses and facilities</i>” being a community facility which may provide an important contribution to the notification and evacuation of the community during flood events as only being appropriate above the PMF. Such critical uses and facilities are listed as hospitals and residential care facilities.</p> <p>The best fit for the proposed development is “new commercial”. The classification requires hazard categories of H4 and above (complies); a floor level above the 1% AEP plus 500mm freeboard (complies); flood compatible materials below the flood planning level (complies); an engineer’s report</p>

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

		<p>on structural soundness up to the flood planning level (can comply); development minimises flood impacts elsewhere (complies); appropriate flood evacuation strategy (can comply); management and design (complies).</p> <p>The site has a hydraulic hazard categorisation of 2-3 which makes the site unsafe in a 1% average exceedance probability (AEP) flood (mainly as a consequence of water depth, not velocity). The flood planning level for the site which is the 1% AEP flood (incorporating 900mm for climate change) plus a 500mm freeboard is 4.11m Australian Height Datum (AHD). The approved plan proposed a ground floor level of 4.15m which exceeds this standard. By way of comparison the floor level of the Council administration building is 3.67m.</p> <p>The modification application proposes an increase in the floor height from 4.15m to 4.5m AHD. As the site has a level of approximately 3.0m AHD this means the ground floor of the building will be approximately 1.5m above the existing ground level. This increase in the level of flood proofing is considered reasonable for an important public building.</p> <p>The level difference is being catered for with a flight of steps on the southern elevation and a “switch back” ramp on the eastern side of the building.</p>
<i>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	n/a	
<i>(iii) any development control plan, and</i>	Yes	The proposed modified plans do not fundamentally change the assessment provided in the original application.
<i>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	n/a	
<i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	n/a	
<i>b the likely impacts of that development, including environmental impacts on</i>	Yes	The provision of parking was considered in the original application. A traffic and parking survey submitted with application demonstrated that even during business hours

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<i>both the natural and built environments, and social and economic impacts in the locality,</i>		there is a considerable supply of underutilised on and off-street parking in the immediate vicinity of the site. It was agreed that the development should be required to construct 2 ninety degree indented on street accessible parking spaces and line mark a bus/loading zone in the existing constructed road shoulder immediately south of the existing pram ramp/footpath. The modified plans have a smaller floorspace than the approved development which in turn will reduce the requirement for off street parking.
<i>c the suitability of the site for the development,</i>	Yes	The site is well located for the proposed use. It is adjacent to the Macksville library, opposite the Council administration and generally central to Macksville. Subject to the Council making progress in improving the amenity of Dawkins Lake, it benefits from the adjoining Dawkins Park providing the opportunity for a Yarning Circle and cultural story telling.
<i>d any submissions made in accordance with this Act or the regulations,</i>	Yes	No submissions have been received but a verbal query in relation to the location of the flagpole is discussed elsewhere.
<i>e the public interest.</i>	Yes	

CONSULTATION:

There has been consultation with the Manager Development and Environment and with the Property Officer in relation to aspects of the Subdivision Certificate application.

SUSTAINABILITY ASSESSMENT:

Environment

The development has minimal implications for the environment.

Social

The development will have positive social implications being a place to record and celebrate Gumbaynggirr culture.

Economic

The development will have positive economic implications in relation to the local multiplier of the capital investment to build the facility and then on-going as a point of interest for visitors and tourists.

Risk Analysis

(Analyse the major risks associated with the proposal and explain how these risks will be managed using the following table format)

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Governance and asset management	L	H	A legal agreement needs to be in place to ensure the Council only transfers land for the intended purpose. Similarly, the agreement needs to avoid Council becoming	Nil

ITEM 11.3 COMMUNITY FACILITY (GUMBAYNGIRR KEEPING PLACE) - MODIFICATION TO DEVELOPMENT CONSENT AND SUBDIVISION CERTIFICATE FOR TWO LOT SUBDIVISION

			the unintentional owner of the building.	
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Delivery Program Action

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

CE12 - Support community organisations undertaking natural resource management

LW2 - Support Local museums

PP10 - Support the local tourism industry in partnership with the Nambucca Valley Tourism Association (NVTa)

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Besides a possible “book entry” in relation to the value of the land in Council’s balance sheet there is no financial impact. There is no “budgetary” impact.

Working funds – justification for urgency and cumulative impact

There is no impact on working funds.



Impacts on 10 Year Long Term Financial Plan

There is no impact on the 10 year financial plan.

Service level changes and resourcing/staff implications

There are no service level implications.

ATTACHMENTS:

- 1  52919/2024 - DA2022/377 - Proposed Modified Consent
- 2  52927/2024 - DA2022/377 - Modification Plans

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.4 SF3410 311024 2024 AUGUST - APPROVED CONSTRUCTION
CERTIFICATES AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Acting Senior Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Development Certificates for the month of August 2024 as at 18 September 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  48608/2024 - 2024 August - Approved Construction Certificates and Complying Development Applications

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.5 SF3410 311024 2024 AUGUST - DEVELOPMENT APPLICATIONS AND COMPLYING DEVELOPMENT APPLICATIONS RECEIVED

AUTHOR/ENQUIRIES: Melanie Ellis, Acting Senior Business Services Officer

SUMMARY:

Council at the meeting on 16 January 2014 resolved:

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

Attached is a list of Development Applications and Complying Developments received in August 2024 as at 18 September 2024.

RECOMMENDATION:

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

ATTACHMENTS:

- 1 48612/2024 - 2024 August - Development Applications and Complying Development Applications
 Received

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.6 SF3410 311024 2024 SEPTEMBER - APPROVED CONSTRUCTION
CERTIFICATES AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Developments for the month of September 2024 as at 10 October 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  52869/2024 - 2024 September - Approved Construction Certificates and Complying Development Applications

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.7 SF3410 311024 2024 SEPTEMBER - DEVELOPMENT APPLICATIONS AND COMPLYING DEVELOPMENT APPLICATIONS RECEIVED

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at the meeting on 16 January 2014 resolved:


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

Attached is a list of Development Applications and Complying Developments received in September 2024 as at 10 October 2024.

RECOMMENDATION:

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

ATTACHMENTS:

- 1 52870/2024 - 2024 September - Development Applications and Complying Development Applications Received 

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.8 SF1148 311024 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR AUGUST 2024

AUTHOR/ENQUIRIES: Melanie Ellis, Acting Senior Business Services Officer

SUMMARY:

The following is the Council's Rangers' reports and attached listing of penalty notices issued for the month of August 2024 by Council Officers.

RECOMMENDATION:

That Council notes the Rangers' impounding statistics and the penalties issued for August 2024.

AUGUST 2024	Cats	Dogs
COUNCIL'S SEIZURE ACTIVITY		
Seized (doesn't include those animals dumped or surrendered)	0	0
Returned to Owner	0	0
Transferred to - Council's Facility from Seizure Activities	0	0
ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY		
Animals In Council's Facility - (Start of Month)	3	1
Abandoned or Stray	4	5
Surrendered	0	1
Animals transferred from Seizure Activities	0	0
Total Incoming Animals	7	7
ANIMALS LEAVING COUNCIL'S FACILITY		
Released to Owners	0	0
Sold	1	2
Released to Organisations for Rehoming	0	0
Died at Council's Facility (other than euthanised)	0	0
Stolen from Council's Facility	0	0
Escaped from Council's Facility	0	0
Other	0	0
EUTHANISED		
Restricted Dogs	0	0
Dangerous Dogs	0	0
Owner's Request	0	0
Due to Illness, Disease or Injury	0	0
Feral/infant animal	0	0
Unsuitable for rehoming	0	0
Unable to be rehomed	0	0
Total Euthanised	0	0
Total Outgoing Animals	0	0
TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)	6	5

Cattle	Breakdown	Total
Seized	0	0
Returned to Owner	0	0
Impounded	0	0
Total Seized	0	0

ATTACHMENTS:

- 1  49488/2024 - Ranger Report - Penalties Issued - August 2024

ITEM 11.8 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR AUGUST 2024

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.1 SF1676 311024 UPDATE ON THE 2024/25 CIVIL AND BUILDING CAPITAL WORKS REPORT AS AT 30 SEPTEMBER 2024

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

SUMMARY:

Council's adopted budget for the 2024/25 financial year was \$10.4m of which \$4.49m is Civil and Building Capital Works.

With the approved carry forwards of \$20.13m including Valla Urban Growth Area (VUGA) other grant programs have added to the program the budget increased to \$24.63m. Throughout the year there will be further adjustments as the program is refined to smooth out delivery and to accommodate the Disaster Recovery Program.

The expenditure of the Civil and Building Capital Works Program at 30 September 2024 was \$4.23m with commitments for a further \$2.04m.

RECOMMENDATION:

That Council notes the update on the 2024/25 Civil and Building Capital Works as at 30 September 2024.

OPTIONS:

No other options were considered with this report.

DISCUSSION:

Council's adopted budget for the 2024/25 financial year was \$10.4m of which \$4.49m is Civil and Building Capital works.

With the approved carry forwards, including Valla Urban Growth Area (VUGA) and other grant programs have added to the program the budget increased to \$24.63m.

The significant carry forward of over \$20.13m in projects highlights a significant back log in projects and therefore throughout the year there will be further adjustments as the program is refined to smooth out the delivery of the works program.

Further changes forecast for the future include:

- Waste Projects - \$640,000 with funds coming from waste reserve
- Local Roads and Community Infrastructure 4 (LRCI 4) - \$747,363 in projects approved by funding body and WO created
- Review of the Water and Sewer program.

The expenditure of the Civil and Building Capital Works Program at 30 September 2024 was \$4.23m with commitments for a further \$2.04m.

In addition, over time other metrics will be introduced to demonstrate delivery of the capital works program. These metrics will include measuring projects not just against cost but include time.

**ITEM 12.1 UPDATE ON THE 2024/25 CIVIL AND BUILDING CAPITAL WORKS REPORT AS AT 30
SEPTEMBER 2024**

CONSULTATION:

Manager Water and Sewerage
Manager Infrastructure Services
Manager Assets
Manager Technical Services

SUSTAINABILITY ASSESSMENT:

Nil

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The Civil and Building Capital works program is dynamic in nature and any adjustments made will be reported through the Quarterly Budget review process.

Source of fund and any variance to working funds

Nil

Service level changes and resourcing/staff implications

Nil

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 12.2 SF3424 311024 RESPONSE TO MATTERS RAISED - PUBLIC FORUM 11
JULY 2024**

AUTHOR/ENQUIRIES: Matthew Leibrandt, Manager Infrastructure Services; Keith Williams, Manager Technical Services; Mathias De Souza, Manager Assets

SUMMARY:

Council at its Ordinary Council Meeting held on 11 July 2024 resolved:

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.

RECOMMENDATION:

That Council notes the report in response to the matters raised by public forum speakers at the Ordinary Meeting of Council on 11 July 2024.

DISCUSSION:**1 South Arm Hall Committee**

In consultation with the South Arm Hall Committee the hall has received grant funding over the past few years for the following:

- 92,000 Litre water tank and associated works for them to pump water
- A trench was needed from the hall to the community shed to connect power and lighting to the community shed and water tank.
- Upgrade electrical switchboard to accommodate new connection
- Supply and install new lights in the hall and stage
- Solar Installation
- Stage curtain
- Heaters & Fans
- New furniture

In addition, in the past some funding was taken from the hall by Council to fund the over runs of Utungun Hall and Valla Beach Stage.

2 South Arm Hall Committee – Proposal of modernising the hall and toilets

Council does not currently have any plans or allocations in the Long-Term Financial Plan (LTFP) to provide significant upgrades to the South Arm Hall. The upgrades requested will require significant capital investment which Council currently relies on grant funding to undertake.

Council currently has a \$946,962 allocated to various halls and public toilet upgrades. Of these funds only \$55,123 is allocated from general funds, with the remaining \$891,839 funded from grant programs such as Bushfire Local Economic Recovery Fund and Local Roads and Community Infrastructure.

Any upgrades would need to be prioritised against all the other halls including renewals and upgrades to create a priority list for which Council can then apply for grant programs.

3 Condition of South Arm Road

The full length of South Arm Road was inspected on 6 August 2024, finding the road to be in serviceable condition. Approximately 5 locations were found to have clusters of potholes and two sections with large corrugates and 5 sections with small corrugates. The majority of the stretches of table drains contained some tree debris. Some redundant signage was found that will require removal or replacement with more suitable signage. A segment of overgrown vegetation was found between Parrys Bridge and Grants

ITEM 12.2 RESPONSE TO MATTERS RAISED - PUBLIC FORUM 11 JULY 2024

Bridge. Work instructions have been issued to undertake vegetation control works, amend signage as required and fill potholes in the unsealed pavement that are unavoidable when travelling at speed.

As to the philosophy regarding the choice of the direction of work on an unsealed road, working from the beginning to the end of the unsealed section is as follows:

- The beginning of the unsealed road is generally in worse condition when starting work on a road due to it having the largest traffic volumes
- By running gravel trucks over the recently graded roads, it gives the road extra compact and a chance to see and repair premature failures before the crew leave the area.

4 Access road to Bowraville Recreation Club

The current access road alignment from Coronation Street, running beside the Preschool and to the new Bowraville Recreation Club is almost complete with the following steps taken:

- As of 28 March 2024, a 15m 'right of carriageway' was created across Council's land (Lot: 3, DP: 1289987) from Hennessey Tape playgrounds to the 'T' intersection to the new Bowraville Recreation Club.
- The creation of this 'right of carriageway' coincided with the installation of NBN and underground power beside the right of carriageway to service the new Recreation Club.
- At present, Council is in the process of acquiring the small triangular section of land from the Crown near the Preschool to finalise the ownership of the road corridor from Coronation Street to the new Bowraville Recreation Club.
- As such significant investment in the current Access road's alignment has already occurred, there is little to gain by creating an alternative access.

The alternative alignments were considered during the planning of the Bowraville Hub with Coronation Street the agreed access point. Coronation Street is a low speed environment and 5.5m wide road outside the Preschool and narrows toward the Recreation Club. Parents are required to walk their children to the Preschool entry and there is no need to cross the road.

Council has already improved the road safety by installing 'No Stopping' signs on the southern side of the Access road adjoining the Preschool to avoid vehicle parking and congesting the road during busy times such as football 'game nights'.

5 Road maintenance in the Shire, Antenna and communication

Council has had issues with the integration of the Antenna and Datascope software solutions into operations. A number of positions within Council's structure remain empty and some staff who deal with service requests are currently covering multiple positions. It is expected that the level of service to residents lodging service requests will improve as positions are filled.

The markers indicating the end of the maintenance section were installed in 2000 and it is possible that the markers may have been shifted away from their correct location in previous years. When resources become available, they will be reviewed for accuracy with any adjustments to be made to their locations to be communicated to affected land owners giving them ample time to respond prior to any works to shift the markers commence.

A decision where resources are allocated on the unsealed road network is made based on the condition of the road via inspections and then they are prioritised to stay within Council's annual budget allocation.

6 Removal of timber next to South Arm Hall

An address to Council at South Arm Hall expressed concern over the tree debris that is located to the west of the hall, beside the access road that was established once the shed and tank were installed behind the South Arm Public Hall.

The timber has been removed from site.

ITEM 12.2 RESPONSE TO MATTERS RAISED - PUBLIC FORUM 11 JULY 2024



Tree debris below access road to water storage tank, South Arm Hall



Approximate location of tree debris beside access track to water storage tank and shed (not in aerial photo) South Arm Hall.

CONSULTATION:

NIL

SUSTAINABILITY ASSESSMENT:

N/A

Risk Analysis:

N/A

ITEM 12.2 RESPONSE TO MATTERS RAISED - PUBLIC FORUM 11 JULY 2024

Delivery Program Action

CC2 - Use information from the community in decision making

LW5 - Maintain public buildings where justified by community use

PP11 - Maintain and construct road network to the level of service agree with the community

FINANCIAL IMPLICATIONS:

N/A

ATTACHMENTS:

There are no attachments for this report.