

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 19 MARCH 2025

The following document is the minutes of the Ordinary Council meeting held **19 MARCH 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **16 APRIL 2025** and therefore subject to change. Please refer to the minutes of **16 APRIL 2025** 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)
Kristian Enevoldson (Manager Risk and Governance)

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. The Mayor and Councillors are being video recorded.

PRAYER

Reverend Joanne Smalbil from Nambucca Heads Uniting Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Jane Smith declared a pecuniary - significant in Item 5.4 – Improvements for Nambucca Heads CBD under the Local Government Act as Councillor Jane Smith has a commercial lease in Bowra St Nambucca Heads CBD. Councillor Jane Smith left the meeting for this item.

Councillor David Jones declared a pecuniary - significant conflict of interest in Item 5.4 - Improvements for Nambucca Heads CBD under the Local Government Act as Councillor David Jones has interest in property, commercial and residential in Bowra St. Councillor David Jones left the meeting for this item.

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DELEGATIONS & PUBLIC FORUM HELD TUESDAY 18 MARCH 2025

RECOMMENDATION

That the following delegations be heard:

Item 5.1 - Notice of Motion - Tree Preservation Orders -Significant Trees

i Mr Marc Percival – for the recommendation

ii Mr Zahn Pithers – for the recommendation

Item 11.2 - Beer Creek Water Quality

iii Mr James Ford – against the recommendation

Delegations Continued

Item 5.1 - Notice of Motion - Tree Preservation Orders -Significant Trees

i Mr Marc Percival addressed Council with speaking notes placed on SF3424 15032/2025.

69/25 **RESOLVED:** (Jones/McWilliam)

That the speaker be granted an extension of time.

ii Mr Zahn Pithers –addressed Council with speaking notes placed on SF3424 15031/2025.

Item 11.2 - Beer Creek Water Quality

iii Mr James Ford - addressed Council with speaking notes placed on SF3424 15471/2025.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 27 FEBRUARY 2025

70/25 **RESOLVED:** (Vance/McWilliam)

That the minutes of the Ordinary Council Meeting of 27 February 2025 be confirmed.

Amendment to the next Council date from 13 March to 19 March in the previous minutes.

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MAYORAL MINUTES - LATE

ITEM L.1 SF271 190325 Mayoral Minute - Review of the Code of Meeting Practice

71/25 **RESOLVED:** (Lee)

That Council provide a report to review the Code of Meeting Practice to be presented to a Council meeting after the Office of Local Government has released their Model Code of Meeting Practice.

NOTICE OF MOTION - CR JONES

ITEM 5.1 SF3422 190325 Notice of Motion - Tree Preservation Orders -Significant Trees

72/25 **RESOLVED:** (Jones/Simson)

That Council:

- 1 **Receive a report on the ability for tree permits to be required for the removal of trees from non-rural areas of the Nambucca Valley under Part 2.3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021. The report is to include:**
 - **A draft clause for an amendment to the Nambucca Development Control Plan 2010 which identifies vegetation which would require a tree permit.**
 - **Budget implications associated with requiring tree permits.**
 - **An estimated timeframe for implementing tree permit requirements.**
-

NOTICE OF MOTION - CR ANGEL

ITEM 5.2 SF3422 190325 Notice of Motion - Timings of Grant Status Report

73/25 **RESOLVED:** (Angel/McWilliam)

That Council provides the grant status report to Council meetings on a quarterly basis.

NOTICE OF MOTION - CR SMITH

ITEM 5.3 SF3422 190325 Notice of Motion - Explore All Funding Options for Nambucca Valley Water Quality Monitoring Program

74/25 **RESOLVED:** (Smith/Jones)

That Council:

- 1 **Explore alternate funding and partnership options for the Nambucca Valley Water Quality Monitoring Program.**
 - a **Report on all available and upcoming grant opportunities to fund the Nambucca Valley Water Quality Monitoring Program**
-

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- b Lobby the NSW Environmental Protection Agency to work to implement, partner or fund the Nambucca Valley Water Quality Monitoring Program

 - 2 Writes to the State Member for Oxley Mr Michael Kemp MP and the Federal Member for Cowper Mr Pat Conaghan MP requesting the assistance in the advocacy and funding for Nambucca Valley Water Quality Monitoring Program.

 - 3 Write to the Minister for Water and the Environment requesting assurances that greater resources be allocated to State agencies responsible for monitoring legislative compliance within the Nambucca Valley.
-

Councillor David Jones and Councillor Jane Smith left the meeting before the commencement of this item, the time being 6:22 PM

NOTICE OF MOTION - CR ANGEL

ITEM 5.4 SF3422 190325 Notice of Motion - Improvements for Nambucca Heads CBD

75/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Notes the receipt of the petition.

- 2 Provides a report on the current state of the Nambucca CBD including:
 - a Current cleaning schedule for the roads and footpaths.
 - b Maintenance schedule for the gardens and small green areas.
 - c List of upcoming programmed works within the CBD precinct in the next 12 months.
 - d List of available an upcoming grant for master plans, beautification, infrastructure, or place making.
 - e Extend one side for of Bowra St to a 2hr Parking Limit.

- 3 Writes a letter to the Member for Oxley Michael Kemp requesting his assistance to request an increase the presence of NSW police foot patrols in the Nambucca CBD and district.

- 4 Prepares a bid for the 2025/26 Budget to produce the Nambucca Main Street CBD Master Plan.

- 5 Establishes a Community Reference Group (CRG) for the Nambucca CBD project to ensure community consultation from the beginning of the project.

Councillor David Jones and Councillor Jane Smith returned to the meeting at the completion of this item, the time being 6:33 PM.

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NOTICE OF MOTION - CR JENVEY

ITEM 5.5 SF3422 190325 Notice of Motion - Cr Susan Jenvey Request for Leave 7 May to 13 June 2025

76/25 **RESOLVED:** (Angel/McWilliam)

That Cr Susan Jenvey be granted leave of absence in accordance with Section 234(1) (d) of the Local Government Act 1993 for the period of 07 May 2025 to 13 June 2025 inclusive.

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.

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 190325 Outstanding Actions and Reports

77/25 **RESOLVED:** (Jones/Simson)

That Council notes the list of outstanding actions and reports.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF42 190325 OLG Complaint Statistics

78/25 **RESOLVED:** (McWilliam/Ballangarry)

That Council notes the Office of Local Government report on 2023/24 Complaint Statistics.

ITEM 10.2 SF1031 190325 Revised CCTV Policy

79/25 **RESOLVED:** (Angel/Jenvey)

That Council approves the attached revised CCTV Policy Number CS 29 to be placed on public exhibition for 28 days and if no submissions are received that the policy is adopted.

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ITEM 10.3 SF3409.24 190325 Minutes of the Nambucca Valley Council Access Committee Meeting held 25 February 2025

80/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Notes the Minutes of the Access Committee meeting held 25 February 2025.**
- 2 Approves the resolutions of the Access Committee including:**
 - a) Name change to Nambucca Valley Access and Inclusion Committee.**
 - b) The endorsed Terms of Reference.**
 - c) A return to monthly meetings between February and November.**
 - d) Recruitment of new members to the Committee.**

ITEM 10.4 SF3586 190325 Establish the Aboriginal Advisory Committee

81/25 **RESOLVED:** (Smith/Ballangarry)

That Council:

- 1 Approves the new Aboriginal Advisory Committee as an advisory Committee to Council.**
- 2 Elects Councillor Cr Smith as the committee delegate.**

ITEM 10.5 SF963 190325 Nominations to Council Section 355 Committees of Management

82/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Approves the new nominations to the following Section 355 Committees of Management as per the table in the Discussion section 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.**

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ITEM 10.6 SF3504 190325 Donations Program (Section 356) 2024/2025 - Applications for Approval

83/25 **RESOLVED:** (Angel/McWilliam)

That Council approves all thirty-five (35) eligible applications for monetary donation requests, received for the Donations Program, totalling \$17,401.45, up to the capped amount of \$500.00 each, or a lesser amount as requested.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 190325 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

84/25 **RESOLVED:** (Smith/McWilliam)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 7 March 2025, and development applications determined from 13 January – 7 March 2025 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.2 SF214 190325 Beer Creek Water Quality

85/25 **RESOLVED:** (Jones/McWilliam)

That Council notes the information in the report.

ITEM 11.3 SF2702 190325 Classification of Land as Operational - Lot 1 DP 1310874 Lower Buckra Bendinni Road, Buckra Bendinni and Lots 1 and 2 DP 1290686 Rodeo Drive, Wirrimbi

86/25 **RESOLVED:** (Simson/Ballangarry)

That Council:

- 1 Exhibit the classification of Lot 1 DP 1310874 – Lower Buckra Bendinni Road, Buckra Bendinni & Lots 1 & 2 DP 1290686 Rodeo Drive, Wirrimbi as operational land in accordance with Section 34 of the Local Government Act 1993.**
 - 2 Classify Lot 1 DP 1310874 – Lower Buckra Bendinni Road, Buckra Bendinni & Lots 1 & 2 DP 1290686 Rodeo Drive, Wirrimbi as operational land should no submissions be received.**
-

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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

87/25 **RESOLVED:** (McWilliam/Ballangarry)

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

Reason reports are in Closed Meeting:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 190325 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.

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 190325 T2025-002 - Provision of Road Patching and Spray Sealing Services

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

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 190325 T021-2024 REGPRO402425 Road Safety Barrier Systems

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

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For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 190325 T2025/013 - Macksville Memorial Aquatic & Fitness Centre - Roof Replacement

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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at **6:59 PM**.

RESUME IN OPEN MEETING

88/25 **RESOLVED:** (Jenvey/McWilliam)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:11PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1 SF3420 190325 Matters Regarding Realised or Potential Losses

89/25 **RESOLVED:** (Vance/McWilliam)

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

For Confidential Business Paper in Closed Meeting

ITEM 12.2 SF3420 190325 T2025-002 - Provision of Road Patching and Spray Sealing Services

90/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Awards T2025-002 Separable Portion 1 - Provision of spray sealing works to Bitupave Ltd t/a Boral Asphalt for the contract sum of \$289,915.00 excluding GST.**
- 2 Awards T2025-002 Separable Portion 2 – Provision of road patching works to NSW Building and Civil Pty Ltd for the contract sum of \$634,344.00 excluding GST.**
- 3 Updates the Contracts Register.**

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

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

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3420 190325 T021-2024 REGPRO402425 Road Safety Barrier Systems

91/25 **RESOLVED:** (Jones/Ballangarry)

That Council:

- 1 In accordance with the *Local Government (General) Regulation 2021 – Part 7 Tendering*, Council accepts the tenders from the following suppliers for Tender REGPRO402425 on a Schedule of Rates based contract:**

Supply & Installation

- a) Top Notch Fencing**
- b) Road Safety Barriers**
- c) Guardrail Infrastructure**
- d) Guardrail Systems**
- e) Irwin Family Trust**

Supply Only

- a) Ingal Civil Products**
- b) Guardrail Infrastructure**
- c) Road Safety Barriers**
- d) A1 Highways**

- 2 Authorises the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution.**
- 3 Update the Contracts Register.**

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

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

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For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3420 190325 T2025/013 - Macksville Memorial Aquatic & Fitness Centre -
Roof Replacement

92/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Authorises the General Manager to finalise and execute the contract within authorised budget, and any other documentation required to give effect to this resolution**
- 2 The Contracts Register be updated**
- 3 A report will be presented to Council on the outcome of the procurement process.**

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

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:15 PM.

Confirmed and signed by the Mayor on **16 APRIL 2025**.

Cr Gary Lee
MAYOR
(CHAIRPERSON)