



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 21 MAY 2025

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 monthly on the **third Wednesday** of each month commencing 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?

Public Forums are held each month at 5.30pm on the Tuesday (same week) the day prior to the council meeting, except where Council meetings are held off-site.

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 the Monday prior. 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 the Monday prior) and the subject of the address is disclosed and recorded on the agenda.

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

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

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

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

Council Meeting Audio Recordings

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

Meeting Agenda

These are available Council's website: www.nambucca.nsw.gov.au

For Councillors

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



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 21 MAY 2025

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. The Mayor and Councillors are being video recorded.

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12 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING

12.1 Matters Regarding Realised or Potential Losses

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

12.2 Loan Facility Request

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.

12.3 T2025-016 - Landslip Remediation at North Arm Road Design and Construct

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.

12.4 REGPRO0412425 - Provision of Traffic Control

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.

12.5 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.

12.6 T2025-010 - Provision of Electrical & Data Cabling Services - Panel Contract

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.

12.7 RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Water and Sewer Pipelines

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

a Questions raised by Councillors at 8 above

- i MOTION TO CLOSE THE MEETING
- ii PUBLIC VERBAL REPRESENTATIONS REGARDING PROPOSAL TO CLOSE
- iii CONSIDERATION OF PUBLIC REPRESENTATIONS
- iv DEAL WITH MOTION TO CLOSE THE MEETING

13 MEETING CLOSED TO THE PUBLIC

14 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).

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

The following document is the minutes of the Ordinary Council meeting held **16 APRIL 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **21 MAY 2025** and therefore subject to change. Please refer to the minutes of **21 MAY 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

Matthew Sykes (Acting General Manager)
Evan Webb (Chief Financial Officer)
Kristian Enevoldson (Manager Risk and Governance)

David Moloney (Director Engineering Services)
Daniel Walsh (Manager Development Environment)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

Apologies
Bede Spannagle (General Manager)

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

Pastor Hannelie Coetzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

DELEGATIONS & PUBLIC FORUM HELD TUESDAY 15 APRIL 2025

RECOMMENDATION

That the following delegations be heard:

Item 12.2 - Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

i Mr Tony Crimmins – for the recommendation

Item 12.2 - Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

i Mr Tony Crimmins addressed Council with speaking notes placed on SF3424 21114/2025.

93/25 **RESOLVED:** (McWilliam/Vance)

That an extension of time be granted to the speaker.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 19 MARCH 2025

94/25 **RESOLVED:** (McWilliam/Jenvey)

That the minutes of the Ordinary Council Meeting of 19 March 2025 be confirmed.

NOTICE OF MOTION - CR SIMSON

ITEM 5.1	SF3422	160425	Notice of Motion - Communication with the Environmental Protection Agency
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95/25 **RESOLVED:** (Simson/Jenvey)

That Council request the Environment Protection Authority (EPA) provide an outreach and compliance report to Council that is to be presented to Councillors on a quarterly basis.

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 16 APRIL 2025

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 160425 Outstanding Actions and Reports

96/25 **RESOLVED:** (Smith/Simson)

That Council notes the list of outstanding actions and reports.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3503 160425 Draft Community Strategic Plan 2025/26 to 2034/35

97/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Endorses the draft Community Strategic Plan “Our Valley, Our Future 2035” for public exhibition for a period of 28 days commencing on Thursday 17 April 2025.**
- 2 Add an asterix * to the bottom of each page containing "what council currently will keep doing" & "future focus". Wording that of the following nature *examples of actions, more detailed action and measurements within the Nambucca Valley Council Delivery Program.**

ITEM 10.2 SF3573 160425 Nambucca Valley Council Draft Economic Development and
Tourism Strategy 2025/26 to 2029/30

MOTION: (Jenvey/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
- 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**

AMENDMENT: (Angel/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
- 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**
- 3 Provides a report in 2027/2028 financial year on a review of the strategy.**

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

98/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Approves the draft Nambucca Valley Council Economic Development and Tourism Strategy 2025/26 to 2029/30.**
 - 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days.**
 - 3 Provides a report in 2027/2028 financial year on a review of the strategy.**
-

ITEM 10.3 SF1031 160425 Revised Payment of Expenses and Provisions of Facilities to Councillors Policy - post public exhibition

99/25 **RESOLVED:** (Angel/McWilliam)

That Council approves the revised draft Payment of Expenses and Provisions of Facilities to Councillors Policy G 06.

ITEM 10.4 SF3528 160425 Investment Report for February 2025

100/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for February 2025.**
 - 2 Adopts the certification of the Responsible Accounting Officer for February 2025.**
-

ITEM 10.5 SF3528 160425 Investment Report for March 2025

101/25 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for March 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for March 2025.**

Evan Webb left the meeting, the time being 6:30PM.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

ITEM 10.6 SF265 160425 Land Disposal Policy and Review of Land Acquisition Policy

MOTION: (Smith/McWilliam)

That Council:

- 1 Endorses the new draft Land Disposal Policy G 47 to be placed on public exhibition for 28 days.
- 2 Adopts the Land Disposal Policy G 47 at the end of the exhibition period if no submissions are received.
- 3 Notes the review of the Land Acquisition Policy G 46 with no updates required.

The motion was declared lost.

AMENDMENT: (Smith/Angel)

That Council replace the Lands Disposal Policy and develops a new Land Acquisition, Disposal and Leasing/Licensing Policy. This policy should include;

- Public Tender and Public Auctions as sale methods
- Private treaties, only permitted in special circumstances as resolved by Council
- A list of criteria to assess the acquisition/sale/lease of land
- More public awareness/consultation - including 28 day exhibition periods
- Contracts of sale and letters of offer executed by General Manager & Mayor (or acting in charge in these positions)

The amendment was declared lost.

FORSHADOWED MOTION: (Jenvey/McWilliam)

That Council:

- 1 Defer the motion
- 2 Report back on the feasibility of combining the policies
- 3 Conduct a Councillor workshop

102/25 **RESOLVED:** (Jenvey/McWilliam)

That Council:

- 1 **Defer the motion**
 - 2 **Report back on the feasibility of combining the policies**
 - 3 **Conduct a Councillor workshop**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

ITEM 10.7 SF3586 160425 Aboriginal Advisory Committee Meeting

103/25 **RESOLVED:** (Ballangarry/McWilliam)

That Council:

- 1 Notes the minutes of the 18 March 2025 and 8 April 2025 Aboriginal Advisory Committee meetings.
 - 2 Approves the Terms of Reference of the Nambucca Valley Aboriginal Advisory Committee.
 - 3 Approves the Gumbaynggirr language name of Duguula Bindarray-Garri for the Committee.
-

ITEM 10.8 SF963 160425 Nominations to Council Section 355 Committees of Management

104/25 **RESOLVED:** (McWilliam/Jones)

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.
-

ITEM 10.9 SF3409 160425 Minutes of the Disability Access & Inclusion Committee March 2025 Meeting

105/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Notes the minutes of the Disability Access and Inclusion Committee meeting held 25 March 2025.
 - 2 Appoints Tracey Adams as Vice Chair.
 - 3 Sends an advocacy letter to the Australia Electoral Commission and other relevant parties regarding accessible voting venues and booths.
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 160425 February 2025 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received

106/25 **RESOLVED:** (McWilliam/Angel)

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for February 2025.

ITEM 11.2 SF1148 160425 Council's Rangers' Report and Penalties Issued for February 2025

107/25 **RESOLVED:** (McWilliam/Ballangarry)

That Council notes the Rangers' impounding statistics and penalties issued for February 2025.

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF1120 160425 Grants Status Report

108/25 **RESOLVED:** (Angel/Smith)

That Council notes the Grants Status report.

ITEM 12.2 SF102 160425 Second Desktop Feasibility Study for a Bike/Pedestrian Connection between Scotts Head and Macksville

MOTION: (Smith/Simson)

That Council notes the Second Desktop Feasibility Study.

AMENDMENT: (Jenvey/Jones)

That Council:

1 Notes the Second Desktop Feasibility Study.

1 Consider the Bike/Pedestrian Connection as part of the Active Transport Strategy and any other relevant strategy.

109/25 **RESOLVED:** (Jenvey/Jones)

That Council:

1 Notes the Second Desktop Feasibility Study.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

-
- 2 Consider the Bike/Pedestrian Connection as part of the Active Transport Strategy and any other relevant strategy.
-

ITEM 12.3 SF90 160425 Minutes of the Nambucca Valley Traffic Committee Meeting 1
April 2025

110/25 **RESOLVED:** (Jenvey/McWilliam)

That Council changes the:

- 1 1-hour parking zone along Ridge Street, Nambucca Heads, immediately east of the Library, to a 2-hour parking zone for 21 car bays and three motorcycle bays.
 - 2 2 x 1-hour parking bays in front of Hibiscus Dry Cleaners in River Street, Macksville to a 15-minute parking zone.
-

ITEM 12.4 SF3490 160425 Minutes of the Nambucca Valley Catchments and Coastline
Management Committee Meeting - 13 February 2025

111/25 **RESOLVED:** (McWilliam/Simson)

That Council:

- 1 Notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 13 February 2025.
 - 2 Endorses that there is no longer a need to write the two letters of support to Ministers.
-

ITEM 12.5 SF2278 160425 Minutes of the Clean Energy Committee Meeting -18 February
2025

112/25 **RESOLVED:** (Jenvey/Simson)

That Council notes the Minutes of the Clean Energy Committee meeting held Tuesday 18 February 2025.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

ITEM 12.6 SF3422 160425 Erosion at VWall Precinct

113/25 **RESOLVED:** (Jenvey/Smith)

That Council notes the information contained within this report in regards to erosion at the V-Wall and actions currently being undertaken by Council.

ITEM 12.7 PRF53 160425 River Street Toilet Block Relocation

114/25 **RESOLVED:** (Angel/Jenvey)

That Council:

- 1 Adopts an alternate building footprint adjacent to the western side of the existing structure within the current Car Parking area which aligns with the intent of the adopted Macksville Foreshore Concept Master Plan.
 - 2 Proceeds with detailed design activities to construct the footprint for a prefabricated amenities structure which complies with BCA requirements.
 - 3 Engages an Architect to assist with prefabricated structure selection of the proposed new amenities and report preference back to Council.
-

ITEM 12.8 SF843 160425 Minutes of the Vehicular Access to Beaches Committee - 6
February 2025

115/25 **RESOLVED:** (Vance/McWilliam)

That Council notes the Minutes of the Vehicular Access to Beaches Committee meeting held Thursday 6 February 2025.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

116/25 **RESOLVED:** (Angel/McWilliam)

- 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:

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1	SF3420	160425	Matters Regarding Realised or Potential Losses
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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 13.2	SF3420	160425	T2025-021 Stabilisation of Various Road Pavements
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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 13.3	SF3420	160425	RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works
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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 13.4	SF3420	160425	T2025-006 - Provision of Mowing & Slashing Services for Rural Sealed Road
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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 7:51PM.

RESUME IN OPEN MEETING

117/25 **RESOLVED:** (McWilliam/Vance)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 8:07PM.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

FROM COUNCIL IN CLOSED MEETING

The Acting General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 160425 Matters Regarding Realised or Potential Losses

118/25 **RESOLVED:** (Angel/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 13.2 SF3420 160425 T2025-021 Stabilisation of Various Road Pavements

119/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Authorises the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution for T2025-021 Road Stabilisation of Various Roads subject to the tenders being within budget.**
- 2 Updates the Contracts Register.**
- 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)

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 160425 RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works

120/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Awards the contract for RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Civil Works to AJ Civil Projects Pty Ltd as trustee for (ATF) AJ Civil Trust T/A AJ Civil Projects, for the Tender Amount of \$4,716,493.07 (ex GST).**
- 2 Updates the Contracts Register.**

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 APRIL 2025

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 13.4 SF3420 160425 T2025-006 - Provision of Mowing & Slashing Services for Rural Sealed Road

121/25 **RESOLVED:** (Jenvey/Angel)

That Council:

- 1 Awards contract T2025-006 Provision of Mowing & Slashing Services for Rural Sealed Roads to Justin L & Dallis M Welsh as per their submitted schedule of rates.**
- 2 Updates 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)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:11PM.

Confirmed and signed by the Mayor on **21 MAY 2025**

Cr Gary Lee
MAYOR
(CHAIRPERSON)

GENERAL MANAGER'S REPORT**ITEM 9.1 SF959 210525 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
MAY 2023			
1	SF2524	25/05/23	DES/DCS
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			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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.

02/04/24 No further update.

12/04/24 Meeting with Project Engineer & Property Officer and RSL Club representatives to be arranged in coming days to update plan for physical stormwater works being completed by Council seeking the Club's intent to contribute to remainder of resurfacing works required.

16/04/24 Meeting with RSL scheduled for 23/4/24.

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

19/11/24 Met with contractor on 14/11/24 to discuss their remediation plan. Lease discussions to recommence once the remediation works are attended to.

11/12/24-19/02/25 The contractor has a management plan in place for the peak summer period with a review in early February.

07/03/25 Surface repairs were scheduled for week commencing 10 March, these works have been postponed due to severe weather conditions

08/04/25 Linemarking has been completed. The defects liability period has started.

09/05/25 Wheel stops to be installed.

DECEMBER 2023

2	SF3190	14/12/23	DCS
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RESOLUTION: Subdivision - Lots 9 & 10 DP884342 Warrell Creek

~~1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted.~~

2 Approves the preparation of the newly created proposed Lot 2 DP 657578 to market for sale, noting any negotiated sale to be brought back to Council for formal approval.

STATUS:

10/01/24-05/02/24 Registration of subdivision underway as per Council resolution.

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

22/10/24 Subdivision now registered. Newly created lot to be prepared for sale.

19/11/24 GIS to be updated then EOI to go to local Agents to attend to sale process on behalf of Council.

11/12/24-15/01/25 No further update.

05/02/25 Panel to review and appoint Real Estate sales EOI.

19/02/25-08/04/25 Property Officer has resigned, currently on hold.

09/05/25 Property and Governance Officer appointed. Real estate agents to be followed up for contracts to sell. Sale pending approval of Land Disposal Policy.

JANUARY 2024

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

3	PRF53	18/01/24	DES
RESOLUTION: River Street Toilet Block Relocation 1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and; 2 Engage an architect to progress the design of the proposed new amenities and report back to Council.			
STATUS: 06/02/24-06/03/24 Planned layouts still being determined. Once complete, the architect will be engaged. 20/03/24-03/04/24 Layout for the toilet block is still under development. Adopting learnings from the V-Wall Amenities upgrade documentation development with regards to compliance with the Disability Discrimination Act and specifically AS1428.1-2009 Design for Access and mobility. Upon finalisation of the layout plans Architectural advice will then be sought regarding preliminary designs which align with the Macksville Foreshore Draft Concept Master Plan. 15/04/24-21/05/24 No further action. Action commences post V-Wall Amenities Tender. 04/06/24 Detailed survey pending. 18/06/24 No further update. 02/07/24 Survey Brief under development. 16/07/24 Survey Brief issued. Site survey being determined. 07/08/24-22/10/24 No further update. 05/11/24 Detailed survey capture completed. Briefings for consultant packages in planning. 19/11/24-05/02/25 No further update. 18/02/25 EOI for prefabricated amenity blocks in progress. 11/03/25 No further update. 08/04/25 Report to April 2025 Council meeting addressing conflicting Council Resolutions and Joan Beany Memorial Garden.			
APRIL 2024			
4	SF3477	11/04/24	MDE
RESOLUTION: Valla Urban Growth Area Amendment 1 Council forward the planning proposal within attachment 2 to the Minister for Planning for gateway determination in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979, which amends the Nambucca Local Environmental Plan 2010 by altering the zoning of the Valla Urban Growth Area to be consistent with the Valla Urban Growth Area Development Control Plan. 2 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination. 3 Following community consultation, Council staff report the planning proposal back to Council for consideration of any submissions received and a final decision as to whether Council will proceed to make the amended plan.			
STATUS: 17/04/24 Awaiting final maps for planning proposal before forwarding to Minister. 09/05/24 Final maps received and will be sent to Minister. 22/05/24 Planning proposal drafted and sent to the Minister for gateway determination. 05/06/24-19/06/24 No further update. 02/07/24 Request for further information received from Minister with option to withdraw until information obtained. 17/07/24 Planning proposal being amended. 07/08/24 No further update. 21/08/24-03/09/24 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. 19/11/24 Staff have met with the Department of Planning. Amended planning proposal to be resubmitted. 11/12/24 Amended planning proposal being reviewed by Department of Planning staff. 15/01/25 Amended planning proposal deemed satisfactory and re-submitted to the Department of Planning for gateway determination. 05/02/25-07/03/25 No further update. 08/04/25 Gateway determination received. Amendments are required to be made with regards to flooding and acoustic investigations prior to public exhibition. Quotes are being sought from consultants to undertake this work. 09/05/25 Consultants undertaking necessary work.			
JULY 2024			
5	SF382	25/07/24	DES
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.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

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.

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.
 19/11/24 Budget bid to be raised for the development of the Master Plan.
 11/12/24 Meeting held on 03/12/24 with Crown Lands, Reflections and Scotts Head Community Group representatives regarding the proposed Master Plan and discussed co-contributions.
 15/01/25 Emails sent to Crown Lands and Reflections seeking a contribution to the Master Plan.
 05/02/25 Council met with Reflections representatives to discuss Master Plan process and Reflections involvement. A budget bid has been put in for the 2025/26 budget.
 18/02/25-07/03/25 No further update.
 08/04/25 GM and DES met with the CEO of Reflections on 26/03/25 to discuss the Master Plan, their involvement and potential contributions.
 09/05/25 No further update.

AUGUST 2024

6	SF3114	29/08/24	DES
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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.

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.
 05/11/24 Preparation of Scope of Works, Cost Estimate, Schedule and Grant Application for CC2 in the process of been generated as part of the activities for CC1. Boundary survey booked. Boundary locations / corners to be marked out prior to any construction works commencing. RFQ to drafted and reviewed for wheelchair lift and Access ramp.
 19/11/24 CC has been lodged for disability access and awaiting assessment.
 11/12/24 Issue of CC pending with works all quoted for disability access and stage access.
 15/01/25 Purchase order for lift has been processed and deposit paid. Lift is compliant with CC guidelines. Waiting on structural drawings from consultant for issue of CC1.
 05/02/25 CC1 has been issued. Contractors to be appointed for access and electrical work. Lift contractor engaged, with materials ordered and being delivered.
 18/02/25 Disabled access contractor has been engaged.
 07/03/25 Installation of lift has been delayed one week until week commencing 17 March 2025 due to bad weather.
 08/04/25 Construction of disabled access ramps for the Historical Theatre ongoing. Wheel Chair Lift installation complete and operational. Installation of fence and CCTV being progressed. Electrical upgrades and upfront engineering scoping for CC2 ongoing.
 09/05/25 Works ongoing. Inspection by funding body on 4 June 2025.

SEPTEMBER 2024

7	SF3422	12/09/2024	DES
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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.

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.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

22/10/24 No further update. 19/11/24 Policies and process received from two councils. 11/12/24-15/01/25 No further update. 05/02/25-19/02/25 A review of the policy is underway. 07/03/25 Report to be presented to Executive Leadership Team 26 March 2025. 08/04/25 No further update. 09/05/25 Still being reviewed.			
NOVEMBER 2024			
8	SF3422	14/11/2024	DES
RESOLUTION: Notice of Motion – Feasibility Study and Funding to Construct a Sea Wall at the Southern Side of the Nambucca River That Council writes to the NSW Minister for Transport The Hon Jo Haylen and Member for Oxley Michael Kemp MP to:			
1 Fund a feasibility study whether a Southern Sea Wall will stop sand build up and create access to Nambucca River 2 Fund a feasibility study into navigational dredging the Nambucca River, to allow access to Maritime Rescue 3 Staff report on NSW coastal dredging strategy and the maritime infrastructure plan to see if Nambucca Valley Council is eligible as a key investment location or a priority regional location 4 Staff report on the feasibility for a marine rescue service with ocean access at other possible beaches like Shelley Beach or Scotts Head 5 Staff report on costs of monitoring of marine sediments in the Nambucca River Mouth with high resolution aerial photography be part of the Nambucca River, Creeks, Estuaries and Coastline Management Committee remit 6 Staff report on what action mid coast council take when the Manning River closes from sand shoaling at Old Bar.			
STATUS: 13/01/25 Letter sent. 05/02/25 No further update. 19/02/25 Environmental Project Officer to investigate Items 3-6. 07/03/25 - No further update. 27/03/25 – Mayor met with relevant minister and raised the dredging matter 09/05/25 Report being developed.			
9	SF3508	14/11/2024	MDE
RESOLUTION: Amendment to the Nambucca Local Environmental Plan 2010 - Horticulture 5 Establish a 'Nambucca Valley Farming' Fact Sheet to promote a greater understanding of existing government and regulatory bodies, and the roles they play in managing agriculture in the Nambucca Valley. Not only will this notify farmers of how they can be assisted on establishing or growing their business, but it will also improve the community understanding around existing controls and how they are enforced.			
STATUS: 19/11/24 The planning proposal has been sent to the Planning Minister for final determination. 11/12/24 Written requests made of relevant authorities and awaiting responses. Fact sheet still to be prepared. 15/01/25 Awaiting determination from Minister if LEP amendment to require consent for horticulture in rural zones will be made prior to preparing the fact sheet. The determination is needed to inform the fact sheet of regulatory requirements. A determination is expected before the end of January. 05/02/25 The Minister has decided not to make the requested amendment to the LEP due to insufficient evidence base to support the amendment and inadequate consideration given to submissions received. A meeting will be arranged with the Department of Planning and Department of Primary Industries to discuss reasons for refusal, with a view to resubmit the planning proposal. 19/02/25 Difficulties in arranging meeting with Department of Planning as they are not willing to meet with Councillors to discuss reasons for decision. 05/03/25 The Department of Planning have advised they will not be meeting with Councillors to discuss their reasons for refusal or explain what they expect to see in an amended planning proposal. They have advised that before meeting with Council staff they will provide clarification on their reasons and what they expect in an amended planning proposal in writing. Council is currently waiting for this written document. 08/04/25 Council received the letter from the Department which didn't provide adequate clarification of what is expected in an amended planning proposal. Staff met with the Department on 4/4/25 to gain further insight as to what is expected. Unfortunately, this was not forthcoming. A report will be presented to the May 2025 Council meeting with options. 09/05/25 Following the Council workshop, staff will prepare an amended planning proposal in consultation with relevant state agencies and industry stakeholders. Once the draft planning proposal has been prepared it will be reported to Council for consideration.			
10	SF3495	28/11/2024	MDE
RESOLUTION: Fenced Off Leash Dog Park That Council:			
2 Proceed with the preparation of a Review of Environmental Factors (REF), design and costing analysis and funding options for McMorris Park, Nambucca Heads for further consideration by Council.			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

3 Staff report back on the feasibility of Dawkins Lake Island, Macksville and Dudley Street, Macksville as potential locations.			
STATUS: 11/12/24 Noted. Matter to be reported back to Council in the new year. 15/01/24-07/03/25 No further update. 08/04/25 This report has been delayed due to higher priorities. 09/05/25 Refer to separate report.			
DECEMBER 2024			
11	SF102	19/12/2024	DES
RESOLUTION: Desktop Feasibility Assessment of a Safe Bike/Pedestrian Connection Between Scotts Head and Macksville That Council defer and report back on two different options with the intent to minimise the cost of the project.			
STATUS: 15/01/25 Meeting with Scotts Head Community Group (SHCG) representatives scheduled for 17/01/2025. 05/02/25 Council met with representatives from the SHCG on 22/01/25 to discuss their options. 19/02/25 No further update. 07/03/25 Additional report being prepared for Executive Leadership Team 26 March 2025 and 16 April 2025 Council Meeting. 08/04/25 Report to April 2025 Council meeting.			
FEBRUARY 2025			
12	SF251	27/02/2025	GM
RESOLUTION: Proposed Frequency and Timing of Future Council Meetings That Council: 4 Amends the Code of Meeting Practice to reflect the changes adopted. 5 Provide a report to review the Code of Meeting Practice to be presented at the next Council meeting.			
STATUS: 11/03/25-08/04/25 Defer the review of the Code of Meeting Practice until OLG provides the revised Model Code of Meeting Practice. 09/05/25 Mayor and GM sought advice from LGNSW and advised on current process and when new Code of Meeting Practice will be released.			
MARCH 2025			
13	SF3422	19/03/2025	MDE
RESOLUTION: Notice of Motion – Tree Preservation Orders – Significant Trees 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.			
STATUS: 08/04/25 Report to be presented to June meeting. 09/05/25 No further update.			
14	SF3422	19/03/2025	GM / MDE
RESOLUTION: Notice of Motion - Explore All Funding Options for Nambucca Valley Water Quality Monitoring Program 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 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.			
STATUS: 08/04/25 Resolutions not yet actioned. 09/05/25 The EPA have advised Council that they have obtained funding to undertake a 12 month water quality monitoring program. Once sample sites have been finalised the program will commence.			
15	SF3422	19/03/2025	GM / DES

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

RESOLUTION: Notice of Motion - Improvements for Nambucca Heads CBD 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.			
STATUS: 08/04/25 Started preparing a report on the current state of the Nambucca CBD. \$100k proposed in the 2025/26 Budget for the Nambucca Main Street CBD Master Plan. 09/05/25 A report is being prepared for June 2025 meeting.			
16	SF1031	19/03/2025	DCS
RESOLUTION: Revised CCTV Policy 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.			
STATUS: 08/04/25 Currently on exhibition and open for submissions up until 25 April 2025. 09/05/25 No submissions received. Policy adopted.			
17	SF2702	19/03/2025	MDE
RESOLUTION: 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 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.			
STATUS: 08/04/25 Classification currently on exhibition until 24 April 2025. 09/05/25 Land classified as operational.			
APRIL 2025			
18	SF3422	16/04/2025	MDE
RESOLUTION: Notice of Motion – Communication with the Environmental Protection Authority That Council request the Environment Protection Authority (EPA) provide an outreach and compliance report to Council that is to be presented to Councillors on a quarterly basis.			
STATUS: 09/05/25 Not actioned yet.			
19	SF3503	16/04/2025	DCS
RESOLUTION: Draft Community Strategic Plan 2025/26 to 2034/35 That Council: 1 Endorses the draft Community Strategic Plan “Our Valley, Our Future 2035” for public exhibition for a period of 28 days commencing on Thursday 17 April 2025. 2 Add an asterix * to the bottom of each page containing “what council currently will keep doing” & “future focus”. Worded that of the following nature – “examples of actions, more detailed action and measurements within the Nambucca Valley Council Delivery Program.			
STATUS: 09/05/25 Completed. On public exhibition until 12 May 2025.			
20	SF3573	16/04/2025	DCS
RESOLUTION: Nambucca Valley Council Draft Economic Development and Tourism Strategy 2025/26 to 2029/30 That Council: 1 Approves the draft Nambucca Valley Council Economic Development and Tourism Strategy 2025/26 to 2029/30. 2 Endorses the draft Nambucca Valley Council Economic Development and Tourism Strategy for public exhibition for a period of 28 days. 3 Provides a report in 2027/2028 financial year on a review of the strategy.			
STATUS:			

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

09/05/25 On public exhibition from 13 May 2025 to 9 June 2025. Change made to draft to include statement on review of the strategy in 2027/28.			
21	SF265	16/04/2025	DCS
RESOLUTION: Land Disposal Policy and Review of Land Acquisition Policy That Council: 1 Defer the motion 2 Report back on the feasibility of combining the policies 3 Conduct a Councillor workshop			
STATUS: 09/05/25 Councillor workshop to be held in June 2025.			
22	SF3409	16/04/2025	DCS
RESOLUTION: Minutes of the Disability Access & Inclusion Committee March 2025 Meeting That Council: 1 Notes the minutes of the Disability Access and Inclusion Committee meeting held 25 March 2025. 2 Appoints Tracey Adams as Vice Chair. 3 Sends an advocacy letter to the Australia Electoral Commission and other relevant parties regarding accessible voting venues and booths.			
STATUS: 09/05/25 Completed			

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF3492 210525 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 9 APRIL 2025

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

The Minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting held 9 April 2025 are shown below for Council's endorsement. Discussion around the items presented to ARIC have been included in the minutes attached.

RECOMMENDATION:

That Council notes the Minutes from the Audit, Risk and Improvement Committee Meeting held 9 April 2025.

OPTIONS:

Nil – for information only.

DISCUSSION:

Items covered at the 9 April 2025 ARIC Meeting included:

- 1 Updates on outstanding internal audit findings from the Workforce Planning and Risk Management Framework Internal Audit reviews, and advice that the Cyber Security and Data Protection Internal Audit review will be provided to the 16 July 2025 ARIC meeting.
- 2 The Audit Office of NSW Annual Engagement Plan 2025 was noted with discussion focussed on infrastructure asset revaluations.
- 3 The Audit Office of NSW (AONSW) report on Local Government 2024 which had the 2 key findings for the Local Government Sector of financial sustainability and cyber security control gaps, and AONSW recommendation that OLG remove/reduce the financial reporting burdens on Councils and that Council's implement more robust month end reconciliation processes and quality review process of financial statements.
- 4 The WHS report for period 19/12/24 to 21/3/25 was noted advising BeSafe system training has commenced.
- 5 Work has commenced on the review of the fraud risk register.
- 6 Risks identified from the Valla Urban Growth Area project will be incorporated into a Risk Control Action Plan as a new risk area.
- 7 Morrison Low appointed for the 2024/25 Service Reviews for Sporting Grounds, Parks and Gardens, Public Halls, and Environmental Protection and proposed service review areas for the draft 2025/26 to 2028/29 Delivery Program.
- 8 Financial and Non-Financial Performance Reporting up to 30 June 2024 which includes OLG 2023/24 Your Council comparative data for adjoining Councils and OLG Group 11 (large rural) Councils.
- 9 Progress update of the current Delivery Program and Operational Plan as at 31 December 2024 (previously reported to Council)
- 10 Confirmation of the independence of the internal audit function per the Internal Audit Charter.
- 11 Progress update on Audit Risk and Improvement Committee 4 year work plan 2024 to 2027.
- 12 ARIC outstanding actions and reports.
- 13 December 2024 Quarterly Budget review presented to Council on the 27 February 2025.

CONSULTATION:

ARIC members.

SUSTAINABILITY ASSESSMENT:

Not Applicable.

Risk Analysis

Implementation of the internal and external audit recommendations as identified within the report will substantially reduce Council's risk profile.

ITEM 10.1 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 9 APRIL 2025

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Items listed in external and internal audit findings.	Moderate	High	ARIC to monitor appropriate action taken in agreed timeframes to address the risks.	Moderate

Delivery Program Action

CC4 - Maintain an effective governance regime

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

The cost of internal and external audits has been budgeted for in 2024/25.

Working funds – justification for urgency and cumulative impact

As above.


Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

No change from current levels.

ATTACHMENTS:

1  19442/2025 - Audit Risk and Improvement Committee 9 April 2025 meeting minutes

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF2248 210525 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

Council has received an invitation to consider membership of the Mid North Coast Joint Organisation (MNCJO) of Councils. The Joint Organisation's (JO's) membership currently includes Bellingen Shire, Kempsey Shire and Port Macquarie-Hastings councils.

RECOMMENDATION:

That Council note the presentation from the Mid North Coast Joint Organisation at the public forum on 20 May 2025.

OPTIONS:

- 1 Proposed recommendation
- 2 Alternate:
 - a Council approve Nambucca Valley Council joining the MNCJO and make an application to the Minister for Local Government requesting his recommendation to the Governor to proclaim Nambucca Valley Council as a member of the MNCJO joining the current council areas of Kempsey Shire Council, Bellingen Shire Council and Port Macquarie-Hastings Council.
 - b Council does not approve joining the MNCJO.

BACKGROUND:

The Office of Local Government (OLG) has a page on its website (<https://olg.nsw.gov.au/programs-and-initiatives/joint-organisations/>) devoted to JO's and it includes the following commentary:

NSW boasts a network of 13 joint organisations to strengthen collaboration and engagement between State and local governments and improve infrastructure and service delivery to regional communities.

Eighty-seven councils in regional NSW are members of the 13 joint organisations: Canberra Region, Central NSW, Far North West, Far South West, Hunter, Illawarra Shoalhaven, Mid North Coast, Namoi, New England, Northern Rivers, Orana, Riverina and Murray, and Riverina.

Each Joint organisation comprises member councils, State agencies and other key stakeholders as determined by each joint organisation board.

Joint organisations have transformed the way the NSW Government and local councils collaborate, plan, set priorities and deliver important projects on a regional scale.

The regional bodies are a key mechanism through which the Government delivers funding and programs to regional NSW.

Each joint organisation has developed a Statement of Strategic Regional Priorities containing the programs, projects and initiatives it is focusing on delivering by working across traditional council boundaries.

The Office of Local Government (OLG) works closely with member councils and other key stakeholders to support joint organisations to deliver for their regional communities.

At the 28 July 2002 Council meeting item 9.2 'Mid North Coast Joint Organisation' was presented. The report was in response to an invitation received to consider membership of the MNCJO. At that time the JO's membership included Bellingen Shire, Kempsey Shire and Port Macquarie-Hastings councils. At that Council meeting representatives of the MNCJO member councils (Mayor Pinson - Port Macquarie-Hastings Council, Mayor Hauville - Kempsey Shire Council, and Mayor Allan - Bellingen Shire Council)

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

made a presentation in the public forum on the benefits of joining the MNCJO. In relation to that item Council resolved:

331/22 RESOLVED: (Angel/Vance)

That Council:

- 1 Note the presentation from the Mid North Coast Joint Organisation.
- 2 Thank Mayor Pinson, Mayor Hauville, Mayor Allan for their attendance and presentation.

On 1 April 2025 Mayor Lee along with representatives from Clarence Valley Council and City of Coffs Harbour Council attended a meeting at Bellingen Shire Council regarding councils joining the MNCJO. Attached are documents provided from that meeting.

Per attachment 3 the process for Nambucca Valley Council joining the MNCJO is:

- 1 Council needs to resolve to make an application to the Minister for Local Government requesting his recommendation to the Governor to proclaim Nambucca Valley Council as a member of the MNCJO joining the current council areas of Kempsey Shire Council, Bellingen Shire Council and Port Macquarie-Hastings Council.
- 2 MNCJO needs a separate resolution for each council to accept them as a voting member and furnish them with a letter
- 3 Nambucca Valley Council needs to include the following in our request to Minister for Local Government:
 - a Council's resolution to join
 - b Council's resolution of making application to the Minister
 - c MNCJO's letter and resolution accepting the council as a voting member
- 4 On the expiry of a period of 28 days from the making of the Nambucca Valley Council's first resolution to join the MNCJO, General Manager's confirmation that the original resolution of the council to join the MNCJO has not been rescinded.

If the City of Coffs Harbour Council and Clarence Valley Council want to join the MNCJO the process above also applies to them. Along those lines Clarence Valley Council who are currently a member of the Northern Rivers JO resolved at their April 2025 Ordinary Council meeting:

COUNCIL RESOLUTION - 2025.1626

Cr Smith

That Council:

1. formally invite the Mid North Coast Joint Organisation to make a presentation to Clarence Valley Council to demonstrate the advantages of membership of this organisation.
2. additionally invite the Northern Rivers Joint Organisation to make a presentation to Clarence Valley Council to demonstrate the advantages of membership of its organisation.

Voting recorded as follows

For: Cr Whaites, Cr Yager, Cr Novak, Cr Clancy, Cr Toms, Cr Cairns, Cr Johnstone, Cr Smith, Cr Causley

Against: None

CARRIED

City of Coffs Harbour Council at its 10 April 2025 Council meeting had a Mayoral Minute 'Invitation for Presentation by Mid North Coast Joint Organisation' and resolved the following:

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

MAYORAL MINUTE**MM25/03 INVITATION FOR PRESENTATION BY MID NORTH COAST JOINT ORGANISATION****2025/62 RESOLVED (Cr Nikki Williams)**

That Council invites the Mid North Coast Joint Organisation to present to Council its purpose and achievements in more detail and outline the region's shared issues and opportunities.

The Motion on being put to the meeting was carried unanimously.

CARRIED

The Acting General Manager of City of Coffs Harbour Council has advised Nambucca Valley Council that the MNCJO presentation will be occurring on 20 May 2025.

DISCUSSION:

Joining the MNCJO could offer several benefits to Council. These include:

1 Strategic Collaboration:

- a *Shared Resources:* By joining the MNCJO, Council can pool resources with other member councils, leading to cost savings and more efficient use of funds (page 31 of the MNCJO End of Term Report 2021 - 2024 (see [mncjo-end-of-term-report-2024-final.pdf](#)) - 'The MNCJO is part of a wider Network of Joint Organisations across NSW and a number of shared procurements have resulted in costs savings. A number of strategies are in place to ensure this is captured for member councils').

It is also noted shared resourcing between councils can occur through arrangements other than JO's – Council's Memorandum of Understanding with Port Macquarie-Hastings Council, Kempsey Shire Council and Bellingen Shire Council regarding a regional collaboration for waste collection and processing which is about to proceed to tender is an example of this. Another example on a smaller scale is the shared ranger arrangement with Bellingen Shire Council.

- b *Knowledge Sharing:* A JO allows for the exchange of best practices and innovative solutions to common challenges faced by local councils.

2 Regional Projects and Funding:

- a *Access to Grants:* The MNCJO has successfully sourced significant grant funding for various projects, including disaster risk reduction and net-zero acceleration. Per page 13 of the MNCJO End of Term Report 2021 - 2024:

'The Joint Organisation Net Zero Acceleration (JONZA) program employs a staff member who is dedicated to progressing the JO and member councils towards net zero. The JONZA program, delivered by the Department Climate Change, Energy, the Environment and Water (DCCEEW), was established to help regional councils reduce their carbon emissions to achieve their part in the State's Net Zero target of 50 per cent reduction by 2030 and net zero by 2050. Nine (9) Joint Organisations received funding which means sixty-five (65) regional councils are participating in the program. The JOs member councils are at different stages along the net zero path. This funding allows the project officer to assess individual member councils and provide a truly regional approach to emissions reduction through development of a Regional Energy Strategy. To date the project has:

- Conducted Net Zero Assessments with all member councils
- Assisted with Revolving Energy Fund information
- Assisted with Community Energy Upgrade Fund applications
- Conducted tariff reviews

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

- Established a Power Purchase Agreement (PPA) buyers group
- Liaised with stakeholders regarding electric vehicle pole charger installation, and
- Researched creation of a benchmarking tool for councils to measure net zero targets'

Per attachment 1 'Mid North Coast Joint Organisation Presentation to Mayors April 2025' page 8, by entering into a PPA that only councils that are members of the JO network had access to, Port Macquarie-Hastings Council and Bellingen Shire Council purchased renewable energy at a competitive fixed rate (giving budget stability) which also provided a key milestone in meeting Bellingen Shire Council's 2030 emissions target five years ahead of schedule, as part of the commitments outlined in their Corporate Carbon Plan.

On page 9 of attachment 1 the MNCJO has stated that one of its most notable successes was the MNCJO's involvement in the Fixing Country Bridges Program Round One where the three member councils secured \$50 million in funding to replace 101 timber bridges across the region. Noting that Nambucca Valley Council on its own secured \$6,140,357 under the Fixing Country Bridges Program Round One funding program and completed 18 bridges.

- b *State-wide Projects:* Participation in larger, state-wide projects can bring additional benefits and opportunities that might not be available to individual councils. Per page 3 of the MNCJO End of Term Report 2021 - 2024:

'The State Network of Joint Organisations continues to strengthen. The much larger JOs provide significant opportunity for the MNCJO to benefit from their expertise. In particular, the opportunity to participate in projects that have a state-wide perspective. NSW State Departments are realising the benefits of utilising this collective and increasing their engagement with JOs for collaborative projects'.

Per page 13 of attachment 1 NSW State Government agencies such as NSW Reconstruction Authority, DCCEE, and Transport for New South Wales (TfNSW) support and recognise the JO network.

3 Enhanced Decision Making:

- a *Collective Planning:* The JO approach to decision-making and strategic planning can lead to more comprehensive and effective regional development strategies. As part of the preparation of the MNCJO's Statement of Strategic Regional Priorities 2021 – 2024 (see <https://www.mncjo.nsw.gov.au/files/assets/mncjo/v/1/files/newsletters/mncjo-end-of-term-report-2024-final.pdf>) a wide range of relevant documents including regional plans and regional economic development strategies from member councils were reviewed.
- b *Expertise Utilisation:* Leveraging the expertise of larger JO's can help in addressing complex issues more effectively.

4 Community Resilience:

- a *Emergency Preparedness:* The MNCJO supports initiatives like the Nambucca Community Resilience Network, which focuses on building community resilience to natural disasters and other challenges.

Per page 13 of the MNCJO End of Term Report 2021 – 2024 the Simtable for Community Empowerment has built capacity in the regional community to deal with severe weather events and natural disasters. The project has provided a state of art tool to engage local communities in localised disaster reduction workshops and to improve the capacity of communities to plan and respond to disasters, particularly vulnerable communities. The Simtable has been used by RFS and SES for disaster simulations.

The MNCJO developed a tailored Regional Disaster Risk Reduction Framework (RDRRF) to integrate Disaster Risk Reduction (DRR) actions within each member councils Integrated

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

Planning and Reporting processes. The RDRRF included practical tools, templates, and guidelines, specifically designed to meet the needs of each member council which facilitated the systematic incorporation of DRR actions into everyday council operations and strategic plans leading to a more consistent and coordinated disaster preparedness across the region (see <https://www.mncjo.nsw.gov.au/Projects/Disaster-Risk-Reduction#:~:text=Development%20of%20a%20Tailored%20Framework:%20A%20bespoke, to%20meet%20the%20needs%20of%20each%20council>).

MNCJO members were also able to get free access to Planwisely for real-world disaster resilience. The Planwisely arrangement gave member councils access to a wide array of TfNSW datasets, not currently available, through separate licenses under TfNSW licensing and is valid for 12 – 24 months. It provides councils with valuable data and information to support various needs, including connectivity and alternate route mapping, understanding freight movements, and accessing aerial and satellite imagery.

- b *Long-term Resilience:* Collaborative efforts can enhance the Nambucca Valley community's ability to prepare for, respond to, and recover from emergencies, as well as adapt to long-term challenges such as climate change.

5 Economic and Cultural Benefits:

- a *Tourism and Cultural Events:* Joint efforts can promote the region's natural and cultural heritage, boosting tourism and local economies.
- b *Community Engagement:* Participation in regional events and projects can foster a stronger sense of community and cultural appreciation.

Whilst there are benefits to joining the MNCJO, there are also some potential drawbacks that Council might consider:

1 Loss of Autonomy:

- a *Decision-Making Power:* Joining a JO may require the council to relinquish some level of decision-making power to the JO, which could limit its ability to act independently on certain issues.
- b *Prioritisation Conflicts:* There could be conflicts over prioritising projects and funding, especially if the interests of larger or more influential councils dominate the agenda.

2 Financial Concerns:

- a *Sustainability Issues:* The financial sustainability of the joint organisation itself might be a concern. The MNCJO made a net operating deficit of \$408,000 for the 2023/24 financial year which was a deterioration in financial performance from the 2022/23 financial year net operating surplus of \$187,000 – see attachment 4 page 2 'Statement of Income and Accumulated Surplus for the year ended 30 June 2024'. The deterioration in financial performance is the result of a decrease in grants income of \$118,000 and an increase in employee expenses of \$351,000.
- b *Cost Implications:* There may be additional costs associated with joining a JO such as membership fees (MNCJO have advised the membership fee is \$25,000 per annum), administrative expenses, and contributions to joint projects, which could strain Council's budget.
- c *Return on investment (ROI):* Would Council be receiving more than the \$25,000 annual membership and other costs spent on the MNCJO (i.e. staff time) in benefits compared to if Council undertook the projects ourselves? Per attachment 1 page 7 the MNCJO has stated that

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

the financial ROI for the term 2021 to 2024 is that member councils received \$4.85 value for every \$1 invested in the JO - attachment 2 provides the data for the ROI calculation.

3 Regional Disparities:

- a *Unequal Benefits:* There is a risk that the benefits of joint projects and funding might not be evenly distributed, potentially favouring larger councils over smaller ones like Nambucca Valley.
- b *Narrow/limited Interests:* In a JO arrangement there is potential that councils from major regional centres may not be realistically able to put aside their narrow/limited interests in favour of regional planning and advocacy.

4 Administrative Complexity:

- a *Bureaucratic Challenges:* Being part of a JO can introduce additional layers of bureaucracy, which might slow down decision-making processes and complicate administrative tasks.
- b *Coordination Efforts:* Effective coordination among multiple councils can be challenging, requiring significant effort to align goals, strategies, and actions.

5 Community Representation:

- a *Diluted Representation:* Council's ability to represent the Nambucca Valley community's specific needs and interests might be diluted within the larger JO.
- b *Local Focus:* There is a concern that regional priorities might overshadow local issues, leading to a potential disconnect between the Council and its community.

Page 14 of attachment 1 states that the MNCJO is organising a board meeting at NSW Parliament House in May 2025 and that Ministerial meetings have been arranged concurrently. This enables councils to advocate directly for priorities and strengthen relationships with government officials.

Bligh Grant and Nicholas Aroney in the publication 'Local government in Australia: An overview and strategic directions. Dilemmas in Public Management in Greater China and Australia' (2023, p.171, <https://library.oapen.org/bitstream/handle/20.500.12657/87687/1/9781760465742.pdf#page=187>) stated:

'For its part, the NSW Office of Local Government (OLG 2021a) promotes JOs as engendering a refreshed era of inter-municipal regional cooperation aimed at achieving economies of scale through joint service provision and regional identity and belonging. The realities are that, like their predecessors, JOs are only as strong as the councils and individuals involved and will meet with success, or otherwise, accordingly (see Dollery et al. 2012).'

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

The vision of the MNCJO is to help create a vibrant, sustainable region underpinned by economic growth and a commitment to the social and environmental well-being of its communities.

Risk Analysis

Risks of joining a JO have been identified in the discussion section of this report.

Delivery Program Action

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

ITEM 10.2 PROPOSAL FOR INCLUSION OF NAMBUCCA VALLEY COUNCIL IN THE MID NORTH COAST JOINT ORGANISATION

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

Membership Fees for the MNCJO are \$25,000 per year. This has not been included in the draft 2025/26 budget. Councils must give 12 month's notice to leave a JO and notify the Minister of Local Government.

Working funds – justification for urgency and cumulative impact

Per 'Direct and indirect impact on current and future budgets' section.





Impacts on 10 Year Long Term Financial Plan

Per 'Direct and indirect impact on current and future budgets' section.

Service level changes and resourcing/staff implications

Joint organisations can enhance service delivery by pooling resources, expertise, and capabilities. This can lead to more efficient and effective services for the community.

ATTACHMENTS:

- 1  25258/2025 - Mid North Coast Joint Organisation Presentation to Mayors April 2025
- 2  25177/2025 - Mid North Coast Joint Organisation End of Term Financial's and Value Add
- 3  25179/2025 - Mid North Coast Joint Organisation Member Council process
- 4  25394/2025 - Mid North Coast Joint Organisation General Purpose Financial Statements for the year ended 30 June 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF1620 210525 2025/26 BUDGET, 2025/26 STATEMENT OF REVENUE POLICY AND FEES & CHARGES, 2025 TO 2029 DELIVERY PROGRAM AND 2025/26 OPERATIONAL PLAN, AND 2025 TO 2035 LONG TERM FINANCIAL PLAN

AUTHOR/ENQUIRIES: Evan Webb, Chief Financial Officer; Kristian Enevoldson, Manager Governance and Organisational Performance

SUMMARY:

The Integrated Planning and Reporting Framework (IP&R), which is legislated under the Local Government Act 1993 and supported by the Integrated Planning and Reporting Guidelines, requires councils to create a new Delivery Program (DP) by 30th June in the year following a local government election. The DP outlines Council's commitment to delivery against the Community Strategic Plan (CSP) over the four-year term of Council. The draft CSP, "Our Valley Our Future" 2035, was endorsed by Council at the 16th April 2025 meeting for public exhibition.

Other documents for endorsement include the Annual Budget, Revenue Policy (including Fees and Charges) and the Long-Term Financial Plan. The attached 2025/26 draft Budget reveals a deficit budget of \$101,202 in the General Fund with balanced budgets in the Water and Sewer Funds.

All documents are required to go on public exhibition for 28 days, with final adoption before 30 June 2025.

RECOMMENDATION:

That Council:

- 1 Endorse the following Draft IP&R documents for public exhibition period of 28 days:**
 - a) Delivery Program 2025-2029 and Operational Plan 2025/26**
 - b) 2025/26 Annual Budget**
 - c) 2025/26 Revenue Policy, including 2025/26 Schedule of Fees & Charges**
 - d) 2025-2035 Long Term Financial Plan**
- 2 Note that in accordance with the IP&R guidelines, community feedback will be collated and reviewed, with proposed updates to the documents made, and will come to Council in June for consideration for final adoption**

OPTIONS:

- 1 Proposed recommendation.
- 2 Amend the documents prior to placing on exhibition.

DISCUSSION:**Delivery Program and Operational Plan**

The DP is the point where the community's strategic goals are systematically translated into actions. It identifies the principal activities to be undertaken by the council to perform all its functions - including implementing the strategies established by the Community Strategic Plan – using the resources identified in the Resourcing Strategy. The Draft DP includes some 150 Actions which have been developed by staff and presented to Councillors at a workshop held 6th May 2025.

The Delivery Program is a statement of commitment to the community from each newly elected council. In preparing the Delivery Program, the council is accounting for its stewardship of the community's long-term goals, outlining what it intends to do towards achieving these goals during its term of office and what its priorities will be. The Delivery Program is designed as the single point of reference for all principal activities undertaken by the council during its term of office. All plans, projects, activities and funding allocations must be directly linked to this Program. Supporting the Delivery Program is the annual Operational Plan, which spells out the details of the Delivery Program – the individual projects and actions that will be undertaken in that year to achieve the commitments made in the Delivery Program. The DP

ITEM 10.3 2025/26 BUDGET, 2025/26 STATEMENT OF REVENUE POLICY AND FEES & CHARGES, 2025 TO 2029 DELIVERY PROGRAM AND 2025/26 OPERATIONAL PLAN, AND 2025 TO 2035 LONG TERM FINANCIAL PLAN

and the OP are combined into a single document, with the 2025/26 OP representing the first year of the DP.

The Revenue Policy

The Operational Plan must include council's Statement of Revenue Policy for the year covered by the Operational Plan. The Revenue Policy must include the following:

- a detailed estimate of the council's income and expenditure
- a statement with respect to each ordinary rate and each special rate proposed to be levied
- each charge proposed to be levied
- the types of fees proposed to be charged by the council
- council's proposed pricing methodology for determining the proposed fees and charges
- the amounts of any proposed borrowings (Council proposes not to borrow any loan funds during the 2025/2026 financial year).

Long Term Financial Plan

The Long-Term Financial Plan (LTFP) must be for a minimum of 10 years and must be reviewed and updated at least annually as part of the development of the Operational Plan. The Long-Term Financial informs decision-making and demonstrates how the objectives of the CSP and commitments of the DP and OP will be resourced and funded. The LTFP must include:

- projected income and expenditure, balance sheet and cash flow statement
- planning assumptions
- sensitivity analysis, highlighting factors and assumptions most likely to impact the LTFP
- financial modelling for different scenarios
- methods of monitoring financial performance
- major capital and operational expenditure implications

CONSULTATION:

- Councillors
- Senior Management
- The attached documents will go on public exhibition for 28 days
- Public information sessions have been scheduled for 27th May, 4th June and 11th June in Macksville, Bowraville and Taylors Arm
- Submissions will be considered prior to the final adoption of the documents in June

SUSTAINABILITY ASSESSMENT:**Environment**

The implications for the environment are set out in the delivery program.

Social

The social implications are set out in the delivery program.

Economic

The implications for the local economy are set out in the delivery program.

Risk Analysis

There are many risks pertaining to budgeting including accurate cost estimates, revenue estimates and aligning capital works projects with asset management plans.

ITEM 10.3 2025/26 BUDGET, 2025/26 STATEMENT OF REVENUE POLICY AND FEES & CHARGES, 2025 TO 2029 DELIVERY PROGRAM AND 2025/26 OPERATIONAL PLAN, AND 2025 TO 2035 LONG TERM FINANCIAL PLAN

In the current uncertain economic climate Council will continue to monitor conditions and adjust the budget accordingly. These will be subject to future reports to Council.

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:**Direct and indirect impact on current budget**

The 2025/26 Budget is a deficit budget with \$101,272 impact on General Fund working funds.

Working funds – justification for urgency and cumulative impact

As above

Impacts on 10 Year Long Term Financial Plan







General Fund Base Case Scenario indicates operating surpluses for the entire 10-year plan at the consolidated level and each individual fund.

General Fund Scenario 2 indicates operating surpluses for the entire 10-year plan at the consolidated level and each individual fund. This includes sales of industrial lots at Valla Urban Growth Area.

Service level changes and resourcing/staff implications

As indicated in the budget documents.

ATTACHMENTS:

- 1  25604/2025 - Draft - Fees and Charges 2025/26
- 2  26153/2025 - Draft 25 -26 Budget Statement
- 3  26193/2025 - Draft -LTFP to 2025 to 2035 (2)
- 4  25601/2025 - Draft - Statement of Revenue Policy
- 5  26315/2025 - Draft Annual Budget 25/26
- 6  26417/2025 - Draft Delivery Program 2025/26 to 2028/29

DIRECTOR CORPORATE SERVICES REPORT

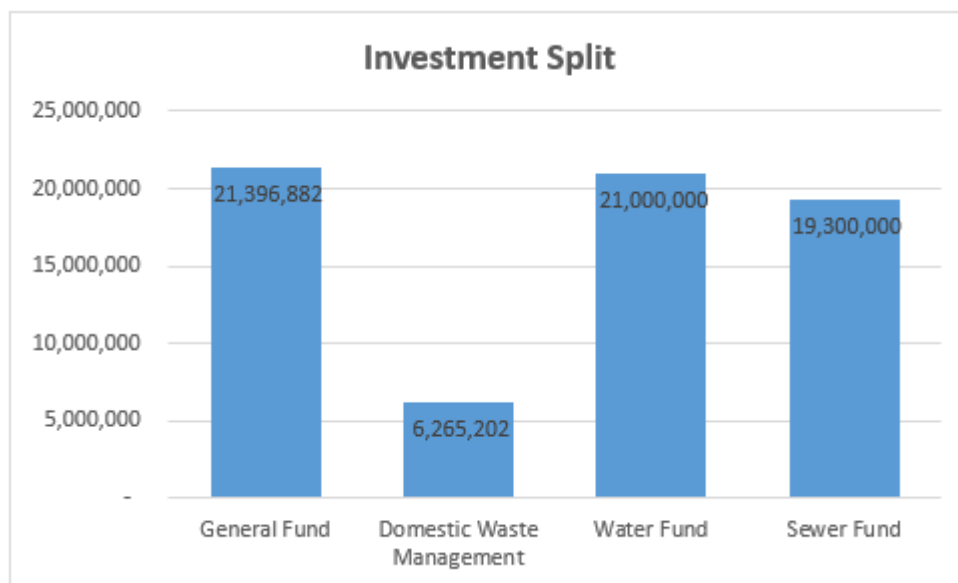
ITEM 10.4 SF3528 210525 INVESTMENT REPORT FOR APRIL 2025

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 April 2025.

Council's investments as at 30 April 2025 of \$67,962,084 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 April 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for April 2025.**

OPTIONS:

This report is for information only.

DISCUSSION:

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

ITEM 10.4 INVESTMENT REPORT FOR APRIL 2025

For the period April 2025, the investments held by Council is shown below:

	Last Month	Current Month
TCorp	\$3,143,057	\$3,158,043
Floating Rate Notes	\$1,006,983	\$1,004,595
Fixed Bonds	\$4,498,981	\$4,499,446
Term Deposits	\$59,300,000	\$59,300,000
Total	\$67,949,021	\$67,962,084

Portfolio Performance

Council's total portfolio performance returned +0.40% in April, outperforming the benchmark AusBond Bank Bill index of +0.35%. On an annualised basis, the portfolio returned +4.95%p.a., outperforming the benchmark of +4.38%p.a. and the official cash rate of 4.10%.

Council's term deposits portfolio yielded 4.91% p.a. for the month of April. Council now only holds 3 term deposits that are below the benchmark which is an outstanding result for Council.

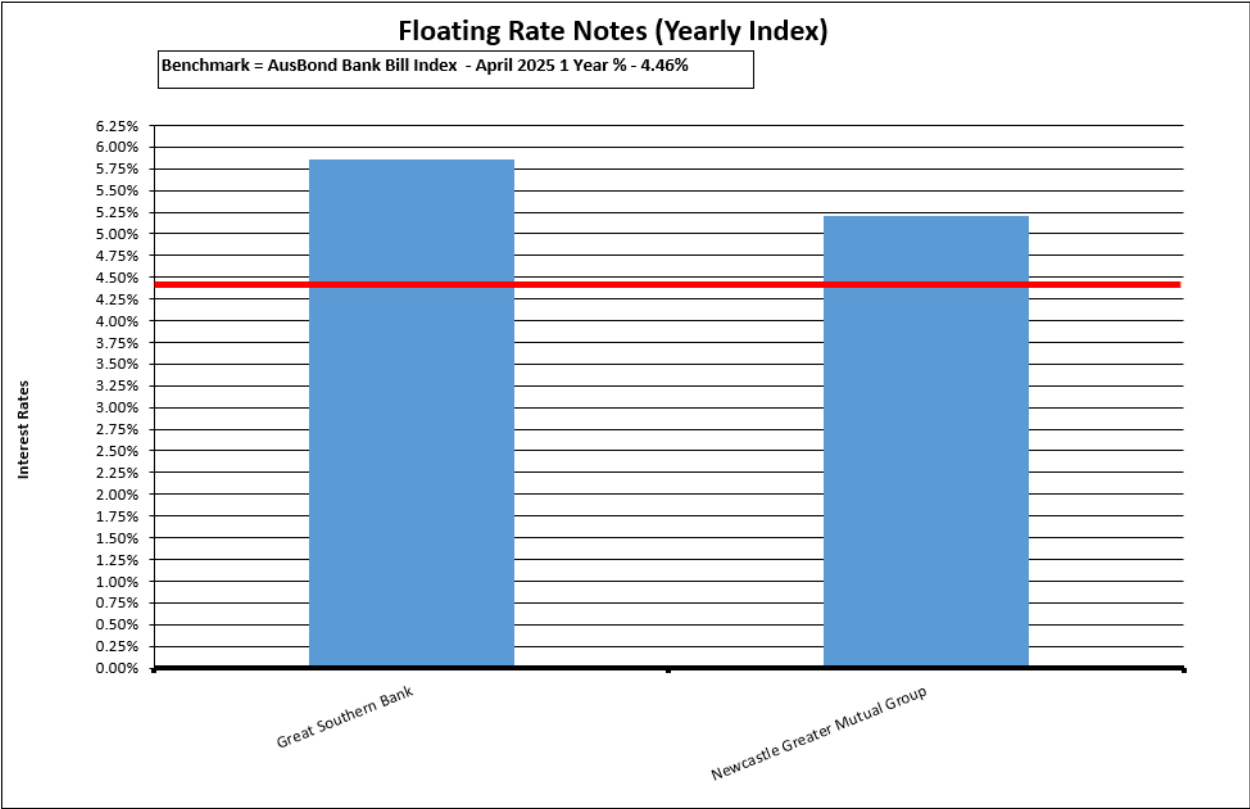
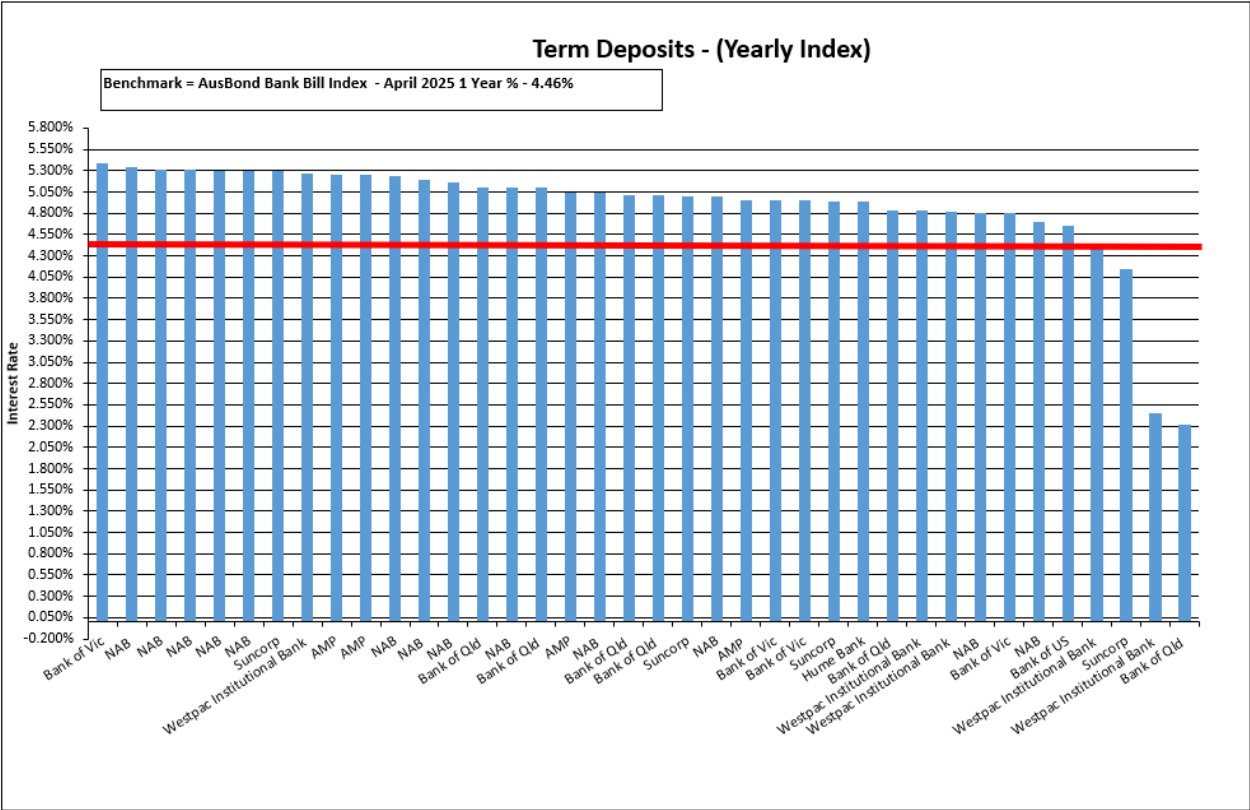
Council's Floating Rate Notes (FRN) portfolio is reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council's FRN portfolio yielded 6.22% p.a. for the month of April.

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 of April of +0.48%. 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.

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

ITEM 10.4 INVESTMENT REPORT FOR APRIL 2025



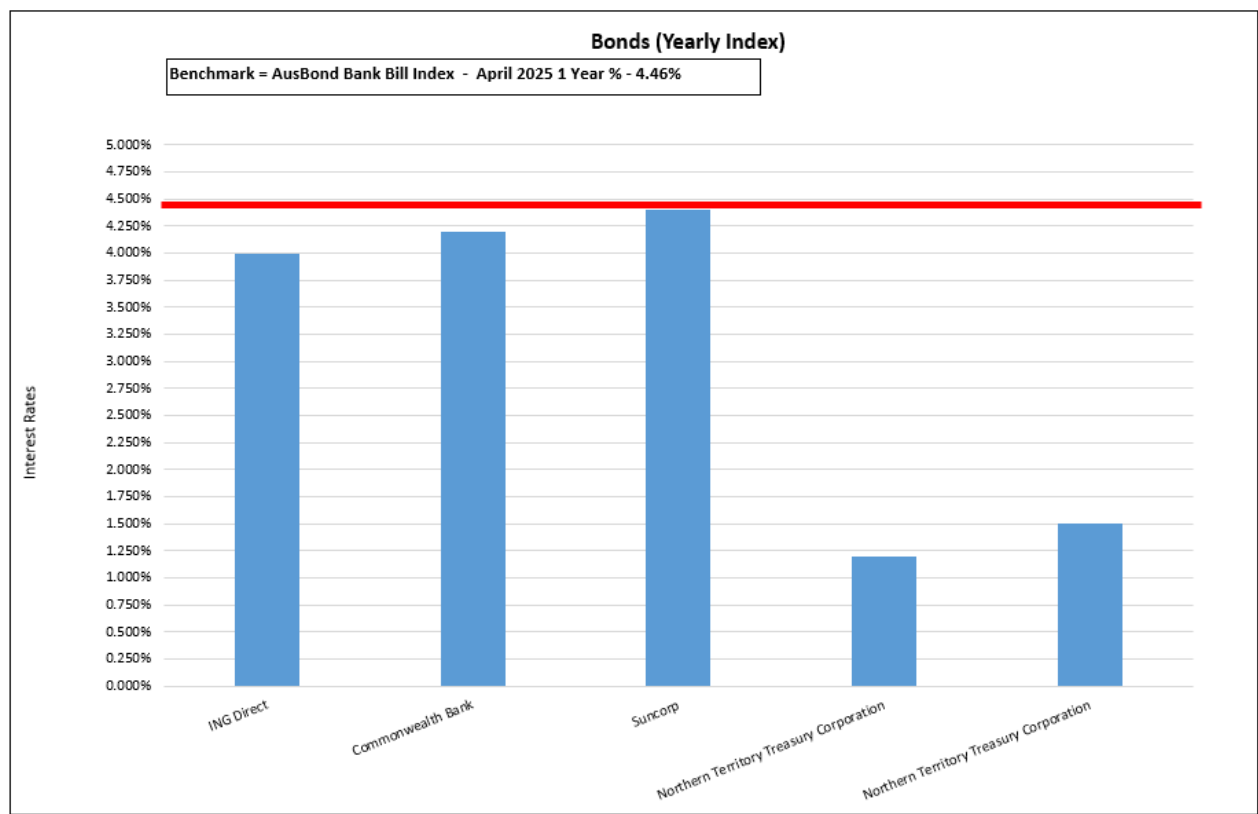
ITEM 10.4 INVESTMENT REPORT FOR APRIL 2025**Council's Investment Policy**

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 30/04/2025

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	16,999,703.50	25.01	3.00	100.00	50,962,380.77
✓	91 - 365 days	34,999,742.50	51.50	0.00	100.00	32,962,341.77
✓	1 - 2 years	12,804,595.50	18.84	0.00	70.00	34,768,863.49
✓	2 - 5 years	-	0.00	0.00	50.00	33,981,042.14
✓	5 - 10 years	3,158,042.77	4.65	0.00	25.00	13,832,478.30
TOTALS		67,962,084.27	100.00			

ITEM 10.4 INVESTMENT REPORT FOR APRIL 2025**Table 2: Credit Rating Limits****Credit Quality Compliance** as at 30/04/2025**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AAA	499,703.50	0.73	100.00	67,462,380.77
✓	AA	35,799,742.50	52.68	100.00	32,162,341.77
✓	A	8,500,000.00	12.51	60.00	32,277,250.56
✓	BBB	20,004,595.50	29.43	45.00	10,578,342.42
✓	Unrated	3,158,042.77	4.65	5.00	240,061.44
TOTALS		67,962,084.27	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 April 2025 report page 2:*

Volatility intensified early in the month after US President Trump's tariff wars wreaked havoc across global financial markets. The losses in equity markets reversed over the second half of the month on hopes that trade deals would be achieved after Trump announced a 90-day moratorium on new tariffs. For now, recession fears have overwhelmed any concerns over a tariff-led spike in inflation.

In the deposit market, over April, at the very short-end of the curve (less than 6 months), the average deposit rates offered by the domestic major banks fell by around 15-20bp compared to where they were the previous month (March), with the market all but factoring in another rate cut in coming months. At the longer-end of the curve (1-5 years), the average rates have fell by another 25-30bp compared to where they were in March. With additional rate cuts and a global economic downturn priced in over 2025, investors should consider diversifying and taking an 'insurance policy' against a potentially lower rate environment by investing across 1-5 year fixed deposits and locking in rates above 4¼-4½% p.a. (small allocation only).

Delivery Program Action

CC5 - Identify and implement initiatives to improve financial sustainability

ITEM 10.4 INVESTMENT REPORT FOR APRIL 2025

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

Interest accrued for the month of April was \$250,840 totalling \$2,505,949 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.

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  24534/2025 - Investment Report April 2025
- 2  24536/2025 - ARLO Advisory Investment Report April 2025

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.5 SF3517 210525 MARCH 2025 QUARTERLY BUDGET REVIEW

AUTHOR/ENQUIRIES: Kellie Byrne, Management Accountant

SUMMARY:

This report has been prepared to comply with Section 203 of the *Local Government (General) Regulation 2021* and to inform Council and the community of Council's estimated financial position for the 2024/2025 financial year, reviewed as at 31 March 2025.

A review of the 2024/25 budget has been carried out for the quarter ended 31 March 2025 and this has resulted in a variations surplus of \$42,878 and a revised cash surplus projection of \$584,288 with material variations shown in attached report.

RECOMMENDATION:

That Council:

- 1 Notes the budget review for the quarter ended 31 March 2025.**
- 2 Approves the recommended variations in the budget for the 2024/25 financial year.**

OPTIONS:

- 1 Per the recommendation.
- 2 Adopt some of the variances requested.
- 3 Reject all variances requested.

DISCUSSION:

In accordance with Section 203 of the *Local Government (General) Regulation 2021*:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
 - (a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and
 - (b) if that position is unsatisfactory, recommendations for remedial action.

Budget Summary

Council's original budget adopted for 2024/25 provided an estimated operating surplus of \$5,032,000, with a net operating surplus prior to capital grants of \$935,000. The March QBR with the proposed budget variations has resulted in an operating surplus of \$22,768,000, however the operating result prior to capital grants shows a net operating deficit of \$283,000.

From a cash point of view the original budget forecasted a net deficit of \$138,000, variations from the September 2024 Quarterly Budget Review (QBR) saw a further \$10,950 deficit, December 2024 QBR resulted in surplus of \$690,360 and the March 2025 QBR has resulted in a surplus of \$42,878. This has resulted in a current revised cash surplus of \$584,288.

ITEM 10.5 MARCH 2025 QUARTERLY BUDGET REVIEW

Office of Local Government Budget Review Guidelines:

The Office of Local Government on 10 December 2010 issued the new Quarterly Budget Review Statement via Circular 10-32, with the reporting requirements to apply from 1 July 2011. This report includes a Quarterly Budget Review Statement (refer Attachment 1) prepared by Council in accordance with the guidelines.

The Quarterly Budget Review Statement Guidelines set a minimum standard of disclosure, with these standards being included in the Local Government Code of Accounting Practice and Financial Reporting as mandatory requirements for Councils to address.

Since the introduction of the new planning and reporting framework for NSW Local Government, it is now a requirement for Councils to provide the following minimum 6 key statements when submitting a Quarterly Budget Review Statement (QBRs):

- A signed statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRs
- Budget review income and expenses statement in one of the following formats:
 - Consolidated
 - By fund (e.g. General, Water, Sewer)
 - By function, activity, program etc. to align with the management plan/operational plan
- Budget Review Capital Budget
- Budget Review Cash and Investments Position
- Budget Review Key performance indicators
- Budget Review Contracts and Other Expenses

The QBRs for the period 01/01/2025 to 31/03/2025 is included as an attachment and below is an explanation on each statement.

Income and Expenditure Budget Review Statement by Type

This statement shows Council's Income and Expenditure by type at a consolidated funds level. The March 2025 budget variations are shown in the column highlighted in blue with note numbers provided on the right-hand side of this column (see page 4 of attachment). These note numbers refer to the recommended material budget variation detail in the QBRs (see page 5 of attachment).

Capital Budget Review Statement

This statement identifies in summary Council's capital works program on a consolidated basis and also identifies how the capital works program is funded. The March 2025 budget variations are shown in the column highlighted blue with note numbers on the right-hand side of this column (see page 6 of attachment). These note numbers refer to the recommended material budget variation detail in the QBRs (see page 7 of attachment).

Cash and Investments Budget Review Statement

This statement reconciles Council's restricted funds (reserves) against available cash and investments. Council has attempted to indicate an actual position as at year end of each reserve to show a total cash position of reserves with any difference between that position and total cash and investments held as available cash and investments. The March 2025 reserve movements are shown in the blue highlighted column with note numbers indicated to the right of this column (see page 8 of attachment). These note numbers refer to the recommended material budget variation detail in the QBRs (see page 9 of attachment).

ITEM 10.5 MARCH 2025 QUARTERLY BUDGET REVIEW

Key Performance Indicators (KPIs)

The KPIs within this report are:

- **Own source operating revenue** – This ratio indicates the degree of reliance on external funding sources such as operating grants and contributions.
- **Debt Service cover ratio** – This ratio measures the availability of operating cash to service debt, including interest, principal and financial lease payments.
- **Rates and Annual Charges Outstanding Ratio** – This assesses the impact of uncollected rates and annual charges on Councils liquidity and the adequacy of recovery efforts. In the third quarter of the financial year, it should be noted that the ratio is high due to the timing in rates instalment cycle. Currently 75% of the collectible rates have fallen due and 77% have been paid, which indicates we are currently on track.

Contracts and Other Expenses

This statement highlights any new contracts Council entered into during the January to March quarter that are greater than \$50,000 excluding employment contracts and contractors engaged under a Council preferred contracts list. The other expenses reported are for the year to date expenditure on consultancies and external legal fees, indicating whether these expense types have been within budget.

CONSULTATION:

Budget Managers

SUSTAINABILITY ASSESSMENT: Nil


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

As per the Report

Service level changes and resourcing/staff implications

None as a result of this report.

ATTACHMENTS:

1  25223/2025 - QBR NVC Mar 2025

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.6 SF3504 210525 REQUEST FOR SECTION 356 DONATION - BOWRAVILLE JUNIOR RUGBY LEAGUE CLUB

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council has received a request for a Section 356 donation from the local, and largest, Junior Rugby League Club in the Valley.

The request is from the Bowraville Junior Rugby League Club (BJRLC), who is now faced with additional costs for the Hennessey Tape playing fields as a result of the Section 355 Committee of Management no longer providing the Handybin skip bin service and therefore the responsibility has now fallen to the largest user of the playing fields.

The request is for \$500 to assist with the cost of hire of a Handybin skip bin for the fields, drop off, and pick up, up to 30 June 2025.

RECOMMENDATION:

That Council approves a Section 356 donation to Bowraville Junior Rugby League Club for \$500 for the cost of hire of a Handybin skip bin for the Hennessey Tape playing fields, including drop off and pick up of the bin, up to 30 June 2025.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option - Council can resolve to donate a lesser amount to assist the Bowraville Junior Rugby League Club.

DISCUSSION:

Council received an application from BJRLC on 24 April 2025 to request a donation towards the cost of hire of a Handybin skip bin for the playing fields at Hennessey Tape Oval in Bowraville, up to 30 June 2025.

This cost of the waste services has fallen to field users after the Section 355 Committee of Management ceased providing the Handybin service to the Hennessey Tape Oval playing fields. BJRLC have quickly moved, to take the initiative to ensure the continued use of this well used sporting precinct in Bowraville, however a donation would assist with initial set up costs, and pick up services through until 30 June 2025.

BJRLC is the largest Junior Rugby League Club in the Nambucca Valley, and one of the largest on the Mid North Coast. Currently the Club has 286 registered players, fields 20 teams, including 2 girls "tackle" teams for the first time ever, in the 14's and 16's age groups.

CONSULTATION:

Director Corporate Services
Chief Financial Officer
Grants and Contributions Officer

SUSTAINABILITY ASSESSMENT:

Environment

There is no impact on the environment

Social

Council's donation will assist the BJRLC for the benefit of our community.

ITEM 10.6 REQUEST FOR SECTION 356 DONATION - BOWRAVILLE JUNIOR RUGBY LEAGUE CLUB

Economic

There are no economic issues.

Risk Analysis

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

Delivery Program Action

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

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Council's 2024/2025 general donations budget on account number 3100.405.622 has just seen the payment of the 2024/2025 Donations Program approved donations, and has a current available balance of \$1,637.02. If this donation of \$500 is approved, as described in the report, this will leave an available balance of \$1,137.02 until 30 June 2025.

An extract from the donations ledger account identifying all payments to date for 2024/2025 is an attachment to this report.

Working funds – justification for urgency and cumulative impact

Nil as budgeted.

Impacts on 10 Year Long Term Financial Plan

No impact.

Service level changes and resourcing/staff implications

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

ATTACHMENTS:

1  22815/2025 - Extract from Donations budget - 2024-2025 - as at 24 April 2025

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.7 SF775 210525 MEMORANDUM OF UNDERSTANDING 2025 TO 2027 AND
NOMINATION OF COUNCILLOR REPRESENTATIVE TO BOARD OF ARTS MID NORTH
COAST INC.**

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Nambucca Valley Council's Memorandum of Understanding (MOU) with Arts Mid North Coast (AMNC) Inc. is up for renewal and a new Councillor representative is to be appointed to sit on the Arts MNC Board.

Attached is the latest AMNC Annual Report and the MOU which will commence from the date of the signed document and continue until 30 June 2027.

RECOMMENDATION:

That Council:

- 1 Approve the Memorandum of Understanding 2025 – 2027 with Arts Mid North Coast Inc.**
- 2 Elect a Councillor representative for the Arts Mid North Coast Inc. Board.**

OPTIONS:

- 1 Do nothing
- 2 Proposed recommendation

BACKGROUND:

AMNC is the region's peak arts organisation, which supports and collaborates with government, communities, organisations, businesses and individuals to build capacity and create opportunities for the arts and creative industries. They do this through the provision of:

- Artists professional development.
- Sector support services.
- Arts/Cultural Promotions – including the What's On Events Calendar, social media and e-newsletter.
- Country Arts Support Program (devolved grants to local art projects).
- Projects.
- Council liaison and regional advocacy.

Council has provided a funding contribution to AMNC (\$7,981 in 2024/25) and maintained a two-yearly MOU that is due for renewal.

AMNC also provides a Councillor representative position on the Board as per 5.6 of the MOU, which is currently held by Cr Jenvey who is also the current Chair. Per Item 9.7 to the 17 October 2024 Council meeting 'Council Advisory Committees' the following is an extract of the Council resolution to that item:

ITEM 10.7 MEMORANDUM OF UNDERSTANDING 2025 TO 2027 AND NOMINATION OF COUNCILLOR REPRESENTATIVE TO BOARD OF ARTS MID NORTH COAST INC.

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	<p>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.</p> <p>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.</p> <p>(Cr Susan Jenvey until 30 June 2025)</p>

DISCUSSION:

In recent years, resourcing at Council and a lack of strategic alignment has impacted Council's ability to leverage the AMNC relationship to its fullest.

With the new Community Strategic Plan and Delivery Program, the creation of advisory committees such as the Duguula Bindarray-Garri Aboriginal Advisory Committee and the Nambucca Valley Youth Council, recent recommendations from the Disability Access and Inclusion Committee to look at celebrating inclusive art, and the recent application for funding for the Open Streets Festival 2025-2028, the opportunities for partnership with AMNC are growing and are more clearly aligned and articulated.

An internal strategic plan to resource and implement art-focussed projects will be developed to assist in ensuring Council is able to take advantage of the full benefit of working with AMNC to support our artistic community and identity to thrive in line with Theme One 'Inclusive, Safe and Connected Community' of our draft Community Strategic Plan Our valley, Our future 2035.

CONSULTATION:

AMNC

Disability Access and Inclusion Committee

Duguula Bindarray-Garri Aboriginal Advisory Committee

Nambucca Valley Council Executive Leadership Team

SUSTAINABILITY ASSESSMENT:

Environment

Art projects can raise awareness about environmental issues, encouraging the community to engage in conservation efforts and sustainable living.

Social

Art celebrates culture and provides opportunity for social connection, wellbeing and healing. The arts play a crucial role in preserving and promoting the cultural heritage of the Gumbaynggirr, Dunghutti, Biripi, and Worimi Nations, the Traditional Custodians of the lands in the MNC region.

AMNC provides communications of events and opportunities in the local government area.

ITEM 10.7 MEMORANDUM OF UNDERSTANDING 2025 TO 2027 AND NOMINATION OF COUNCILLOR REPRESENTATIVE TO BOARD OF ARTS MID NORTH COAST INC.

Economic

AMNC strengthens the economic opportunities of local artists through professional development, promotion and other support. By doing so this supports the local economy and enhances the vibrancy of neighbourhoods in the local government area making them more attractive to tourists and businesses.

Risk Analysis

The risk pertains to AMNC continuing to effectively engage with the arts community and government and in attracting additional funding to the region.

Delivery Program Action

LW1 - Continued involvement with Arts Mid North Coast

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

\$7,950 has been allocated in the draft 2025/26 budget for the Council contribution to AMNC.

Working funds – justification for urgency and cumulative impact

As above.



Impacts on 10 Year Long Term Financial Plan

The annual allocation has been

Service level changes and resourcing/staff implications

Staff time will be allocated in 2025/26 to creating a strategy and implementing actions from that strategy.

ATTACHMENTS:

- 1  24981/2025 - AMNC Annual Report 2024
- 2  25363/2025 - MOU AMNC + Nambucca Valley Council 2025-2027

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.8 SF963 210525 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 (CoM). 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 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.**

OPTIONS:

Council has the option of approving some or none of the nominations.

DISCUSSION:

Some Committees are struggling with engagement of volunteers and proper understanding of processes and practices as such the Community Development Officer will be spending more time supporting Committees to attract new members, understand processes and procedures, and succession planning.

More Committees are also approaching Council for support in tasks such as mowing, as their limited volunteer numbers and ageing of volunteers makes this work more difficult to resource and higher risk. The Community Development Officer is investigating solutions.

Committee	Nominees	Reason for nominating
Macksville Park and Sport	Simon Dent	Renominating
	Craig Anthony Englert	Renominating - currently Treasurer on Committee
South Arm Hall	Paula Muscat	Being a part of my South Arm committee to help where I can

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:**Environment**

Nil

Social

Provision of venues and recreational facilities to support community connection, health, and wellbeing.
Providing meaningful volunteer opportunities

ITEM 10.8 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT**Economic**

Nil

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Injury to volunteers	M	H	Volunteers are given Volunteer Safety Handbook after approval of Council.	M
Mismanagement	L	H	Council Code of Meeting Practice and Code of Conduct must be adhered to.	M
Fraud	L	H	Code of Conduct must be adhered to.	M
Lack of volunteers	M	H	Promote the positive aspects of volunteering. Recognise need for succession planning for Committees.	L

Delivery Program Action

LW10 - Work with S355 Committees

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

Section 355 Committees are volunteers overseeing the management of Council facilities, reducing cost to Council. Dwindling volunteer numbers could result in Council having to dissolve a Section 355 Committee of Management and explore options for operating the community facility such as lease arrangements or directly managing the facility which would have impact on current and/or future budgets.

Working funds – justification for urgency and cumulative impact

Per 'Direct and indirect impact on current and future budgets' section.

Impacts on 10 Year Long Term Financial Plan

Per 'Direct and indirect impact on current and future budgets' section.

Service level changes and resourcing/staff implications

More involvement of the Community Development Officer will be required to support some Section 355 Committees to correct practices and ensure sustainability.

ATTACHMENTS:

1 24991/2025 - Nominations - Macksville Park and Sports Committee of Management - Redacted



2 24999/2025 - Nomination - South Arm Hall Committee of Management - Paula Muscat - Redacted



DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.9 SF3409 210525 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 29 APRIL 2025 MEETING

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

The minutes of the Nambucca Valley Council Disability Access and Inclusion Committee meeting held Tuesday 29 April 2025 are attached for Council's consideration.

RECOMMENDATION:

That Council notes the minutes of the Disability Access and Inclusion Committee meeting held 29 April 2025.

OPTIONS:

For information only.

DISCUSSION:

The committee reviewed interim Disability Inclusion Survey results, provided feedback for further analysis, and posited possible action items for the updated Disability Inclusion Action Plan (DIAP).

CONSULTATION:

Disability Access and Inclusion Committee Members

SUSTAINABILITY ASSESSMENT:

Environment

Nil

Social

The social challenges faced by people with disabilities are many, varied and impactful. Improvements implemented via the DIAP can have real and lasting positive social outcomes.

Economic

Improving economic participation of people with disability improves our community's overall economic health and wellbeing.

Risk Analysis

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

Activities accounted for in existing budget.

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

ITEM 10.9 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 29 APRIL 2025 MEETING

Staffing implications are effectively unchanged from approved resourcing. Undertaking DIAP engagement is expected within the role of the Community Development Officer role.

ATTACHMENTS:

- 1 25079/2025 - Nambucca Valley Council Disability Access and Inclusion Committee Minutes - 29 April 2025

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.1 SF3495 210525 FENCED OFF LEASH DOG PARKS

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

This report provides information on suggested sites for dog parks within the Nambucca Valley.

RECOMMENDATION:

That Council approves the following locations as off-leash dog areas and adds them to the Companion Animals Policy:

- 1 A fenced dog park at McMorine Park, Nambucca Heads**
- 2 A fenced dog park at Dawkins Lake Island, Macksville**
- 3 An unfenced area at Dudley Street, Macksville**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Select alternate locations/not proceed with some locations.

BACKGROUND:

In 2024 Council considered potential sites within Nambucca Heads and Macksville for off leash fenced dog parks. After consideration of the Council reports and representations made by the community, Council made the following resolution at its meeting on 28 November 2024:

390/24 **RESOLVED:** (Jenvey/Ballangarry)

That Council:

- 1 Selects the McMorine Park, Nambucca Heads as the preferred location for fenced dog parks within the Nambucca Valley.
- 2 Proceed with the preparation of a Review of Environmental Factors (REF), design and costing analysis and funding options for McMorine Park, Nambucca Heads for further consideration by Council.
- 3 Staff report back on the feasibility of Dawkins Lake Island, Macksville and Dudley Street, Macksville as potential locations.

DISCUSSION:

McMorine Park, Nambucca Heads

The plan below illustrates the location of the proposed fenced dog park in McMorine Park. It has an approximate area of 3000m² and maximum dimensions of 45m x 65m.

ITEM 11.1 FENCED OFF LEASH DOG PARKS



A photo of the site is below.



A concept layout of the park is shown below.

ITEM 11.1 FENCED OFF LEASH DOG PARKS

It is intended to fence the park with either black powder coated chain mesh fencing or pool fencing, extend the existing footpath to bench seats within the dog park and provide some dog agility equipment. A bin and a dog bag dispenser will also be provided. A concrete edge beam will also be located under the fence for ease of maintenance and to restrict dogs escaping.

The dog park will utilise the existing topography of the land, so no major earthworks will need to be carried out.

While it is acknowledged the site can be subject to large stormwater flows during rain events, the infrastructure to be provided to create the dog park will not be impacted by these flows or alter the direction of flows.

Access to the park will be via the existing footpath which connects the residential areas to the west of the site to Riverside Drive. There is ample parking along the verge of Woodbell Street and Bellwood Drive to accommodate those who choose to drive to the park, as well as in Royal Tar Crescent.

The approximate costs associated with the establishment of the dog park are as follows:

- Fencing - \$30,000
- Concrete edge beam under fence - \$25,000
- Footpaths - \$6,000
- Bench seats - \$5,000
- Agility equipment - \$5,000
- Signage - \$500
- Total - \$71,500

An example of agility equipment is attached.

Please see attached the REF for the McMorine Park site.

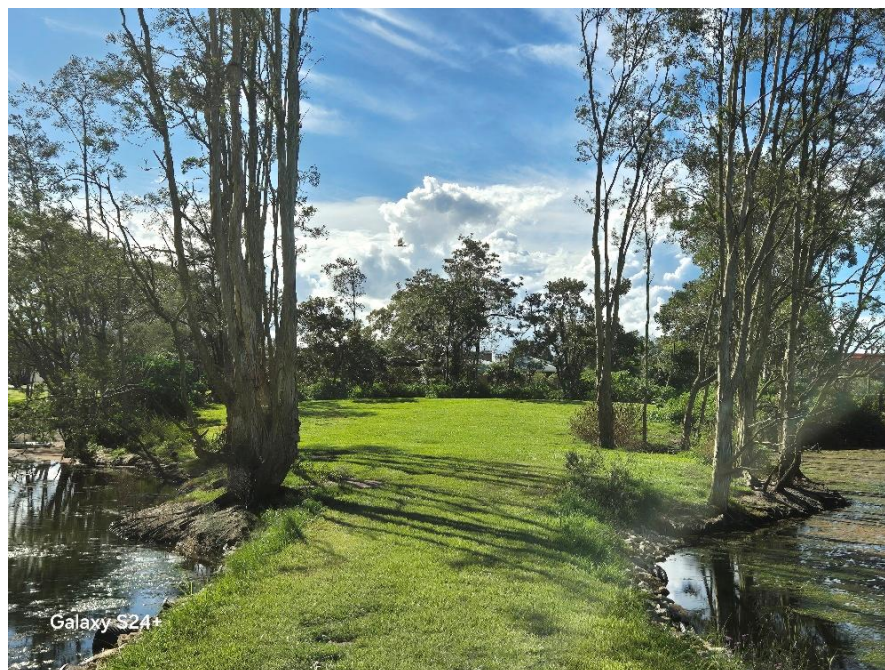
ITEM 11.1 FENCED OFF LEASH DOG PARKS

Dawkins Lake Island, Macksville

Dawkins Island is shown in the below images. Council has recently cleared the island and connected it to the southern bank of Dawkins Park. The grassed area of the island has an area of approximately 1000m², with a maximum length of 55m and a maximum width of 25m.



ITEM 11.1 FENCED OFF LEASH DOG PARKS



The only fence this site requires is a gate across the access from Dawkins Park to the island, as the water and vegetation on the island acts as a natural barrier. This results in lower establishment and ongoing maintenance costs for the park as well as reduced visual impact. The benefit of this location is that it is located closer to a large portion of the towns population and is convenient for people stopping in the town with dogs. The site is large enough to throw a ball and house agility equipment.

The approximate costs associated with the establishment of the dog park are as follows:

- Fencing - \$1,500
- Concrete edge beam under fence - \$700
- Signage - \$500
- Footpath - \$4,000
- Bench seats - \$2,500
- Agility equipment - \$5,000
- Total - \$14,200

It is considered this park could be established for approximately \$2,700; with the provision of the footpath, bench seats and agility equipment to occur at a later date when funding is available.

A copy of the REF for this site is attached.

Dudley Street, Macksville

In 2021 Council considered a proposal to establish an off-leash area next to the existing sporting fields in Dudley Street, Macksville. The intent was not to fence the area, just signpost it to permit its use as an off leash area during periods where there are no organised sporting activities being undertaken on the playing fields/training facilities. It was to be signposted in the same way as the off-leash area at Valla Beach.

The proposal was put forward due to the lack of any off-leash areas in Macksville and in recognition that the area has been commonly used by locals as an off-leash area for many years.

A map of the area proposed is shown below and the REF is attached.

ITEM 11.1 FENCED OFF LEASH DOG PARKS



Despite there being no community opposition to the proposal and that it was recognising what locals are currently using the area for; Council did not resolve to proceed with the establishment of the off leash area.

Council could opt to proceed with the establishment of this unfenced off leash area. Signage required to get it established would be approximately \$1000.

Alternatively, Council could opt to establish a fenced park in this area for a similar cost as the McMorris Park site outlined above. However, it is considered the unfenced option is most appropriate as it will be more cost efficient, a larger area can be utilised, and it has been demonstrated for a long time that the area can be used as an off-leash area with limited issues arising. Not proceeding with a fenced option at this point in time does not restrict Council's ability to explore fenced options at a later date should the need arise.

It is noted that the following will still need to occur before the parks can be established/used:

- Obtain funding.
- Construct/identify the dog parks.
- Amend the Companion Animals Policy to reflect the locations of the additional dog off-leash areas.

CONSULTATION:

Previous public exhibition
Green Space Coordinator

SUSTAINABILITY ASSESSMENT:

Environment

Refer to attached review of environmental factors carried out under Part 5 of the Environmental Planning and Assessment Act 1979.

Social

The parks provide additional options for people to exercise their dogs, while it is considered that potential external impacts will be minor.

Economic

It is not considered the parks will result in any significant economic impacts on the locality.

ITEM 11.1 FENCED OFF LEASH DOG PARKS**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Dog attacks from dogs off lead	M	H	Large fenced area and minimal use of fencing to avoid dogs feeling cornered. Signage advising owners they enter at own risk.	M

Delivery Program Action

CC18 - Provide open spaces where dogs can be exercised

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

A funding source has not yet been identified. The intention is to have the location and concept approved so that when funding becomes available the parks can be established. Councillors can opt to make a budget bid in the draft 2025/26 for the establishment of the parks.

Working funds – justification for urgency and cumulative impact

N/A





Impacts on 10 Year Long Term Financial Plan

As above.

Service level changes and resourcing/staff implications

Minor.

ATTACHMENTS:

- 1  22552/2025 - Agility Equipment Examples
- 2  22569/2025 - Dudley Street REF
- 3  22630/2025 - McMorine Park REF
- 4  22631/2025 - Dawkins Island REF

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.2 SF97 210525 REVIEW OF ALCOHOL FREE ZONES

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

SUMMARY:

Council has three Alcohol Free Zones (AFZ) located in Nambucca Heads and Bowraville. An AFZ lasts for four years unless Council undertakes a review and determines if they should be re-established.

This report is to advise Council that a review of the AFZ has been conducted, and the conclusion is that the AFZ are achieving their aim and the community supports its continuation.

During a period of community consultation 4 submissions were received – all in favour of re-establishing the AFZ.

It is recommended that the AFZ be re-established with the existing boundaries, for the maximum period being 4 years to 21 May 2029.

RECOMMENDATION:

That Council establish Alcohol Free Zones for a period of 4 years in Nambucca Heads and Bowraville in accordance with Section 644B of the Local Government Act (1993) in the areas outlined in the report.

OPTIONS:

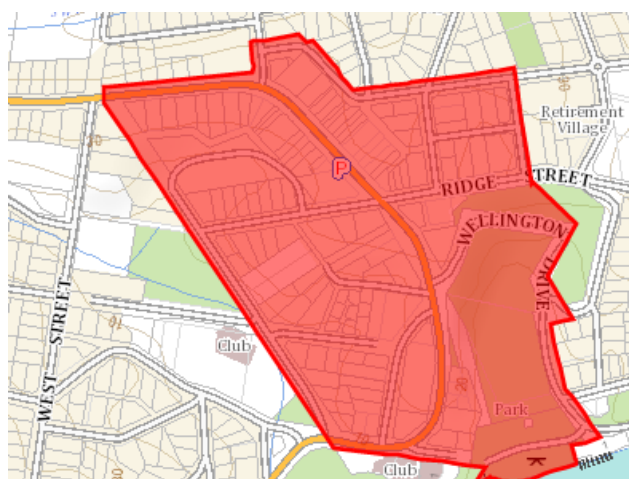
- 1 Re-establish the Alcohol Free Zones within the current boundaries.
- 2 Re-establish the Alcohol Free Zones with different boundaries.
- 3 Not re-establish the Alcohol Free Zones.

BACKGROUND:

An Alcohol Free Zone (AFZ) is a designated area in which the consumption of alcohol is prohibited 7 days a week, 24 hours a day. If you are observed drinking in the AFZ you may be warned and/or have the liquor tipped out. AFZs apply to public roads, footpaths, car parks and are enforced by the Police. They are established under Section 644 to 644C of the Local Government Act 1993.

Council currently has three Alcohol Free Zones (AFZ) that have been established at the following locations:

- Around Bowra Street in Nambucca Heads.



-

-
- The map shows a grid of streets in Bowraville. Adam Lane runs north-south on the left. High St runs north-south in the center. Young St runs east-west at the top. Cook St runs north-south on the right. Belmore St runs east-west below Young St. George St runs east-west below Belmore St. Bowra St runs east-west at the bottom. Adam St runs north-south on the far left. A winding road labeled 'YEPBOO SOUTH' is on the left side. Key locations marked include Bowraville Central School, Police Station, P.O., Museum, Theatre Cinema, Grant Hall, Folk Museum, Art Gallery Tea Room, RSL Club, and Pre School. A compass rose indicates North (N) and South (S).

Previously the AFZ have been reviewed and re-established separately. This has resulted in each of the AFZ expiring on separate dates as outlined below:

- For efficiency reasons all three AFZ have been publicly exhibited for re-establishment at the same time.

ITEM 11.2 REVIEW OF ALCOHOL FREE ZONES

DISCUSSION:

There are no provisions for Council to just extend an AFZ, however they can be re-established following a review of their impact on the community. To assess this, Council should consider the effectiveness of the AFZ in reducing unacceptable street drinking and anti-social behaviour, and in improving community safety. Following that, Council may re-establish the AFZ as they currently are, establish them with new boundaries, or not re-establish them at all.

This report supports re-establishment of all three existing AFZ as shown in the above maps.

Whilst AFZ are designed to be a short-term solution to street drinking, there is evidence to support the re-establishment of the AFZ based on community feedback, although its success is difficult to show statistically.

However, the proposed re-establishment of the AFZ was publicly exhibited as required by section 644A of the Local Government Act 1993. Four submissions were received which were all in support of the re-establishment of the AFZ. Copies of these submissions are **attached**.

It is clear in the submissions received that there is community and Police support for the AFZ to be re-established as they reduce anti-social behaviour and crime, which provides a safer and friendlier public space for the people who live and work in the area.

CONSULTATION:

Public consultation as outlined above.

SUSTAINABILITY ASSESSMENT:**Environment**

Considerations for the environment are reduced littering and broken glass.

Social

Improved amenity and perception of safety.

Economic

One of the aims of an AFZ is an improved town social environment where people will feel comfortable using footpaths and parks and conducting business.

Risk

Nil.

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

Costs associated with changing the dates on existing signs will be covered by existing budget allocations.


Source of fund and any variance to working funds

Nil.

Service level changes and resourcing/staff implications

Existing service.

ATTACHMENTS:

1  22874/2025 - Submissions

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.3 SF3410 210525 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 applications 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 9 May 2025, and development applications determined from 7 March – 9 May 2025 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
2025/005	4 February 2025	Demolition of existing dwelling & construction of new dwelling	8 Gregory Street, Valla Beach – Lot 4 Sec 2 DP 245317
STATUS: Amended plans have been requested which minimise the impact on the views from neighbouring properties.			

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

No development applications were determined between 7 March 2025 – 9 May 2025 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

**ITEM 11.3 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**

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 11.4 SF1538 210525 CLASSIFICATION OF OPERATIONAL LAND - LOT 102 DP 1313077 SWORDFISH DRIVE VALLA BEACH****AUTHOR/ENQUIRIES:** Daniel Walsh, Manager Development and Environment**SUMMARY:**

As part of a recent subdivision in Valla Beach, land was dedicated to Council to provide access to a pump station and stormwater infrastructure. This report provides a recommendation to classify this land as operational land in recognition of its operational use.

RECOMMENDATION:**That Council:**

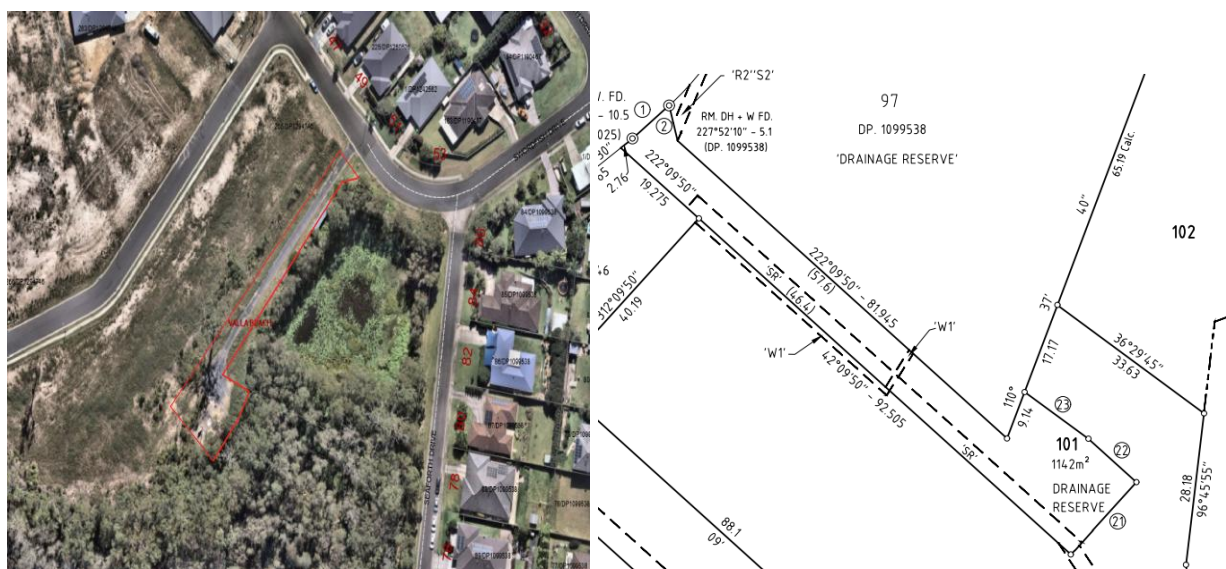
- 1 Exhibit the classification of Lot 101 DP 1313077 – Swordfish Drive, Valla Beach as operational land in accordance with Section 34 of the Local Government Act 1993.
- 2 Classify Lot 101 DP 1313077 – Swordfish Drive, Valla Beach as operational land should no submissions be received.

OPTIONS:

- 1 Council could opt not to proceed with classifying the land as operational. The land would automatically be classified as community land.
- 2 Proposed recommendation

BACKGROUND:

As part of the release of a recent stage of 'Ocean Waves Estate' in Valla Beach Lot 101 DP 1313077 was dedicated to Council. The lot contains a Council sewer pump station, stormwater infrastructure and vehicular access. Lot 101 DP 1313077 can be seen in the below images.

**DISCUSSION:**

The new lot was acquired on 20 March 2025, so it has not been acquired for longer than 3 months. As such it can be classified as operational land by Council subject to public exhibition.

**ITEM 11.4 CLASSIFICATION OF OPERATIONAL LAND - LOT 102 DP 1313077 SWORDFISH DRIVE
VALLA BEACH**

Section 34 of the *Local Government Act 1993* states:

- (1) *A council must give public notice of a proposed resolution to classify or reclassify public land.*
- (2) *The public notice must include the terms of the proposed resolution and a description of the public land concerned.*
- (3) *The public notice must specify a period of not less than 28 days during which submissions may be made to the council.*

As such, the recommendation is to make the land operational subject public exhibition in accordance with Section 34 of the act.

CONSULTATION:

Manager Governance and Organisational Performance
Property and Governance Officer
Senior GIS Officer

SUSTAINABILITY ASSESSMENT:**Environment**

There are no impacts on the environment.

Social

There are no social impacts.

Economic

There are no economic impacts.

Risk Analysis

Nil.

Delivery Program Action

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

FINANCIAL IMPLICATIONS: Nil.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.5 DA2016/102 210525 MODIFICATION OF DEVELOPMENT CONSENT TO DELETE
CONDITION REQUIRING PAYMENT OF DEVELOPER CONTRIBUTIONS**

AUTHOR/ENQUIRIES: Michael Coulter, Senior Town Planner

Summary:

The Council has received an application from Mrs Courtney Walsh to modify the development consent pertaining to DA2016/102 which is for a two (2) lot subdivision at 13-15 Telopea Place, Nambucca Heads, a property which is part owned by Council's Manager Development and Environment, Mr Daniel Walsh. Usually, such an application would be determined under delegated authority, however the Council has a policy for managing conflicts of interest for Council related development, which includes development for which a staff member or Councillor is the applicant or has a commercial interest in the land the subject of the application.

The modification application seeks the deletion of condition 16 which are developer contributions levied under the now repealed Section 7.12 (formerly Section 94) contribution plans.

The requested deletion of Condition 16 is consistent with Council's current Section 7.12 Development Contributions Plan, noting that an obligation to pay a contribution under the 7.12 plan will pass to a future dwelling on the vacant proposed lot 1 (assuming it has an estimated cost of more than \$100,000).

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 deletes Condition 16 of development consent DA2016/102 as per Council's Section 7.12 Development Contributions Plan 2019.

OPTIONS:

The Council has options pertaining to both the process of assessing this modification application as well as the determination. The options will cover both of these in this order.

- 1 Engage a third party to prepare an assessment report on the application (instead of this report)
- 2 Request additional information in relation to the application or this report and defer consideration of the matter
- 3 Refuse the application (with reasons to be provided)

BACKGROUND:

The property is owned by Mr D R & Mrs S R Walsh with a transfer date of 31 May 2023. Mr Walsh is Council's Manager Development and Environment. The modification application seeks to delete Condition No. 16 which provides as follows:

Contribution to be paid towards provision or improvement of amenities or services

ITEM 11.5 MODIFICATION OF DEVELOPMENT CONSENT TO DELETE CONDITION REQUIRING PAYMENT OF DEVELOPER CONTRIBUTIONS

16. Contributions set out in the following Schedule are to be paid to Council. The following contributions are current at the date of this consent. The contributions payable will be adjusted in accordance with the relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

Schedule of Contributions pursuant to Section 94 of the Environmental Planning and Assessment Act 1979

Public amenity or service	Unit type	No of Units	Contribution Rate (Amount per Unit)	Contribution Levied	Date until which Contribution rate is applicable
Community Facilities and Open Space	Lot	1	\$1,721.00	\$1,721.00	30 June 2017
Local Roads & Traffic Infrastructure	Lot	1	\$3,974.00	\$3,974.00	30 June 2017
Surf Life Saving Equipment	Lot	1	\$114.00	\$114.00	30 June 2017
Section 94 Administration Charge	10% of the above contributions				30 June 2017
TOTAL				\$5,809.00	30 June 2017

With indexation, the contributions listed in the Table to condition 16 are currently:

Community Facilities and Open Space	=	\$2,167.00
Local Roads and Traffic Infrastructure Plan	=	\$4,995.00
Surf Life Saving Equipment	=	\$149.00
Sub-Total	=	\$7,311
Section 94 Administration Charge	=	\$731.10
Total	=	\$8,042.10

Usually, such an application would be determined under delegated authority, however the Council has a policy for managing conflicts of interest for Council related development, which includes development for which a staff member or Councillor is the applicant or has a commercial interest in the land the subject of the application. The policy provides that unless deemed to be low risk by the General Manager, the application must be assessed by a third party (consultant or neighbouring council). All applications must be referred to Council for determination unless the General Manager deems the potential conflict of interest low risk. The General Manager has reviewed the matter and considers the conflict of interest low risk, but nonetheless believes it prudent to put the matter to Council for determination.

DISCUSSION:

The applicant's modification application to delete condition 16, together with the development consent and approved plan of subdivision are **attached**. It will be noted that the development consent was issued on 11 August 2016 and that Mr & Mrs Walsh acquired the property on 31 May 2023. Following the granting of consent, works required under condition 12 were commenced on-site and were subsequently acknowledged by Council as constituting physical commencement of the development.

The Section 7.11 Developer Contribution Plans referenced in condition 16 have been repealed by Council's Section 7.12 Development Contributions Plan 2019 (refer page 6) – except for Mines and Extractive Industries Road Maintenance which is not relevant to the modification.

The Section 7.12 Development Contribution levy rates are 0.0% for development valued at \$100,000 or less, 0.5% for development valued at \$100,001 to \$200,000 and 1.0% for all development valued in excess of \$200,000. A future dwelling on the proposed Lot 1 will be required to pay a Section 7.12 levy in

ITEM 11.5 MODIFICATION OF DEVELOPMENT CONSENT TO DELETE CONDITION REQUIRING PAYMENT OF DEVELOPER CONTRIBUTIONS

accordance with these contribution rates (assuming the likely scenario that its estimated cost will exceed \$100,000).

There was no estimated cost supplied with the original subdivision (which was not unusual at the time). The development consent conditions required a water and sewer connection to the additional lot but no other physical works. In the author's opinion the cost of this work as well as any other costs directly related to the subdivision would be far less than \$100,000.

In short, the liability for a developer contribution is not being extinguished but is being shifted from the subdivision to the future construction of a dwelling. This is consistent with the approach Council has taken to developer contributions for the past 6 years wherein the complexity and bureaucracy associated with the maintenance of numerous Section 7.11 plans has been replaced with a simple levy calculated on the estimated cost of all development.

There have been other instances of modification applications to delete Section 7.11 developer contribution requirements so that they may be replaced by a Section 7.12 contribution levy if and when a dwelling is erected on a lot. It is also open to applicants to pay the former Section 7.11 developer contributions as shown in condition 16, in which case under Ministerial Directions a Section 7.12 levy could not be imposed on a future dwelling on the proposed Lot 1.

The application has been properly lodged under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. In relation to this the Council must have regard to a number of considerations which are listed in the following table.

Consideration	Comment
Is the proposed modification of minimal environmental impact?	Yes - the proposed modification pertains only to a financial contribution and has no discernible environmental impact. Further, a developer contribution will eventually be payable when the Council receives an application for a dwelling on the land (assuming its value is more than \$100,000).
Is the development to which the consent as modified relates substantially the same development for which the consent was originally granted?	Yes – there is no change to the plan of subdivision
If Council has notified the application in accordance with the regulations, if the regulations so require, or a if the Council has a development control plan that requires the notification or advertising?	There is no requirement in the regulations for the application to be notified. The Council's Community Participation Plan provides that Council will notify development applications to the owners of adjoining land except where it has been determined by Council that the development is unlikely to detrimentally affect the enjoyment of adjoining land ... or impact on the interests of the public. The application is for a modification of consent by the deletion of a consent condition. It (the modification) has no impact on adjoining owners. There is no requirement nor practical reason to notify the modification application.
It has considered any submissions made concerning the proposed modification within any period provided?	The application was not notified and accordingly there are no submissions to be considered.

In conclusion it is agreed with the applicant that the requested deletion of Condition 16 is consistent with Council's current Section 7.12 Development Contributions Plan, noting that an obligation to pay a contribution under the 7.12 plan will pass to a future dwelling on the vacant proposed lot 1 (assuming it has an estimated cost of more than \$100,000).

ITEM 11.5 MODIFICATION OF DEVELOPMENT CONSENT TO DELETE CONDITION REQUIRING PAYMENT OF DEVELOPER CONTRIBUTIONS

CONSULTATION:

There has been consultation with the General Manager.

SUSTAINABILITY ASSESSMENT:

Environment

There are no implications for the environment.

Social

There are no social implications.

Economic

There are no economic implications.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Conflict of Interest	High	Medium	Disclosure of conflict; report to Council in open meeting	Low

Delivery Program Action

CC4 - Maintain an effective governance regime

CE1 - Provide diverse, sustainable, adaptable and affordable housing options through effective land use planning

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There are no budgetary implications.

Working funds – justification for urgency and cumulative impact

There are no working funds implications.




Impacts on 10 Year Long Term Financial Plan

There is no impact on the long-term financial plan.

Service level changes and resourcing/staff implications

There are no service level changes or resourcing implications.

ATTACHMENTS:

- 1  22084/2025 - DA2016/102 Applicants Modification Report
- 2  22855/2025 - DA2016/102 - Development Consent
- 3  22857/2025 - DA2016/102 - Stamped Plan

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.6 SF3410 210525 MARCH 2025 - APPROVED CONSTRUCTION
CERTIFICATES, APPROVED COMPLYING DEVELOPMENTS, DEVELOPMENT
APPLICATIONS RECEIVED AND COMPLYING DEVELOPMENTS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

The attached reports are for the information of Councillors with regard to approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for the month of March 2025 as at 9 April 2025.

RECOMMENDATION:

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for March 2025.

ATTACHMENTS:

- 1** 20313/2025 - 2025 March - Approved Construction Certificates and Complying Development Applications
- 2** 20329/2025 - 2025 March - Development Applications and Complying Development Applications Received

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.7 SF1148 210525 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR MARCH 2025****AUTHOR/ENQUIRIES:** Melanie Ellis, Acting Senior Business Services Officer**SUMMARY:**

The following is the Council's Rangers' report and attached listing of penalty notices issued for the month of March 2025 by Council staff.

RECOMMENDATION:

That Council notes the Rangers' impounding statistics and penalties issued for March 2025.

MARCH 2025	Cats	Dogs
COUNCIL'S SEIZURE ACTIVITY		
<i>Seized (doesn't include those animals dumped or surrendered)</i>	0	0
<i>Returned to Owner</i>	0	0
<i>Transferred to - Council's Facility from Seizure Activities</i>	0	0
ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY		
<i>Animals In Council's Facility - (Start of Month)</i>	3	3
<i>Abandoned or Stray</i>	7	3
<i>Surrendered</i>	0	1
<i>Animals transferred from Seizure Activities</i>	0	0
<i>Total Incoming Animals</i>	10	7
ANIMALS LEAVING COUNCIL'S FACILITY		
<i>Released to Owners</i>	0	0
<i>Sold</i>	0	3
<i>Released to Organisations for Rehoming</i>	10	1
<i>Died at Council's Facility (other than euthanised)</i>	0	0
<i>Stolen from Council's Facility</i>	0	0
<i>Escaped from Council's Facility</i>	0	0
<i>Other</i>	0	0
EUTHANISED		
<i>Restricted Dogs</i>	0	0
<i>Dangerous Dogs</i>	0	0
<i>Owner's Request</i>	0	0
<i>Due to Illness, Disease or Injury</i>	0	0
<i>Feral/infant animal</i>	0	0
<i>Unsuitable for rehoming</i>	0	0
<i>Unable to be rehomed</i>	0	0
<i>Total Euthanised</i>	0	0
<i>Total Outgoing Animals</i>	0	0
TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)	0	3

ATTACHMENTS:

1  23142/2025 - Ranger Report to Council - March 2025