

## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

The following document is the minutes of the Ordinary Council meeting held **21 MAY 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **18 JUNE 2025** and therefore subject to change. Please refer to the minutes of **18 JUNE 2025** for confirmation.

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## PRESENT

Cr Gary Lee (Mayor)  
Cr Martin Ballangarry OAM  
Cr Tamara McWilliam  
Cr Jane Smith

Cr James Angel  
Cr David Jones  
Cr Ljubov Simson  
Cr Troy Vance

## ALSO PRESENT

Bede Spannagle (General Manager)  
David Moloney (Director Engineering Services)  
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)  
Michael Coulter (Acting Manager Development Environment)  
Suzanne Sullivan (Minute Secretary)

## APOLOGIES

**Apologies (leave granted)**  
Cr Susan Jenvey

**Apologies**  
Daniel Walsh (Manager Development Environment)

## ACKNOWLEDGMENT OF COUNTRY

I would like to acknowledge the Gumbaynggirr people who are the Traditional Custodians of this Land. I would also like to pay respect to the elders both past and present and extend that respect to any Aboriginal People present.

## COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements. The Mayor and Councillors are being video recorded.

## PRAYER

Reverend Peter Shayler-Webb from the Macksville Anglican Church offered a prayer on behalf of the Nambucca Minister's Association.

## DISCLOSURE OF INTEREST

Nil.

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### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

**SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 16 APRIL 2025**

122/25 **RESOLVED:** (Simson/McWilliam)

That the minutes of the Ordinary Council Meeting of 16 April 2025 be confirmed.

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#### DELEGATIONS & PUBLIC FORUM HELD TUESDAY 20 MAY 2025

##### RECOMMENDATION

That the following public forum be heard:

- i Mr Peter Lewis on behalf of Coronation Park Committee of Management – Speaking about Coronation Park*
- ii Ms Raewyn Macky on behalf of Nambucca Environment Network Inc. – Speaking about the berry industry and the status of the LEP Amendment*

##### PUBLIC FORUM

- i Mr Peter Lewis addressed Council with speaking notes placed on 27298/2025 SF3424*
- ii Ms Raewyn Macky addressed Council with speaking notes placed on 27297/2025 SF3424*

123/25 **RESOLVED:** (Jones/Lee)

That an extension of time be granted.

##### DELEGATIONS

That the following delegations be heard:

Item 10.7 – Memorandum of Understanding 2025 to 2027 and Nomination of Councillor representative to board of Arts Mid North Coast Inc.

- iii Ms Olivia Parker on behalf of Arts Mid North Coast – presentation of annual report*

Item 10.2 - Proposal for inclusion of Nambucca Valley Council in the Mid North Coast Joint Organisation

- iv Mayor Steve Allan, Mayor Adam Roberts, Mayor Kinnie Ring and Elizabeth Fairweather on behalf of Mid North Coast Joint Organisation*

##### DELEGATIONS

Item 10.7 – Memorandum of Understanding 2025 to 2027 and Nomination of Councillor representative to board of Arts Mid North Coast Inc.

- iii Ms Olivia Parker addressed Council with speaking notes placed on 27178/2025 SF3424.*

Item 10.2 - Proposal for inclusion of Nambucca Valley Council in the Mid North Coast Joint Organisation

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*iv Mayor Steve Allan, Mayor Adam Roberts, Mayor Kinnie Ring and Elizabeth Fairweather addressed Council with speaking notes placed on 27036/2025 SF3424.*

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### 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.

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### GENERAL MANAGER REPORTS

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ITEM 9.1	SF959	210525	Outstanding Actions and Reports
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124/25 <b>RESOLVED:</b>	(Simson/McWilliam)
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**That Council notes the list of outstanding actions and reports.**

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### DIRECTOR CORPORATE SERVICES REPORTS

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ITEM 10.1	SF3492	210525	Minutes of the Audit, Risk and Improvement Committee Meeting held 9 April 2025
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125/25 <b>RESOLVED:</b>	(McWilliam/Smith)
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**That Council notes the Minutes from the Audit, Risk and Improvement Committee Meeting held 9 April 2025.**

Councillor Angel entered the meeting, the time being 5:41PM.

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ITEM 10.2	SF2248	210525	Proposal for inclusion of Nambucca Valley Council in the Mid North Coast Joint Organisation
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126/25 <b>RESOLVED:</b>	(Angel/McWilliam)
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**That Council note the presentation from the Mid North Coast Joint Organisation at the public forum on 20 May 2025.**

## Ordinary Council Meeting

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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

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127/25 **RESOLVED:** (Jones/Smith)

**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

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ITEM 10.4 SF3528 210525 Investment Report for April 2025

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128/25 **RESOLVED:** (Jones/McWilliam)

**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.

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ITEM 10.5 SF3517 210525 March 2025 Quarterly Budget Review

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129/25 **RESOLVED:** (McWilliam/Smith)

**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.
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## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

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ITEM 10.6   SF3504                      210525   Request for Section 356 Donation - Bowraville Junior Rugby League Club

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130/25 **RESOLVED:**            (Angel/Jones)

**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.**

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ITEM 10.7   SF775                      210525   Memorandum of Understanding 2025 to 2027 and Nomination of Councillor representative to board of Arts Mid North Coast Inc.

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131/25 **RESOLVED:**            (Angel/Smith)

**That Council:**

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

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ITEM 10.8   SF963                      210525   Nominations to Council Section 355 Committees of Management

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132/25 **RESOLVED:**            (Angel/McWilliam)

**That Council:**

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

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ITEM 10.9   SF3409                      210525   Minutes of the Disability Access and Inclusion Committee 29 April 2025 Meeting

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133/25 **RESOLVED:**            (McWilliam/Simson)

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

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

### MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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ITEM 11.1 SF3495 210525 Fenced Off Leash Dog Parks

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MOTION: (Smith/Jones)

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

AMENDMENT: (Smith/Angel)

That Council defer the item 11.1.

The amendment was declared carried and became the motion.

134/25 **RESOLVED:** (Smith/Angel)

**That Council defer the item 11.1.**

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ITEM 11.2 SF97 210525 Review of Alcohol Free Zones

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135/25 **RESOLVED:** (Jones/McWilliam)

**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.**

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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

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136/25 **RESOLVED:** (Angel/McWilliam)

**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.**

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## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

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ITEM 11.4 SF1538 210525 Classification of Operational Land - Lot 101 DP 1313077  
Swordfish Drive Valla Beach

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137/25 **RESOLVED:** (Angel/McWilliam)

**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.**

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ITEM 11.5 DA2016/102 210525 Modification of Development Consent to Delete Condition  
Requiring Payment of Developer Contributions

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138/25 **RESOLVED:** (McWilliam/Angel)

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

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

For the Motion:	Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance
	Total (8)
Against the Motion:	Nil
	Total (0)

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ITEM 11.6 SF3410 210525 March 2025 - Approved Construction Certificates, Approved  
Complying Developments, Development Applications Received and Complying  
Developments Received

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139/25 **RESOLVED:** (Vance/McWilliam)

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

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ITEM 11.7 SF1148 210525 Council's Rangers' Report and Penalties Issued for March  
2025

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140/25 **RESOLVED:** (Angel/Simson)

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

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### COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

141/25 **RESOLVED:** (Jones/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:*

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### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.1 SF3420 210525 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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2 SF3420 210525 Loan Facility Request

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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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3 SF3420 210525 T2025-016 - Landslip Remediation at North Arm Road Design and Construct

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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.*

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*For Confidential Business Paper in Closed Meeting*



## Ordinary Council Meeting

### MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

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ITEM 12.4 SF3420 210525 REGPRO0412425 - Provision of Traffic Control

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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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.5 SF3420 210525 T2025-013 - Macksville Memorial Aquatic & Fitness Centre - Roof Replacement

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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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.6 SF3420 210525 T2025-010 - Provision of Electrical & Data Cabling Services - Panel Contract

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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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.7 SF3420 210525 RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Water and Sewer Pipelines

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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.*

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## CLOSED MEETING

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

## RESUME IN OPEN MEETING

142/25 **RESOLVED:** (Angel/McWilliam)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:35PM.**

## Ordinary Council Meeting

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### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

Michael Coulter left the meeting before the commencement of this item, the time being 6:51PM.

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ITEM 12.1	SF3420	210525	Matters Regarding Realised or Potential Losses
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143/25 **RESOLVED:** (McWilliam/Angel)

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

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.2	SF3420	210525	Loan Facility Request
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144/25 **RESOLVED:** (McWilliam/Jones)

**That Council:**

- 1 Approve an interest free loan to Macksville Preschool Childcare Centre up to the amount of \$50,000 for a maximum period of up to 3 years.**
- 2 Approve that the loan can be drawn down in instalment amounts at the discretion of the Macksville Preschool Childcare Centre Treasurer & President.**
- 3 Approve for the loan facility not having instalments. The total amount will fall due at the expiration of the 3-year period, from the date of Council's resolution.**

Councillor Martin Ballangarry left the meeting after the commencement of this item, the time being 7:15 PM.

Councillor Martin Ballangarry returned to the meeting at the completion of this item, the time being 7:16 PM.

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.3	SF3420	210525	T2025-016 - Landslip Remediation at North Arm Road Design and Construct
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145/25 **RESOLVED:** (Jones/Vance)

**That Council:**

- 1 Awards T2025-016 - Landslip Remediation at North Arm Road CH27.3km Design & Construct to Pan Civil Pty Ltd for the contract sum of \$828,860.00 excluding GST.**
- 2 Authorises the General Manager to approve contract variations regarding the additional scope to the landslip site subject to it being within the funding limits.**
- 3 Updates the Contract Register.**

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

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For the Motion:	Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance Total (8)
Against the Motion:	Nil Total (0)

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### *For Confidential Business Paper in Closed Meeting*

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ITEM 12.4	SF3420	210525	REGPRO0412425 - Provision of Traffic Control
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146/25 **RESOLVED:** (Jones/Angel)

#### **That Council:**

- 1 In accordance with the Local Government (General) Regulation 2021 – Part 7 Tendering, Council accepts the tender from the following suppliers for Tender REGPRO0412425 on a Schedule of Rates based contract.**
  - **DOB Enterprises**
  - **Retro Traffic**
  - **Lack Group Traffic**
  - **Altus Traffic**
  - **Men and Women at Work**
  - **Coffs Coast Traffic Solutions**
  - **Fortade Group**
- 2 Authorises the General Manager to finalise and execute the contract and any other documentation required to give effect to this resolution.**
- 3 Update the Contracts Register.**

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

For the Motion:	Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance Total (8)
Against the Motion:	Nil Total (0)

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### *For Confidential Business Paper in Closed Meeting*

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ITEM 12.5	SF3420	210525	T2025-013 - Macksville Memorial Aquatic & Fitness Centre - Roof Replacement
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147/25**RESOLVED:** (Angel/Simson)

**That Council notes T2025-013 Macksville Memorial Aquatic & Fitness Centre was awarded to Murphy's Remedial Builders Pty Ltd for the amount of \$240,218.00 excluding GST.**

## Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 21 MAY 2025

*For Confidential Business Paper in Closed Meeting*

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ITEM 12.6 SF3420 210525 T2025-010 - Provision of Electrical & Data Cabling Services - Panel Contract

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148/25 **RESOLVED:** (Angel/McWilliam)

**That Council:**

**1 Authorise the following nine (9) suppliers for T2025-010 Provision of Electrical & Data Cabling Services Panel Contract:**

- Smada Electrical
- DWT Industries
- Stowe Australia
- Jamie's Electrical
- Concept Engineering
- GKR Electrical
- Reg Latter Electrical
- Gosling Electrical
- Qantic Electrical

**2 Updates the contracts register.**

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

For the Motion:	Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance
	Total (8)
Against the Motion:	Nil
	Total (0)

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*For Confidential Business Paper in Closed Meeting*

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ITEM 12.7 SF3420 210525 RFT 2002359A Construction of Valla Urban Growth Area Stage 1 - Water and Sewer Pipelines

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149/25 **RESOLVED:** (Angel/McWilliam)

**That Council:**

**1 Awards the contract RFT-2003881 Construction of Valla Urban Growth Area Sewer and Water Pipelines to Ledonne Constructions P/L, for the Recommended Tender Amount of \$7,042,878.36 (excludes GST).**

**2 Updates the Contracts Register.**

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

For the Motion:	Councillors Angel, Ballangarry, Jones, Lee, McWilliam, Simson, Smith and Vance
	Total (8)
Against the Motion:	Nil
	Total (0)

## Ordinary Council Meeting

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### CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:42PM.

Confirmed and signed by the Mayor on **18 JUNE 2025**

Cr Gary Lee  
MAYOR  
(CHAIRPERSON)