

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 16 JULY 2025

The following document is the minutes of the Ordinary Council meeting held **16 JULY 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **20 AUGUST 2025** and therefore subject to change. Please refer to the minutes of **20 AUGUST 2025** for confirmation.

PRESENT

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

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

ALSO PRESENT

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

Kristian Enevoldson (Acting Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

Nil

ACKNOWLEDGMENT OF COUNTRY

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

COUNCIL MEETING AUDIO RECORDINGS

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

PRAYER

Pastor Sydney Coatzee from the Nambucca Christian Life 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 18 JUNE 2025

181/25 **RESOLVED:** (McWilliam/Jenvey)

That the minutes of the Ordinary Council Meeting of 18 June 2025 be confirmed.

SUBJECT: CONFIRMATION OF MINUTES - SPECIAL MEETING OF COUNCIL 25 JUNE 2025

182/25 **RESOLVED:** (Jones/Smith)

That the minutes of the Special Meeting of Council of 25 June 2025 be confirmed.

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.

MAYORAL MINUTES - LATE

ITEM L.1	SF3420	160725	Mayoral Minute - Cost Shifting onto Local Government
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MOTION: (Lee/Angel)

That Council:

- 1 Note the findings of the LGNSW Cost Shifting report for the 2023/2024 financial year
- 2 Writes to the local Member for Oxley, Michael Kemp MP and the NSW Minister for Local Government seeking that they address these costs through a combination of regulatory reform and appropriate funding.

AMENDMENT: (Jenvey/Jones)

That Council defer this item and that a report is received back from staff.

Upon being put to the meeting, the amendment was carried. The amendment becomes the motion.

183/25 **RESOLVED:** (Jenvey/Jones)

That Council defer this item and that a report is received back from staff.

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GENERAL MANAGER REPORTS

ITEM 9.1 SF959 160725 Outstanding Actions and Reports

184/25 **RESOLVED:** (McWilliam/Ballangarry)

That Council notes the list of outstanding actions and reports.

Councillor Ljubov Simson left the meeting after the commencement of this item, the time being 5:56 PM.
Councillor Ljubov Simson returned to the meeting before the conclusion of this item, the time being 6:01 PM.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF45 160725 2025 LGNSW Annual Conference Voting Delegates

RESOLVED: (Jones/Smith)

That Council temporarily suspend the meeting, to allow for conference delegate voting, the time being 6:05PM.

The meeting then resumed following the completion of conference delegate voting, the time being 6:11PM.

185/25 **RESOLVED:** (Jenvey/Angel)

That Council:

- 1 Nominates the Mayor, Councillor Simson and Councillor Angel as Councillor voting delegates for the 2025 LGNSW Annual Conference.**
- 2 Nominate Councillor Jenvey as an additional delegate to attend the 2025 LGNSW Annual Conference.**

ITEM 10.2 SF1031 160725 Draft revised Councillor Induction and Professional
Development Policy G13

186/25 **RESOLVED:** (Smith/Simson)

That Council approves the Councillor Induction and Professional Development Policy G13 subject to the below change;

- Includes Initial Professional Development program meeting to select initial training options to be completed in the first 3 months.**

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ITEM 10.3 SF3528 160725 Investment Report for June 2025

187/25 **RESOLVED:** (Jones/Angel)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for June 2025.**
 - 2 Adopts the certification of the Responsible Accounting Officer for June 2025.**
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ITEM 10.4 SF963 160725 Nominations to Council Section 355 Committees of Management

188/25 **RESOLVED:** (McWilliam/Smith)

That Council:

- 1 Approves the new nomination to the Macksville Park and Sport Section 355 Committee of Management as per the table in the Discussion section in 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.**
 - 3 Acknowledge the resignation of Nambucca Community & Arts Centre Committee Member Carol McKee and her 13 years of service to Nambucca Valley Council.**
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ITEM 10.5 SF3409 160725 Minutes of the Disability Access and Inclusion Committee 24 June 2025 Meeting

189/25 **RESOLVED:** (Simson/McWilliam)

That Council:

- 1 Notes the minutes of the Disability Access and Inclusion Committee meeting held 29 April 2025.**
 - 2 Endorse the new members to the Committee as per the table in the Discussion section in the report.**
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ITEM 10.6 SF3586 160725 Minutes Duguula Bindarray-Garri Nambucca Valley Council
Aboriginal Advisory Committee

190/25 **RESOLVEDS:** (Smith/McWilliam)

That Council:

- 1 Note the minutes of the 1 July 2025 Duguula Bindarray-Garri Nambucca Valley Council Aboriginal Advisory Committee meeting.**
- 2 Undertake a Reflect level Reconciliation Action Plan (RAP) and approve Community Development Officer to arrange Advisory Committee and Community Workshops for the RAP**

ITEM 10.7 SF281 160725 Nambucca Valley Youth Council Terms of Reference and
Councillor Delegate

191/25 **RESOLVED:** (Smith/McWilliam)

That Council:

- 1 Approve Nambucca Valley Youth Council as an Advisory Committee of Nambucca Valley Council.**
- 2 Endorse the Nambucca Valley Youth Council Terms of Reference.**
- 3 Elect Councillor Smith as Delegate to the Nambucca Valley Youth Council.**

ITEM 10.8 SF1031 160725 Draft revised Library Management Children and Young
Persons Policy G15

192/25 **RESOLVED:** (Jenvey/Smith)

That Council place the draft Library Management Children and Young Persons Policy G15 on public exhibition for 28 days.

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MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF1031 160725 Draft Local Approvals and Orders Policies

193/25 **RESOLVED:** (Angel/Smith)

That Council:

- 1 Exhibit the draft Local Approvals Policy and draft Local Orders Policy contained within attachments 1 and 2 in accordance with section 160 of the Local Government Act 1993.**
- 2 At the completion of the exhibition period, consider any submissions received prior to seeking the Departmental Chief Executive's consent for the inclusion of the parts of the draft Local Approvals Policy which specify that a person would be exempt from the necessity to obtain a particular approval from Council (s162 Local Government Act 1993).**

ITEM 11.2 SF3422 160725 Tree Permit Requirements

194/25 **RESOLVED:** (Jones/Jenvey)

That:

- 1 Council notes the information contained within the report.**
- 2 Staff report back to Council in 2 months and the report further deal with funding options for street tree planting.**

ITEM 11.3 SF95 160725 Proposed Restricted Parking Areas

195/25 **RESOLVED:** (McWilliam/Smith)

That Council defers this item and holds a workshop prior to the August Council meeting and report back to the September meeting.

ITEM 11.4 SF3410 160725 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

196/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 8 July 2025, and development applications**

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determined from 9 May – 8 July 2025 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

- 2 Call in DA 2025/122 86 Jellico Street, Macksville for determination, including an onsite inspection.
- 3 Call in DA 2025/083 1 Bellevue Drive, North Macksville for determination.

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)

ITEM 11.5 SF3410 160725 May 2025 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received

197/25 **RESOLVED:** (Jones/Angel)

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

ITEM 11.6 SF1148 160725 Council's Rangers' Report and Penalties Issued for May 2025

198/25 **RESOLVED:** (McWilliam/Angel)

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF90 160725 Minutes of the Nambucca Valley Traffic Committee meeting 17 June 2025

199/25 **RESOLVED:** (McWilliam/Smith)

That Council:

- 1 Approves permanent 2-hour parking restriction along High Street Bowraville, both sides of the road, between Belmore Street and the southern end of the medium island, other than where the 15-minute parking currently exists.
- 2 a) Endorse the Drag-Ens Hot Rod Club Temporary Road Closure application of Bowra Street and Mann Street, Nambucca Heads, from the Ridge Street Intersection to West Street

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Intersection between 8.00am to 1.00pm on Saturday 4 October 2025, noting the following being received by Council:

- Certificate of Currency for Public Liability Insurance;
- Traffic Management Plan confirming Accredited Traffic Controllers will be on site; and
- Police approval for the road closures.

b) Approve signs and devices necessary to affect the road closure.

c) Note the endorsement is based on the additional requirement of the Drag-Ens Hot Rod club to mitigate the risk of both pedestrian and vehicle movement on Mann Street for access residences by:

- The provision of six volunteers in high visibility clothing to guide vehicles (if necessary) to and from their residence(s) to ensure pedestrian safety is maintained, and
- Advice to the residents impacted by the road closures along Mann Street of the true extent of the road closure on their residence(s), being up to six hours

3 Install a NO STOPPING ZONE at the Bank Street turning head, Nambucca Heads.

4 Install a BUS ZONE fronting the existing shelter at 71 Marshall Way, Nambucca Heads.

5 In twelve months' time review the effectiveness of the bus zone at 71 Marshall Way, Nambucca Heads.

ITEM 12.2 SF1575 160725 Strategic Asset Management Plan, Transport Asset Management Plan & Bridges Asset Management Plan

200/25 **RESOLVED:** (McWilliam/Jenvey)

That Council:

- 1 Places the draft Strategic Asset Management Plan, Transport Asset Management Plan and Bridges Asset Management Plan documents on public exhibition for a period of 28 days to invite community and stakeholder feedback.
 - 2 Receives a further report following the exhibition period, which will include all submissions received and the final versions of the documents for adoption.
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ITEM 12.3 SF2768 160725 Review of Public Lighting - Roads and Spaces Policy ES 02

201/25 **RESOLVED:** (Jones/McWilliam)

That Council:

- 1 **Adopts the reviewed and renamed ES 02 Public Lighting – Roads and Spaces Policy**
- 2 **Notes Procedure - ES 02 Public Lighting – Roads and Spaces**

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

202/25 **RESOLVED:** (Jones/Jenvey)

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

Reason reports are in Closed Meeting:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 160725 Matters Regarding Realised or Potential Losses

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

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:33PM.

RESUME IN OPEN MEETING

203/25 **RESOLVED:** (Jones/Simson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:36PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

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GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1	SF3420	160725	Matters Regarding Realised or Potential Losses
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204/25 **RESOLVED:** (McWilliam/Jones)

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

CLOSURE

There being no further business the Deputy Mayor then closed the meeting the time being 7:37PM.

Confirmed and signed by the Deputy Mayor on **20 AUGUST 2025**

Cr James Angel
DEPUTY MAYOR
(CHAIRPERSON)