

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 20 AUGUST 2025

The following document is the minutes of the Ordinary Council meeting held **20 AUGUST 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **17 SEPTEMBER 2025** and therefore subject to change. Please refer to the minutes of **17 SEPTEMBER 2025** for confirmation.

PRESENT

Cr James Angel (Deputy Mayor)
Cr Susan Jenvey
Cr Tamara McWilliam
Cr Jane Smith

Cr Martin Ballangarry OAM
Cr David Jones
Cr Ljubov Simson

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

Apologies (leave granted)
Cr Gary Lee (Mayor)

Apologies
Cr Troy Vance

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 Tim Turner from the Seventh Day Adventist Church Nambucca Heads offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor McWilliam declared a pecuniary interest in Item *12.2 Request for a Disabled Parking Bay 36 Wallace Street, Macksville* under the Local Government Act as Cr McWilliam owns the property and business adjacent to the Macksville Medical Centre. Cr McWilliam left the meeting for this item.

Councillor McWilliam declared a non-pecuniary - less significant conflict of interest in *Item 10.9 Update to Macksville Preschool Lease* under the Local Government Act as Cr McWilliam at times offers assistance to the not for profit Community Preschool.

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Councillor Angel declared a non-pecuniary - less significant conflict of interest in *Item 11.2 Finalise the Proposed Amendment to the Nambucca LEP 2010 for an Additional Permitted Use at 19 Hamerton Court, Tewinga* under the Local Government Act as Cr Angel lives in Tewinga.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 16 JULY 2025

205/25 **RESOLVED:** (Smith/Jones)

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

NOTICE OF MOTION - CR SMITH

ITEM 5.1	SF3422	200825	Notice of Motion - That Council develops a lease and licence policy
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206/25 **RESOLVED:** (Smith/Simson)

That Council:

- 1 Develops a Lease and Licence Policy to establish a consistent, transparent, and equitable framework.**
- 2 Provides a report that includes a list of all existing policies and future policies, with an estimated month and year for review.**

NOTICE OF MOTION - CR SMITH

ITEM 5.2	SF3422	200825	Notice of Motion - Request for a report on existing and/or potential improvements to reporting and policy
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207/25 **RESOLVED:** (Smith/Jones)

That Council implement the following process improvements:

- 1 When developing the draft budget, modify the way budgetary information is presented in workshops and other forums to include strategic and operational alignment.**
 - 2 Include information on strategic and operational alignment of proposed projects in both the original budget and quarterly budget review reports.**
 - 3 A report is provided for any budget variation requests in the QBR that is valued over \$50,000 and greater than a 10% variation for projects valued over \$500,000.**
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DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

Item 11.2 - Finalise the Proposed Amendment to the Nambucca LEP 2010 for an Additional Permitted Use at 19 Hamerton Court, Tewinga

- i Mrs Lisa Hall – for the recommendation*

DELEGATIONS

- i Mrs Lisa Hall addressed Council with speaking notes placed on 45021/2025 SF3424.*

PUBLIC FORUM

RECOMMENDATION:

That the following public forum be heard:

- ii Ms Georgette Allen – speaking about NSW Mining SEPP*
- iii Nambucca Valley Youth Council – Presentation on Initial Project Ideas*

PUBLIC FORUM

- ii Ms Georgette Allen addressed Council with speaking notes placed on 45350/2025 SF3424.*

208/25 **RESOLVED:** (Jenvey/Jones)

That Council staff report on protecting Nambucca's water catchments from heavy metal contamination by having them added to Schedule 1 of NSW Mining SEPP, prohibiting mineral mining and exploration.

PUBLIC FORUM CONTINUED

- iii Nambucca Valley Youth Council representatives addressed Council with speaking notes placed on 45906/2025 SF3424.*

Amy Hughes addressed Council regarding Arts and Events

Amber Blitner addressed Council regarding Sports and Recreation

Rory Cameron addressed Council regarding Youth Advocacy

Mikayla Marby and Lila McQueen addressed Council regarding Education and Employment

209/25 **RESOLVED:** (Smith/Jones)

That Council request a report on the feasibility of the Nambucca Valley Youth Council running an Instagram account.

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

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

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	200825	Outstanding Actions and Reports
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210/25 **RESOLVED:** (Smith/McWilliam)

That Council notes the list of outstanding actions and reports.

ITEM 9.2	SF1856	200825	Cost Shifting onto Local Government
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211/25 **RESOLVED:** (Simson/Smith)

That Council endorses the letter regarding cost shifting be sent to the listed government representatives – NSW Premier, NSW Treasurer and the Minister for Local Government.

ITEM 9.3	SF3654	200825	Request for Sponsorship - Drag-ens Valla Beach Hot Rod Run - Gold Sponsorship
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212/25 **RESOLVED:** (Jenvey/McWilliam)

That Council approves a Gold Sponsorship package of \$7,000 for the 2025 Valla Beach Hot Rod Run.

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1	SF35	200825	Delegations to Mayor, Deputy Mayor and General Manager
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213/25 **RESOLVED:** (Smith/McWilliam)

That Council approves the delegations to the Mayor, Deputy Mayor and General Manager as per the attached appendices to this report.

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ITEM 10.2 SF271 200825 Code of Meeting Practice Review

214/25 **RESOLVED:** (Jones/Jenvey)

That Council:

- 1 Amend the draft revised Code of meeting practice with the following changes;**
 - a. Amend item 3.10 to “notice of motions must be in writing and must be submitted by 1pm on the Wednesday of the week before the Council Meeting is to be held.**
 - b. Retain the entirety of existing clause 4.1.**
 - c. Retain the entirety of existing clause 4.7.**
 - d. Amend item 4.12 to allow Councillors to move and vote on an extension of the speakers’ time. This extension shall be up to 3 minutes. 4.12 to read. “Each speaker will be allowed 5 minutes, small extensions shall be allowed at the discretion of the Mayor; where a speaker indicates they need more than a moments extension a Cr shall be able to move an extension of 3 minutes, if seconded and passed by the Council the speaker will have said extension.**
 - e. Include the ‘Statement of Ethical Obligations’ from the Model Code of Meeting Practice for Local Councils in NSW section 3.23.**
 - f. Include Section 11.11 from the Model Code of Meeting Practice for Local Councils in NSW and then omit clauses 11.6-11.9.**
- 2 Endorses the draft revised Code of Meeting Practice to go on public exhibition for 28 days commencing 21 August 2025, with submissions received up to 18 September 2025.**
- 3 Considers any submissions received at the October 2025 council meeting.**
- 4 Adopts the revised Code of Meeting Practice at the end of the submission period should no submissions be received.**

ITEM 10.3 SF3497 200825 Draft Modern Slavery Prevention Policy CS 39

215/25 **RESOLVED:** (Simson/Jones)

That Council:

- 1 Endorses the draft Modern Slavery Prevention Policy CS 39.**
- 2 Places the draft Policy on public exhibition for 28 days and consider any submissions received.**
- 3 Adopts the draft Policy at the conclusion of the exhibition period if no submissions are received.**

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ITEM 10.4 SF3492 200825 Audit Risk and Improvement Committee 16 July 2025 Meeting
Minutes

216/25 **RESOLVED:** (McWilliam/Smith)

That Council notes the Minutes from the Audit, Risk and Improvement Committee Meeting held 16 July 2025.

ITEM 10.5 SF265 200825 Land Disposal and Acquisition Policy

217/25 **RESOLVED:** (Smith/Jones)

That Council defer the item and receive a report back exploring the feasibility of amending the Land Acquisition and Disposal Policy to include:

- a. **A report to Council for the acquisition of land including details of the long-term maintenance costs, any outcome of a due diligence investigations, and an independent valuation where needed.**
- b. **Land sales should occur through a competitive open market process (expressions of interest, auction, use of external estate agents).**
- c. **Any proposal to sell land other than by a competitive open market process must be authorised by a Council resolution.**
- d. **A Due Diligence Section that includes:**
 - i. **A business case**
 - ii. **Assessment of strategic value**
 - iii. **Environmental Impact**
 - iv. **Assessing opportunities to capture uplift in the land through value adding proposals if applicable**
 - v. **Inspecting Council records relating to the land**
 - vi. **Carrying out appropriate site investigations**
 - vii. **Confirming the land classification and the historical details of the acquisition**
 - viii. **Independent valuation report, where required.**

ITEM 10.6 SF1120 200825 Grant Status Report

218/25 **RESOLVED:** (McWilliam/Simson)

That Council notes the Grants Status Report.

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ITEM 10.7 SF3528 200825 Investment Report for July 2025

219/25 **RESOLVED:** (Smith/McWilliam)

That Council:

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

ITEM 10.8 SF1031 200825 Draft Revised Procurement of Goods and Services Policy G 12

220/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Adopts the reviewed Procurement of Goods and Services Policy G 12 with the following change:**
 - a. Remove neighbouring suppliers and non-local suppliers**
 - b. Add 'a weighting for Indigenous suppliers where a supplier outside of the LGA would receive a weighting of 5%.'**
 - c. That all weightings are subject to a cap of \$5,000,000 contract value.**
- 2 Rescinds the Buy Local Procurement Policy CS 27.**

ITEM 10.9 SF3619 200825 Update to Macksville Preschool Lease

221/25 **RESOLVED:** (Jenvey/Angel)

That:

- 1 Council endorses the draft lease with the Macksville Pre-School Childcare Centre Ltd to be placed on public exhibition for 28 days.**
- 2 If no submissions are received during the exhibition period delegation be given to the General Manager to seek Crown Land Minister approval and execute the lease.**

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ITEM 10.10 SF1031 200825 Draft Revised Donations (Charitable and Other) Policy G14

222/25 **RESOLVED:** (Smith/Jones)

That Council endorses the draft revised Donations (Charitable and Other) Policy G14 which has increased the “capped” donation amount to \$1,000 and increased annual donations to local schools of \$150, and an increased annual donation to Legacy of \$250 with the following changes:

- a. Application portal to be open all year.
- b. Each quarter a report is provided to council.
- c. Up to \$1000 donation per application/association every 12 months.
- d. Outlines difference between waiving waste, venue fees and rates and cash donations.

ITEM 10.11 SF3638 200825 Request for Section 356 Donations - Three (3) Requests - Nambucca Valley Rams, Nambucca Valley Arts Council and Nambucca Macksville Evening VIEW Club

223/25 **RESOLVED:** (Jones/Ballangarry)

That Council approves the following Section 356 donation requests:

- 1 Nambucca Valley Rams for \$500.00**
- 2 Nambucca Valley Arts Council for \$500.00**
- 3 Nambucca Macksville Evening VIEW Club for \$175.00.**

ITEM 10.12 SF3654 200825 Guidelines for Council's Community Grants Program

224/25 **RESOLVED:** (Jenvey/Jones)

That Council approves the Community Grants Program Guidelines 2025/26.

ITEM 10.13 SF963 200825 Nominations to Council Section 355 Committees of Management

225/25 **RESOLVED:** (McWilliam/Ballangarry)

That Council:

- 1 Approves the nominations to the Nambucca Community & Arts Centre Section 355 Committee of Management as per the table in the Discussion section of the report.**
- 2 Notes the resignation of Nambucca Community & Arts Centre committee members in below table.**

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ITEM 10.14 SF3653 200825 Nambucca Valley Youth Council meeting - July 2025

226/25 **RESOLVED:** (Smith/Simson)

That Council notes:

- 1 The report of the 29 July 2025 Nambucca Valley Youth Council meeting.**
- 2 The recommendations and project proposals of the Youth Council.**

ITEM 10.15 SF3586 200825 Minutes of Duguula-Bindarray-Garri Aboriginal Advisory
Committee meeting 5 August 2025

227/25 **RESOLVED:** (Smith/Simson)

That Council notes the discussion notes of the Duguula Bindarray-Garri Aboriginal Advisory Committee meeting held on 5 August 2025.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF3410 200825 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

228/25 **RESOLVED:** (Jones/Jenvey)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 4 August 2025, and development applications determined from 8 July 4 August 2025 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

ITEM 11.2 SF3599 200825 Finalise the Proposed Amendment to the Nambucca LEP 2010
for an Additional Permitted Use at 19 Hamerton Court, Tewinga

229/25 **RESOLVED:** (Smith/Simson)

That Council exercises its local plan-making authority functions and amends the Nambucca Local Environmental Plan 2010 as outlined within the planning proposal contained within attachment 1.

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, McWilliam, Simson and Smith
	Total (7)
Against the Motion:	Nil
	Total (0)

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DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF3649 200825 Priority Projects - 2025/26

230/25 **RESOLVED:** (Smith/McWilliam)

That Council:

- 1 Notes the project selection process as written in the Asset Management Policy.**
- 2 Notes the Priority Projects list.**
- 3 Reports on progress on the Priority Projects list every 6 months.**

Councillor Tamara McWilliam left the meeting before the commencement of this item, the time being 7:58 PM.

ITEM 12.2 SF95 200825 Request for a Disabled Parking Bay 36 Wallace Street, Macksville

231/25 **RESOLVED:** (Jenvey/Smith)

That Council advises Macksville Medical Centre to further investigate and exhaust on site options for a Disabled Parking Bay at their premises 36 Wallace Street, Macksville prior to considering on street options that will result in the loss of 1 hour time limited parking bays.

Councillor Tamara McWilliam returned to the meeting at the completion of this item, the time being 7:59 PM.

ITEM 12.3 SF2278 200825 Minutes of the Clean Energy Committee Meeting -15 July 2025

232/25 **RESOLVED:** (Jenvey/Simson)

That Council notes the Minutes of the Clean Energy Committee meeting held Tuesday 15 July 2025.

ITEM 12.4 SF3490 200825 Minutes of the Nambucca Valley Catchments and Coastline Management Committee Meeting - 17 July 2025

233/25 **RESOLVED:** (Simson/Ballangarry)

That Council:

- 1 Notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 17 July 2025.**
- 2 Notes the resolutions of the Nambucca Valley Catchments and Coastline Management Committee including:**

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- a) That Council advertise an Expression of Interest for nominations for a flood affected member as an advisor to the Nambucca Valley Catchments and Coastline Management Committee with considerations for members across the whole Nambucca Valley
- b) That the Committee supports the Mayor's intention to put forward a Mayoral Minute requesting Council's support for a motion to the LGNSW conference for:
 - i Navigational Dredging program for New South Wales rivers
 - ii Preparedness funding for river projects
 - iii Catchment protection works funding
 - iv Estuarine health funding
 - v Reduce red tape for approvals to undertake river and estuarine works.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

234/25 **RESOLVED:** (Smith/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:

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 200825 Tender - T1212324MNC Provision of Road Surfacing - Yarrowonga Street Asphalt Pavement

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 13.2 SF3420 200825 Tender - T2025-042 Provision of Water Meter Reading Services

It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (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

ITEM 13.3 SF3420 200825 Tender - T2025-008 Cleaning of Council Amenities and Buildings

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 200825 Budget Variations

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) (f) of the Local Government Act, 1993, on the grounds that the report contains matters affecting the security of the Council, Councillors, Council staff or Council property.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 8:02 PM.

RESUME IN OPEN MEETING

235/25 **RESOLVED:** (Jones/McWilliam)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 8:25PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 200825 Tender - T1212324MNC Provision of Road Surfacing - Yarrowonga Street Asphalt Pavement

236/25 **RESOLVED:** (Jones/McWilliam)

That Council:

- 1 Awards Regional Procurement Tender T212324MNC to Colas NSW for the contract sum of \$388,384.03 excluding GST.**
- 2 Delegates to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.**
- 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, Jenvey, Jones, McWilliam, Simson and Smith Total (7)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.2	SF3420	200825	Tender - T2025-042 Provision of Water Meter Reading Services
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237/25 **RESOLVED:** (Jones/Angel)

That Council:

- 1 Do not Award Tender T2025-042 – Provision of Water Meter Reading Services.**
- 2 Defer this item and receive a report back exploring other options.**

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, McWilliam, Simson and Smith Total (7)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.3	SF3420	200825	Tender - T2025-008 Cleaning of Council Amenities and Buildings
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238/25 **RESOLVED:** (Smith/McWilliam)

That Council:

- 1 Awards Tender T2025-008 Cleaning of Council Amenities and Buildings to Fast Facilities Pty Ltd as per their submitted schedule of rates.**
- 2 Delegates to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.**
- 3 Updates the Contract Register.**

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, McWilliam, Simson and Smith Total (7)
Against the Motion:	Nil Total (0)

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For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 200825 Budget Variations

239/25 **RESOLVED:** (McWilliam/Simson)

That Council:

- 1 Approves the additional expenditure of \$250,000 for the ICT department.**
- 2 Approves the additional expenditure of \$250,000 for the insurance claim excess for the natural disaster for Non-Essential Public Assets for AGRN 1212 North Coast East Low.**

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, McWilliam and Simson Total (6)
Against the Motion:	Councillor Smith Total (1)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:28PM.

Confirmed and signed by the Mayor on **17 SEPTEMBER 2025**

Cr Gary Lee
MAYOR
(CHAIRPERSON)