

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

The following document is the minutes of the Ordinary Council meeting held **17 SEPTEMBER 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **15 OCTOBER 2025** and therefore subject to change. Please refer to the minutes of **15 OCTOBER 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.

DISCLOSURE OF INTEREST

Councillor McWilliam declared a non-pecuniary - less significant conflict of interest in *Item 11.2 - 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* under the Local Government Act as Cr McWilliam lives on Bellevue Drive. Cr McWilliam left the meeting for this item.

Councillor Jenvey declared a non-pecuniary - less significant conflict of interest in *Item 13.2 - Valuation of Section of Closed Road Kookaburra Lane Bowraville to Proceed with Transfer* under the Local Government Act as Cr Jenvey is a near neighbour.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 20 AUGUST 2025

250/25 **RESOLVED:** (McWilliam/Smith)

That the minutes of the Ordinary Council Meeting of 20 August 2025 be confirmed.

NOTICE OF MOTION - CR JENVEY

ITEM 5.1 SF3422 170925 Notice of Motion - Rescind the Resolution of Council to Not Support the Great Koala National Park So That a re-evaluation of Council Support Can Occur

251/25 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 Rescind the resolution of council to not support the Great Koala National Park.**
- 2 Request the NSW Government provide details of job losses in the timber industry due to the timber harvesting moratorium.**
- 3 Request the NSW Government advise details of the compensation packages available to support businesses and employees affected by the timber harvesting moratorium.**

DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

Item 5.1 - Notice of Motion - Rescind the Resolution of Council to Not Support the Great Koala National Park So That a re-evaluation of Council Support Can Occur

- i Mr Greg Desmond on behalf of NSW Farmers Nambucca Valley Branch – against the recommendation*

Item 11.5 - Review of the Nambucca River Entrance Sand Dynamics, Training Walls and Future Investment Possibilities

- ii Mr Gary Nichols on behalf of Marine Rescue – for the recommendation*

DELEGATIONS

- i Mr Greg Desmond addressed Council with speaking notes placed on 52177/2025 SF3424.*

252/25 **RESOLVED:** (Angel/McWilliam)

That an extension of time be granted.

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- ii Mr Gary Nichols addressed Council with speaking notes placed on 51722/2025 SF3424.*

253/25 **RESOLVED:** (Smith/McWilliam)

That an extension of time be granted.

PUBLIC FORUM

RECOMMENDATION:

That the following public forum be heard:

- iii Mr Garry Townley on behalf of Back to Bowra Committee – speaking about the Back to Bowra Event*

PUBLIC FORUM

- iii Mr Garry Townley addressed Council with speaking notes placed on 51264/2025 SF3424.*

ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

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

GENERAL MANAGER REPORTS

ITEM 9.1	SF959	170925	Outstanding Actions and Reports
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254/25 **RESOLVED:** (McWilliam/Simson)

That Council notes the list of outstanding actions and reports.

ITEM 9.2	SF1358	170925	Organisation Structure Review
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255/25 **RESOLVED:** (McWilliam/Smith)

That Council endorses the proposed organisation structure as described in Chart 2 of this report.

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DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF1031 170925 Review of Policy - Library Management Children and Young Adults Policy G 15

256/25 **RESOLVED:** (McWilliam/Jenvey)

That Council adopts the draft Library Management Children and Young Persons Policy G15 now the exhibition period has concluded with no submissions received.

ITEM 10.2 SF1031 170925 Revised Customer Service Charter Policy CS 02 and Requests and Complaints Policy CS 03

257/25 **RESOLVED:** (McWilliam/Jenvey)

That Council:

- 1 Endorses the draft revised Customer Service Charter CS 02 and Requests and Complaints Policy CS 03 to go on public exhibition for 28 days, with the following change:**
 - Include Antenno as a way to lodge customer works or service requests in the Customer Service Charter CS 02.**
 - 2 Adopts the Policy at the end of the exhibition period submissions are received.**
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ITEM 10.3 SF271 170925 Code of Meeting Practice Review - Implementation of 2025 Model Code

258/25 **RESOLVED:** (McWilliam/Jenvey)

That Council:

- 1 Endorses the revised draft revised Code of Meeting Practice to go on public exhibition for 28 days commencing 18 September 2025, with submissions received up to 30 October 2025.**
 - 2 Considers any submissions received at the November 2025 council meeting.**
 - 3 Adopts the revised Code of Meeting Practice at the end of the submission period should no submissions be received.**
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ITEM 10.4 SF3528 170925 Investment Report for August 2025

259/25 **RESOLVED:** (Angel/Jenvey)

That Council:

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

ITEM 10.5 SF3421 170925 Review of Policy - Councillor Record Keeping CS 05

260/25 **RESOLVED:** (McWilliam/Jenvey)

That Council:

- 1 Endorses the draft Councillor Record Keeping Policy CS 05 to be placed on public exhibition for 28 days.**
- 2 Adopts the Policy at the end of the exhibition period if no submissions are received.**

ITEM 10.6 SF1620 170925 Delivery Program and Operational Plan Progress - January 2025 to June 2025

261/25 **RESOLVED:** (Jenvey/Smith)

That Council notes the status of the Delivery Program and Operational Plan as at 30 June 2025.

ITEM 10.7 SF3638 170925 Request for Section 356 Donation - Nambucca River Jockey Club - 50th Anniversary of the Bowra Cup Races

262/25 **RESOLVED:** (Angel/McWilliam)

That Council approve a Section 356 donation of \$1,000 to the Nambucca River Jockey Club to assist with the 50th Bowra Cup Race Day event on Saturday, 20 September 2025.

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ITEM 10.8 SF3409 170925 Minutes of the Disability Access and Inclusion Committee

263/25 **RESOLVED:** (Jenvey/Simson)

The Council notes the recorded discussion of the Disability Access & Inclusion Committee.

ITEM 10.9 SF3586 170925 Minutes of Duguula-Bindarray-Garri Aboriginal Advisory Committee meeting 2 September 2025

264/25 **RESOLVED:** (Smith/Simson)

That Council:

- 1 Notes the Minutes of the Duguula Bindarray-Garri Aboriginal Advisory Committee meeting held on 2 September 2025.
- 2 Report on the recommendations made by the Aboriginal Advisory Committee:
 - Include Council's branding in the Aboriginal Art & Language Policy (Delivery Program 1.1.6), including indigenous Cultural and Intellectual Property (ICEP)
 - Include Aboriginal art, symbols, and language in the Interpretation Plan for VUGA
 - Hold an open consultation session with Aboriginal community and Muurbay Language Centre to decide street names.
 - Explore the development of a Precinct Plan centring the Keeping Place with a view to activate tourism, and economic activity.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 SF1031 170925 Review of Development & Environment Section Policies

265/25 **RESOLVED:** (Smith/Jones)

That Council:

- 1 Adopts the following revised policies attached to this report:
 - i. Water Carters DE 02 - 46941/2018
 - ii. Bushfire Buffers on Public Land DE 05 - 25165/2007
 - iii. Control of Burning DE 08 - 20694/2010
 - iv. Compliance, Enforcement and Prosecution DE 09 - 1554/2016
 - v. Contaminated Land Policy DE 10 - 18058/2017
 - vi. Smoke Free Outdoor Areas DE 12 - 13836/2010
 - vii. Voluntary House Raising Scheme DE 17 - 53872/2021
 - viii. Managing Conflicts of Interest for Council Related Development Policy DE 18 25905/2023
 - 2 Revokes the following policies attached to this report:
 - i. Wood Fire Heater - Domestic Solid Fuel DE 06 - 27614/2010
 - ii. Rural and Residential Land Activities DE 11 - 26033/2007
 - iii. Outdoor Dining Policy DE 16 - 30373/2019
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Councillor Tamara McWilliam left the meeting before the commencement of this item, the time being 7:03 PM.

ITEM 11.2 SF3410 170925 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

266/25 **RESOLVED:** (Simson/Jenvey)

That Council notes the information on undetermined development applications greater than 12 months, or where submissions have been received to 5 September 2025, and development applications determined from 4 August – 5 September 2025 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

Councillor Tamara McWilliam returned to the meeting at the completion of this item, the time being 7:04 PM.

ITEM 11.3 SF3422 170925 Tree Permit Requirements

267/25 **RESOLVED:** (Jones/Jenvey)

That Council, with due regard to timeliness and budget constraints:

- 1 Report on possible amendments to the NDCP 2010 by including a provision which identifies either the size or location of vegetation in appropriate non-rural zones.**
- 2 Develop a significant tree register, using the City of Darwin and the City of Sydney as examples.**
- 3 Receive a report on a “Verge/Nature strip policy”, possibly adopting the Bellingen Policy for consistency across borders.**
- 4 Allocate funding to increase Councils street planting program.**

ITEM 11.4 SF453 170925 Quarterly Waste Report

268/25 **RESOLVED:** (Smith/Simson)

That Council notes the information provided in the quarterly report for the period 1 April to 30 June 2025.

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ITEM 11.5 SF3490 170925 Review of the Nambucca River Entrance Sand Dynamics, Training Walls and Future Investment Possibilities

269/25 **RESOLVED:** (Lee/Angel)

That Council:

- 1 Notes the information contained within the report.
- 2 Submit a motion to the NSW Local Government Conference calling on the State Government to review the NSW Coastal Dredging Strategy 2019-2024 to include river entrances on coastal NSW that were previously left out of the strategy.
- 3 Adds this review to the agenda of the Catchment & Coastline Management Committee for feedback on Option 4.

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF81 170925 Alternate Locations for Nambucca Emergency Operations Centre (NEOC)

270/25 **RESOLVED:** (Smith/Angel)

That Council endorses the recommendation to co-locate the Nambucca Emergency Operations Centre with Marine Rescue NSW on Crown Land in Mann Street Nambucca Heads.

ITEM 12.2 SF3424 170925 Report Outlining the Design, Approval and Consultation for Gordon Park

271/25 **RESOLVED:** (McWilliam/Smith)

That Council notes the information provided in the report.

ITEM 12.3 SF1031 170925 Review of Policy - Reserves and Parks - Conditions of Use of Sports Grounds ES 04

272/25 **RESOLVED:** (McWilliam/Smith)

That Council:

- 1 Places the draft 'ES04 Reserves and Parks Conditions of Use' policy document 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 version of the policy for adoption.

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ITEM 12.4 OSSM3182 170925 Amenities Facilities at Scotts Head Weir

273/25 **RESOLVED:** (Smith/Simson)

That Council notes the estimated cost of repairs to rectify the septic system failure and repairs will be completed when funds become available.

ITEM 12.5 SF1031 170925 Review of Policy - Draft Asbestos Management Policy ES 27

274/25 **RESOLVED:** (McWilliam/Angel)

That Council:

- 1 Endorses the draft Asbestos Management Policy ES 27 to be placed on public exhibition for 28 days.**
- 2 Adopts the Policy at the end of the exhibition period if no submissions are received.**

ITEM 12.6 SF1575 170925 Strategic Asset Management Plan, Transport and Bridges
Asset Management Plans - Consideration of Submissions

275/25 **RESOLVED:** (Jenvey/Smith)

That Council:

- 1 Notes the information in the report.**
- 2 Endorses the Strategic Asset Management Plan, Transport Asset Management Plan and Bridges Asset Management Plan.**

ITEM 12.7 SF843 170925 Scotts Head 4WD Beach Access Track Remediation

276/25 **RESOLVED:** (Angel/McWilliam)

That Council approves the allocation of \$30,000 dollars from the Beach Access Reserve to undertake maintenance on the beach access track at Scotts Head.

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COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

277/25 **RESOLVED:** (McWilliam/Angel)

- 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 170925 Matters Regarding Realised or Potential Losses

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

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 170925 Valuation of Section of Closed Road Kookaburra Lane Bowraville to Proceed with Transfer

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 8:02PM.

RESUME IN OPEN MEETING

278/25 **RESOLVED:** (Angel/Smith)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 8:10PM.

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	170925	Matters Regarding Realised or Potential Losses
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279/25 **RESOLVED:** (Angel/Smith)

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	170925	Valuation of Section of Closed Road Kookaburra Lane Bowraville to Proceed with Transfer
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280/25 **RESOLVED:** (McWilliam/Angel)

That Council:

- 1 Proceeds with the transfer of part road closure to applicants of the subdivision DA 2025/038 as per the valuation conducted at 44 Kookaburra Lane, Bowraville.**
- 2 Approves the sale price as determined within the valuation report of \$3,500.00 and delegates the authority to the Mayor and General Manager to sign and affix the Council Seal to the sale contract.**

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:12PM.

Confirmed and signed by the Mayor on **15 OCTOBER 2025**

Cr Gary Lee
MAYOR
(CHAIRPERSON)