



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 15 OCTOBER 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

The Nambucca Valley is a vibrant, sustainable, inclusive and connected community that values and respects the Gumbaynggirr culture, it's environment and lifestyle, whilst creating opportunities for a safe and meaningful future for all.

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 day of the Public Forum. 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 day of the Public Forum) 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 - 15 OCTOBER 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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14.2	T2025-036 Plumbing Including Roofing Services - Supplier Panel <i>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.</i>	
a	Questions raised by Councillors at 8 above	
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15	MEETING CLOSED TO THE PUBLIC	
16	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).

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.**
-

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.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 SEPTEMBER 2025

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 170925 Matters Regarding Realised or Potential Losses

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

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)

NOTICE OF MOTION

**ITEM 5.1 SF3422 151025 NOTICE OF MOTION - PREVENTION OF GENDER-BASED,
DOMESTIC AND FAMILY VIOLENCE**

AUTHOR/ENQUIRIES: Ljubov Simson, Councillor

SUMMARY:

Data released in June 2025 reveals rates of domestic violence, sexual assault and have continued to increase in NSW over the last two years. State-wide sharper rises in family violence (up 7.3 percent) compared to intimate partner assaults (up 4.9 percent), along with a 9.5 percent increase in child victims of domestic assault (Data release by the NSW Premier, NSW Deputy Premier, NSW Minister for Aboriginal Affairs and Treaty, NSW Minister for the Prevention of Domestic Violence and Sexual Assault).

Overall, domestic and family violence rates showed a widespread increase throughout the state, with higher rates recorded in eight of 13 regional areas, including the Nambucca Valley. The community crime forum in June 2024 highlighted that domestic violence contributed to over 60% of our local crime statistics, as confirmed by Nambucca Valley Chief Inspector Jameson.

As part of the Nambucca Valley Community Strategic Plan 2035 we have confirmed our commitment to advocating for and working to facilitate holistic approaches to crime and community safety. In particular, we have committed to supporting advocacy to state and federal government programs that address the root cause of crime (Operational Plan 2025/2026 & Delivery Program 2025/2029: Action 1.2.1)

As part of the NSW Government's funding approach for the Primary Prevention of Domestic, Family and Sexual Violence, local Government NSW was allocated just under \$1 million to support all councils across NSW in leading change, modelling best practice, and responding to local needs. This three-year project will enable councils to strengthen their role in primary prevention by building capability, establishing support systems, and implementing practical resources through their operations and partnerships.

Pathways to Prevention: NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024-2028 sets out the framework to address the underlying beliefs and cultures that tolerate and, in too many cases, condone the use of violence against women and children.

Foundational Strategy

Pathways to Prevention: NSW Strategy for the Prevention of Domestic, Family and Sexual Violence 2024-2028

Overview Article

Read the article

Pathways to Prevention – State's first Primary Prevention Strategy launched | Communities and Justice

ITEM 5.1 NOTICE OF MOTION - PREVENTION OF GENDER-BASED, DOMESTIC AND FAMILY VIOLENCE

GENERAL MANAGER COMMENTS:

The Notice of Motion raises a matter of significant importance to the Nambucca Valley community. Domestic and family violence is a major social issue that impacts individuals, families, and communities across the region and requires a coordinated, multi-agency response.

Council's Community Strategic Plan 2035 identifies community safety and social inclusion as key objectives, and staff fully support the intention to raise awareness and promote prevention initiatives such as the 16 Days of Activism against Gender-Based Violence and Domestic and Family Violence Prevention Month.

However, while Council has a strong community leadership and advocacy role, the primary responsibility and statutory authority for domestic and family violence prevention, response, and recovery sits with the NSW and Commonwealth Governments. Addressing the systemic drivers and providing specialist services—such as housing, counselling, policing, and justice responses—requires state-level funding, policy frameworks, and interagency collaboration.

The NSW Government's Pathways to Prevention: Strategy for the Prevention of Domestic, Family and Sexual Violence 2024–2028 provides the overarching framework for coordinated action.

The Notice of Motion does fall within Council's remit under Theme One of the Delivery Program, 1.2.1 – Promote and advocate to State and Federal Government for programs that address root cause of crime.

Recommendations 1, 2, 3, 5, 8 and 10 are 'actions' or 'items' that are well within Councils responsibility to advocate on behalf of the community and can be achieved with current staff resources and budget.

With respect to the remaining four recommendations, I provide the following advice:

4 The promotion of Domestic and Family Violence Prevention Month in May has no implications, however the medium used to do this is an operational matter that should remain an operational decision.

6 The provision of social housing is the responsibility of the State Government and Council should be careful about taking on any responsibility in this area.

7 The 'strength and capability' of Councils workforce is an operational matter, and the organisation already has these responsibilities through legislation and supporting policies, and mechanisms in place to support our staff.

9 Council does not have the staff resources or budget to establish a 'Domestic and Family Violence Advisory Group'.

Council could advocate for the State Government agency responsible for this type of support to establish an advisory committee and include Council (and a Councillor) as a stakeholder on that committee.

Alternatively, Council is working with Police on the establishment of a community safety Precinct Committee, and this will be a mechanism for Council to raise community safety concerns.

ITEM 5.1 NOTICE OF MOTION - PREVENTION OF GENDER-BASED, DOMESTIC AND FAMILY VIOLENCE

RECOMMENDATION:

That Council:

- 1 As outlined in the Community Strategic Plan (2035), takes responsibility of providing a safe and inclusive community to all our residents and visitors seriously.
- 2 Notes the 16 Days of Activism against Gender-Based Violence, running annually from November 25th (International Day for the Elimination of Violence against Women) to December 10th (International Human Rights Day) and that May is Domestic and Family Violence Prevention Month, including Domestic Violence Remembrance Day and 28 May is LGBTQI+ Domestic Violence Awareness Day.
- 3 Commits to promoting awareness of the 16 Days of Activism against Gender-Based Violence from November 25th to December 10th.
- 4 Commits to promoting awareness of Domestic and Family Violence Prevention Month in May, including social media posts to mark Domestic Violence Remembrance Day (First Wednesday in May) and LGBTQI+ Domestic Violence Awareness Day on the 28th of May.
- 5 Notes that NSW domestic and family violence services have been funded at levels significantly below demand for decades and measures to prevent, respond to and aid recovery from domestic and family violence have not received adequate funding from state or federal governments.
- 6 Commits to working with the NSW Government to provide short and long-term social housing to those seeking refuge from domestic violence.
- 7 Continue to increase and strengthen the capability of its workforce, that everyone feels safe at work and on Council premises, and children are supported and protected.
- 8 Calls on the Federal and State governments to ensure the measures in the National Plan to End Violence against Women and Children 2022–2032 are fully funded.
- 9 In order to support advocacy to state and federal government programs that address the root cause of crime (Operational Plan 2025/2026 & Delivery Program 2025/2029: Action 1.2.1), the Council forms a Domestic and Family Violence Advisory Group.
- 10 Write to the NSW Premier, the NSW Minister for the Prevention of Domestic Violence and Sexual Assault, the Federal Minister for Social Services, the Member for Oxley and the Member for Cowper informing them of the calls in this motion.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option

Delivery Program Action

1.2 - Recognise, advocate for and work to facilitate holistic approaches to crime and community safety

ATTACHMENTS:

There are no attachments for this report.

MAYORAL MINUTE

ITEM 9.1 SF3422 151025 MAYORAL MINUTE - ADOPTION OF MAYORAL CHAINS

AUTHOR/ENQUIRIES: Gary Lee, Mayor

SUMMARY:

This Mayoral minute is a request for approval for the introduction and use of Mayoral Chains at agreed official events, as determined by the Nambucca Valley Council.

RECOMMENDATION:

That Council:

- 1 Approves the use of the Mayoral Chains by the sitting Mayor at agreed events.**
- 2 Accepts the donation of the Mayoral Chains from Gary Lee for Mayoral use.**
- 3 Purchases the required corporate logo and engrave, as agreed, former Mayors and an inscription to honour previous Shire presidents.**

BACKGROUND

Nambucca Valley Council, established in 1915 as a Shire with a Shire President, later transitioned to a Council with the title of Mayor. Since being elected Mayor on 8 October 2024, I have observed that many Mayors across New South Wales proudly represent their communities at official functions while wearing Mayoral Chains of Office.

The wearing of Mayoral Chains by the official head of a local government area is a long-standing tradition and a significant symbol of civic authority, respect, and service to the community. It reflects the dignity of the office and the continuity of local governance.

I believe the wearing of the regalia will enhance the ceremonial presence of the Mayor at official functions, strengthen civic pride, and honour the long history and dignity of Nambucca Valley Council.

The cost of chains locally is prohibitive, more than \$9,500 plus the cost of the corporate medallion. However, on my recent trip to the United Kingdom I secured a set of chains from reputable regalia supplier for **\$1,504 AUD**, which I would be willing to donate to the Nambucca Valley Council for use by myself and future Mayors. The chains do require the investment by the council to add a Nambucca Valley Council corporate logo and agree on the engraving of the chains for former mayors and possibly a remembrance inscription for the Shire Presidents.

An approximate quote has been received from a local supplier to create a new medallion containing the Council logo. It is expected this will cost between \$400-\$500.

Alternatively, a quote for a logo on a raised circle, in a similar fashion to the Council name badges is being investigated. This could be affixed to the existing medallion and would be significantly cheaper, between \$20 and \$25 approximately.

I also believe that all the relevant members of the Council, including myself, should agree and document the appropriate occasions and protocols for wearing the Mayoral Chains.

Events where Mayoral Chains can be worn:

- Citizenship ceremonies
- School graduation ceremonies
- Official functions with attending dignitaries
- Swearing in ceremonies for new Councillors and Mayor

ATTACHMENTS:

There are no attachments for this report.

MAYORAL MINUTE

**ITEM 9.2 SF3422 151025 MAYORAL MINUTE - REQUEST FOR COUNCIL TO JOIN THE
MID NORTH COAST JOINT ORGANISATION**

AUTHOR/ENQUIRIES: Gary Lee, Mayor

SUMMARY:

At Council's Public Forum held on 20 May 2025 the Mid North Coast Joint Organisation (MNCJO) member Council Mayors', collectively presented on the importance of regional collaboration, highlighting the MNCJO's purpose and achievements in more detail and outline the region's shared issues and opportunities.

Current members of the MNCJO are Bellingen, Kempsey, Port Macquarie-Hastings Council and the City of Coffs Harbour as full members and Clarence Valley Council an associate members (as they are currently a member of Northern Rivers Joint Organisation (JO)).

This submission recommends that Nambucca Valley Council become a member of the MNCJO

RECOMMENDATION:

That Council apply to join the Mid North Coast Joint Organisation.

BACKGROUND

At Council's Public Forum held on 20 May 2025 the MNCJO member council Mayors', collectively presented on the importance of regional collaboration to the councillors highlighting the JO's purpose and achievements in more detail and outline the region's shared issues and opportunities.

The primary role of the MNCJO is to set regional priorities, organisational direction and support a shared approach to the vision and long-term development of the Mid North Coast Region including the submission of the MNCJO's Statement of Strategic Regional Priorities, a living document, which draws from member Council's Community Strategic Plans.

Current members of the MNCJO are Bellingen, Kempsey, Port Macquarie-Hastings Council and the City of Coffs Harbour as full members and Clarence Valley Council as associate member (as they are currently a member of Northern Rivers JO).

Joining the MNCJO will enable our Council to leverage joint projects such as the proposed research project into the economic impact of the proposed Koala National Park on Mid North Coast region.

Other Benefits

Strategic Collaboration:

- 1 **Shared Resources:** By joining the MNCJO, Council can pool resources with other member councils, leading to cost savings and more efficient use of funds. The MNCJO is part of a wider Network of Joint Organisations across NSW and a number of shared procurements have resulted in costs savings.
- 2 **Collaboration:** Enables MNCJO members to share resources through arrangements– i.e. Council's Memorandum of Understanding within members of Port Macquarie-Hastings Council, Kempsey Shire Council and Bellingen Shire Council regarding a regional collaboration for waste collection and processing, and a smaller scale example is the shared ranger arrangement with Bellingen Shire Council.

ITEM 9.2 MAYORAL MINUTE - REQUEST FOR COUNCIL TO JOIN THE MID NORTH COAST JOINT ORGANISATION

Another example is the joint approach to emergency management, highlighted with the two recent flooding events and the success of the three Councils, Nambucca Valley, Kempsey and Port Macquarie, combining for the Emergency Operations Centre.

The emergency management and initial disaster response was significantly better coordinated at a regional level. The three Councils involved are now jointly advocating for State Government assistance for a joint emergency management operations centre.

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

Regional Projects and Funding:

- 1 **Access to Grants:** The current MNCJO has successfully sourced significant grant funding for various projects, including disaster risk reduction and net-zero acceleration.
- 2 **State-wide Projects:** Participation in larger, state-wide projects can bring additional benefits and opportunities that might not be available to individual councils.

Enhanced Decision Making:

- 1 **Collective Planning:** The JO approach to decision-making and strategic planning can lead to more comprehensive and effective regional development strategies.
- 2 **Expertise Utilisation:** Leveraging the expertise of larger Council's within JO's can help in addressing complex issues more effectively.

Community Resilience:

- 1 **Emergency Preparedness:** The MNCJO supports initiatives like the Nambucca Community Resilience Network, which focuses on building community resilience to natural disasters and other challenges.
- 2 The MNCJO developed a tailored Regional Disaster Risk Reduction Framework (RDRRF) to integrate Disaster Risk Reduction (DRR) actions within each member councils Integrated Planning and Reporting processes.

Advocacy and Networks

- 1 The JO has facilitated an MNCJO Board meeting at Parliament House NSW with ministerial meetings arranged concurrently. These face-to-face meetings enables councils to advocate directly for their priorities, secure support for major projects, and strengthen relationships with government officials.
- 2 State agencies increasingly recognise JOs as the conduit to local government. Thus, saving significant impact on member councils resources.
- 3 A Statewide network of Joint Organisations (13) provides opportunities for knowledge sharing and grant program collaboration. JO network is recognised and leveraged by State agencies including NSW RA, TfNSW and DCCEEW.
- 4 A JO Chairs Forum meets quarterly to discuss shared advocacy and meet with LGNSW, ALGA, Senior Agency representative and Ministers.
- 5 Regional Projects such as the Koala National Park (KNP) will have an impact on every Council on the mid-north coast.

ITEM 9.2 MAYORAL MINUTE - REQUEST FOR COUNCIL TO JOIN THE MID NORTH COAST JOINT ORGANISATION

Joint advocacy through the MNCJO will give Council much better representation, allow us to leverage combined economic research, and facilitate a joint approach to extract maximum benefit from the project.

Legislation

Joint Organisations are statutory local government bodies under the [NSW Local Government Amendment \(Regional Joint Organisations\) Act 2017](#) and the Local Government Act.

The Local Government Act directs that a Joint Organisation has the following principal functions.

- Strategic Planning and Priority Setting
- Inter-Governmental Collaboration
- Regional Leadership and Advocacy
- Building efficient and effective councils.

Joint Organisations are empowered to undertake a range of other functions including capacity building for councils (section 400S) and may undertake regulatory functions of a council if delegated to do so (sections 377 and 379)

With the recent expansion of membership, the MNCJO now represents an area encompassing a population of approximately 270,000 with a collaborative region's annual economic output approaching \$39 billion. This equates to strong collective representation and strength in numbers when advocating for our region.

The membership fee can be accommodated within the existing budget.

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT**ITEM 10.1 SF959 151025 OUTSTANDING ACTIONS AND REPORTS**

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager; David Moloney, Director Engineering Services; Daniel Walsh, Manager Development and Environment; Evan Webb, Chief Financial Officer; John Gilroy, Manager Human Resources; Kristian Enevoldson, Acting Director Corporate Services

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/DCCS
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 10.1 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.

10/06/25 Awaiting delivery of wheel stops and resources to become available from teams working on emergency works associated with the recent flooding event.

08/07/25 Rectification works have commenced.

12/08/25 Meeting held on the 5 August site visit to look at works completed.

09/09/25 PGO corresponding with both RSL and Boatshed operator to begin negotiations around leasing licencing whilst carpark project works are being finalised internally by MIS.

03/10/25 Carpark works have been completed. Licence negotiations have begun with RSL. A 12 month annual licence commenced with Boatshed operator. Both long term licences to be reported to Council in near future.

DECEMBER 2023

2	SF3190	14/12/23	DCCS
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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.

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

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 formed 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. 10/06/25 EOI closing 19 June 2025. 08/07/25-12/08/25 Preparing Contract for Sale with Solicitor and Real Estate organising marketing material. 09/09/25 Lot 2 DP 657578 now advertised 29 August. 03/10/25 No update			
APRIL 2024			
3	SF3477	11/04/24	DDES
RESOLUTION: Valla Urban Growth Area Amendment 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. 09/05/25-10/06/25 Consultants undertaking necessary work. 08/07/25 Acoustic and flood information received. Public exhibition to commence in July. 12/08/25 Acoustic matters to be clarified to satisfy Department of Planning prior to commencing exhibition. 09/09/25 The planning proposal is currently on public exhibition until 7 October 2025. 03/10/25 Results of public exhibition to be reported to November meeting.			
JULY 2024			
4	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. 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.			

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

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.
 09/05/25-08/07/25 No further update.
 12/08/25 Planning has begun to engage a community engagement provider.
 09/09/25 No further update.
 03/10/25 price received for consultant to undertake community engagement/consultation.

AUGUST 2024

5	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.
 10/06/25 Inspection on the 4 June was cancelled. Electrical works and lighting upgrades works being substantially complete. Access ramp 80% installed and restricted access to the underneath building complete.
 08/07/25 Council has received an extension of time until end of August to complete this project. Council staff are in the process of collating all the outstanding requirements of the Job as well as looking at any additional works than can be completed by the new deadline to see if additional funds can be spent to close out the grant.
 12/08/25 Extension of time given to 30 September 2025.
 09/09/25 No further update.
 03/10/25 Construction certificate has been approved for remaining works. This closes out the original grant funding for the theatre upgrade. Second stage will be added to the Priority Projects List.

SEPTEMBER 2024

6	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.
 22/10/24 No further update.

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

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.
 10/06/25-10/06/25 No further update.
 08/07/25 GM to review draft.
 12/08/25 Draft policy to be reviewed by ELT on 27 August and then referred to ARIC.
 09/09/25 Reviewed and approved by ELT 27/08/25. Report to MANEX 30/09/25 before presenting to ARIC 15/10/25.
 03/10/25 Endorsed by MANEX 30/09/25. Report to ARIC 15/10/25 meeting.

NOVEMBER 2024

7	SF3508	14/11/2024	DDES
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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.
 10/06/25-12/08/25 No further update.
 09/09/25 The draft planning proposal has been referred to the EPA for consultation prior to consultation with other state agencies and stakeholders.
 03/10/25 Consultation with state agencies and stakeholders on the draft planning proposal to occur during October/November before being reported to Council for consideration at the November meeting.

MARCH 2025

8	SF3422	19/03/2025	GM
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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:

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

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 Heads CBD Master Plan Design.			
09/05/25 A report is being prepared for June 2025 meeting.			
10/06/25 Item 2 – report is in June agenda. Item 3 – letter sent 11/06/25.			
08/07/25 Awaiting Manager Economic Development Tourism to commence.			
12/08/25-09/09/25 No further update.			
03/10/25 -pressure cleaned for October 2025 school holidays			
JUNE 2025			
9	SF3422	18/06/2025	DES
RESOLUTION: Notice of Motion – Coronation Park Drainage			
That Council provides a report for drainage solutions for Coronation Park.			
STATUS:			
08/07/25 No update.			
12/08/25 Coronation Park has been added to the Priority Projects list that is being presented to Council on 20 August 2025.			
09/09/25 Priority Projects list endorsed by Council 20/08/25.			
03/10/25 Report scheduled for November Council meeting.			
10	SF3424	18/06/2025	DCCS
RESOLUTION: Public Forum			
That a report be presented from staff on the implementation of Council's community engagement strategy and how the community engage with it.			
STATUS:			
08/07/25-03/10/25 Report pending appointment of Communications and Engagement Officer.			
JULY 2025			
11	SF3586	16/07/2025	DCCS
RESOLUTION: Duguula Bindarray-Garri Nambucca Valley Council Aboriginal Advisory Committee			
That Council:			
2 Undertake a Reflect level Reconciliation Action Plan (RAP) and approve Community Development Officer to arrange Advisory Committee and Community Workshops for the RAP.			
STATUS:			
12/08/25-09/09/25 Application to be submitted to Reconciliation Australia.			
03/10/25 Awaiting appointment of Aboriginal Community Development Worker to initiate the RAP.			
12	SF95	16/07/2025	DDES
RESOLUTION: Proposed Restricted Parking Areas			
That Council defers this item and holds a workshop prior to the August Council meeting and report back to the September meeting.			
STATUS:			
12/08/25 Report to be provided to September meeting.			
09/09/25 Deferred by Council at August workshop. Workshop to be held prior to September meeting and report to be provided to October meeting.			
03/10/25 To be presented to November			
AUGUST 2025			
13	SF3422	20/08/2025	DCCS
RESOLUTION: Notice of Motion - That Council develops a lease and licence policy			
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.			
STATUS:			
09/09/25 Lease and licencing policy drafted for DCS review. Report on policies to be presented to Council in October subject to staff resourcing.			
03/10/25 To be presented November 2025			
14	SF3424	20/08/2025	GM/DDES
RESOLUTION: Public Forum			
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.			
STATUS:			
09/09/25 Report to be provided to October meeting.			
03/10/25 Refer to separate report.			
15	SF3424	20/08/2025	DCCS
RESOLUTION: Public Forum			

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

That Council request a report on the feasibility of the Nambucca Valley Youth Council running an Instagram account.			
STATUS: 09/09/25 Ongoing. 03/10/25 See separate report			
16	SF265	20/08/2025	DCCS
RESOLUTION: Land Disposal and Acquisition Policy That Council defer the item and receive a report back exploring the feasibility of amending the Land Acquisition and Disposal Policy to include: - 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. - Land sales should occur through a competitive open market process (expressions of interest, auction, use of external estate agents). - Any proposal to sell land other than by a competitive open market process must be authorised by a Council resolution. - A Due Diligence Section that includes: - A business case - Assessment of strategic value - Environmental Impact - Assessing opportunities to capture uplift in the land through value adding proposals if applicable - Inspecting Council records relating to the land - Carrying out appropriate site investigations - Confirming the land classification and the historical details of the acquisition - Independent valuation report, where required.			
STATUS: 09/09/25 Draft to October Council meeting subject to staff resourcing. 03/10/25 To be presented to November meeting			
17	SF3490	20/08/2025	DES
RESOLUTION: Minutes of the Nambucca Valley Catchments and Coastline Management Committee Meeting – 17 July 2025 That Council: - Notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 17 July 2025. - Notes the resolutions of the Nambucca Valley Catchments and Coastline Management Committee including: - 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 - 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: - Navigation Dredging program for New South Wales rivers - Preparedness funding for river projects - Catchment protection works funding - Estuarine health funding - Reduce red tape for approvals to undertake river and estuarine works.			
STATUS: 09/09/25 Draft Expression of Interest advertisement developed pending approval to publish. 03/10/25 EOI advertised in News of the Area 03/10/25, social media and Antenne.			
18	SF3420	20/08/2025	DES
RESOLUTION: Tender - T2025-042 Provision of Water Meter Reading Services That Council: - Do not Award Tender T2025-042 – Provision of Water Meter Reading Services. - Defer this item and receive a report back exploring other options.			
STATUS: 09/09/25 Prioritised to follow Water & Sewer Policy review. 03/10/25 No further update.			
SEPTEMBER 2025			
19	SF3422	17/09/2025	GM
RESOLUTION: 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 That Council: - Rescind the resolution of council to not support the Great Koala National Park. - Request the NSW Government provide details of job losses in the timber industry due to the timber harvesting moratorium. - Request the NSW Government advise details of the compensation packages available to support businesses and			

ITEM 10.1 OUTSTANDING ACTIONS AND REPORTS

employees affected by the timber harvesting moratorium.			
STATUS: 03/10/25 Letters sent to relevant State Government departments requesting information.			
20	SF3586	17/09/2025	DCCS
RESOLUTION: Duguula Bindarray Garri Aboriginal Advisory Committee meeting 2 September 2025 That Council: 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.			
STATUS: 03/10/25 Report submitted to October meeting.			
21	SF3422	17/09/2025	DDES
RESOLUTION: Tree Permit Requirements 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.			
STATUS: 03/10/25 A report on an amendment to the NDCP 2010 will be provided to either the November or December meeting. Staff will aim to have a significant tree register operating by the end of the calendar year. Council already has a policy which permits verge/nature strip planting. It is called the ' <i>Trees and Street Gardens - Maintenance and Removal of Trees and Street Gardens on Public Land Managed by Council Policy No: ES 10</i> '. This policy will be reported to Council for review as per the schedule provided in a separate report to this agenda. Funding has been allocated in the current budget for a street planting program, with further funding to be allocated in future budgets.			
22	SF3490	17/09/2025	GM/DDES
RESOLUTION: Review of the Nambucca River Entrance Sand Dynamics, Training Walls and Future Investment Possibilities 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.			
STATUS: 03/10/25 Motion submitted to LGNSW conference 30 September 2025			

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT

ITEM 10.2 SF3651 151025 DRAFT 2024/2025 ANNUAL FINANCIAL STATEMENTS

AUTHOR/ENQUIRIES: Evan Webb, Chief Financial Officer

SUMMARY:

Council is required to refer the 2024/2025 Annual Financial Statements to audit and seek authorisation of the Statement by Councillors and Management for the General Purpose Financial Statements and the Special Purpose Financial Statements.

RECOMMENDATION:

That Council resolves:

- 1 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the General Purpose Financial Statements for the year ended 30 June 2025 made pursuant to Section 413(2)(c) of the *Local Government Act 1993* (NSW).**
- 2 To authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer to sign the Statement by Councillors and Management for the Special Purpose Financial Statements for the year ended 30 June 2025 made pursuant to the Local Government Code of Accounting Practice and Financial Reporting.**
- 3 In accordance with Section 413 (1) of the *Local Government Act 1993* (NSW), to refer the 2024/2025 Annual Financial Statements to the Audit Office of NSW for audit.**

OPTIONS:

This is for the Council's information and to satisfy requirements stipulated by *Local Government Act 1993* (NSW) and the Local Government Code of Accounting Practice and Financial Reporting. There are no other options.

DISCUSSION:

Under Section 416(1) of the *Local Government Act 1993* (NSW), Council must prepare and arrange for its Annual Financial Statements to be audited within four (4) months of year end. As per the Audit Office of NSW Annual engagement plan, the audit commenced on the 9 September 2025 and due to be completed on the 31 October 2025.

Council in accordance with Section 413(1) of the *Local Government Act 1993* (NSW) is required to resolve to formally refer the 2024/2025 Annual Financial statements to the auditor for audit.

Council in accordance with Section 413(2)(c) of the *Local Government Act 1993* (NSW) must have the Statement by Councillors and Management for the General Purpose Financial Statements signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer. Council in accordance with the Local Government Code of Accounting Practice and Financial Reporting must have the Statement by Councillors and Management for the Special Purpose Financial Statements signed by the Mayor, a Councillor, General Manager and Responsible Accounting Officer. In accordance with the Audit Office of NSW Annual Engagement Plan for the 2024/2025 financial year, this is due to be actioned by the 31 October 2025.

A copy of the Draft 2024/2025 Annual Financial Statements are attached to the report. Council's Net Operating Result is \$15.13m which includes \$21.57m of Capital Grants and Contributions.

A copy of the Draft 2024/2025 Special Purpose Financial Statements are attached to the report. Council's Net Operating Result for Water is \$606k which includes \$424k of Capital Grants and Contributions.

ITEM 10.2 DRAFT 2024/2025 ANNUAL FINANCIAL STATEMENTS

Council's Net Operating Result for Sewer is \$3.05m which includes \$2.27m of Capital Grants and Contributions.

Once completed and audited the 2024/2025 Annual Financial Statements are required to be lodged with the Office of Local Government no later than the 31 October 2025. The audited 2024/2025 Annual Financial Statements will be presented at the November council meeting.

CONSULTATION:

NVC Finance Team
Audit Office of New South Wales
HLB Mann Judd Advisory and Accounting

SUSTAINABILITY ASSESSMENT:

Nil

ATTACHMENTS:

- 1  55632/2025 - Draft General Purpose Financial Statements 2024 2025
- 2  55634/2025 - Draft Special Purpose Financial Statements 2024 2025
- 3  55620/2025 - Statement by Councillors Mgt GPFS 2024 2025
- 4  55622/2025 - Statement by Councillors Mgt SPFS 2024 2025

GENERAL MANAGER'S REPORT

ITEM 10.3 SF2888 151025 FUNDING REQUIRED FOR VALLA URBAN GROWTH AREA

AUTHOR/ENQUIRIES: Evan Webb, Chief Financial Officer

SUMMARY:

Nambucca Valley Council is required to complete the following plans for The Valla Urban Growth Area (VUGA) in the coming months in order for the land to be ready for sale. These plans include an Interpretation Plan, Marketing Plan, Concept Lot Layout Plan and a Valuation Report of the Industrial lots.

RECOMMENDATION:

That Council approve the additional expenditure of \$100,000 for Valla Urban Growth Area (VUGA) funded from the Land Development Reserve.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Reduce or increase the allocations recommended

DISCUSSION:

Council is required to complete the flowing plans ready for the industrial lots to be sold at VUGA. These plans include an Interpretation Plan \$30,000, Marketing Plan\$30,000, Valuation Report \$8,500, Concept Lot Layout \$11,900 and Other Incidentals of \$19,600 to be funded from the Land Development Reserve.

Interpretation Plan \$30,000

Due to the heritage significance of the area the Cultural Heritage Assessment recommended that an Interpretation Plan be prepared which includes both Aboriginal and European heritage. The Interpretation Plan would include appropriate onsite signage developed in consultation with Aboriginal Stakeholders as identify a list of street names that can be used in commemoration of the Aboriginal and European histories of the local area.

It is estimated that the cost of the consultancy would be in the vicinity of \$30,000.

Marketing Plan \$30,000

Council staff propose to develop and implement a Marketing Strategy to support the sale of lots within the Valla Urban Growth Area. The strategy will include the preparation of a Marketing, Communications, and Engagement Plan to ensure appropriate promotion and targeted communication to prospective purchasers and key stakeholders.

The estimated costs are as follows:

Description	Cost
Brand and assets (images, artist impressions, design)	\$10,000
Marketing	\$20,000
Total	\$30,000

Valuation Report \$8,500

ITEM 10.3 FUNDING REQUIRED FOR VALLA URBAN GROWTH AREA

Council is required to obtain a valuation report for the industrial lots to gain an understanding of the estimated sale value for each individual lot.

In 2020, Council engaged Robertson & Robertson Consulting Valuers to complete a similar report. As they already hold the relevant background information, they have offered a discounted fee for this engagement, as less preparatory work will be required compared to appointing a new valuer.

The quoted cost for the updated valuation report is **\$8,500**.

Concept Lot Layout \$11,900

The VUGA Program Control Group (PCG) has recommended that Council engage a consultant to prepare a high-level Conceptual Lot Layout Plan for the proposed residential lots within the Valla Urban Growth Area.

Council has obtained two quotes for this work:

- **GHD** – \$11,900
- **Land Dynamics** – \$12,500

Based on the quotations received, it is recommended that Council engage **GHD** to undertake the preparation of the high-level Conceptual Lot Layout Plan.

Other Incidentals of \$19,000

An additional \$19,000 is requested to be allocated to the VUGA budget specifically for incidental costs. This amount represents a modest proportion of the overall project expenditure but provides the necessary flexibility to address emerging needs.

This cost may include

- Additional specialist advice or short-term consultancy support not anticipated in original estimates.
- Stakeholder engagement costs such as community consultation materials, venue hire, or targeted communication.
- Supplementary design, mapping, or technical inputs required to support timely decision-making.
- Administrative and compliance costs associated with approvals, reporting, or statutory requirements.

Without provision for these items, the project risks delays, reputational impacts, and inefficiencies in delivery.

CONSULTATION:

PCG Meeting
Various Internal Staff

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
No Marketing Plan	H	M	Allocate Budget	L

ITEM 10.3 FUNDING REQUIRED FOR VALLA URBAN GROWTH AREA

Delivery Program Action

1.5 - Provide and advocate for targeted programs, services and projects to support those most in need throughout our community

2.1 - Encourage and facilitate high quality and sustainable planning and liveability outcomes that promote diverse housing to meet current and future community needs

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

Nil Budget will be funded from land Development Reserve which has a balance of \$324,586.

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

Nil

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT

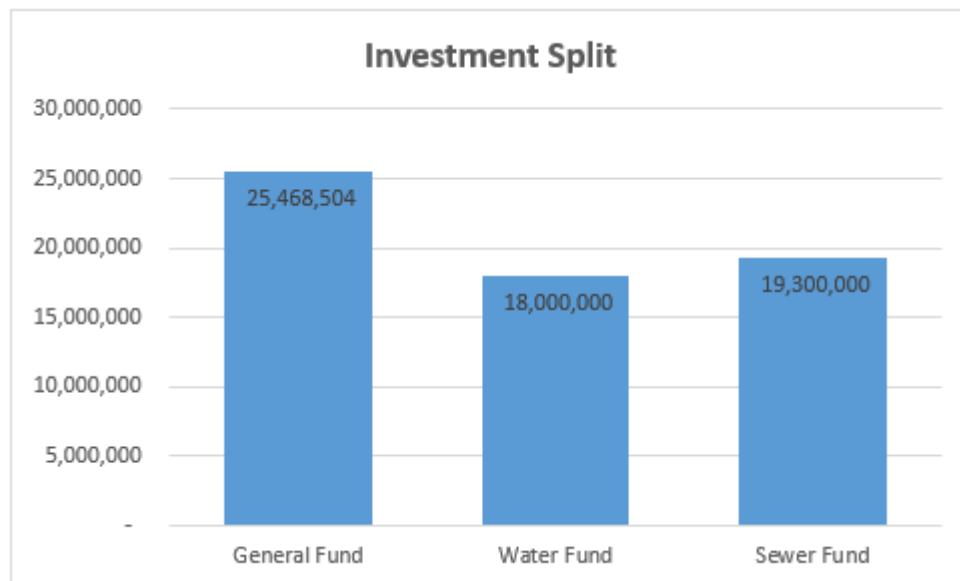
ITEM 10.4 SF3528 151025 INVESTMENT REPORT FOR SEPTEMBER 2025

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 September 2025.

Council's investments as at 30 September 2025 of \$62,768,504 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 September 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for September 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 SEPTEMBER 2025

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

	Last Month	Current Month
TCorp	\$3,409,100	\$3,468,504
Floating Rate Notes	\$1,007,365	\$0
Fixed Bonds	\$3,000,000	\$3,000,000
Term Deposits	\$56,300,000	\$56,300,000
Total	\$63,716,465	\$62,768,504

Portfolio Performance

Council's total portfolio performance returned +0.44% in September, outperforming the benchmark AusBond Bank Bill index of +0.29%. On an annualised basis, the portfolio returned +5.43p.a., outperforming the benchmark of +3.62%p.a. The Reserve bank of Australia official cash rate remained steady at 3.60%.

Council's term deposits portfolio yielded 4.43% p.a. for the month of September.

At the advice of Arlo Advisory, council sold the last 2 remaining Floating Rate Notes (FRN). Council realised a small capital gain of \$7,260.

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 September of +1.74%. 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.

Last month council redeemed investments for cashflow purposes due to the natural disasters expenditure. As a result, this continues to impact council's total portfolio compliance with NSW TCorp managed fund falling short by \$330,078.

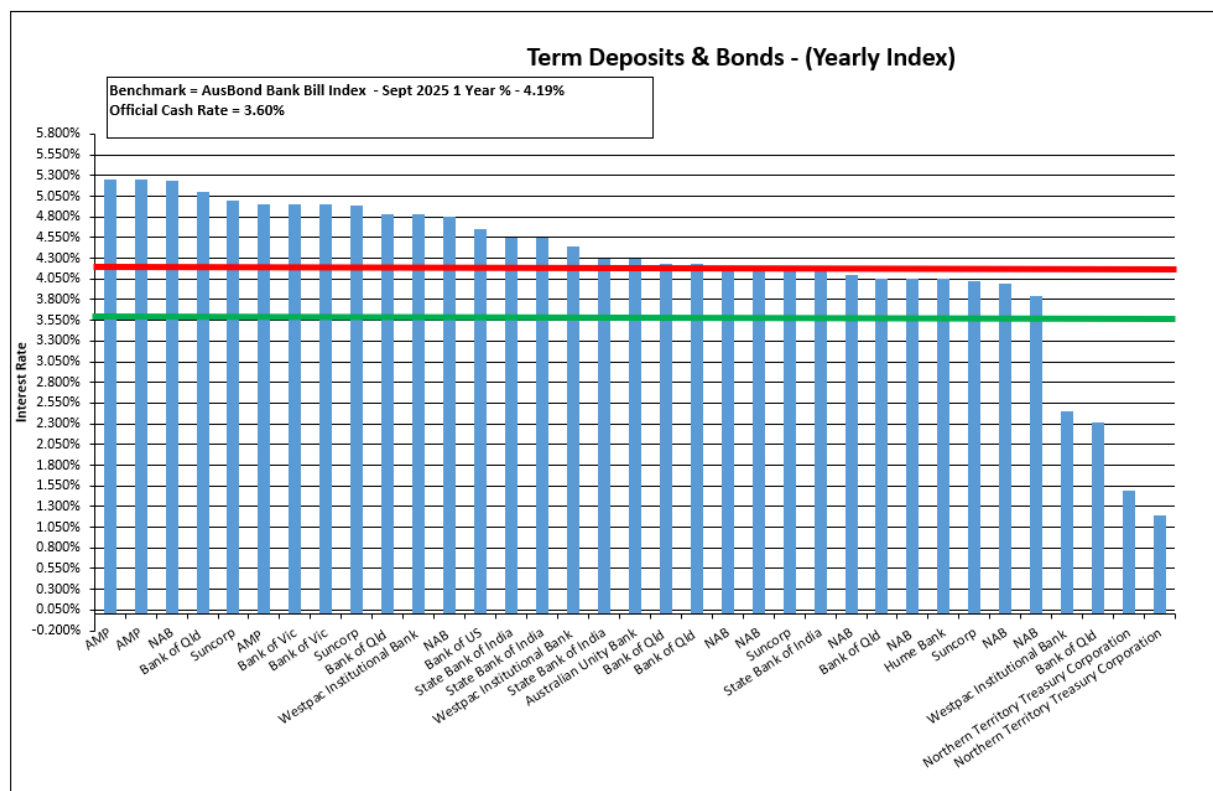
ITEM 10.4 INVESTMENT REPORT FOR SEPTEMBER 2025**Councils Investment Policy**

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 30/09/2025

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	8,500,000.00	13.54	3.00	100.00	54,268,503.92
✓	91 - 365 days	27,000,000.00	43.02	0.00	100.00	35,768,503.92
✓	1 - 2 years	15,800,000.00	25.17	0.00	70.00	28,137,952.75
✓	2 - 5 years	8,000,000.00	12.74	0.00	50.00	23,384,251.96
✓	5 - 10 years	3,468,503.92	5.53	0.00	25.00	12,223,622.06
TOTALS		62,768,503.92	100.00			

ITEM 10.4 INVESTMENT REPORT FOR SEPTEMBER 2025**Table 2: Credit Rating Limits****Credit Quality Compliance** as at 30/09/2025**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AA	27,800,000.00	44.29	100.00	34,968,503.92
✓	A	8,500,000.00	13.54	60.00	29,161,102.35
✓	BBB	23,000,000.00	36.64	45.00	5,245,826.77
✗	Unrated	3,468,503.92	5.53	5.00	-330,078.73
TOTALS		62,768,503.92	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

Risk Analysis

Quote from *Arlo Advisory September 2025 report page 2:*

Various equity markets including the US main indices (S&P 500, NASDAQ and Dow Jones) reached new record highs during the month, partly led by AI optimism, after Nvidia's major investment in OpenAI (ChatGPT), as well as another US Fed rate cut. The positive sentiment was also brought on by expectations of further rate cuts over the next 12 months (albeit less than previously anticipated).

In the deposit market, over September, at the short-end of the curve (under 12 months), the average deposit rates offered by the domestic major banks were marginally higher compared to where they were the previous month (August), after the market pushed back on the number of future rate cuts (now only one) following the higher than expected monthly inflation figure. At the longer-end of the curve (2-5 years), the average rates were around ~5-8bp higher compared to where they were the previous month.

Delivery Program Action

5.3 - Keeping our community at the centre of service delivery whilst remaining effective and efficient and delivering transparent governance and financial sustainability

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

Interest accrued for the month of September was \$208,252, totalling \$660,610 this financial year. Councils forecasted budgeted interest revenue for 2025/2026 is \$3,301,715. As council's investments continue to outperform the benchmark, council would expect to meet the budgeted forecast.

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

There are no changes or implications stemming from this report.

ITEM 10.4 INVESTMENT REPORT FOR SEPTEMBER 2025

ATTACHMENTS:

- 1  56188/2025 - Investment Report September 2025
- 2  56189/2025 - Arlo Investment Report September 2025

GENERAL MANAGER'S REPORT

ITEM 10.5 SF2888 151025 VALLA URBAN GROWTH AREA SUBURB NAME

AUTHOR/ENQUIRIES: Rochelle McMurray, Property and Governance Officer**SUMMARY:**

This report contains Council's previous consultation on the naming of the locality for Valla Urban Growth Area.

RECOMMENDATION:

That Council resolves to retain the locality name of 'Valla' for the Valla Urban Growth Area development.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option – Council could resolve to look further into naming the suburb subject to community consultation and Geographical naming board approval.

BACKGROUND:

Council resolved back in December 2018 after advertising an expression of interest from the community to name the suburb of the Valla Urban Growth Area

605/18 **RESOLVED:** (Ainsworth/Finlayson)

- 1 *At this stage that Council not adopt a new locality name for the Valla Growth Area.*
- 2 *That Council not "reinstate" the Viewmont locality.*
- 3 *That Council canvas views on the naming of the Valla Growth Area in the next customer satisfaction survey.*

Prior to the Council resolution there was an expression of interest advertised, and submissions were received and many names were brought forward. The suggested locality names included Corkwood, Harmony, Vuga Heads, Hardaker, Yungi, Jade, and Buchanan or West Valla. Discussion involved advantages and disadvantages explained below:

Advantages of a New Locality Name

- *As a new urban precinct a unique locality name could assist in branding the continued development.*
- *A unique locality name could assist in property identification and avoid confusion*
- *A new locality name will support the long term vision of creating a new urban precinct*

Disadvantages of a New Locality Name

- *Existing residents' attachment to the existing Valla locality name*
- *The work required for them (west of highway) in changing their address.*
- *The locality name of Valla has already got good recognition at a sub-regional level so why change?*
- *costs involved, through advisory committees, council and external bodies is unknown*

It was decided as by the **attachment 1** to resolve to **not** change the name but also added the 3rd dot point (above) to leave it open consider it in the future or use a future customer satisfaction survey to gain further insight.

ITEM 10.5 VALLA URBAN GROWTH AREA SUBURB NAME

The question was included in the 2019 Customer Satisfaction Survey conducted by Jetty Research with the following outcome:

‘Over two-thirds of respondents felt that the industrial and residential precincts on the western side of the new Freeway at Valla should continue to be referred to as Valla. One fifth (21%), preferred a new name be sought with an indigenous name being preferred by this group followed by Valla Rural, Boggy Creek or something incorporating Nambucca (such as Nambucca Heights).’

DISCUSSION:

At the August Project Control Group meeting for VUGA the name was again discussed with all members in agreement to report back to Council to formalise the decision to keep the name as ‘Valla’ so not to impose value risks, address changes for the existing Valla rural area.

CONSULTATION:

VUGA Project Control Group

SUSTAINABILITY ASSESSMENT:**Environment**

There are no implications for the environment.

Social

There are no significant social implications. Its more positive for the existing area to remain as Valla.

Economic

There are no significant economic implications.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Financial	M	M	Keeping the name as ‘Valla’ will be more economical	L
Reputational	L	L	Less risk not changing the name	L

Delivery Program Action

1.1 - Celebrate, recognise and respect the traditional custodians of the land, the Gumbaynggirr people

2.4 - Proactively manage competing rural activities, with a focus on preserving environmental systems and rural character

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

ITEM 10.5 VALLA URBAN GROWTH AREA SUBURB NAME

There are no budgetary impacts from this report.

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

None as a result of this report.

Service level changes and resourcing/staff implications

Small amount of resource time researching the history of work already conducted by staff back to 2018.

ATTACHMENTS:

1  44690/2018 - Valla Urban Growth Area Locality Name

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

ITEM 11.1 LF7038 151025 CONSOLIDATION OF MANN STREET RESERVOIR LOTS - LOT1/DP790002 AND LOT2/DP790001

AUTHOR/ENQUIRIES: Rochelle McMurray, Property and Governance Officer; William Tory, Rates Officer

SUMMARY:

This report seeks Council approval the consolidation of two Lots which make up 96 Mann Street Nambucca Heads, Councils Water Reservoir sits on Lot 2.

RECOMMENDATION:

That Council:

- 1 Approve the consolidation of Lot1/DP790002 and Lot2/DP790001 for rating purposes**
- 2 Gives the General Manager delegation to sign the relevant registration documents.**

OPTIONS:

- 1 Do nothing – do not consolidate lots and pay two sets of rates
- 2 Proposed recommendation
- 3 Alternative option – there is no alternative.

BACKGROUND:

Council levies rates and charges on adjoining lots which make up the Palmer Street (96 Mann Street Nambucca Heads) Reservoir land.

The land currently has the main Lot 2/DP790001 and Lot 1/DP790002 which is a smaller parcel (GIS picture below). A copy of the new Lot plan is also **attached**.

Surveying has been completed and Lessee's consent received to move forward with consolidating the lots into one for financial benefit.



ITEM 11.1 CONSOLIDATION OF MANN STREET RESERVOIR LOTS - LOT1/DP790002 AND LOT2/DP790001

DISCUSSION:

Council is required to levy ordinary rates against all parcels of rateable land, and service charges on all rateable properties where a service is available. For Council owned properties the main factor to determine rateability is whether the land has been classified as operational or community.

Both Lot 2/DP790001 and Lot 1/DP790002 are classified as operational land, requiring rates and charges to be levied on them. As the Lots have not previously been consolidated, the NSW Valuer General has provided separate valuations for each Lot, which forces Council to levy rates and service charges individually.

In the current financial year, the rates and service charges payable are:

Lot 2 DP 790001

Business Rate - \$2,648.20

Vacant Commercial Waste - \$164.00

Water Access - \$193.00

Unconnected Sewer - \$328.00

Total = \$3,333.20

Lot 1 DP 790002

Business Rate - \$900.00 (minimum rate)

Vacant Commercial Waste - \$164.00

Water Access - \$193.00

Unconnected Sewer - \$328.00

Total = \$1,585.00

By consolidating these two Lots, Council will be able to eliminate one set of service charges (waste, water & sewer) saving \$685.00 per annum. Additionally, there is a projected reduction in the ordinary rates paid on the two lots of \$714.01 per annum, providing for total yearly savings of \$1,399.01.

There was/will be upfront costs incurred to complete the survey, registration of the plan, consent letters charges from lessee's and attend to the title dealing through solicitors and Land Registry Services.

It is hard to cost it upfront but staff agree it would be approximately \$1,500.00, not including staff hours.

CONSULTATION:

Rates Officer

Registered Surveyor

Property and Governance Officer

SUSTAINABILITY ASSESSMENT:**Environment**

NA

Social

NA

Economic

There will be a positive economic impact including processing and servicing of Council land for rating purposes

ITEM 11.1 CONSOLIDATION OF MANN STREET RESERVOIR LOTS - LOT1/DP790002 AND LOT2/DP790001

Risk Analysis

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

Delivery Program Action

2.2 - Provide and advocate for essential supporting infrastructure and services that cater for current needs and future growth

5.3 - Keeping our community at the centre of service delivery whilst remaining effective and efficient and delivering transparent governance and financial sustainability

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

There will not be an impact on the current year's budget, however, the projected savings over the next ten (10) year period is \$17,000.

Working funds – justification for urgency and cumulative impact

NA

Impacts on 10 Year Long Term Financial Plan

There will be a positive impact

Service level changes and resourcing/staff implications

No change to service levels.

ATTACHMENTS:

1  50844/2025 - New lot plan 131-01_P - mann street reservoir for Council Report

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

**ITEM 11.2 SF2455 151025 LEASE - INA OPERATIONS PTY LTD- INGENIA HOLIDAYS
WHITE ALBATROSS WELLINGTON DRIVE NAMBUCCA HEADS**

AUTHOR/ENQUIRIES: Rochelle McMurray, Property and Governance Officer

SUMMARY:

Ingenia Holidays (White Albatross) propose to lease some 3612m² of land additional to that already occupied under lease to remedy historic encroachments and establish a property boundary which more readily distinguishes the respective maintenance responsibilities of the Caravan Park and Council as Crown Land Manager.

RECOMMENDATION:

That Council:

- 1 Proceed with the twenty one (21 year) lease to INA Operations Pty Ltd for encroachments**
- 2 Place the lease on public exhibition for 28 days; and if no submissions received delegate the General Manager to execute the lease and refer to Crown Lands for Ministerial consent.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option – do not support the lease

BACKGROUND:

Prior to December 2014 the previous owner of the White Albatross Holiday Park did not effectively control encroachments made by permanent residents residing in the park on the surrounding Crown land Reserve (R81262). Since then Council has worked extensively with Crown Lands and the holiday park management to process the encroachments.

DISCUSSION:

Ingenia Holidays (White Albatross) secured Lands Advisory Services Pty Ltd (LANDSAS) to achieve a lease from Council to address historical encroachments by the White Albatross into Wellington Park see **attachment 1**. As part of the process LANDSAS was required to prepare and adopt a Plan of Management, subdivision approval, a plan of survey and application to the Federal Court of Australia for future act protection under the *Native Title Act 1993* which was applied for on 10 March 2025.

The outcome:

The encroachment areas have future act protection under Section 24FA of the *Native Title Act 1993*

The pontoon and other aspects are valid acts under Section 24JA of the *Native Title Act 1993*

Wellington Park Nambucca Heads Plan of Management found [here](#) on Council's website was resolved and approved by the Minister under the *Crown Land Management Act 2016* in March 2024.

R81262 is cleared natural land and is used by tourists and locals for recreational purposes.

The reserve is identified as one of three natural foreshore areas and is guided by the Crown land management principles.

ITEM 11.2 LEASE - INA OPERATIONS PTY LTD- INGENIA HOLIDAYS WHITE ALBATROSS WELLINGTON DRIVE NAMBUCCA HEADS

The lease does not include the Pontoon and Advertising sign licence details which is an ongoing separate 12-month short term licence. Which is not due for renewal until 4 December 2025.

If any submissions are received within the exhibition period, a report will be returned to Council.

CONSULTATION:

Acting Director Corporate and Community Services
LANDSAS -Lands Advisory Services
Council Surveyors
Solicitors
Senior Town Planner

SUSTAINABILITY ASSESSMENT:

Environment

Adhering to the Environmental protection principles within the *Crown Land Management Act 2016* there is no environmental issues

Social

The most important social reason to support the issue of the proposed lease is the security of tenure for the elderly community who own the relocatable homes with setbacks that reside partly on the remaining encroached land.

Economic

Nil impact

Risk Analysis

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

Delivery Program Action

2.1 - Encourage and facilitate high quality and sustainable planning and liveability outcomes that promote diverse housing to meet current and future community needs

4.3 - Manage the impacts of tourism hot-spots whilst leveraging the benefits of a healthy year round, balanced visitor economy

5.2 - Engage, work and advocate with partners, including other levels of government, service providers, businesses, community and others, to enhance our local area and quality of life

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

As part of the lease, the applicant will pay Councils legal fees

Working funds – justification for urgency and cumulative impact

**ITEM 11.2 LEASE - INA OPERATIONS PTY LTD- INGENIA HOLIDAYS WHITE ALBATROSS
WELLINGTON DRIVE NAMBUCCA HEADS**

No impact

Impacts on 10 Year Long Term Financial Plan

No impact foreseeable

Service level changes and resourcing/staff implications

No service level changes or staffing implications

ATTACHMENTS:

- 1**  39187/2025 - Copy Endorsed Subdivision Plan - Encroachments White Albatross Holiday Park, Nambucca Heads
- 2**  55810/2025 - DRAFT INA trustee Crown land Lease- Wellington Drive Nambucca Heads

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT**ITEM 11.3 SF1031 151025 UPDATE ON COUNCIL POLICY REVIEW STATUS**

AUTHOR/ENQUIRIES: Rochelle McMurray, Property and Governance Officer

SUMMARY:

Council, at its August 2025 meeting, requested a report be presented on the progress of Council policies under review including timeframes.

RECOMMENDATION:

That Council notes the dates in relation to the review of policies

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option - none

BACKGROUND:

At the August 2025 Council meeting it was resolved:

ITEM 5.1	SF3422 policy	200825	Notice of Motion - That Council develops a lease and licence
206/25	<u>RESOLVED:</u>	(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.		

This report answers Item 2 of that resolution.

DISCUSSION:

All policies will have specified time frames for review. As a minimum, policies will be reviewed at least every four years to coincide with the term of Council.

Council has Ninety (90) policies public facing. There are also new policies being created and revoked as part of this review.

All policies in attachment 1 are public facing policies, endorsed by Council which are under review with responsible officers within the new Council term.

Forty-four (44) policies are complete in the current term of Council, having been endorsed and placed on public exhibition and/or updated on Council's website.

Forty-Six (46) are still under review which ten (10) are currently being reviewed with thirty-six (36) still to come in future quarters. These timeframes may change due to staff resourcing.

Delegations G 33 will be moved to a new software called PULSE and governed through that software and the policy document will be superseded.

Human Resources will be gaining its own Policy Prefix: **HR** highlighted in the attachment.

ITEM 11.3 UPDATE ON COUNCIL POLICY REVIEW STATUS**CONSULTATION:**

Acting DCCS
MANEX

SUSTAINABILITY ASSESSMENT:**Environment**

There are no environmental factors.

Social

There are no social impacts

Economic

The is no impact

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Not completing reviews within the legislated timeframe required	M	L	Conducting reviews in a staged and timely manner	L

Delivery Program Action

5.1 - Encourage and support inclusive community participation in policy and decision-making, and communicate on matters that are important to their daily lives and future

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

No impact on current and future budgets

Working funds – justification for urgency and cumulative impact

No impact on working funds

Impacts on 10 Year Long Term Financial Plan

No impact

Service level changes and resourcing/staff implications

No impact on service levels

ATTACHMENTS:

1  55678/2025 - Extract of policies under review for Council reporting October 2025

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

**ITEM 11.4 SF3654 151025 RECOMMENDATIONS FOR COMMUNITY GRANTS
PROGRAM 25/26 ROUND 1**

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Council launched their first Community Grants Program in September. Applications were assessed via Assessment Panel. Attached are the recommended projects for funding.

RECOMMENDATION:

That Council:

- 1 Approve the recommended projects for funding under the Community Grants Program 25/26 Round 1.**
- 2 Approve the recommended adjustments to the Community Grants Guidelines for Round 2 as highlighted in Guidelines.**

OPTIONS:

- 1 Proposed recommendation
- 2 Alternative option

BACKGROUND:

The Community Grants Program was designed to encourage community-led and implemented initiatives that help to achieve objectives within the Community Strategic Plan 2025-2035 (CSP).

It is recognised that community groups and organisations can play a role in achieving the outcomes of the CSP, they can have better expertise in certain areas, and community-led solutions often have greater community buy-in and benefit.

The Community Grants Program is deliverable 1.4.5 in Council's Delivery Program 2025-2029 under the strategy to "Promote and facilitate a range of activities that encourage greater social connection and resilience to change within our communities".

The Delivery Program and its supporting 2025/26 budget of \$50,000 was approved in Council resolution 180/25 of the 25 June 2025 Extraordinary Council Meeting. [The Guidelines](#) for this Grant were approved by Council resolution 224/25 on 20 August 2025.

DISCUSSION:

Council received nine (9) applications under the Community Grants Program 25/26 Round 1 for a total of \$41,463. 40. 3 applications were found to be either ineligible organisations or ineligible projects.

An Assessment Panel consisting of Manager Economic Development & Tourism, Records Officer, Senior Asset Officer, and Community Development Officer assessed applications based on:

- Project has clear impact and outcomes are aligned to Council's Community Strategic Plan
- Project addresses and unmet need or and identified gap
- Budget is realistic, eligible, and represents value for money
- The organisation/group has the capacity and skills to deliver this project.

ITEM 11.4 RECOMMENDATIONS FOR COMMUNITY GRANTS PROGRAM 25/26 ROUND 1

Additional points were awarded if the project included partnerships and collaboration, or encouraged inclusion, accessibility, or built capacity.

The Assessment Panel have recommended the below projects for funding under Round 1 of the Community Grants Program 25/26.

Organisation	Title	Funding
Lions Club Macksville	Macksville Lions Club Equipment Upgrade Pop Up Community Hub	\$3,960.00
ShoreTrack Ltd	ShoreTrack's Open Shed – Building the Valley's Future Workforce	\$3,557.92
Back to Bowra (via Nambucca Valley Tourism Association)	Back to Bowra 2025	\$4,995.48
Nambucca Valley Phoenix	Community Music and Socialisation Picnic Afternoons	\$5,000.00

Total funding recommended is \$17,513.40. The remaining amount of \$7,486.60 will be rolled over into Round 2 funding. Grant recipients will have 12 months to deliver their projects.

Councillors have been provided the full list of applications in confidence to further inform their decision, but also protect the ideas and reputation and trust of unsuccessful applicants.

Review and adjustments:

Consultation with other Councils who run similar grants has assisted in understanding there is a period of refinement and that community takes time to understand the purpose and intention of the grant program. They advise applications will improve over time.

Refinements of the Guidelines were identified and are recommended in this Council Report (highlighted in attached Guidelines). We received applications to purchase infrastructure, which was not specifically listed as eligible or ineligible, but has been further clarified as ineligible, particularly when it does not support an activity that aligns with the CSP. Improving visibility of sections such as “Who can’t apply” were also made.

An additional recommendation to remove the ban on activities on private property is proposed as long as the activity is accessible to the public and the grant applicant is an eligible organisation (i.e., a not-for-profit entity can hold an event on non-Council property).

Refinement of the application form to ensure applicants directly link their project to Council's Strategic Plan will also be made for Round 2. Many applicants appear to have ticked every box, implying their project helped everyone for every purpose, though it was not supported by evidence.

CONSULTATION:

Assessment Panel members

Kempsey Shire Council, Port-Macquarie Hastings Council, and Bellingen Shire Council Community Development Teams.

SUSTAINABILITY ASSESSMENT:**Environment****Social**

Community-led projects have longer-term impact and sustainability
Social connection and inclusion is boosted

Economic

ITEM 11.4 RECOMMENDATIONS FOR COMMUNITY GRANTS PROGRAM 25/26 ROUND 1

Council contributions support community to activate places, spaces and opportunities, providing knock-on benefits to local businesses from visitors and promotion of local area.
Local businesses are engaged in delivering the projects.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Recipient unable to complete project	L	L	Funding Agreement requires return of unspent funds.	L

Delivery Program Action

1.4 - Promote and facilitate a range of activities that encourage greater social connection and resilience to change within our communities

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

Grant program is already budgeted for 25-26. Council will need to decide to continue in next financial year.

Working funds – justification for urgency and cumulative impact

Nil.

Impacts on 10 Year Long Term Financial Plan

Community is delivering outcomes for Council

Service level changes and resourcing/staff implications**ATTACHMENTS:**

1  55416/2025 - Round 2 Community Grants Program 2526 Guidelines

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

ITEM 11.5 SF3653 151025 MINUTES OF THE NAMBUCCA VALLEY YOUTH COUNCIL

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Nambucca Valley Youth Council met on 17 September 2025. They workshopped their input for the upcoming Nambucca Valley Open Streets Festival and were introduced to other opportunities.

RECOMMENDATION:

That Council note the minutes of the Nambucca Valley Youth Council.

OPTIONS:

For information only.

DISCUSSION:

Youth Council gave their input into the activities of the Open Streets Festival. They were provided flyers for a Youth Survey for Open Streets and encouraged to use their position as Youth Councillors to get more feedback from other young people.

They were also introduced to a representative from Lifetime Connect and invited to attend the Nambucca Valley Youth Interagency meetings and were given information about a First Nations art project for interested youth.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Nil.

Risk Analysis

Nil.

Delivery Program Action

1.3 - Promote and facilitate a range of activities that encourage greater social connection for our young people

FINANCIAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1  54943/2025 - NVYC Minutes - 17 Sept 25

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

**ITEM 11.6 SF3653 151025 REPORT ON THE FEASIBILITY OF AN INSTAGRAM PAGE
 FOR YOUTH COUNCIL**

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Report summarising the purpose, benefits, risks and model of management for a Nambucca Valley Youth Council Instagram page

RECOMMENDATION:

That Council notes the report.

OPTIONS:

For information only.

BACKGROUND:

The Nambucca Valley Youth Council presented to Council at the August 2025 Public Forum, requesting a platform to promote their work and share information about youth activities and services across the Valley. Council requested a report into the feasibility of the Youth Council having an Instagram page.

DISCUSSION:

Benefits of a Youth Council Instagram Page

- Youth Engagement - Provides a direct and relevant way to connect with young people across the Nambucca Valley. The platform can utilise posts, video content, polls, and event reminders to engage other young people.
- Information Sharing - Promoting events, opportunities, community programs, and achievements of the Youth Council
- Youth Empowerment - Give Youth Councillors a platform to express their views and encourage civic participation of others. Opportunity to build capacity and skills in young people in media, communications and analysis and reporting.
- Community Awareness - Raises awareness of youth issues and Council-led solutions
- Positive Representation - Highlights positive stories and achievements of young people in the region.

Policy and Governance Considerations

To ensure the Instagram page aligns with Council policies, the following measures will be implemented

Compliance with Councils Social Media Policy

- The account will be set up and managed according to the Nambucca Valley Council Social Media Policy
- All content will be subject to an approval process before publication
- Posts must reflect Council's values, maintain neutrality on political/religious matters, and avoid contentious content.

Adherence to the Code of Conduct

Only appropriate, respectful, and inclusive content will be published

ITEM 11.6 REPORT ON THE FEASIBILITY OF AN INSTAGRAM PAGE FOR YOUTH COUNCIL

Youth Councillors contributing to content will be briefed on acceptable online behaviour and the Council's Code of Conduct

Online Safety and Privacy Protections

- No private information (e.g., addresses, contact details, schools) of minors will be posted.
- Images of young people will only be used with written consent from individuals and their parent/guardian.
- Comments will be monitored to prevent bullying, trolling and harassment
- Direct messaging will be disabled to prevent inappropriate contact.

Considerations of the Social Media Ban for Under 16s.

While the exact legal requirements under the social media ban are not yet known, there may be a requirement that if Council uses content created by youth under 16 there may be new consent or moderation practices, depending on the platform policy.

Youth Council and staff recognise that the social media ban will have an impact on reach of young people under 16, however, the Youth Advocacy Working Group of the Youth Council still feel it is worth implementing to engage with young people over 16 and highlighted a significant proportion of the Youth Council is over 16. Information shared on social media can be relayed to younger people through other methods, including via parents or siblings who have seen the posts.

Council will need to review platform policies when they come into effect, ensure moderation and implement tools. Privacy and consent is paramount when posting content of young people, council will adhere to legislation and Child Safety Standards. There are currently a number of AI automated tools that moderate Council social media comments. If moderation of comments becomes too problematic or resource intensive, there is the option to turn them off. Resourcing can also be managed by changing the frequency of posting

Proposed Page Management Model

Responsibility	Who	Tasks
Page creation and oversight	Community Development Officer	Set up, ensure policy compliance, supervise activity
Content creation	Youth Councillors (with guidance)	Draft post ideas, photos, videos
Content screening – initial approval	Community Development Officer	Ensure compliance, consent, relevance
Content Approval	Communications & Engagement Officer or Director Corporate & Community Services	Approve content before publishing
Comment monitoring (if enabled)	Community Development Officer	Moderate comments
Reporting and analytics	Community Development Officer and Youth Councillors	Track engagement, report on reach and feedback.

Resourcing Requirements

The successful operation of the page will require the following resources:

Staff time: Initial set up: 5 hours for account creation, branding, guidelines and launch planning

Ongoing management: Approx 1-2 hours per week for content approval, scheduling, and comment monitoring (dependent on frequency of posts)

ITEM 11.6 REPORT ON THE FEASIBILITY OF AN INSTAGRAM PAGE FOR YOUTH COUNCIL

Training: Media and Communications briefing for Youth Council members to ensure understanding of responsible content creation and digital safety. Possibility to engage mentoring for Media and Comms Working Group of Youth Council.

Technology: Use of existing software and/or free social media tools such as moderation and scheduling. No additional hardware or platform costs are expected.

Risk Mitigation

Risk	Mitigation strategy
Inappropriate comments	AI moderation tools, block/report users, disable comments if needed
Breach of privacy	Strict photo consent procedures. No tagging of individuals without consent (blocking tool)
Content policy breaches	Staff approval processes before publication
Staff workload concerns	Use of scheduling and moderation tools. Integrate into Community Development Officer role as Youth Council support function
Cyberbullying	Report and remove harmful content promptly, establish community guidelines.

Conclusion and Recommendation

Creating an Instagram page for Nambucca Valley Council is a feasible and valuable initiative, worthy of a 6 month trial period. With appropriate oversight and adherence, it can serve as an effective method for youth engagement for Council as a whole. Risks can be effectively managed through structured procedures and staff involvement.

It is recommended that:

- Council creates a Youth Council Instagram page
- The page is managed by Council staff and Youth Council members provide, with clear content and moderation guidelines, and engage in analysis.
- A review be conducted after 6 months to assess performance and make adjustments as needed.

CONSULTATION:

Nambucca Valley Youth council
IT Services
Communications and Engagement Officer
Manager of Economic Development
Becoming U

SUSTAINABILITY ASSESSMENT:**Environment**

Nil

Social

Provides a direct and relevant way to connect with young people across the Nambucca Valley.
Gives Youth Councillors a platform to express their views and encourage civic participation of others.
Provides an opportunity to build capacity and skills in young people in media, communications and analysis and reporting.

ITEM 11.6 REPORT ON THE FEASIBILITY OF AN INSTAGRAM PAGE FOR YOUTH COUNCIL

Raises awareness of youth issues and Council-led solutions.
Highlights positive stories and achievements of young people in the region.

Economic

Nil

Risk Analysis

See attached Report

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

1.3 - Promote and facilitate a range of activities that encourage greater social connection for our young people

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

Nil

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

Requires staff resourcing (outlined in report) for content approval and moderation. Will be managed with existing staff resources

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

**ITEM 11.7 SF3586 151025 REPORT ON RECOMMENDATIONS FROM DUGUULA
BINDARRAY-GARRI ABORIGINAL ADVISORY COMMITTEE ON 2 SEPTEMBER 2025**

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Attached report clarifies the recommendations from Duguula Bindarray-Garri Aboriginal Advisory Committee on 2 September 2025 and Council's actions.

RECOMMENDATION:

That Council notes the report on the recommendations from Duguula Bindarray-Garri Aboriginal Advisory Committee on 2 September 2025.

OPTIONS:

For information only.

BACKGROUND:

Council resolution 264/25 requested a report into recommendations noted in the minutes of Aboriginal Advisory Committee.

DISCUSSION:

Further clarification of the recommendations are contained within the report, along with steps Council has taken and additional information.

Minutes of the September meeting are attached for cross reference.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Nil.

Risk Analysis

Nil.

Delivery Program Action

1.1 - Celebrate, recognise and respect the traditional custodians of the land, the Gumbaynggirr people

FINANCIAL IMPLICATIONS:

Nil.

ATTACHMENTS:

- ATTACHMENTS:**
- | | | |
|---|---|--|
| 1 |  | 55804/2025 - Report on the Recommendations from Duguula Bindarray-Garri Sept meeting |
| 2 |  | 49355/2025 - Minutes - Duguula Bindarray-Garri 2025 09 02 |

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

ITEM 11.8 SF3409 151025 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 23 SEPTEMBER 2025

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

The minutes of the Nambucca Valley Council Disability Access and Inclusion Committee meeting held Tuesday 23 September 2025 are attached for Council's attention. Quorum was not reached, however, no recommendations were made.

RECOMMENDATION:

That Council notes the record of the Disability Access and Inclusion Committee meeting held 23 September 2025.

OPTIONS:

For information only

DISCUSSION:

The Committee discussed how we celebrate International Day of People With Disability (3/12/2025) and shared updates from services, shared issues they've noticed around the Valley, and follow ups on the Field Trip.

CONSULTATION:

Disability Access and Inclusion Committee Members

SUSTAINABILITY ASSESSMENT:

Environment

Nil.

Social

The voice of lived experience and expertise is best placed to inform Council of the needs of people with disability to improve inclusivity and meaningful participation.

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

1.5 - Provide and advocate for targeted programs, services and projects to support those most in need throughout our community

ITEM 11.8 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 23 SEPTEMBER 2025

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Celebrations of International Day of People With Disability is already accounted for in the 25/26 budget.

ATTACHMENTS:

1  55838/2025 - NV DAIC Minutes - 23 Sept 2025

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.1 SF1031 151025 REVIEW OF WASTE COLLECTION SERVICE POLICY DE 19

AUTHOR/ENQUIRIES: Daniel Walsh, Director Development and Environment Services

SUMMARY:

This report presents a review of Councils Waste Collection Service Availability Conditions Policy ES 18.

RECOMMENDATION:

That Council adopts the draft Waste Collection Service Policy DE 19 attached to this report.

OPTIONS:

- 1 Support the recommendation.
- 2 Make changes to the policy.
- 3 Recommend the policy be revoked or retained as is.

DISCUSSION:

Council currently has a Waste Collection Service Availability Conditions Policy ES 18 which is due for review.

Attached to this report is a revised policy which has been retitled Waste Collection Service Policy DE 19.

Changes in the policy recommended for adoption are identified with ~~strike through~~ for parts to be removed and **red** for new parts to be added.

The proposed changes are relatively minor. The inclusion of the secondary dwelling optional service is to reflect existing practice resulting from a previous Council resolution.

CONSULTATION:

Waste Services Coordinator
MANEX

SUSTAINABILITY ASSESSMENT:

It is not considered that the recommendation will result in any significant social, economic or environmental impacts.

Risk Analysis:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

ATTACHMENTS:

- 1  47228/2017 - Draft Waste Collection Service Policy

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.2 SF3410 151025 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, Director Development and Environment Services

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.

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 contained within the report.

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
2025/083	9 April 2025	18 Multi dwelling housing	1 Bellevue Drive, North Macksville – Lot 1 DP 205344
STATUS: Refer to separate report.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2025/160	22 July 2025	Riverbank protection works	8 Jellico Street, Macksville – Lot 8 Sec D DP 8624
STATUS: 2 submissions received. Waiting for NSW Water to issue their general terms of approval (integrated development).			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2025/170	5 August 2025	3 Lot Subdivision	58 Robert Hughes Road, Gumma – Lot 11 DP 1136727
STATUS: 2 submissions received. Additional information requested to address RFS concerns (integrated development).			

**ITEM 12.2 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**

**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 6 September – 1 October 2025 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION: Nil.

SUSTAINABILITY ASSESSMENT: Nil.

Delivery Program Action

2.1 - Encourage and facilitate high quality and sustainable planning and liveability outcomes that promote diverse housing to meet current and future community needs

FINANCIAL IMPLICATIONS: Nil.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.3 SF3424 151025 MINERAL MINING AND EXPLORATION

AUTHOR/ENQUIRIES: Daniel Walsh, Director Development and Environment Services

SUMMARY:

This report provides information regarding a request in the public forum to include the Nambucca Valley in Schedule 1 of the State Environmental Planning Policy (Resources and Energy) 2021.

RECOMMENDATION:

That Council notes the information contained within the report.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Request areas of the Nambucca Valley be included in Schedule 1 of the State Environmental Planning Policy (Resources and Energy) 2021.

BACKGROUND:

During the public forum on 19 August 2025 Georgette Allen made representations requesting Council seek to have water catchments within the Nambucca Valley added to Schedule 1 of the State Environmental Planning Policy (Resources and Energy) 2021. The intent behind this is to prohibit mineral mining and exploration.

At the meeting on 20 August 2025 Council then made the following resolution:

1/25 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.

DISCUSSION:

The State Environmental Planning Policy (Resources and Energy) 2021 (the SEPP) contains provisions related to mineral exploration, mining, extractive industries, petroleum exploration and rehabilitation activities. The provisions enable some of these activities to be undertaken without development consent, with development consent, and identifies areas where these activities are prohibited. The SEPP also contains provisions which permit some of these activities to be undertaken as exempt or complying development and provides matters to be considered as part of any development application.

The provisions contained within the SEPP override any local provisions Councils may have in their Local Environmental Plans (LEPs).

Clause 2.11 of the SEPP states:

Despite any other provision of this Chapter or any other environmental planning instrument, development specified in Schedule 1 is prohibited.

Schedule 1 then lists areas within NSW where mining, extractive industries and petroleum exploration have been prohibited. No areas within the Nambucca Valley are listed.

If Council wishes to have areas of the Nambucca Valley listed within Schedule 1 of the SEPP Council would need to nominate which area(s). This could be part or the whole Nambucca local government area.

ITEM 12.3 MINERAL MINING AND EXPLORATION

Council would then need to make the request to the Minister for Planning seeking an amendment to Schedule 1 of the SEPP by including the requested area(s).

The SEPP does not permit mining, extractive industries or petroleum exploration to be undertaken within the Nambucca Valley without development consent. As part of any development application it would need to be demonstrated that the environmental impacts of concern raised in the public forum will not occur as a result of the development.

While it is understood there are concerns within parts of the community about the impacts of mining, it is not considered warranted to prohibit mining and remove the opportunity for the industry to demonstrate how they could operate appropriately in the area if they chose to do so.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Addressed in report.

Risk Analysis:

Nil

FINANCIAL IMPLICATIONS:

Nil

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.4 DA2025/121 151025 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

AUTHOR/ENQUIRIES: Michael Coulter, Senior Town Planner

Summary:

The property plus the unmade section of the Siding Road reservation is used as a landscape material supplies business. The purpose of this development application is to legitimise the land use and to convert a building used as a secondary dwelling to an office.

As the development application involves the use of Council owned land, in accordance with Council's procedures for the management of conflict of interests, the application is referred to the Council for determination.

In relation to the use of the Siding Road reservation as part of the business, the Council entered into a 5 year licence agreement for the use of the road reserve by the business proprietor commencing on 1 June 2020 and concluding on 31/05/2025. The licenced area is 6,677m². The licence fee (rent) for this 5 year term was \$44,068.20 (incl GST). Notwithstanding the licence agreement ending on 31/05/2025 the business proprietor has continued to be invoiced monthly for the rent. It is understood the business proprietor seeks to acquire the unused road reservation from Council. The on-going licence fee or purchase arrangements are not a matter for consideration in the assessment of the development application, but the Council should be satisfied about these arrangements for the purposes of providing its consent to the proposed development as the property owner.

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 grant consent for Development Application DA2025/121 for the continued use of a landscaping materials supply business and a change of use of a secondary dwelling to an office, subject to the conditions shown in Attachment 1.

OPTIONS:

- 1 Approve the application with different and/or additional conditions.
- 2 Council withdraw its consent as owner of the land (Siding Road reservation) which will cause the development application to be refused.
- 3 Defer determination of the application to seek additional information or for another reason.

BACKGROUND:

The application is for the continued use of a landscaping materials supply business and a change of use of a secondary dwelling to an office associated with the landscaping supplies business.

The site comprises Lot 41 which is zoned R5 Large Lot Residential pursuant to the Nambucca Local Environmental Plan 2010 and part of Council's Siding Road reservation. Lot 41 has an area of 9.764 hectares and the landscaping supplies business is confined to the south western side of the site bordering and including part of the Siding Road reservation. As such, the Council is part owner of the site and given the conflict of interest, the elected Council should determine the application in lieu of a determination made by Council staff under delegated authority. Figure 1 indicates the respective parts of the proposed development which are in Council's ownership and those which are in private ownership.

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

The landscaping materials supply business involves the storage of product, which on average is:

Sand:	80 tonnes
Landscape rocks:	40 tonnes
Soil:	200 tonnes
Gravel:	220 tonnes
Mulch:	180m ³
Compost:	40m ³

The business utilises three (3) truck and dog units; two medium rigid trucks (12 tonne); one light tuck (4 tonne); two 12 tonne front end loaders; one bobcat; and occasionally one excavator to move or mix materials. A water cart is used for dust suppression.

The Statement of Environmental Effects (SEE) indicates that on average there are about 24 truck movements per day plus staff and customer visits (a total of approximately 66 daily traffic movements). The truck and dogs bring in supplies, usually in the afternoon. The materials are then reloaded into smaller trucks and transferred to storage bays around the site. On windy days a water cart is used to dampen the load to prevent sediment dispersal. There are also fixed sprays in place which utilise water from a dam on site for dust suppression. When supplies are sold, a bobcat is used to load the materials into the customer's trailer directly or if a larger load is going out, a front-end loader is used to load larger trucks. The SEE indicates the earliest truck movement is 7am with the latest being 5pm and noon on Saturday.

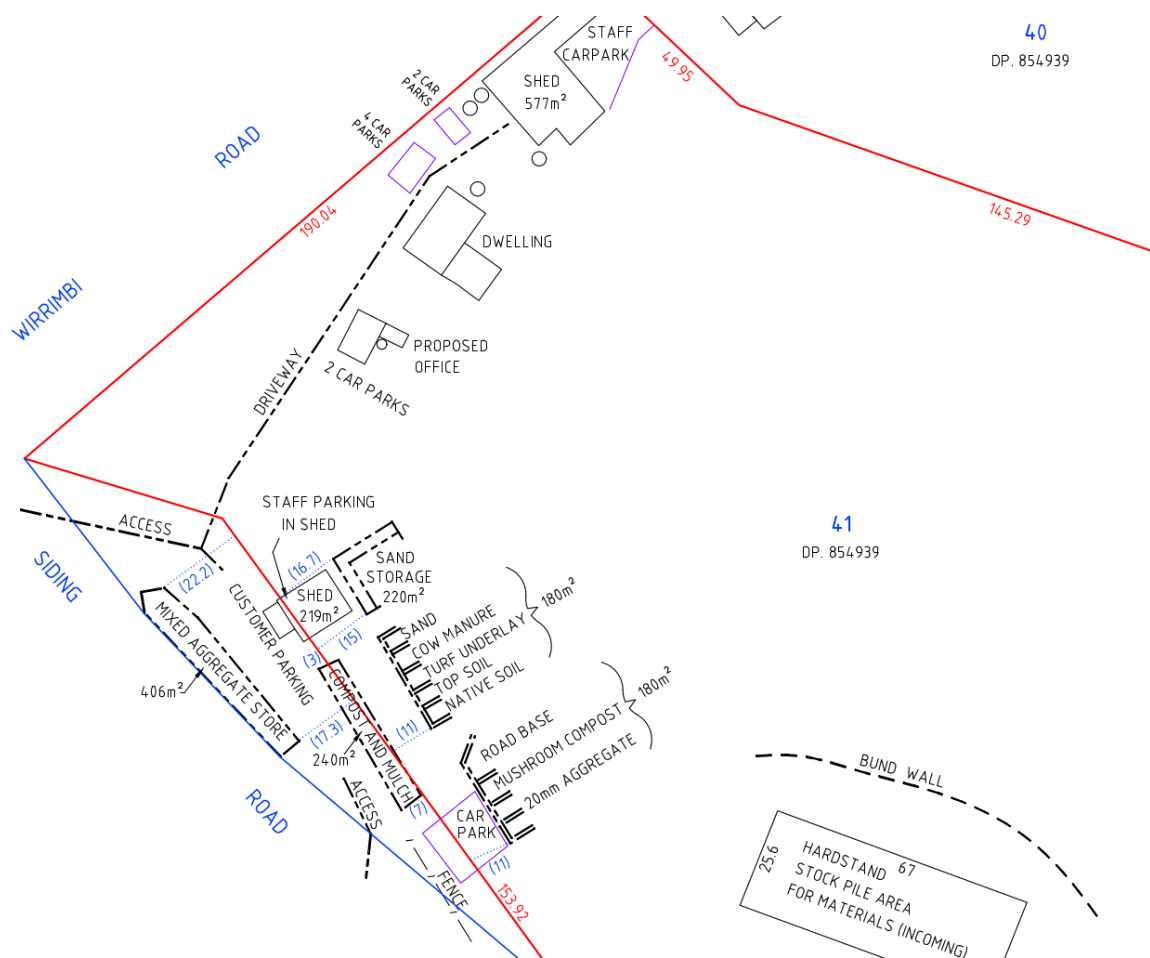


Figure 1 – Site plan of proposed development – red line denotes the boundary of Lot 41

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE**DISCUSSION:**

The application is supported by a Land Use Conflict Risk Assessment (LUCRA) prepared in accordance with the Department of Primary Industries – Agriculture *Land Use Conflict Risk Assessment Guide*. It is noted that the site has a long history of its current use as a landscaping material supplies business.

The LUCRA assesses the potential for odour from stored compost as the greatest risk of land use conflict followed by noise and dust from traffic generation. Compost is stored furthest away from adjoining residential properties being about 150m to dwelling sites on adjoining land to the south of Siding Road. Whilst the anaerobic composting process which causes odour has mostly been completed by the time compost arrives at the site, there is the potential for odour if the compost is “green” and this needs to be managed by covering, aeration or removal should it occur.

The LUCRA concludes that the direct impact to the nearby large lot residential zoned land is acceptable, given risk reduction methods that are currently or can be implemented by the business proprietor. Given the fact that the business is long established with a single documented instance of an odour complaint relating to a batch of “green” compost, the LUCRA conclusion is agreed.



Figure 2 – locality map showing the land and adjoining development

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

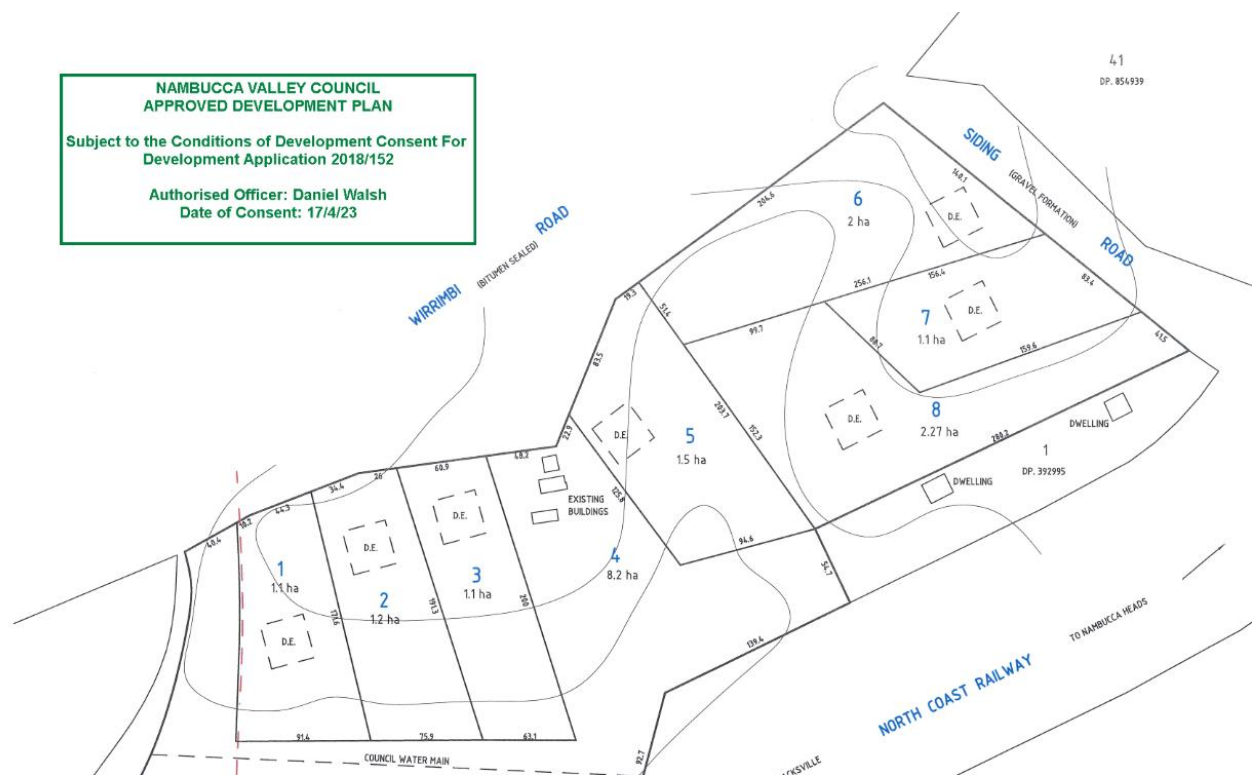


Figure 3 – Approved 8 lot subdivision showing building envelopes to SW of landscape supplies business



Photo 1 – Aggregate bays on Siding Road reservation with the carriageway to the left

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE



Photo 2 – large shed located adjacent to the Siding Road reservation – aggregate bays to the right



Photo 3 – storage bays below large shed in photo 2

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE



Photo 4 – Secondary dwelling to be converted to the proposed office



Photo 5 – alignment of 11kV overhead line over yard

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE



Photo 6 – Siding Road looking NW towards Wirrimbi Road from the landscape yard driveway exit



Photo 7 – example of sprinkler head – part of dust suppression system across the yard

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE



Photo 8 – driveway entrance looking NW with Wirrimbi Road in background

Internal Referrals

Engineering – Engineering conditions have been provided which have been incorporated as consent conditions. These conditions include the sealing of Siding Road for approximately 170m from the Wirrimbi Road intersection to the exit from the landscape supplies yard.

Health and Building – Not referred

Government Departments

NSW Rural Fire Service – Not applicable

Easements/Infrastructure

Does the proposal impact on any easements/utility infrastructure

Essential Energy initially indicated there may be a safety risk associated with the overhead powerlines which extend across the site. Subsequently, Gosling Coffs Harbour undertook a Clearance Assessment. Essential Energy have now advised that based on the information submitted, they have no comments to make as to potential safety risks arising from the proposed development.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ASSESSMENT
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The proposed development is assessed against the relevant sections of the *Environmental Planning and Assessment Act 1979* as follows:

Section 4.10 – Designated Development

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

The proposed development is not designated development as it is not a type of development listed in Schedule 3 of the EP&A Regulation 2021 or environmental planning instrument

Section 4.8 Is it “Integrated Development”

The proposed development is not Integrated Development

Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

It is considered that sufficient information is available to satisfy Council that the proposed development will not be contrary to the matters for consideration outlined in this section subject to the recommended conditions of consent. As such, it is not considered that the proposal will have any significant effects on threatened species, populations, communities or their habitats.

Section 4.14 – Consultation and development consent—certain bush fire prone land

Not applicable.

Section 4.15(1) In determining a development application a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a)(i) The provisions of any environmental planning instrument (EPI)

NAMBUCCA LOCAL ENVIRONMENTAL PLAN 2010

The proposed development is assessed against the relevant clauses of the **Nambucca Local Environmental Plan 2010** in the following table:

Clause	Complies	Comments
2.3 – Zone objectives and Land Use Table		The site is zoned R5 Large Lot Residential. The objectives of the zone are relevantly to provide residential housing in a rural setting while preserving, and minimising impacts on environmental sensitive locations and scenic quality; to ensure that development does not unreasonably increase the demand for public services and facilities; and to minimise conflict between land uses within this zone and land uses within adjoining zones. The proposed development is defined as <i>landscaping material supplies</i> which means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screening, rock and the like. Landscaping material supplies are a type of <i>retail premises</i> . <i>Retail premises</i> are a type of <i>commercial premises</i> . Whilst the operations of a landscaping supply business have the potential to conflict with residential housing by virtue of noise, odour and dust, <i>Landscaping material supplies</i> is listed as a land use which is permissible with development consent in the R5 zone. As per the conclusion of the LUCRA report, potential future land use conflicts can be avoided provided noise, odour and dust emissions are appropriately managed.

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

2.7 – Demolition requires development consent	Yes	There is minor demolition work involved with the conversion of the secondary dwelling to an office. This can be dealt with via a condition.
5.10 – Heritage conservation	Yes	An AHIMS search has indicated there are no Aboriginal sites or places recorded in or near this location (with a 200m search radius).
5.11 – Bushfire hazard reduction	Yes	Provides for the maintenance of an asset protection zone.
7.1 – Acid sulfate soils	Yes	There is no mapped ASS at this location.
7.4 – Public utility infrastructure	Yes	The necessary public utility infrastructure to support the proposed development is available.
7.6 – Earthworks	Yes	No additional earthworks are required to support the proposed development.

STATE ENVIRONMENTAL PLANNING POLICIES

The proposed development is assessed against the relevant State Environmental Planning Policies in the following table:

State Environmental Planning Policy	Complies	Comments
SEPP Biodiversity & Conservation	Yes	No vegetation will be disturbed as part of the development.
SEPP Industry & Employment	Yes	No additional advertising or signage is proposed. There are currently two business identification signs at the two entrances to the property.
SEPP Planning Systems	Yes	The Council is the consent authority.
SEPP Primary Production	Yes	The proposed development should have no impact on primary industry including oyster aquaculture.
SEPP Resilience & Hazards	Yes	There is no evidence of site contamination. The site is approximately 500m to the south west of Council's waste facility. It's preferable to have non-residential activities as a buffer to the waste facility.
SEPP Transport & Infrastructure	Yes	Essential Energy have been consulted as outlined earlier.

(a)(ii) The provision of any draft environmental planning instrument (EPI)

There are no draft environmental planning instruments relevant to the proposed development.

(a)(iii) The provision of any Development Control Plan

NAMBUCCA DEVELOPMENT CONTROL PLAN 2010

The proposed development is assessed against the relevant clauses of the Nambucca Development Control Plan 2010 in the following table:

NAMBUCCA DCP 2010	Complies	Comments
Environmental context (Part A)	Yes	There is sufficient information submitted with the application to determine the environmental context. It is agreed with the application that odour, dust and noise nuisance can be adequately managed. This is

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

		discussed elsewhere in this report.
Site Analysis (Part A)	Yes	The application including the SEE contains an adequate site analysis.
Car Parking & Traffic (Part C)	Yes	With 66 daily traffic movements of which about one third are trucks, the proposed development is a significant traffic generator and consideration can be given to the adequacy of Siding Road for the projected traffic movements. Relevant to this consideration is that the site and surrounding land is zoned R5 Large Lot Residential which permits 1 hectare subdivision. It can be expected that the density of housing in the immediate vicinity will increase and that dust generation from the unsealed Siding Road could be a source of complaint. An 8 lot subdivision approved to the south of Siding Road (DA2018/152) requires the construction (sealing) of Siding Road from Wirrimbi Road to the railway bridge prior to the first lot fronting Siding Road being released. This is a distance of approximately 400m. This required construction is yet to occur. The exit of the landscape supplies yard is approximately 170m from the Wirrimbi Road intersection with the large majority of traffic expected to exit via Siding Road and then Wirrimbi Road rather than heading east on the unsealed Siding Road to Old Coast Road. Based on the traffic generation of the business relative to an R5 large lot residential subdivision it is reasonable to require as a consent condition the construction (sealing) of Siding Road from Wirrimbi Road to the yard exit being a distance of approximately 170m.
Sediment & erosion control (Part D)	Yes	There are adequate controls in place in relation to air and water borne sediment.
Signage (Part E)	Yes	There are 2 business identification signs in place at the entrances to the property. No other signs are proposed.
Rural and environmental development (Part F)	Yes	The application assesses the potential for rural land use conflict. It is agreed the potential for conflict can be adequately managed. The history of the existing operation with one recorded complaint in relation to odour emissions from compost supports this assessment.
Waste Minimisation and Management (Part N)	Yes	The proposed development generates relatively little waste.

(a) (iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

There are no planning agreements applying to the subject site.

(a) (iv) Any Matters prescribed by the Regulation

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

An Annual Fire Safety Statement will be required to be submitted to Council.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Issue	Applicable	N/A	Comments
Context and Setting	Yes		The proposed development would benefit from some vegetation screening being provided between the bins along the Siding Road reservation and the carriageway itself. This will assist in reducing the potential for land use conflict if and when the 8 lot subdivision to the south of Siding Road proceeds, particularly the proposed lots 6 and 7.
Access, Transport and Traffic	Yes		Refer to previous discussion concerning the construction (sealing) of Siding Road from Wirrimbi Road to the landscape yard exit, a distance of approximately 170m. The existing one way entry and exit arrangement is effective and there is adequate sight distance at the exit.
Public Domain	Yes		Much of the operations are not viewable from Siding Road due to its embankment. Vegetation screening of the supply bins on the road reservation would be beneficial.
Utilities	Yes		
Heritage	Yes		In accordance with the Due Diligence Code of Practice, there are no relevant confirmed site records or other associated landscape feature information on AHIMS, no other sources of information of which a person is already aware, and the development will not impact on any landscape features that are likely to indicate the presence of Aboriginal objects.
Other Land Resources	Yes		No identified impacts on other land resources.
Water	Yes		There are existing measures in place to prevent pollution. All run off water from the business drains into the on-site dam. The SEE indicates sediment barriers are installed to catch sediment laden runoff and prevent it from entering the dam. The dam water is used for dust suppression through fixed sprays and a water cart.
Soils	Yes		The existing driveways on the site have all weather pavements. There will be no damage to soils.

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

Air and Microclimate	Yes		Sprays and water carts will be necessary to control air borne sediment on hot, windy days. This should be supported by a consent condition.
Flora and Fauna	Yes		There is no impact on flora and fauna.
Waste	Yes		Waste generation from the proposed development is minimal.
Energy	Yes		There is no change to the site's energy requirements.
Noise and Vibration	Yes		Vehicle movements are to occur between 7am and 5pm on weekdays and 7am to 12 noon on Saturdays. Much of the machinery operation occurs below the Siding Road embankment with no line of sight to potential future housing to the south of Siding Road. This will substantially mitigate noise transmission to the south of the site.
Natural Hazards	Yes		Most of the landscape yard is not mapped as bush fire prone. There are no other identified natural hazards.
Technological Hazards	Yes		There is an 11kV overhead line across the site as well as low voltage overhead lines. Gosling Electrical have submitted a Clearance Assessment report in relation to this which has now been assessed by Essential Energy who have no safety concerns.
Safety, Security & Crime Prevention	Yes		The proprietor lives on site. There are staff on site during the day. There is reasonable passive surveillance in relation to activities on and around the site.
Social Impact in the Locality	Yes		According to the business website, the company provides employment for 10 people making it a significant local business. The continuity of this employment will provide a positive social impact.
Economic Impact in the Locality	Yes		Providing for the continuation of the business will have a positive local economic impact.
Site Design and Internal Design	Yes		The internal layout and one way direction for vehicles is a safe and efficient approach for the operation of the yard.
Construction	Yes		Limited construction is required in relation to the conversion of the secondary dwelling to an office.
Cumulative Impacts	Yes		The development is already operating and will have no greater impact than what has been occurring for many years.

(c) The suitability of the site for the development

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

Does the proposal fit in the locality?	Yes	X	No	
Are the site attributes conducive to development?	Yes	X	No	

d) Any submissions made in accordance with this Act or the Regulations

The application was notified in accordance with the Nambucca Community Participation Plan with no submissions received by the advertised close of the submission period on 11 August 2025.

(e) The public interest

Subject to the recommended conditions of consent, it is not considered that the proposal is contrary to the public interest because it will not result in any significant impacts on the natural, social, or economic environments.

Section 7.11 & 7.12- Contributions

Development Contribution Plan	Applicable	N/A	Contribution Amount
7.11 Mines & Extractive		X	
7.12 Contribution Plan*		X	

* Not applicable as the estimated cost of the development is \$18,700 being less than \$100,000.

Section 64 – Construction of Works for Developers (Local Government Act 1993)

Section 64 of the *Local Government Act 1993* enables council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to Section 306 of the *Water Management Act 2000*.

Development Servicing Plan	Applicable	N/A	Contribution Amount
Water Supply		X	
Sewerage		X	

CONSULTATION:

There has been consultation with Council's Development Engineer and Essential Energy.

SUSTAINABILITY ASSESSMENT:

Environment

Provided there is satisfactory management of odour, noise and dust, there should be no significant environmental impact. Water runoff is currently managed on site with sediment controls and a bottom dam allowing for the recirculation of water used for dust suppression.

Social

The continuation of the existing business will have a positive social impact.

Economic

The continuation of the existing business will have a positive economic impact.

Risk Analysis

ITEM 12.4 CONTINUED USE OF LANDSCAPE MATERIAL SUPPLIES AND USE OF A SECONDARY DWELLING AS AN OFFICE

(Analyse the major risks associated with the proposal and explain how these risks will be managed using the following table format)

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Odour	M	H	Cover, aerate, remove compost	L
Dust	M	M	Use of water for dust suppression	L
Noise	M	M	Operations are conducted during standard hours. Mixing can occur below a natural bund wall being the Siding Road embankment.	L
Sediment runoff	M	M	There are sediment controls in place and a dam which can collect runoff before it leaves the property. The dam water is used for dust suppression.	L

Delivery Program Action

1.5 - Provide and advocate for targeted programs, services and projects to support those most in need throughout our community

2.1 - Encourage and facilitate high quality and sustainable planning and liveability outcomes that promote diverse housing to meet current and future community needs

3.1 - Enhance waterways, the river and natural areas to protect and restore local biodiversity and water quality

4.2 - Support businesses to grow, including in industrial, commercial and rural areas as well as town centres, and through specialised sector clusters

5.3 - Keeping our community at the centre of service delivery whilst remaining effective and efficient and delivering transparent governance and financial sustainability

FINANCIAL IMPLICATIONS: Nil

ATTACHMENTS:

1  53342/2025 - Conditions

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.5 DA2025/083 151025 PROPOSED MULTI DWELLING HOUSING - 15 DWELLINGS - 1-1A BELLEVUE DRIVE, NORTH MACKSVILLE

AUTHOR/ENQUIRIES: Michael Coulter, Senior Town Planner

Summary:

The application is for a multi-dwelling housing development comprising 13 x 3 bedroom and 2 x 2 bedroom dwellings on two lots comprising 1 and 1A Bellevue Drive, Macksville (a site which includes the longstanding Bellevue Riverside Motel).

One particular consideration with the proposed development is evacuation given the eastern end of Bellevue Drive at the property entrance has a level of approximately 2.5m Australian Height Datum (AHD). At a 1% Annual Exceedance Probability (AEP) flood, the water depth at the vehicle entrance to the development will exceed 1m. The flood modelling indicates the velocity of this water would be in the order of 0.2 to 0.3m per second. These water depths and velocities mean that at the 1% AEP flood it is unsafe for all vehicles, children and the elderly to leave the site (H3 Flood Hazard).

In association with a flood risk assessment, engineering consultants Floodworks have submitted a "Flood Safe Plan" that provides specific triggers, actions, responsibilities, and communication methods to protect people and property in the proposed development. The Flood Safe Plan contains comprehensive information in relation to the way future residents should manage flood events. In particular, it recommends that future residents evacuate at the time there is a moderate (or major) flood warning for the Nambucca River which equates to an anticipated peak of at least 2.1m AHD at the Macksville bridge gauge. This is for the reason that evacuation after a moderate flood warning could potentially be unsafe and would certainly be unsafe at the 1% AEP.

The "Flood Safe Plan" is a considered response to the flood risk and in recommending evacuation at the issue of a moderate flood warning is solely focussed on the preservation of life and to a lesser extent property. However, future residents will have a broader range of considerations in making that evacuation decision including the need to secure alternative accommodation, the security of their property, and the chance that the actual flood level will be less than predicted. The "Flood Safe Plan" and its recommendations cannot compel residents to evacuate. In this respect it is not an appropriate flood evacuation strategy, which is the required standard in Council's Development Control Plan.

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 refuse the application for the following reasons:

- 1 There will be an unacceptable evacuation risk in flood events at or exceeding a moderate flood level due to their being an inappropriate pedestrian/vehicular access route during a flood.
- 2 There will be a negative cumulative impact if similar evacuation arrangements are accepted for infill development and redevelopment on the Macksville floodplain.
- 3 Proposed Units 15 and U1 appear to be wholly or partly located on Council owned land vide DP507117 which shows lots 3 & 4 acquired for road and for which Council has not provided its consent as owner.

ITEM 12.5 PROPOSED MULTI DWELLING HOUSING - 15 DWELLINGS - 1-1A BELLEVUE DRIVE, NORTH MACKSVILLE

OPTIONS:

- 1 Refuse the application for different and/or additional reasons
- 2 Approve the application with conditions
- 3 Seek additional information and defer determination of the application

BACKGROUND:

The application is for a multi-dwelling housing development comprising 13 x 3 bedroom and 2 x 2 bedroom dwellings on two lots comprising 1 and 1A Bellevue Drive, Macksville. The existing development on the land comprises an operational 9 room motel, a dwelling, 3 sheds and a swimming pool. The site is bounded by Newee Creek to the east, Bellevue Drive to the south, the North Macksville playing fields to the west and a wetland to the north.

All 15 dwellings have a proposed ground floor at levels of 2.6m to 2.8m AHD (Australian Height Datum) comprising a double garage and laundry with the habitable space being located on the first floor at a level 5.5m AHD. By way of comparison the flood planning level (minimum habitable floor level) for the site is **4.03m** Australian Height Datum (AHD) being the 1% AEP (annual exceedance probability – formerly 1 in 100) of 3.53m AHD plus a 0.5m freeboard.

A limited amount of filling would be required along the Newee Creek frontage of the property to achieve the rear open space. This filling would be retained by a concrete sleeper retaining wall to achieve a rear yard level of 2.3m AHD.

This configuration is different to, and an improvement on, the plans originally submitted which proposed 18 dwellings with two “dead end” cul-de-sacs compared to the circuit driveway shown in the recently amended plans. The change in the plans from those submitted to those being assessed can be seen in Figures 3 and 4. The plans being assessed are **attached**. The Statement of Environmental Effects (SEE) lodged as part of the application foreshadows a future development application which would seek a strata subdivision of some of the dwellings.

The existing motel is to be retained. The existing dwelling on Lot 1 and various sheds and other improvements on the property would need to be demolished. Whilst the property has largely been cleared of vegetation as can be seen in Figure 1, there will need to be some removal of vegetation close to the eastern boundary to Newee Creek.

The application is supported by a detailed Flood Assessment and Flood Safe Plan prepared by a specialist engineering firm as well as a bush fire assessment report prepared by an accredited bushfire consultant. These documents are **attached**.

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Figure 1 – Site comprising 2 lots being Lots 1 & 2 DP 205344 – red lines show Council's sewer

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Figure 2 – Aerial perspective of proposed development with the existing single storey motel top left



Figure 3 – Original plans submitted with the application

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Figure 4 – Modified plans submitted on 29/08/2025 and which are the subject of this assessment

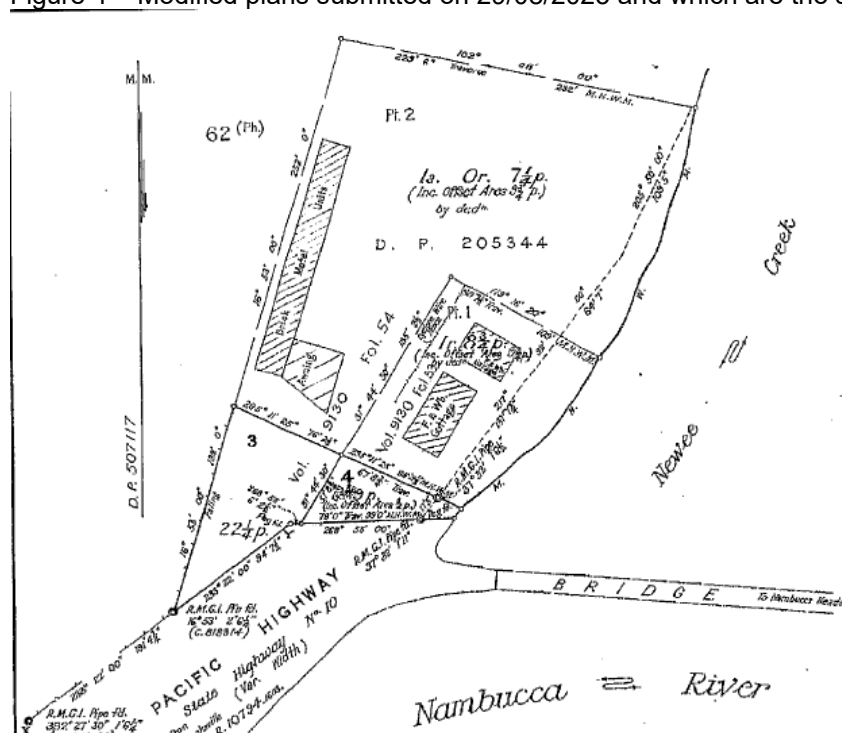


Figure 5 – DP507117 with lots 3 & 4 acquired for road – no title but generally not issued for roads

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DISCUSSION:**Flood Risk Assessment**

Following a request for additional information a flood risk assessment prepared by the engineering and environmental services consultants, Floodworks, was submitted on 29/08/2025. The flood assessment evaluates the extent, height, velocity, peak depth, and hazard levels in relation to the proposed development, including any potential impacts resulting from the proposed modifications within the floodplain. A two-dimensional river analysis model was used to estimate flood characteristics, with the model being calibrated (compared) against Council's model for the 1% annual exceedance probability (AEP) flood event, and achieving a satisfactory result.

The flood planning level (minimum habitable floor level) for the site is **4.03m** Australian Height Datum (AHD) being the 1% AEP flood of 3.53m AHD plus a 0.5m freeboard.

A flood afflux assessment was undertaken to assess the impact of the proposed development on the floodplain by subtracting peak water levels and velocities associated with the existing case from those of the developed case. The assessment indicated there would be no real change in flood behaviour associated with the proposed development.

One particular consideration with the proposed development is evacuation given the eastern end of Bellevue Drive at the property entrance has a level of approximately 2.5m AHD. At a 1% AEP flood, the water depth at the vehicle entrance to the development will exceed 1m. The flood modelling indicates the velocity of this water would be in the order of 0.2 to 0.3m per second. These water depths and velocities mean that at the 1% AEP it is unsafe for all vehicles, children and the elderly to leave the site (H3 Flood Hazard).

In association with the flood risk assessment, Floodworks have submitted a "Flood Safe Plan" that provides specific triggers, actions, responsibilities, and communication methods to protect people and property in the proposed development. The Flood Safe Plan contains comprehensive information in relation to the way future residents should manage flood events. In particular, it recommends that future residents evacuate at the time there is a moderate (or major) flood warning for the Nambucca River which equates to an anticipated peak of at least 2.1m AHD at the Macksville bridge gauge. This is for the reason that evacuation after a moderate flood warning could potentially be unsafe and would certainly be unsafe at the 1% AEP.

Data on the number of occasions the NSW SES has issued a moderate flood warning for the Nambucca River over say the past 10 years is unknown. It is likely to be a more common than the actual number of flood events which exceed the moderate flood level of 2.1m AHD. Most recently the SES issued a moderate flood warning for Macksville in May 2025.

The "Flood Safe Plan" is a considered response to the flood risk and in recommending evacuation at the issue of a moderate flood warning is solely focussed on the preservation of life and to a lesser extent property. However, future residents will have a broader range of considerations in making that evacuation decision including the need to secure alternative accommodation, the security of their property, and the chance that the actual flood level will be less than predicted. The "Flood Safe Plan" and its recommendations cannot compel residents to evacuate.

In relation to considerations of evacuation and access, Council's Development Control Plan distinguishes between the following:

Subdivision and Filling – not defined

New Residential – development of a completely different nature to that associated with the former land use, eg the urban subdivision of an area previously used for rural purposes. New developments involve rezoning and typically require major extensions of existing urban services such as roads, water supply, sewerage and power. Comment – the proposal could be construed as "New Residential" except it does

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not involve a rezoning nor the major extension of services, hence it cannot be defined as “New Development (Residential)”

Infill development

Refers to development of vacant blocks of land that are generally surrounded by developed properties and is permissible under the current zoning of the land. Comment – the proposal could be construed as “Infill Development” but is not “surrounded” by developed properties and is not a typical residential lot size.

Redevelopment

Refers to rebuilding in an area, eg as urban areas age, it may become necessary to demolish and reconstruct buildings on a relatively large scale. Redevelopment does not require either rezoning or major extensions to urban services

Comment: Compared to the other definitions, the proposed development is most appropriately classified as “Redevelopment” as it involves the demolition of the existing dwelling and rebuilding without the necessity for rezoning or the major extension of urban services.

The DCP “standard” in relation to evacuation for “Redevelopment” is that, “*consideration (is) required regarding an appropriate flood evacuation strategy and pedestrian/vehicular access route for both before and during a flood*”.

The “Flood Safe Plan” does provide a considered evacuation strategy. However, it is not capable of compelling residents to leave and they will likely have a broader range of considerations as to whether they stay or leave in the event of moderate flood warning. In relation to this the flood evacuation strategy detailed in the “Flood Safe Plan” is inappropriate for the reason that residents can choose to ignore it.

Furthermore, the above requirement for “redevelopment” not only requires an appropriate flood evacuation strategy; it also requires an appropriate pedestrian/vehicular access route for both before and during a flood. As outlined above, the water depths and velocities during a 1% AEP is unsafe for all vehicles, children and the elderly to leave the site (H3 Flood Hazard). Reliance on this single access exposed to this flood hazard is not considered to be an appropriate pedestrian/vehicular access route during a flood.

Internal Referrals

Engineering – Council’s Development Engineer has provided suggested conditions for any consent.

Government Departments

NSW Rural Fire Service - Not referred

The Bushfire Assessment Report prepared by Midcoast Building and Environmental **(attached)** determined a minimum 20m APZ requirement from the bushfire hazard to the north. This in turn has informed the recently modified plans which has removed dwellings that would have been within the Bushfire Attack Level (BAL) flame zone and BAL-40. All dwellings are now within or less than the BAL-29 category.

Easements/Infrastructure

Does the proposal impact on any easements/utility infrastructure

The location of Council’s sewer is shown in Figure 1.

The proposed development will require adjustment to the electricity connections to the site but otherwise has no impact on the Essential Energy network.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 ASSESSMENT
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The proposed development is assessed against the relevant sections of the *Environmental Planning and Assessment Act 1979* as follows:

Section 4.10 – Designated Development

The proposed development is not designated development as it is not a type of development listed in Schedule 3 of the EP&A Regulation 2021 or environmental planning instrument

Section 4.8 Is it “Integrated Development”

The proposed development is not Integrated Development

Section 1.7 – Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994

It is considered that sufficient information is available to satisfy Council that the proposed development will not be contrary to the matters for consideration outlined in this section subject to the recommended conditions of consent. As such, it is not considered that the proposal will have any significant effects on threatened species, populations, communities or their habitats.

Section 4.14 – Consultation and development consent—certain bush fire prone land

In the event the application is approved conditions will be required to ensure the proposed development is consistent with *Planning for Bushfire Protection 2019*.

Section 4.15(1) In determining a development application a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a)(i) The provisions of any environmental planning instrument (EPI)

NAMBUCCA LOCAL ENVIRONMENTAL PLAN 2010

The proposed development is assessed against the relevant clauses of the ***Nambucca Local Environmental Plan 2010*** in the following table:

Clause	Complies	Comments
2.3 – Zone objectives and Land Use Table	Yes	Except for a small section in the NE corner of Lot 2, the land is zoned R1 General Residential. The objectives of the zone include to provide for the housing needs of the community and to provide for a variety of housing types and densities. Multi-dwelling housing is consistent with the objectives of the zone and is a permissible use of the land with development consent.
2.6 – Subdivision – consent requirements	n/a	It is anticipated that a future application will be lodged for a strata subdivision of the multi-dwelling housing.
2.7 – Demolition requires development consent	Yes	The application includes the demolition of some existing structures.
4.3 – Height of buildings	Yes	All dwellings will be less than 8.5m in height.
4.4 – Floor space ratio (FSR)	Yes	The proposed FSR is less than 0.55:1
5.10 – Heritage conservation	Yes	An Aboriginal Heritage Information System (AHIMS) search has been submitted with the application which indicates there are no Aboriginal sites or Aboriginal

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		Places recorded at or near the location.
5.11 – Bushfire hazard reduction	Yes	This provides for the maintenance of an asset protection zone (APZ).
5.21 – Flood planning	No	The site has a hydraulic hazard category rating of mostly 3-4 with a small area categorised as 2 in the centre of the site and some class 5 land along the eastern (Newee Creek) boundary where some minor filling is proposed. The objectives of this clause are to minimise the flood risk to life and property associated with the use of the land; to allow development that is compatible with the flood function and behaviour, taking in account climate change; to avoid adverse or cumulative impacts on flood behaviour and the environment; and to enable the safe occupation and efficient evacuation of people in the event of a flood. As discussed elsewhere in the report it is not considered that the development can provide for the safe occupation and efficient evacuation of the residents. Whilst it is agreed with the Flood Safe Plan that safe evacuation could be achieved if all residents evacuated at the issue of a moderate flood warning, it is unknown how this can be mandated and there will be no safe pedestrian or vehicle access during a flood.
7.1 – Acid sulfate soils	Yes	Approximately half of Lot 1 is mapped as potentially Class 2 ASS, whilst the remainder of the land is mapped as potentially Class 3 ASS. An ASS management plan is not required if the works are above the natural ground surface or involve the disturbance of less than 1 tonne of soil. The development proposed for the land mapped as Class 2 will be partly on fill and any disturbance of the natural ground, if it occurs, will only pertain to sewer drainage work which will disturb a very minor amount of soil.
7.4 – Public utility infrastructure	Yes	Adequate public infrastructure is available for the proposed development.
7.6 – Earthworks	Yes	The objectives of the clause are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. The Council is required to consider the impact on drainage patterns and soil stability; the future use of the land; the quality of the fill; the effect on adjoining properties; the source of the fill; the likelihood of disturbing relics and the potential for adverse impacts on any watercourse. As indicated the application will involve some filling along mainly the Newee Creek frontage of the land. This filling can be undertaken with appropriate sediment controls such that there should be no impact on waterways or adjoining properties.
7.7 – Floodplain risk management	n/a	The clause applies to certain land uses which have

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		particular evacuation requirements. It does not apply to multi-dwelling housing.
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STATE ENVIRONMENTAL PLANNING POLICIES

The proposed development is assessed against the relevant State Environmental Planning Policies in the following table:

State Environmental Planning Policy	Complies	Comments
SEPP (Sustainable Buildings) 2022	Yes	A multi dwelling BASIX certificate has been lodged with the application.
SEPP Housing	Yes	The application meets the specified development standards for multi dwelling housing.
SEPP Planning Systems	Yes	The Council is the consent authority.
SEPP Primary Production	Yes	It is not considered that the proposed development will result in any adverse effects on oyster aquaculture development or a priority oyster aquaculture area because of the sites location from any of these areas, with earthworks and stormwater flows resulting from the development being capable of being appropriately managed.
SEPP Resilience & Hazards	Yes	The development can be undertaken without having any impact on the coastal zone. The land is not considered to be contaminated because there are no known previous uses or activities on the site that would have resulted in any contamination of the land and the proposal does not include a change of use of the land.

(a)(ii) The provision of any draft environmental planning instrument (EPI)

There are no draft environmental planning instruments relevant to the proposed development.

(a)(iii) The provision of any Development Control Plan

NAMBUCCA DEVELOPMENT CONTROL PLAN 2010

The proposed development is assessed against the relevant clauses of the Nambucca Development Control Plan 2010 in the following table:

NAMBUCCA DCP 2010	Complies	Comments
Environmental context (Part A)	No	Clause A4.3 requires compliance with Councils Floodplain Risk Management Plan. As outlined earlier in this report, the proposal is considered to be contrary to Councils Floodplain Risk Management Plan due to an inappropriate pedestrian/vehicular access route during a flood and reliance on an ineffective flood evacuation strategy.
Site Analysis (Part A)	Yes	The application contains an adequate site analysis.
Subdivision (Part B)	n/a	The application foreshadows a future strata subdivision of some of the dwellings, however this is not part of this application.

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Car Parking & Traffic (Part C)	Yes	Each dwelling contains a double garage plus provision is made for 7 visitor car parks. This exceeds the DCP requirement of 2 spaces per dwelling and 1 visitor space per 5 dwellings. There is additional parking in front of each of the existing motel suites.
Sediment & erosion control (Part D)	Yes	Construction can occur with appropriate soil erosion and sediment controls.
Residential developments (Part H)	Yes	There are a number of objectives relating to multi-dwelling housing including in relation to character; amenity; form, scale, bulk, height; minimising impact on the environment; providing housing choice; providing affordable housing. The proposed development being located on a large site at the end of a cul-de-sac wherein the majority of the development does not address the street, means that these objectives are met. Standards in relation to minimum street frontage, residential plan depth, floor to ceiling height, building height, setbacks, FSR and deep soil zones are met. The DCP provides for open space of a minimum 24m ² with minimum dimensions of 4m. This presumably relates to each dwelling, however is not specified. There would appear to be no opportunity for private open space for Units 3 and 4. There would seem to be reasonable opportunities for private open space for the other dwellings. Given the available open space on site and its proximity to quality foreshore open space, this lack of private open space would not warrant refusal of the development application.
Waste Minimisation and Management (Part N)	Yes	The plans provide for a screened bin enclosure.

(a) (iia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

There are no planning agreements applying to the subject site.

(a) (iv) Any Matters prescribed by the Regulation

There are no matters prescribed by the regulation.

(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Issue	Applicable	N/A	Comments
Context and Setting	X		The context and setting is appropriate for the proposed development, except that residents need to evacuate the site when a moderate flood warning is issued for Macksville.
Access, Transport and Traffic	X		Bellevue Drive is capable of managing the additional annual average daily traffic (AADT) resulting from an additional 15 dwellings. Again, it will be unsafe for vehicles to enter or leave the site at moderate or higher flood levels.

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Public Domain	X		Property searches undertaken by Council indicate that the front section of the land has been acquired as road and is part of Bellevue Drive.
Utilities	X		The necessary utilities to service the development are available.
Heritage	X		In accordance with the Due Diligence Code of Practice, there are no relevant confirmed site records or other associated landscape feature information on AHIMS, no other sources of information of which a person is already aware, and the development will not impact on any landscape features that are likely to indicate the presence of Aboriginal objects.
Other Land Resources	X		The proposed development can be constructed without affecting adjoining land.
Water	X		The proposed development can be constructed without affecting waterways.
Soils	X		Provision can be made for soil erosion and sediment controls during construction.
Air and Microclimate	X		No identified impacts.
Flora and Fauna	X		The application will require the removal of some vegetation along the eastern boundary and around the existing dwelling. There are no identified biodiversity implications in relation to this vegetation removal.
Waste	X		The proposed development has made provision for waste management. Suitable waste management arrangements will need to be in place for the demolition of the existing dwelling.
Energy	X		The proponent will need to make arrangements for the provision of electricity to the proposed development.
Noise and Vibration	X		The construction of the proposed development will need to occur during permissible hours.
Natural Hazards	X		Refer to comments elsewhere in relation to flooding and bush fire.
Technological Hazards	X		None identified.
Safety, Security & Crime Prevention	X		This is a matter for future owners.
Social Impact in the Locality	X		Additional housing will have a positive social impact; however, flood impacts wherein residents would have to evacuate whenever there is a moderate flood warning for the Nambucca River at Macksville will have a negative social impact.
Economic Impact in the Locality	X		The capital investment and additional housing opportunities will have a positive economic impact.
Site Design and Internal Design	X		Satisfactory, except for the dwellings which are located on the road reservation.
Construction	X		There are no identified construction issues.

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Cumulative Impacts	X	This is an important issue. The approval of the development with the proposed evacuation arrangements could facilitate similar redevelopment and infill development of a similar or smaller scale across much of the Macksville floodplain, including Kings Point. The Council needs to manage the number of dwellings on the floodplain so that existing evacuation risks do not become bigger (worse).
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(c) The suitability of the site for the development

Does the proposal fit in the locality?	Yes	X	No	
Are the site attributes conducive to development?	Yes		No	X

d) Any submissions made in accordance with this Act or the Regulations

Nine (9) submissions were received during the notification of the development application in accordance with the Nambucca Community Participation Plan with the following matters raised:

Summary of Matters Raised in Submissions	Reporting Officers Comment
1. Concern with impact of 18 new dwellings on traffic, noting the walkway is used by elderly people and residents of the Nambucca River Tourist Park with no median for traffic. Concerned about river and oyster farmers with 18 dwellings proposed so close to Newee Creek and the Nambucca River.	The road has the capacity to manage an additional 15 dwellings without impacting the existing foreshore walk. The dwellings would be connected to Council's reticulated sewer and there should be no water quality impacts.
2. Current width and condition of Bellevue Drive will not support an additional 32.4 vehicle movements per day. Increase in traffic will almost double current daily traffic on Bellevue Drive. Double the risk to pedestrians and other road users. 18 new dwellings increase the probability of residents from a lower socio-economic background residing at this location. Increases risk of anti-social behaviour.	It is acknowledged that Bellevue Drive is part of a popular walking/running/cycling foreshore path and that the foreshore path does not extend all the way along Bellevue Drive. Notwithstanding, the road has capacity to manage the additional traffic as well as accommodating the existing use by pedestrians and cyclists. It is not apparent why the socio-demographics of the residents who would live in the proposed multi-dwelling housing would be any different from the existing residents in the street or Macksville generally. Notwithstanding the flood risk, the site is likely to be a desirable living location because of its proximity to the river and foreshore access.
3. Bellevue Drive is a narrow road that already is suffering under the increase of bikes and foot traffic due to the Nambucca to Macksville cycleway. When vehicles are coming each way there is no room and is dangerous for pedestrians and cyclists. Concerns relate to traffic, removal of vegetation, flooding, noise, visual, pollution of the Nambucca River, asbestos.	Refer to previous comments in relation to traffic. The site is largely clear of vegetation and there will be no impact on the wetland to the east of the site. The concern relating to flooding is agreed and this is discussed in this report. In relation to noise, visual impacts, and pollution the proposed development is not significantly different from the existing urban development along Bellevue Drive. There are required standards in relation to the removal of asbestos which can be imposed via a consent condition.

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4. Excessive housing density and incompatibility; out of character; disruption to peace and harmony; potential reduction in property values.	The zoning of the land permits, with consent, multi-dwelling housing. This form of housing is consistent with the objectives of the zoning.
5. Concern about additional traffic; increased risk of flooding and drainage; contamination of wetlands; request explanation of the proposed strata subdivision	Refer to previous comments in relation to traffic. The submitted flood modelling indicates that the proposed development will result in no substantive change in peak water levels nor in peak velocity associated with the proposed development for a 1% AEP design event. The result is considered acceptable within modelling tolerances. Sewer and stormwater can be managed so there is no impact on the adjoining wetland. A strata subdivision would allow the dwellings to be sold separately. Such a subdivision is permissible with consent.
6. Concern about sewage infrastructure and references obnoxious smells from the pump station at the soccer fields. Attaches photos showing on street parking associated with use of soccer fields. Suggests a 50km speed sign is required. Foreshore walk needs to be extended all the way along Bellevue Drive.	The circumstances of apparent odour emanating from the pump station are unknown. However, the addition of 15 houses to the network will not cause effluent at the pump station to be septic. The traffic capacity of Bellevue Drive is adequate to support the proposed development.
7. No objection to the proposed development but expresses concerns about safety of people using Bellevue Drive – some residents use Bellevue Drive as a race track – insufficient signage about 50km per hour speed limit – suggests speed humps.	Refer to previous comments.
8. Objects on the grounds of traffic and related concerns; east end of Bellevue Drive used by turning caravans; additional on-street parking; increase in noise pollution; increased sewer load; cheaper/affordable housing may bring an adverse demographic of residents; presence of acid sulphate soils; impact on ecology (mangroves)	Refer to previous comments.
9. Housing development will bring crime and drugs. Will devalue most properties in Bellevue Drive. In soccer season cars are parked on both sides of the road. If Council passes this type of development then other developments similar could be passed.	Refer to previous comments.

(e) The public interest

Subject to the recommended conditions of consent, it is not considered that the proposal is contrary to the public interest because it will not result in any significant impacts on the natural, social, or economic environments.

Section 7.11 & 7.12- Contributions

Development Contribution Plan	Applicable	N/A	Contribution Amount
7.11 Mines & Extractive		X	
7.12 Contribution Plan	X		1.0% x 5,101,342 = \$51,013

Section 64 – Construction of Works for Developers (Local Government Act 1993)

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Section 64 of the *Local Government Act 1993* enables council to levy developer charges for water supply, sewerage and stormwater. This derives from a cross-reference in that Act to Section 306 of the *Water Management Act 2000*.

Development Servicing Plan	Applicable	N/A	Contribution Amount
Water Supply	X		13 x 3 bed (0.8 ET) = 10.4 ET 2 x 2 bed (0.6 ET) = 1.2 ET Total = 11.6 ET – credit for existing dwelling = 10.6 ET 10.6 ET x \$10,262 = \$108,777.20
Sewerage	X		13 x 3 bed (1.0 ET) = 13.0 ET 2 x 2 bed (0.75 ET) = 1.5 ET Total = 14.5 ET – credit for existing dwelling = 13.5 ET 13.5 ET x \$13,577 = \$183,289.50

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Cumulative impact if application is approved	M	H	Issue identified and listed as a reason for refusal.	Low
Risk to life and property if evacuation does not occur at an early time	H	H	Requiring restrictions on title in relation to evacuation may reduce the risk, but it would still be unacceptable as residents cannot be compelled to leave at the time of a moderate flood warning.	High

Delivery Program Action

- 1.2 - Recognise, advocate for and work to facilitate holistic approaches to crime and community safety
- 2.1 - Encourage and facilitate high quality and sustainable planning and liveability outcomes that promote diverse housing to meet current and future community needs
- 3.3 - Manage the impacts of a changing climate on our local area while ensuring that our communities are resilient to natural disasters
- 4.1 - Beautify town centres and villages to generate vitality and activity that supports additional and more diverse businesses
- 5.2 - Engage, work and advocate with partners, including other levels of government, service providers, businesses, community and others, to enhance our local area and quality of life

FINANCIAL IMPLICATIONS: Nil.

ATTACHMENTS:

- 1  47747/2025 - DA2025/83 Architectural Plans
- 2  47744/2025 - DA2025/83 Flood Assessment
- 3  47745/2025 - DA2025/83 Flood Safe Plan
- 4  47748/2025 - DA2025/83 Bushfire report

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 12.6 SF3410 151025 JUNE, JULY, AUGUST AND SEPTEMBER 2025 - APPROVED CONSTRUCTION CERTIFICATES, APPROVED COMPLYING DEVELOPMENTS, DEVELOPMENT APPLICATIONS RECEIVED AND COMPLYING DEVELOPMENTS RECEIVED

AUTHOR/ENQUIRIES: Melanie Ellis, Senior 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 June, July, August and September 2025 as at 2 October 2025.

RECOMMENDATION:

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for June, July, August & September 2025.

ATTACHMENTS:

- 1** 38027/2025 - 2025 June - Approved Construction Certificates and Complying Development Applications

- 2** 38029/2025 - 2025 June - Development Applications and Complying Development Applications Received

- 3** 43263/2025 - 2025 July - Approved Construction Certificates and Complying Development Applications

- 4** 43266/2025 - 2025 July - Development Applications and Complying Development Applications Received

- 5** 55691/2025 - 2025 August - Approved Construction Certificates and Complying Development Applications

- 6** 55692/2025 - 2025 August - Development Applications and Complying Development Applications Received

- 7** 55698/2025 - 2025 September - Approved Construction Certificates and Complying Development Applications

- 8** 55702/2025 - 2025 September - Development Applications and Complying Development Applications Received


DIRECTOR ENGINEERING SERVICES REPORT

ITEM 13.1 SF90 151025 LOCAL TRANSPORT FORUM

AUTHOR/ENQUIRIES: Keith Williams, Manager Technical Services

SUMMARY:

The agenda and minutes of the meeting held on 7 October 2025 are **attached** for Council's information and adoption.

The Local Transport Forum replaces the Local Traffic Committee, it provides advice, technical review, and coordination of works and events. It does no longer vote, issue approvals, or make decisions.

RECOMMENDATION:

That Council:

- 1 Approve the road closures for ANZAC DAY Marches for the period 2026 - 2028 in Nambucca Heads, Macksville and Bowraville, 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 advice for the road closures.
- 2 Endorse the road closures for the ANZAC DAY marches to be held on ANZAC DAY 25 April 2026 – 2028 as follows:**
 - a) Macksville - Dawn Service – Wallace Lane, Princess and River Streets between Mackay Street and Cooper Street from 0445 to 0630 hours; then Winifred, Princess, Wallace, Cooper and River Streets to Mackay Street from 1000 to 1200 hours;**
 - b) Bowraville - High Street between Bowra and Young Streets – from 0900 to 1200 hours;**
 - c) Nambucca Heads - Bowra and Nelson Streets between Rosedale Street and Riverside Drive from 0800 to 0915 hours.**
- 3 Advertise the road closures seven (7) days prior to Anzac Day Marches.**
- 4 Notes that each branch must reapply if there are any changes to the approved application i.e. times or march route.**
- 5 Notes that each branch must comply with the approved Traffic Management Plan and/or NSW Police instruction.**
- 6 Notes that each branch must hold a current Certificate of Currency for Public Liability Insurance.**
- 7 Approve signs and devices necessary to affect the road closure.**
- 8 Approve consultation with the bus companies to be undertaken.**
- 9 Endorse the Back to Bowra Committee Temporary Road Closure application of High Street Bowraville, from the Young Street Intersection to Bowra Street Intersection between 7.00am to 5.00pm on Saturday 15 November 2025, noting the following has been received by Council:**
 - i. A Traffic Guidance Scheme; and**

ITEM 13.1 LOCAL TRANSPORT FORUM

ii. Police and emergency services notification for the road closures.

- 10 Approve signs and devices necessary to affect the road closure.**
- 11 Advertise the road closures seven (7) days prior.**
- 12 Proposes to install line marking and blister to facilitate drivers to enter Taylors Arm Road perpendicular from Maras Creek Road.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Seek clarification or refer matters back to the Local Transport Forum
- 3 Alternative option – That may need to be discussed at the Local Transport Forum

DISCUSSION:

One of the conditions of the (2025) Authorisation and Delegation Instrument is that councils establish a Local Transport Forum (formerly known as Local Traffic Committee). The Forum provides advice, technical review, and coordination of works and events. It does not vote, issue approvals, or make decisions.

The four formal members of the Local Transport Forum are representatives from each of Council, Transport, NSW Police, and the relevant State Member(s) of Parliament. Councils are welcome to invite others.

Some works must be referred to the Local Transport Forum for advice prior to implementation, such as those which restrict or prohibit passage for longer than 6 months and those which prevent or hinder safe public transport operations for more than 24 hours.

For most works, referral to the Local Transport Forum is optional at the discretion of council, provided the Forum is later given a record of any use of prescribed traffic control devices.

Proposals of less than 24 hours are not required to be referred to the Local Transport Forum at all, but some will require notification of Transport, Police, and/or bus operators.

Council is not bound by the advice given by its LTF. However, if Council does wish to act contrary to unanimous advice of the LTC or when the advice is not unanimous, it must notify TfNSW and the NSW Police and wait 14 days before proceeding.

The Nambucca Local Transport Forum meets every two months, generally on the first Tuesday of that month.

ANZAC DAY March Macksville

TfNSW will further investigate and provide further advice regarding the impact of the partial closure of Cooper Street given the adjacent bridge works and likely overlap of Traffic Guidance Schemes

CONSULTATION:

Local Transport Forum

SUSTAINABILITY ASSESSMENT:**Environment**

No impact

Social

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No Impact

Economic

AS identified in each report

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Reduce the risk of road accidents	M	H	Provide delineation, signage and advice to drivers	M

Delivery Program Action

1.3 - Promote and facilitate a range of activities that encourage greater social connection for our young people

4.5 - Encourage localised spending by the Nambucca Valley community that supports local businesses and the community more broadly

5.2 - Engage, work and advocate with partners, including other levels of government, service providers, businesses, community and others, to enhance our local area and quality of life

FINANCIAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1  55163/2025 - Minutes - Nambucca Local Transport Forum - 7 October 2025

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 13.2 SF2250 151025 MACKSVILLE MEMORIAL AQUATIC AND FITNESS CENTRE
- REPLACEMENT OF GRANDSTAND**

AUTHOR/ENQUIRIES: Connor Gainge, Facilities Operations and Compliance Officer

SUMMARY:

The grandstand and its underlying concrete foundations have been identified as being in poor condition, and this report outlines the recommended options for the repair or complete replacement.

RECOMMENDATION:

That Council endorse the proposed solutions for the grandstand at a high priority for remove and replace with solution 1 and 5 in the options contained in this report.

OPTIONS:

- 1 Do nothing/business as usual.
- 2 Proposed recommendation
- 3 Alternate option

BACKGROUND:

A recent assessment conducted by a qualified engineer has identified significant deterioration in the grandstand at the Macksville Memorial Aquatic and Fitness Centre. Due to the extent of the damage, the structure has been deemed unsafe for public use. As a precautionary measure, the engineer has recommended that the grandstand be fully fenced off until such time that necessary repairs or a complete replacement can be undertaken.

The assessment further determined that the grandstand does not meet current safety standards, presents a danger to the public, and could potentially pose an environmental hazard. Council will therefore be considering courses of action to either repair or replace the grandstand.

The underlying concrete slab has also been assessed and found to be in poor condition. The structural engineer has recommended that it be either be repaired or replaced to support the integrity and safety of any future works to the grandstand.

DISCUSSION:

The closure of the grandstand continues to present a number of challenges for the Macksville Memorial Aquatic and Fitness Centre and the broader community. The loss of this infrastructure has reduced the centres' ability to accommodate major events and limiting opportunities for community participation. In addition, the deteriorating condition of the structure raises replacement challenges that require careful consideration. Given these ongoing impacts, it is necessary to evaluate a range of options regarding the future of the grandstand.

There are two main components that require attention:

1. Grandstand Structure
2. Concrete foundation slab

With the foundation slab there are two options:

1. Resin injected slab
2. Replace concrete slab

There are several options available to reinstate the grandstand. These options and repair solutions are listed in the table below.

ITEM 13.2 MACKSVILLE MEMORIAL AQUATIC AND FITNESS CENTRE - REPLACEMENT OF GRANDSTAND

While the use of resin injection may repair the existing crack in the concrete and has the potential to extend the structures serviceable life for 10 or more years, there are some risks with this option. This method does not provide certainty regarding the long-term structural integrity of the grandstand. There remains no guarantee as to how long the structure would remain safe and fit for public use following such repairs. By contrast, full replacement of the concrete would provide a more durable solution, with an expected lifespan in excess of 50 years however it will cost more.

It is important to note that undertaking repair works on the grandstand will not guarantee compliance with current building and safety standards, nor will it provide certainty that the structure would be considered fully safe and structurally sound for ongoing public use. By contrast full replacement or temporary replacement of the grandstand would provide a more durable solution, with an expected lifespan in excess of 50 years for a full replacement and 10 for temporary replacement. Grant funding opportunities will be open from 24 November 2025, with applications requiring matching contributions from Council. Available funding ranges from a minimum \$50,000 to a maximum \$300,000.

The Marlins swim club intends to apply for grant funding in November to try and secure funds to assist Council in repairing/replacing the grandstand. To support their application and reach the required funding threshold of \$35,000, Council would need to provide a contribution of \$12,000. Council could use its \$70,000 capital works budget to for this co-funding requirements.

The Macksville Memorial Aquatic and Fitness Centre Master plan outlines a comprehensive refurbishment program, including the full upgrade and extension of the grandstand estimated in 2018 to be \$2.4M ex GST. While this improvement would enhance spectator capacity, improve accessibility, and ensure the facility continues to meet community needs into the future, Council does not have the funds to build this structure and has applied for several grants over the years with no success.

Solutions	Description	Seating Capacity	Indicative Cost	Useful Life
Concrete Slab Repair				
1	Resin inject concrete slab	N/A	\$10K	Concrete slab 10 years
2	Replace Concrete slab	N/A	\$30K	50 years
Grandstand Repair				
3	Repair existing Grandstand Replacing base plates Powered coat base plates	150	30k capital 5k maintenance costs over 6-12 months	Grandstand 6-12months
4	Repair existing grandstand Replace base plates Replace roof Sand blast – powder coat Repair seating	150	60k capital 5k maintenance costs over 10 years	Grandstand – 10 years
5	Remove and replace existing grandstand Sunguard ultimate five 4m long 4 tier roofed aluminium grandstand	125	105k capital 5k maintenance costs over 10 years	Temporary Grandstand 10 years
6	Remove and replace existing grandstand Sunsafe comfort three 6m long 4 tier roofed aluminium grandstand	90	115k capital 5k maintenance costs over 10	Temporary Grandstand 10 years

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	Wheelchair section		years	
7	Remove and replace existing grandstand One 12m long 6 tier aluminium grandstand 15mx5m counter levered shade structure	144	135k capital 5k maintenance costs over 10 years	Temporary Grandstand 10 years
8	Remove and replace existing grandstand Two 6m long 4 tier aluminium grandstands Two 4m long 4 tier aluminium grandstands 15x5m counter levered shade structure	158	160k capital 5k maintenance costs over 10 years	Temporary Grandstand 10 years
9	Remove and replace existing grandstand 15m long 7 tier steel powder coated grandstand with back side storage Full covered roof incorporated	184	300k to 350k capital 25k maintenance costs over 50 years	Newly constructed Grandstand 50 years
10	Do nothing/business as usual	0	0	0

The estimated timeframes for completion of the proposed solutions are as follows:

Solution 3 approximately two weeks

Solution 4 approximately one month

Solution 5 and 6: approximately three weeks

Solution 7 and 8 approximately five weeks

Solution 9 approximately three to four months

For any total cost to repair, the cost of the slab repair and the grandstand repair would need to be added together.

CONSULTATION:

There has been consultation with external manufacturers
Council staff

SUSTAINABILITY ASSESSMENT:

The sustainability assessment considers the broader implications of the grandstands closure, focusing on the social, economics, and environmental impacts to ensure outcomes support community needs, long-term viability, and environmental responsibility.

Environment

The closure of the grandstand poses environmental risks, as the deteriorating structure may release hazardous materials into the surrounding area and contribute to increased waste and maintenance requirements if left unaddressed.

Social

The closure of the grandstand reduces the overall amenity of the aquatic centre, limiting community use, participation, and opportunities for social connection during events.

ITEM 13.2 MACKSVILLE MEMORIAL AQUATIC AND FITNESS CENTRE - REPLACEMENT OF GRANDSTAND

Economic

The closure of the grandstand limits the aquatic centre's capacity to host carnivals, resulting in reduced revenue for the facility and a loss of economic benefit to the wider community.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Lack of seating availability	H	M	Replace or repair structure and concrete	L

Delivery Program Action

2.3 - Maintain and improve community facilities and infrastructure that provide a basis for our connectedness and well-being

FINANCIAL IMPLICATIONS:

Additional capital works funds may be required depending on the option chosen. Even after a repair is made the replacement of the grandstand would need to be budgeted in the 10 year LTFP.

Direct and indirect impact on current and future budgets

\$70,000 capital allocated to capital works at the MMAFC.

Working funds – justification for urgency and cumulative impact

Impacts on 10 Year Long Term Financial Plan

While a temporary grandstand would reduce initial costs, it would not provide a long-term solution. Council would likely need to reinvest within the 10-year period to replace or upgrade the structure, resulting in higher overall expenditure compared to installing a permanent facility.

Installing a permanent grandstand would involve a higher upfront cost but would deliver a long-term asset with an expected lifespan of 50+ years. This option would remove the need for further capital expenditure within the 10-year plan and provide greater value for money over the life of the structure.

Service level changes and resourcing/staff implications

N/A

ATTACHMENTS:

- 1 55907/2025 - Aquatic Centre Master Plan
- 2 55908/2025 - Aquatic Centre Schedule of Quantities
- 3 55909/2025 - Macksville Memorial Aquatic & Fitness Centre - Replacement of Grandstand Solutions
- 4 55910/2025 - Solution 5 - MMAFC - Replacement of Grandstand
- 5 55911/2025 - Solution 6 - MMAFC - Replacement of Grandstand
- 6 55912/2025 - Solution 7 - MMAFC - Replacement of Grandstand
- 7 55913/2025 - Solution 8 - MMAFC - Replacement of Grandstand

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8

55918/2025 - Solution 9 - MMAFC - Replacement of Grandstand

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 13.3 PRF53 151025 RIVER STREET TOILET

AUTHOR/ENQUIRIES: Matthew Leibrandt, Manager Infrastructure Services

SUMMARY:

This report relates to the Council resolution of 16 April 2025 regarding the relocation of the River Street toilet block, for which Council has secured \$474,060 under Round 5 of the Stronger Country Communities Fund (SCCF). This funding must be fully expended by 31 March 2026 and no extensions will be given.

Further investigations of the proposed relocation site have identified significant Telstra infrastructure that would impede construction. Telstra has advised that this infrastructure forms part of the primary telecommunications link between Sydney and Brisbane. Works may therefore involve considerable time, complexity, and cost, with Telstra currently unable to provide a confirmed solution or cost estimate. Preliminary advice suggests that network protection works could require in the order of \$125,000.

Project timelines indicate that, if unimpeded, a new or refurbished toilet block could be delivered within approximately five months. However, delays arising from Telstra-related negotiations may jeopardise the ability to meet the SCCF completion deadline.

RECOMMENDATION:

That Council holds discussions with the funding body to reallocate the grant funding for the River Street toilet to the Grandstand at the Macksville Memorial Aquatic and Fitness Centre.

OPTIONS:

- 1 Do nothing and continue negotiating with Telstra regarding building over their infrastructure and allocate an additional \$125,000 of General Funds to the project and potentially risk losing the grant funding
- 2 Proposed recommendation
- 3 Refurbish the existing toilet block

BACKGROUND:

In October 2021, a masterplan for the Nambucca River Foreshore in Macksville identified several potential options for relocating the River Street toilet block to improve view lines from Princess Street.

The identified locations included:

- the site adopted in the Council resolution;
- a site directly adjacent to the current toilet block within the road reserve; and
- a site at Wallace Lane, which would have required the purchase of part of the property currently occupied by the National Bank.

The Wallace Lane option was previously pursued by a former General Manager, but without success. The currently proposed location presents significant challenges due to Telstra infrastructure, while the adjacent road reserve option raises concerns in relation to traffic and other underground services.

It is noted that architects engaged to prepare masterplans typically focus on design outcomes and amenity rather than the location of existing underground services, which can create challenges when progressing projects to delivery.

ITEM 13.3 RIVER STREET TOILET**DISCUSSION:**

Investigations into the proposed relocation site have highlighted the practical challenges of delivering the project within the required SCCF timeframe. The Telstra infrastructure is critical for national telecommunications and cannot be relocated or worked around without significant cost and time. Preliminary estimates for necessary network protection works are approximately \$125,000, though a final figure cannot yet be confirmed by Telstra.

Given the funding deadline of 31 March 2026, any delays in resolving the infrastructure issues may jeopardise project delivery. In contrast, retaining or refurbishing the toilet block at its current location avoids these complex negotiations and can be completed within an estimated five months, ensuring compliance with funding requirements.

Council is therefore faced with a practical decision to:

1. Not proceed with the project due to the risk currently at the site with respect to time and costs.
2. Proceed at the current location and negotiate with Telstra over any protection works required
3. Proceed with the proposed relocation and accept the risks of delay and additional costs or retain the toilet block at its current site to ensure timely delivery within budget.
4. Empowering the General Manager to make this determination based on further investigation allows Council to respond efficiently while managing risk.

An earlier report into the grandstand at the Macksville Memorial Aquatic and Fitness Centre (MMAFC) give options for the upgrade of that asset. Investigations into the funding guidelines indicate that it would be suitable for the program, noting that the completion time of February 2026 will unlikely be met. IF this option is chosen a discussion with the funding body on eligibility and extra time will need to be negotiated.

CONSULTATION:

The masterplan, previous report to Council (**Attached**), and failed identification of suitable alternate locations have been well documented.

SUSTAINABILITY ASSESSMENT:**Environment**

Renovating the existing toilet block at its current location represents the most sustainable option, as it enables the reuse of existing infrastructure

Social

The existing River Street toilets are widely regarded as being of a poor standard, and their upgrade in any form will deliver a positive social outcome for the community

Economic

Fail to act may result in the return of the \$474,060 Round 5 of the Stronger Country Communities Fund (SCCF) Grant allocation.

There may be an option to reallocate the funds to another project that can be completed in the timeframe. This would need to be discussed with the funding body.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Loss of Grant funding	H	M	Shift from focus on relocating the toilet block to refurbishing it in its current location	Negativity relating to the loss of potential sight lines from Princess Street

ITEM 13.3 RIVER STREET TOILET

Delivery Program Action

2.2 - Provide and advocate for essential supporting infrastructure and services that cater for current needs and future growth

3.2 - Encourage our community to live more sustainably whilst minimising our local carbon emissions

4.1 - Beautify town centres and villages to generate vitality and activity that supports additional and more diverse businesses

5.3 - Keeping our community at the centre of service delivery whilst remaining effective and efficient and delivering transparent governance and financial sustainability

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

\$125,000 may be required from the General Fund should the current location be retained and a cost-effective solution not be confirmed with Telstra.

Working funds – justification for urgency and cumulative impact

\$125,000 may be required from the General Fund should the current location be retained and a cost-effective solution not be confirmed with Telstra.

Impacts on 10 Year Long Term Financial Plan

NA

Service level changes and resourcing/staff implications

NA

ATTACHMENTS:

1  17389/2025 - River Street Toilet Block Relocation

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 13.4 SF843 151025 MINUTES OF THE VEHICULAR ACCESS TO BEACHES
COMMITTEE MEETING - 18 SEPTEMBER 2025**

AUTHOR/ENQUIRIES: Jodie Jeffery, Executive Assistant

SUMMARY:

A meeting of the Vehicular Access to Beaches Committee was held on Thursday 18 September 2025. **Attached** are the minutes for Council's information and endorsement.

RECOMMENDATION:

That Council notes the Minutes of the Vehicular Access to Beaches Committee meeting held Thursday 18 September 2025.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation

DISCUSSION:

The Vehicular Access to Beaches Committee convenes twice per annum. If a quorum cannot be achieved comprising 1 Councillor, 3 Honorary Rangers plus the Director Engineering Services or their delegated officer, the VABC cannot formally resolve recommendations to be presented to Council for consideration and can only present a record of the discussion.

For the meeting held 18 September 2025 a quorum was achieved with the Mayor, 1 Councillor, 4 Honorary Rangers and the Manager Development and Environment in attendance.

CONSULTATION:

Vehicular Access to Beaches Committee.

SUSTAINABILITY ASSESSMENT:

Environment

The monitoring of 4WD Beach Permit holders when driving on the beaches in the Local Government Area by Council's Ranger and volunteer Honorary Rangers will aid in the protection of sand dunes within the beach environment. It also assists in the prevention of unregistered or vehicles without permits driving on the beaches.

Social

The safety of other beach users is enhanced and is consistent with public requests.

Economic

There are economic issues associated with tourism as the access to beaches are a draw card for visitors to the region.

**ITEM 13.4 MINUTES OF THE VEHICULAR ACCESS TO BEACHES COMMITTEE MEETING - 18
SEPTEMBER 2025**

Risk Analysis:

N/A

Delivery Program Action

3.1 - Enhance waterways, the river and natural areas to protect and restore local biodiversity and water quality

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

There will be no direct or indirect impact on current or future budgets as the income realised from the sale of the beach permits is used for the maintenance of the beach access tracks and signage and is cost neutral to the budget.

Working funds – justification for urgency and cumulative impact

The source of funds towards any work on the beach access tracks is to be funded from the reserve emanating from the sale of beach permits which means that there is no impost on working funds but will result in a decrease within the reserve.

Impacts on 10 Year Long Term Financial Plan

There are no long-term impacts.

Service level changes and resourcing/staff implications

There are no changes to service levels or resourcing/staff implication associated with this report.

ATTACHMENTS:

1  51509/2025 - Minutes - Vehicular Access to Beaches Committee - 18 September 2025