



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 28 JANUARY 2026

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 **fourth 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 - 28 JANUARY 2026

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.

AGENDA

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13 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING

13.1 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.

13.2 Proposed sale of Lot 2 DP 1294410 - 150 Albert Drive Warrell Creek

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.

a Questions raised by Councillors at 8 above

- i MOTION TO CLOSE THE MEETING
- ii PUBLIC VERBAL REPRESENTATIONS REGARDING PROPOSAL TO CLOSE
- iii CONSIDERATION OF PUBLIC REPRESENTATIONS
- iv DEAL WITH MOTION TO CLOSE THE MEETING

14 MEETING CLOSED TO THE PUBLIC

15 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).

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

The following document is the minutes of the Ordinary Council meeting held **17 DECEMBER 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **28 JANUARY 2026** and therefore subject to change. Please refer to the minutes of **28 JANUARY 2026** for confirmation.

PRESENT

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

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

ALSO PRESENT

Bede Spannagle (General Manager)
Jan Rooney (Acting Director Corporate and
Community Services)
Evan Webb (Chief Financial Officer)

David Moloney (Director Engineering Services)
Daniel Walsh (Director Development and Environment
Services)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

Cr Troy Vance

Kristian Enevoldson (Acting Director Corporate and
Community Services)

ACKNOWLEDGMENT OF COUNTRY

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

COUNCIL MEETING AUDIO RECORDINGS

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

PRAYER

Pastor Marshall Hodgekiss from the Action Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Simson declared a non-pecuniary – less significant conflict of interest in *Item 11.4 Amendment to the Nambucca LEP 2010- Extensive Plant Agriculture* under the Local Government Act as Cr Simson is a Committee member of the Nambucca Valley Growers and Producers Association. Cr Simson stayed in the meeting for this item.

Councillor Simson declared a non-pecuniary - significant conflict of interest in *Item 10.3 Recommendation for Community Grants Program 2025/26 Round 2* under the Local Government Act as Cr Simson is a Committee member of the Nambucca Valley Growers and Producers Association. Cr Simson left the meeting for this item.

Councillor MacSmith declared a non-pecuniary - significant conflict of interest in *Item 10.3 Recommendation for Community Grants Program 2025/26 Round 2* under the Local Government Act as Cr MacSmith employs one of the applicants. Cr MacSmith left the meeting for this item.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 26 NOVEMBER 2025

357/25 **RESOLVED:** (McWilliam/Simson)

That the minutes of the Ordinary Council Meeting of 26 November 2025 be confirmed.
Upon being put to the meeting, the motion was declared carried.

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

NOTICE OF MOTION - CR MACSMITH

ITEM 5.1 SF3422 171225 Notice of Motion - Report Outlining the Governance, Representation, and Membership Considerations to Assist Determining Whether to Join the Mid North Coast Joint Organisation (MNCJO) in the Future.

358/25 **RESOLVED:** (MacSmith/Simson)

That Council report on governance, representation, and membership considerations to assist in determining whether to join the Mid North Coast Joint Organisation (MNCJO in the future), including:

- a **Membership Options**
A comparison of full and associate membership, including precedents such as Clarence Valley Council's arrangement, and the associated risks and benefits of each option.
- b **Council-to-Mayor Direction Mechanism**
Advice on how the governing body may formally direct the Mayor, as Council's representative on the MNCJO Board, to table motions or present adopted Council positions at the MNCJO.
- c **Transparency and Access**
Enquiries to the MNCJO regarding Councillor access to observe MNCJO meetings via livestream or similar technology.
- d **Pre and Post Meeting Procedures**
Potential governance processes for mandatory meetings and or reporting in relation to MNCJO meetings.
- e **Policy Development**
The feasibility, process and budgetary requirements for the development of a Joint Organisation Participation Policy for Nambucca Valley Council.

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, MacSmith and Simson Total (6)
Against the Motion:	Councillors Lee and McWilliam Total (2)

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

Item 11.2 – Bowraville Masterplan

i Ms Phillida Hartley – against the recommendation

Item 11.4 – Amendment to the Nambucca Local Environmental Plan 2010 - Intensive Plant Agriculture

ii Ms Allison Mackay – against the recommendation

iii Ms Ainslie Ashton on behalf of Nambucca Valley Growers and Producers Association – against the recommendation

Item 11.5 – Modification to Residential Flat Building - Extension of Roof Line - 3 High Street, Nambucca Heads

iv Mr Bernard Perkins – against the recommendation

v Mr David Pleasance - against the recommendation

vi Mr Bruce Mason – for the recommendation

vii Ms Sandy Mason on behalf of Vista Projex Pty Ltd - for the recommendation

DELEGATIONS

i Ms Phillida Hartley addressed Council with speaking notes placed on 70613/2025 SF3424.

359/25RESOLVED: (McWilliam/Jenvey)

That an extension of time be granted.

ii Ms Allison Mackay addressed Council with speaking notes placed on 70603/2025 SF3424.

360/25RESOLVED: (Jones/Jenvey)

That an extension of time be granted.

iii Ms Ainslie Ashton addressed Council with speaking notes placed on 70617/2025 SF3424.

iv Mr Bernard Perkins addressed Council with speaking notes placed on 70372/2025 SF3424.

361/25RESOLVED: (Jenvey/McWilliam)

That an extension of time be granted.

v Mr David Pleasance addressed Council with speaking notes placed on 70631/2025 SF3424.

vi Mr Bruce Mason addressed Council with speaking notes placed on 70581/2025 SF3424.

vii Ms Sandy Mason addressed Council with speaking notes placed on 70629/2025 SF3424.

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

362/25 **RESOLVED:** (Jones/Simson)

That Council bring Item 11.4 forward.

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

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

ITEM 11.4	SF3508	171225	Amendment to the Nambucca Local Environmental Plan 2010 - Intensive Plant Agriculture
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363/25 **RESOLVED:** (Simson/Jones)

That Council:

- 1 Undertake further consultation, taking into consideration the original LEP Proposal, together with the LEP Draft for stakeholder consultation and the draft presented to Council.**
- 2 Call for members of the community to forward their lived experience of the impacts of this industrial scale horticulture and that these be forwarded to the Department of Planning with the submission of the LEP Proposal.**
- 3 Provides a report on the scope and costing of a Rural Land Use Strategy.**
- 4 Seek out Minister Saffin's assistance to map out a Government approach to this issue.**

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

For the Motion:	Councillors Ballangarry, Jenvey, Jones, Lee, MacSmith, McWilliam and Simson Total (7)
Against the Motion:	Councillor Angel Total (1)

PUBLIC FORUM

RECOMMENDATION:

That the following public forum be heard:

viii Mr Glen Olsen - Speaking about the closure of McHughes Creek Road

PUBLIC FORUM

viii Mr Glen Olsen addressed Council with speaking notes placed on 70288/2025 SF3424.

364/25 **RESOLVED:** (MacSmith/Jenvey)

That an extension of time be granted.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

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	171225	Outstanding Actions and Reports
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365/25 **RESOLVED:** (MacSmith/Simson)

That Council notes the list of outstanding actions and reports.

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

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

ITEM 9.2	SF3528	171225	Investment Report for November 2025
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366/25 **RESOLVED:** (McWilliam/Simson)

That Council:

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

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

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

ITEM 9.3 SF3638 171225 Request for Section 356 Donations

367/25 **RESOLVED:** (Jenvey/McWilliam)

That Council approves the following Section 356 donation requests:

- 1 Logger Heads Malibu Club Inc for \$1,000**
- 2 Nambucca Valley Bridge Club Inc for \$1,000**
- 3 Nambucca Valley Cycle Club Inc for \$995.55**
- 4 Bowraville Arts Council Inc for \$1,000**

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

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

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORTS

ITEM 10.1 SF600 171225 Land Disposal and Acquisition Policy

MOTION: (McWilliam/MacSmith)

That Council:

- 1 Endorses the new draft Land Disposal and Acquisition Policy 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.
- 3 Rescinds the current Land Acquisition Policy G46 once the new Policy is adopted.

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

For the Motion:	Councillors Lee and McWilliam Total (2)
Against the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, MacSmith and Simson Total (6)

368/25 **RESOLVED:** (Jones/MacSmith)

That Council defer this item.

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, MacSmith and Simson Total (6)
Against the Motion:	Councillors Lee and McWilliam Total (2)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

ITEM 10.2 SF344 171225 Nominations to Council Section 355 Committees of Management

369/25 **RESOLVED:** (Angel/Simson)

That Council approves the nominations of Section 355 Committees of Management for Warrell Creek Public Hall as per the table in the Discussion section of the report.

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee, MacSmith, McWilliam and Simson
Total (8)

Against the Motion: Nil
Total (0)

Councillor Ljubov Simson and Councillor Jane MacSmith left the meeting before the commencement of this item, the time being 6:47 PM.

ITEM 10.3 SF3654 171225 Recommendations for Community Grants Program 2025/26
Round 2

370/25 **RESOLVED:** (Jenvey/McWilliam)

That Council approves the recommended projects for funding under the Community Grants Program 2025/26 Round 2.

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee and McWilliam
Total (6)

Against the Motion: Nil
Total (0)

Councillor Ljubov Simson and Councillor Jane MacSmith returned to the meeting at the completion of this item, the time being 6:49 PM.

ITEM 10.4 LF3730 171225 Classification of Operational Land - Lots 2-7 DP 1301907 Scotts
Head Road, Way Way

371/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Exhibits the classification of Lots 2-7 DP 1301907, Scotts Head Road Way Way as operational land in accordance with Section 34 of the *Local Government Act 1993*.**
- 2 Classifies Lots 2-7 DP 1301907 Scotts Head Road Way Way as operational land subject to no submissions being received.**

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee, MacSmith, McWilliam and Simson

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

Against the Motion:	Total (8)
	Nil
	Total (0)

ITEM 10.5	SF3506	171225	Library Statistics Report
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MOTION: (McWilliam/MacSmith)

That Council notes the statistics information provided in this report.

AMENDMENT: (Jenvey/Simson)

That Council:

- 1 Notes the statistics information provided in this report.
- 2 Report back on our Library collection and how it might be funded in a future budget.

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

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

372/25 **RESOLVED:** (Jenvey/Simson)

That Council:

- 1 Notes the statistics information provided in this report.
- 2 Report back on our Library collection and how it might be funded in a future budget.

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

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

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORTS

ITEM 11.1	SF3422	171225	Tree Permit Requirements
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373/25 **RESOLVED:** (Jones/Jenvey)

That Council:

- 1 Publicly exhibits a proposed amendment to Clause A4.14 of the Nambucca Development Control Plan 2010 which reads:

A4.14 CLEARING OF VEGETATION

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

The following vegetation is declared to be vegetation to which Part 3 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 applies:

- i. Areas of vegetation on public land to be cleared by persons other than a public authority.
- ii. Areas of vegetation identified on the following map within the Pearl Estate Valla as vegetation to be retained/not to be cleared.
- iii. Significant trees within a non-rural area.

Note: A non-rural area is defined as any land within the following zones:

RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, R5 Large Lot Residential, E1 Local Centre, E2 Commercial Centre, E3 Productivity Support, E4 General Industrial, MU1 Mixed Use, SP1 Special Activities, SP2 Infrastructure, SP3 Tourist, RE1 Public Recreation, RE2 Private Recreation, C2 Environmental Conservation, C3 Environmental Management, C4 Environmental Living.

A significant tree is defined as any tree which is listed as a threatened species, EEC species, or critical habitat for a threatened species, any tree listed on Councils Significant Tree Register, or any tree with a trunk circumference in excess of 2.0 metres. In addition, trees with multiple trunks that have trunks with a total circumference of 2.0 metres or more and an average circumference of 625mm or more are also classed as significant. In each situation the circumference of the trunk(s) is taken at a height of one metre above natural ground level."

2 Obtain legal advice in relation to Council's liability in relation to this resolution in regard to fire and property damage during the 28 day exhibition period.

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

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

ITEM 11.2	SF3030	171225	Bowraville Masterplan
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374/25 **RESOLVED:** (Jenvey/Simson)

That Council re-allocate the \$25,000 in this year's budget to carry out some works identified in the masterplan including shade options, greenery and additional seating.

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

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

ITEM 11.3 SF3410 171225 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

375/25 **RESOLVED:** (Jones/McWilliam)

That Council notes the information contained within the report.

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

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

Item 11.4 was brought forward.

ITEM 11.5 DA2023/015 171225 Modification to Residential Flat Building - Extension of Roof Line - 3 High Street, Nambucca Heads

376/25 **RESOLVED:** (McWilliam/Angel)

That Council approves the modification application for DA2023/015 Lot 2 DP 390600 3 High Street, Nambucca Heads.

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

For the Motion:	Councillors Lee and McWilliam Total (2)
Against the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, MacSmith and Simson Total (6)

That Council refuse the modification application for 3 High Street, Nambucca Heads, as the increased height compounds existing impacts and results in additional impacts on neighbouring views, is inconsistent with view-sharing principles, and is not justified where reasonable alternatives are available.

ITEM 11.6 DA2025/215 171225 Construction of Six (6) Dwellings and Six (6) Lot Subdivision - 42-44 Janggal Janggal Road, Nambucca Heads

MOTION:

That Council approves DA2025/215 subject to the conditions listed in Attachment 1, and incorporating those conditions required by the NSW Rural Fire Service.

AMENDMENT: (MacSmith/Simson)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

That Council defer this item until a site visit is conducted.

Upon being put to the meeting, the amendment was declared lost and reverted to the original motion.

For the Motion: Councillors MacSmith and Simson
Total (2)

Against the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee and McWilliam
Total (6)

377/25 **RESOLVED:** (Jenvey/Jones)

That Council approves DA2025/215 subject to the conditions listed in Attachment 1, and incorporating those conditions required by the NSW Rural Fire Service.

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee, MacSmith, McWilliam and Simson
Total (8)

Against the Motion: Nil
Total (0)

ITEM 11.7 SF453 171225 Waste Management Status Quarterly Report 1 July - 30 Sept
2025

378/25 **RESOLVED:** (McWilliam/Angel)

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

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee, MacSmith, McWilliam and Simson
Total (8)

Against the Motion: Nil
Total (0)

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 SF3671 171225 Scotts Head Master Plan - Project Reference Group

379/25 **RESOLVED:** (MacSmith/Simson)

That Council:

- 1 Adopts the Terms of Reference for the Project Reference Group**
- 2 Advertises for members in accordance with the Terms of Reference**
- 3 Nominates Mayor Lee to be on the Project Reference Group.**

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

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

ITEM 12.2	SF2154	171225	Nambucca Integrated Water Cycle Management
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380/25 **RESOLVED:** (McWilliam/Angel)

That Council adopts the 2025 Nambucca Valley Council Strategic Plan for Water Supply and Sewerage.

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

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

ITEM 12.3	SF1031	171225	Asbestos Management Policy ES 27
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381/25 **RESOLVED:** (Jenvey/Angel)

That Council adopts the Asbestos Management Policy ES 27.

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

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

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

382/25 **RESOLVED:** (Jenvey/McWilliam)

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

Reason reports are in Closed Meeting:

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1	SF3420	171225	Matters Regarding Realised or Potential Losses
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

For Confidential Business Paper in Closed Meeting

ITEM 13.2	SF3420	171225	RFT 2006593 Construction of Valla Urban Growth Area Sewerage Pump Station
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 13.3	SF3420	171225	T2025-052 Road Construction & Maintenance - Panel Supply
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 13.4	SF3420	171225	Lease over Crown Reserve R81262 - Ingenia Holidays White Albatross Wellington Drive Nambucca Heads
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

For Confidential Business Paper in Closed Meeting

ITEM 13.5	SF3420	171225	Valuation Conducted - Valla Urban Growth Area Industrial Lots
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (c) of the Local Government Act, 1993, on the grounds that the report contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 171225 RFT 2006593 Construction of Valla Urban Growth Area
Sewerage Pump Station

385/25 **RESOLVED:** (Angel/MacSmith)

That Council:

- 1 Awards Tender RFT-2006593 – Construction of Valla Urban Growth Area Sewage Pump Station to AJ Civil Projects Pty Ltd for the contract sum of \$3,076,753.64 (ex GST).**
- 2 Delegates to the General Manager the authority to finalise and execute the contract and any other documentation required to give effect to this resolution.**
- 3 Updates the Contract Register.**

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

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

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 171225 T2025-052 Road Construction & Maintenance - Panel Supply

386/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Place suppliers ranked 1 to 14 on the Supplier Panel for Road Construction and Maintenance Services (T2025-052).**
- 2 Updates the Contract Register.**

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

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

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 171225 Lease over Crown Reserve R81262 - Ingenia Holidays White Albatross Wellington Drive Nambucca Heads

387/25 **RESOLVED:** (Angel/McWilliam)

That Council:

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

- 1 Notes the updated information on preservation of boundaries, encroachments, weed and waste management.
- 2 Proceeds with the twenty-one (21 year) lease to INA Operations Pty Ltd for the identified encroachments.
- 3 Places 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.

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

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

For Confidential Business Paper in Closed Meeting

ITEM 13.5	SF3420	171225	Valuation Conducted - Valla Urban Growth Area Industrial Lots
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388/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Notes the report on the Valuation conducted for Valla Urban Growth Area Industrial Lots.
- 2 Sells Lots 2-15 excluding Lot 7 of the Valla Urban Growth Area Industrial subdivision stage 1, 80 Red Ash Road
- 3 Delegates the General Manager to execute the sale contracts with the minimum price being the market value listed in the valuation report.
- 4 Receives a report on any sales.

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

For the Motion:	Councillors Angel, Jenvey, Lee and McWilliam Total (4)
Against the Motion:	Councillors Ballangarry, Jones, MacSmith and Simson Total (4)

The Mayor exercised a casting vote for the motion and the motion was declared carried.

For Confidential Business Paper in Closed Meeting

ITEM 13.6	SF3420	171225	Confirmation of the Minutes - Nambucca Valley Community Awards Advisory Committee - 4 December 2025
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389/25 **RESOLVED:** (McWilliam/Simson)

That Council approves the selected award recipients for the 2026 Nambucca Valley Community Award categories as specified in the 4 December 2025 Nambucca Valley Community Awards Advisory Committee minutes.

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 17 DECEMBER 2025

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:36PM.

Confirmed and signed by the Mayor on **28 JANUARY 2026**

Cr Gary Lee
MAYOR
(CHAIRPERSON)

GENERAL MANAGER'S REPORT

**ITEM 9.1 SF3422 280126 REQUEST FOR LEAVE - CR SUSAN JENVEY - 22 TO 31
 JANUARY 2026**

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager

SUMMARY:

Cr Susan Jenvey has requested leave for the period 22 to 31 January 2026 inclusive.

RECOMMENDATION:

That Cr Susan Jenvey be granted leave of absence in accordance with Section 234(1) (d) of the *Local Government Act 1993* for the period of 22 to 31 January 2026 inclusive.

DISCUSSION:

This report is a request on behalf of Cr Susan Jenvey. Cr Jenvey has requested this leave for family/compassionate reasons.

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT**ITEM 9.2 SF959 280126 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	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 9.2 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.

18/11/25 Drafting of licences commenced.

09/12/25 No further update.

20/01/26 Draft 10yr licences now created and with solicitor for legal review. RSL and Boatshed operators have both been updated.

DECEMBER 2023**2**

SF3190

14/12/23

DCCS

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.~~

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS**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.
 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.
 03/10/25-18/11/25 No update.
 09/12/25 No offers received on Lot 2.
 20/01/26 Refer to separate report.

JULY 2024**3**

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.
 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.
 18/11/25 Contractor engaged and anticipate commencement in new year. Confirmation from Reflections that they will provide a contribution towards the Master Plan.
 09/12/25 Kick off meeting held 18/11/25 with contractor. Report to December Council meeting regarding Project Reference Group.
 20/01/26 Expressions of Interest advertised on Council website for Project Reference Group (PRG) community representatives closes 12/01/2026.

NOVEMBER 2024**4**

SF3508

14/11/2024

DDES

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

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS

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.~~

~~18/11/25 Draft planning proposal to be reported to December meeting.~~

~~09/12/25 Refer to separate report regarding planning proposal. Fact sheet will be prepared in the coming weeks.~~

~~20/01/26 Fact sheet created and placed on website.~~

MARCH 2025

5	SF3422	19/03/2025	DCCS
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RESOLUTION: Notice of Motion - Improvements for Nambucca Heads CBD

That Council:

5 Establishes a Community Reference Group (CRG) for the Nambucca CBD project to ensure community consultation from the beginning of the project.

STATUS:

18/11/25-09/12/25 No further update.

20/01/26 Pending formation of CRG, Council provided funds for the community to install Christmas lights in Bowra Street, Nambucca Heads.

JUNE 2025

6	SF3422	18/06/2025	DES
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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.

18/11/25 Report rescheduled for December Council meeting.

09/12/25 Report to February meeting due to responsible Officer managing Category C priority projects.

20/01/26 No further update.

7	SF3424	18/06/2025	DCCS
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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.

18/11/25-09/12/25 No further update.

20/01/26 Scheduled to report back to Council for its 25 March meeting.

JULY 2025

8	SF3586	16/07/2025	DCCS
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RESOLUTION: Duguula Bindarray-Garri Nambucca Valley Council Aboriginal Advisory Committee

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS

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. 03/10/25-18/11/25 Awaiting appointment of Aboriginal Community Development Worker to initiate the RAP. 09/12/25 No further update – still waiting appointment of ACD worker. 20/01/26 Position currently advertised.			
AUGUST 2025			
9	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. 18/11/25-09/12/25 Scheduled for January 2026. 20/01/26 No further update.			
10	SF3424	20/08/2025	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. 18/11/25-20/01/26 Report deferred to future meeting once advice is received that the State Government has made a decision on the Clarence Valley request. No advice received to date.			
11	SF3420	20/08/2025	DES
RESOLUTION: Tender - T2025-042 Provision of Water Meter Reading Services That Council: 4 Do not Award Tender T2025-042 – Provision of Water Meter Reading Services. 2 Defer this item and receive a report back exploring other options.			
STATUS: 09/09/25 Prioritised to follow Water & Sewer Policy review. 03/10/25-20/01/26 No further update.			
SEPTEMBER 2025			
42	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 'Trees and Street Gardens - Maintenance and Removal of Trees and Street Gardens on Public Land Managed by Council Policy No: ES 10'. 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. 18/11/25 To be reported to December meeting. 09/12/25 Refer to separate report. 20/01/26 Application form for tree register uploaded on website.			
OCTOBER 2025			
13	SF2888	15/10/2025	GM
RESOLUTION: Valla Urban Growth Area Suburb Name			

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS

Council resolve to look further into naming the suburb subject to community consultation and Geographical naming board approval.			
STATUS: 18/11/25 No further update. 09/12/25 A petition was received with 57 signatures from residents in favour of retaining the suburb name of Valla. There were 3 speakers at the November public forum who spoke in favour of retaining the suburb name. 20/01/26 No further update.			
14	SF3422	15/10/2025	DCCS
RESOLUTION: Notice of Motion - Prevention of Gender-Based, Domestic and Family Violence That Council: 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. 6 The Council will advocate to state ministers and our state member Michael Kemp MP for funds available through the Core and Cluster program, and the federal government ministers and federal member Pat Conaghan MP for programs available through the National Plan to End Violence Against Women and Children, for the funding of a safe housing initiative in the Nambucca Valley. The Council will also advocate to the Anglicare Crisis Support Program to explore options for a safe housing initiative. 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 Provide a report to Council on the Prevention of Gender-based, Domestic and Family Violence under the "root cause of crime" priority (Operational Plan 2025/2026 & Delivery Program 2025/2029) including the consideration of partnering with the Office of Local Government in the delivery of the state government funded "Pathways to Prevention Strategy" which includes primary prevention of violence strategies, by-stander and unconscious bias training. As part of the report Council will explore the role of Council as a community leader in addressing Gender-based, Domestic and Family Violence, as modelled by Kuringai Council. 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.			
STATUS: 18/11/25 Macksville bridge lights programmed to be orange over the 16-day period (pending Transport for NSW bridge works). Social media posts arranged and staff awareness sessions on 18/11 by NSW Health. 09/12/25 Staff training undertaken with NSW Health on Gender Based Violence Awareness. Various activities undertake for 16 Days of Activism against Gender-Based Violence. GM letter sent 10/12/25 as per points 6, 8 & 10. 20/01/26 No further update.			
NOVEMBER 2025			
15	SF3422	26/11/25	GM/CFO
RESOLUTION: Notice of Motion - Establishment of a Budget/Financial Management Committee of the Whole. That Council: 1 Initiate a quarterly Budget/Financial Management Committee of the Whole. 2 Provide a report outlining the preferred date and time for these meetings, along with a proposed agenda structure.			
STATUS: 09/12/25-20/01/26 No update at this stage. Reviewing options. Report to February meeting.			
16	SF95	26/11/25	DDES
RESOLUTION: Proposed Restricted Parking Areas That Council: 1 Notes the information contained within the report. 2 Implements a restricted parking area at the Ferry Street carpark which restricts all long vehicle parking spaces to permit boat and trailer parking only. 3 Develop a site plan for Ferry Street including additional boat/trailer parking and free parking spaces.			
STATUS: 09/12/25-20/1/26 Signage has been ordered and will be implemented on arrival. Site plan to be developed.			
17	SF3495	26/11/25	DDES
RESOLUTION: Review Councils Companion Animal Policy DE 01 That Council: 2 Reports on options and costs to undertake a whole park plan for McMorine park, including, parking, assessment of drainage, seating and design of off-leash dog areas.			
STATUS: 09/12/25-20/01/26 No further update.			
18	SF3424	26/11/25	DES

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS

RESOLUTION: Public Forum			
That Council receive a report on removing the concrete bund at 45 High Street, Bowraville in relation to stormwater.			
STATUS:			
09/12/25 Site inspected to determine remediation needs.			
20/01/26 Drain currently being manufactured for installation.			
19	SF3520	26/11/25	DCCS
RESOLUTION: 2024/2025 Service Reviews			
That Council:			
1 Notes the report from Morrison Low regarding the 2024/25 Service Reviews for Sporting Grounds, Parks and Gardens, Public Halls and Environmental Protection.			
2 Provides a report on council crown managed land, halls & open spaces and recreational assets, including a gap analysis of Plan of Managements.			
3 Report on solutions and budget requirements for a centralised booking system.			
STATUS:			
09/12/25-20/01/26 No further update.			
DECEMBER 2025			
20	SF3422	17/12/25	GM
RESOLUTION: Notice of Motion – Report Outlining the Governance, Representation, and Membership Considerations to Assist Determining Whether to Join the Mid North Coast Joint Organisation (MNCJO) in the Future.			
That Council: report on governance, representation, and membership considerations to assist in determining whether to join the Mid North Coast Joint Organisation (MNCJO in the future), including:			
a Membership Options			
A comparison of full and associate membership, including precedents such as Clarence Valley Council's arrangement, and the associated risks and benefits of each option.			
b Council to Mayor Direction Mechanism			
Advice on how the governing body may formally direct the Mayor, as Council's representative on the MNCJO Board, to table motions or present adopted Council positions at the MNCJO.			
c Transparency and Access			
Enquiries to the MNCJO regarding Councillor access to observe MNCJO meetings via livestream or similar technology.			
d Pre and Post Meeting Procedures			
Potential governance processes for mandatory meetings and or reporting in relation to MNCJO meetings.			
e Policy Development			
The feasibility, process and budgetary requirements for the development of a Joint Organisation Participation Policy for Nambucca Valley Council.			
STATUS:			
20/01/26 Refer to separate report.			
21	SF3508	17/12/25	DDES
RESOLUTION: Amendment to the Nambucca Local Environmental Plan 2010 - Intensive Plant Agriculture			
That Council:			
1 Undertake further consultation, taking into consideration the original LEP Proposal, together with the LEP Draft for stakeholder consultation and the draft presented to Council.			
2 Call for members of the community to forward their lived experience of the impacts of this industrial scale horticulture and that these be forwarded to the Department of Planning with the submission of the LEP Proposal.			
3 Provides a report on the scope and costing of a Rural Land Use Strategy.			
4 Seek out Minister Saffin's assistance to map out a Government approach to this issue.			
STATUS:			
20/01/26 Consultation to occur during January/February. Responses will be reported back to Council with the report regarding the Rural Land Use Strategy.			
22	SF3506	17/12/25	DCCS
RESOLUTION: Library Statistics Report			
That Council:			
2 Report back on our Library collection and how it might be funded in a future budget.			
STATUS:			
20/01/26 This will be considered as part of the 2026/27 budget process.			
23	SF3030	17/12/25	DES
RESOLUTION: Bowraville Masterplan			

ITEM 9.2 OUTSTANDING ACTIONS AND REPORTS

That Council re-allocate the \$25,000 in this year's budget to carry out some works identified in the masterplan including shade options, greenery and additional seating.

STATUS:

20/01/26 No further update.

24	SF3422	17/12/25	DDES
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RESOLUTION: Tree Permit Requirements

That Council:

- 1 Publicly exhibits a proposed amendment to Clause A4.14 of the Nambucca Development Control Plan 2010.
- 2 Obtain legal advice in relation to Council's liability in relation to this resolution in regard to fire and property damage during the 28 day exhibition period.

STATUS:

20/01/26 Exhibition to occur during January/February. Legal advice being obtained.

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT

**ITEM 9.3 SF3422 280126 RESPONSE TO NOTICE OF MOTION REGARDING
GOVERNANCE, REPRESENTATION AND MEMBERSHIP CONSIDERATIONS IN
RELATION TO THE MID NORTH COAST JOINT ORGANISATION**

AUTHOR/ENQUIRIES: Kristian Enevoldson, Acting Director Corporate and Community Services

SUMMARY:

This report is in response to a Notice of Motion presented to the 17 December 2025 Council meeting in relation to the Mid North Coast Joint Organisation (MNCJO) regarding governance, representation, and membership considerations.

RECOMMENDATION:

That Council notes the response to the Notice of Motion submitted to the 17 December 2025 council meeting in relation to the Mid North Coast Joint Organisation.

OPTIONS:

For Information only.

BACKGROUND

Joint Organisations (JOs) are statutory local government bodies under the NSW Local Government Amendment (Regional Joint Organisations) Act 2017 No 65 and the Local Government Act. They provide a way for local councils, the NSW Government, the Commonwealth and Industry to work together to deliver things that matter the most to regional communities. Council is considering whether to join the MNCJO, which currently includes Port Macquarie Hastings, City of Coffs Harbour, Bellingen and Kempsey Councils. Clarence Valley Council is currently as associate member. The MNCJO website includes a wide range of information in relation to the operation of the JO.

DISCUSSION:

At the 17 December 2025 Council meeting the following was resolved:

RESOLVED: (MacSmith/Simson)

That Council report on governance, representation, and membership considerations to assist in determining whether to join the Mid North Coast Joint Organisation (MNCJO in the future), including:

- a Membership Options
A comparison of full and associate membership, including precedents such as Clarence Valley Council's arrangement, and the associated risks and benefits of each option.*
- b Council-to-Mayor Direction Mechanism
Advice on how the governing body may formally direct the Mayor, as Council's representative on the MNCJO Board, to table motions or present adopted Council positions at the MNCJO.*
- c Transparency and Access
Enquiries to the MNCJO regarding Councillor access to observe MNCJO meetings via livestream or similar technology.*
- d Pre and Post Meeting Procedures
Potential governance processes for mandatory meetings and or reporting in relation to MNCJO meetings.*

ITEM 9.3 RESPONSE TO NOTICE OF MOTION REGARDING GOVERNANCE, REPRESENTATION AND MEMBERSHIP CONSIDERATIONS IN RELATION TO THE MID NORTH COAST JOINT ORGANISATION

e Policy Development

The feasibility, process and budgetary requirements for the development of a Joint Organisation Participation Policy for Nambucca Valley Council.

Staff response:

Membership Options

The Mid North Coast Joint Organisation (MNCJO) is a body corporate established on 9 May 2018 by proclamation under Part 7, Chapter 12 of the Local Government Act 1993. The MNCJO operates in accordance with its adopted Charter and Statement of Revenue Policy 2025-2026 (available on the MNCJO Website), which together set out the governance, membership and financial contribution arrangements for councils participating in the Joint Organisation. The MNCJO Charter clearly distinguishes has 2 membership categories – Member Councils and Associate Members.

Member Councils - the councils proclaimed under the Act to be the members of the Organisation.

Associate Member - those councils and other organisations that are members of the Organisation. Associate members - non-voting members.

Accordingly, full membership confers voting rights and statutory status under the Act, while associate membership is expressly identified as a non-voting form of participation.

Full Membership

A council may become a full member of the MNCJO by resolving to apply for membership, obtaining endorsement from the MNCJO Board, and formally applying to the NSW State Government. Full membership takes effect once the proclamation establishing the Joint Organisation is amended to include the additional council and its local government area. As a full member, a council is represented on the MNCJO Board by its mayor as a voting representative and participates fully in governance, decision-making, and the adoption of strategic regional priorities. The General Manger of the council is also a non-voting Member of the Board. Full members collectively determine the strategic direction of the Joint Organisation and lead regional advocacy, inter-governmental cooperation and shared service initiatives.

The financial obligations associated with full membership are set out in the MNCJO Statement of Revenue Policy 2025–26, which states: “Member Councils (4) will each contribute \$25,000 (\$100,000) toward the operational costs of the MNCJO for the financial year 2025/2026.”

Additional contributions may apply where councils elect to participate in specific projects or supplementary functions approved by the Board. The principal benefits of full membership include voting rights, equal governance standing with other member councils, direct influence over regional priorities, and long-term certainty in participation. Considerations associated with full membership include the ongoing financial commitment and the governance obligations that accompany statutory membership, including the requirement to provide notice and seek State approval should a council wish to withdraw.

Associate (Non-Voting) Membership

Associate membership is provided for under the Charter and the Statement of Revenue Policy as a non-voting participation option. Associate members are not proclaimed under the Act and are appointed by resolution of the MNCJO Board.

The MNCJO Statement of Revenue Policy 2025–26 establishes two categories of associate membership:

- Category 1 associate membership applies to neighbouring councils that have given notice to the Minister for Local Government of their intent to become full members of the MNCJO.
- Category 2 associate membership applies to councils that advise the MNCJO of their wish to become associate members without progressing toward proclamation.

Category 1 associate members are required to pay 100% of the full membership fee; however, where a council has already paid an annual membership fee to another Joint Organisation during the same period, the proposed fee may be waived. (ie \$25,000 for the 25/26 FY)

Category 2 associate members are required to pay 50% of the full membership fee. Contribution to MNCJO projects is at the discretion of the MNCJO Board. (ie. \$12,500 for the 25/26 FY)

ITEM 9.3 RESPONSE TO NOTICE OF MOTION REGARDING GOVERNANCE, REPRESENTATION AND MEMBERSHIP CONSIDERATIONS IN RELATION TO THE MID NORTH COAST JOINT ORGANISATION

Associate members are not eligible to vote on the MNCJO Board, and participation in projects is subject to Board discretion.

Comparative Table

	Full Membership	Associate Membership (Category 1)	Associate Membership (Category 2)
Board Voting Rights	Yes	No	No
Proclamation Required	Yes	In progress	No
Annual Base Fee (2025/2026 FY)	\$25,000	\$25,000 (may be waived)	\$12,500
Participation in Projects	Yes	Yes (at Board discretion)	Yes (at Board discretion)
Strategic Leadership Role	Full	Advisory role with intention be full	Advisory role only
Transition Pathway	N/A	Intended temporary	Optional ongoing

Transparency and Access

In accordance with the MNCJO's adopted Code of Meeting Practice and established governance arrangements, board meeting agendas, business papers and confirmed minutes are published on the MNCJO website to ensure transparency and public access to meeting information and decisions.

Meetings of the JO are open to the public, and members of the public and councillors are welcome to attend MNCJO Board meetings in person as observers, except where a meeting, or part of a meeting, is lawfully closed in accordance with section 10A of the Local Government Act 1993. This may occur where matters relate to confidential, commercial, personnel or other protected information permitted under the Act.

As per the Office of Local Government Model Code of Meeting Practice for Local Councils in NSW – August 2025, Joint Organisations in New South Wales are not required to provide online or livestream access to meetings for members of the public. While a Joint Organisation may hold a meeting by audio-visual link in limited circumstances, such as during a natural disaster or public health emergency, this does not create a general obligation to provide online access for ordinary meetings.

Where a meeting is conducted wholly by audio-visual means, the JO is required to advise the public of how the meeting may be viewed. Where practicable, and as a matter of good governance rather than statutory obligation, the MNCJO has previously, and may provide a Microsoft Teams viewing link to members of the public/Councillors on request.

Board members act in their JO role — not as delegates requiring council resolutions

The Code of Conduct makes clear that Board Members are the governing body of the Joint Organisation and exercise their functions directly as JO officials. It states that the Board is responsible for (Refer to Section 6):

- developing and endorsing JO strategies, policies and decisions; and
- exercising governance functions independently of council staff and administration

This would seem to support the position that:

- A Mayor or appointed Councillor does not need a prior council resolution to submit a Notice of Motion to the JO; and

ITEM 9.3 RESPONSE TO NOTICE OF MOTION REGARDING GOVERNANCE, REPRESENTATION AND MEMBERSHIP CONSIDERATIONS IN RELATION TO THE MID NORTH COAST JOINT ORGANISATION

- They act lawfully in their capacity as a JO Board Member, not merely as a messenger for council decisions.

Councils may choose to set their own rules regarding the requirement for mayors to brief or endorse internally, but that is not a JO requirement but rather a matter for the individual councils.

In relation to Notices of Motion, under the MNCJO Code of Meeting Practice, these are submitted directly by voting members of the MNCJO Board (being the Mayor or appointed Councillor representative of a member council, or their alternate).

Notices of Motion are to be provided in writing to the Executive Officer prior to the agenda closing date (preferably at least 10 days prior to the meeting date) so they can be included on the Board agenda. Board members are encouraged to engage early with the Executive Officer where a proposed Notice of Motion may have operational, financial, or legal implications.

There is no requirement for a Notice of Motion to be formally considered by a council prior to being submitted to the Joint Organisation. That said, individual councils may choose to brief or seek endorsement internally where a matter has broader policy or financial implications for their council, but this is not a JO requirement.

The Executive Officer (EO) of the MNCJO made enquires with another JO, and they advised that often councils may make a resolution if they would like the JO to consider an item from their Council meeting, in particular around advocating, or making the JO aware of a broader regional issue, or exploring a shared service etc.

In terms of a "JO Participation Policy" the EO has asked around and is not aware of any NSW councils having a standalone policy of that nature. If Council would like a policy, there would be no cost in developing this (apart from staff time). Participation in a Joint Organisation is generally governed through:

- the Joint Organisation's Charter and Code of Meeting Practice; and
- council resolutions appointing their mayor (or Councillor delegate) as the voting representative on the JO Board.

CONSULTATION:

MNCJO Executive Officer

SUSTAINABILITY ASSESSMENT:**Environment/Social/Economic**

In terms of delivering outcomes (including environmental, social, and economic) the principal functions of the Organisation are:

- to establish strategic regional priorities for the Joint Organisation area and to establish strategies and plans for delivering those priorities
- to provide regional leadership for the Joint Organisation area and to be an advocate for strategic regional priorities
- to identify and take up opportunities for inter-governmental cooperation on matters relating to the Joint Organisation area; and additionally
- deliver cost savings to member councils.

Risk Analysis

**ITEM 9.3 RESPONSE TO NOTICE OF MOTION REGARDING GOVERNANCE, REPRESENTATION
AND MEMBERSHIP CONSIDERATIONS IN RELATION TO THE MID NORTH COAST
JOINT ORGANISATION**

Some of the potential risks in relation to not being a part of a JO are:

Risk Category	Impact of not joining
Government engagement	Limited access to regional programs and State collaboration
Funding	Reduced competitiveness for regionally aligned grants
Strategic influence	No vote or voice in regional planning priorities
Capacity building	Loss of shared services and inter-council efficiencies
Collaboration	Isolation from regional decision-making networks
Information access	Limited access to regional data and strategic studies
Advocacy	Reduced influence in State/Federal lobbying

Delivery Program Action

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

The JO membership fees (described above) are not currently in the budget.

Working funds – justification for urgency and cumulative impact

Nil.



Impacts on 10 Year Long Term Financial Plan

The annual membership fees would need to be included in the LTFP

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

- 1  2136/2026 - MNCJO Charter
- 2  2161/2026 - MNCJO Code of Conduct

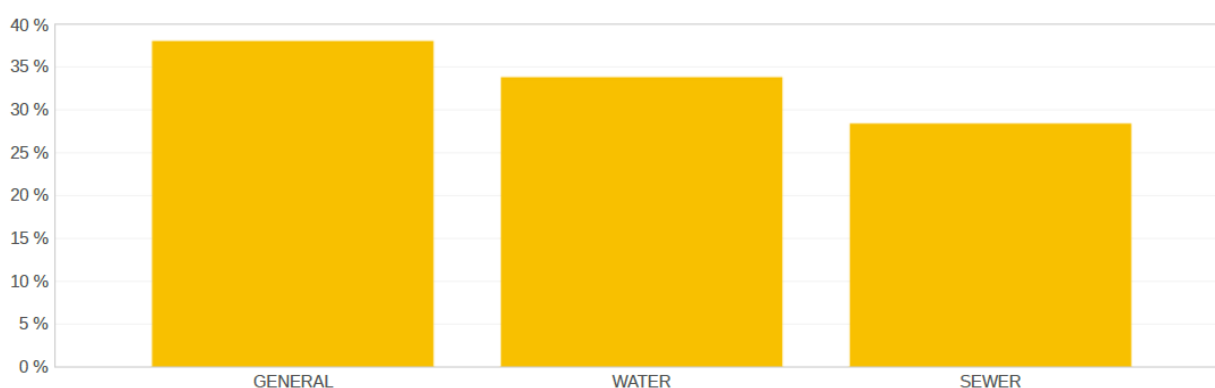
GENERAL MANAGER'S REPORT**ITEM 9.4 SF3528 280126 INVESTMENT REPORT FOR DECEMBER 2025****AUTHOR/ENQUIRIES:** Evan Webb, Chief Financial Officer**SUMMARY:**

The purpose of this report is to provide a statement of Council's investments held for the period December 2025.

Council's investments as at 31 December 2025 of \$59,328,423 are split up as below:

Allocation as at 31/12/2025

Code	Number of trades	Invested (\$)	Invested (%)
GENERAL	11	22,528,423.41	37.97
WATER	13	20,000,000.00	33.71
SEWER	9	16,800,000.00	28.32
TOTALS	33	59,328,423.41	100.0

Allocation Distribution as at 31/12/2025

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 December 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for December 2025.**

OPTIONS:

This report is for information only.

ITEM 9.4 INVESTMENT REPORT FOR DECEMBER 2025**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*.

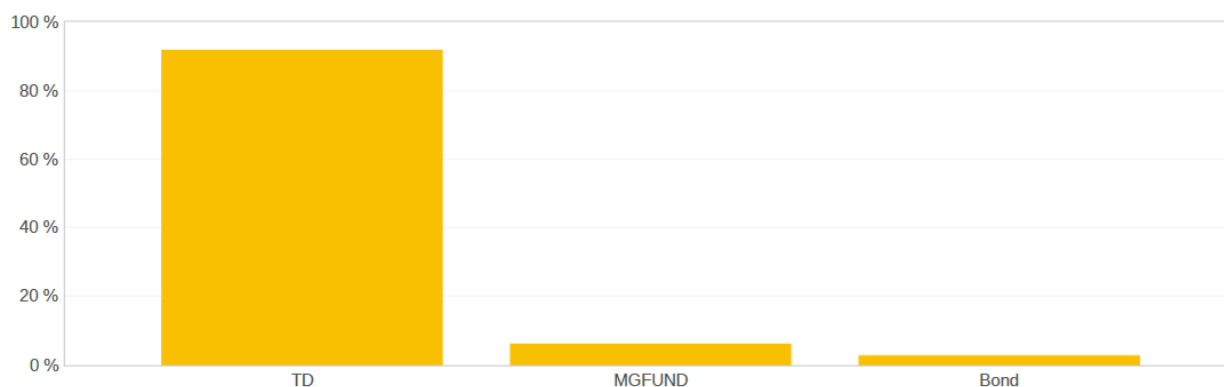
Investment Portfolio

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

	Last Month	Current Month
TCorp	\$3,516,196	\$3,528,423
Floating Rate Notes	\$0	\$0
Fixed Bonds	\$3,000,000	\$1,500,000
Term Deposits	\$56,300,000	\$54,300,000
Total	\$62,816,196	\$59,328,423

Asset Class as at 31/12/2025

Code	Number of Trades	Invested (\$)	Invested (%)
TD	31	54,300,000.00	91.52
MGFUND	1	3,528,423.41	5.95
Bond	1	1,500,000.00	2.53
TOTALS	33	59,328,423.41	100.0

Asset Class Distribution**Portfolio Performance**

Council's total portfolio performance returned +0.37% in December, outperforming the benchmark AusBond Bank Bill index of +0.31%. On an annualised basis, the portfolio returned +4.42p.a., outperforming the benchmark of +3.71p.a. The Reserve bank of Australia official cash rate remained steady at 3.60%.

Council's term deposits portfolio yielded 4.39% p.a. for the month of December. Term deposits provided another strong return this month.

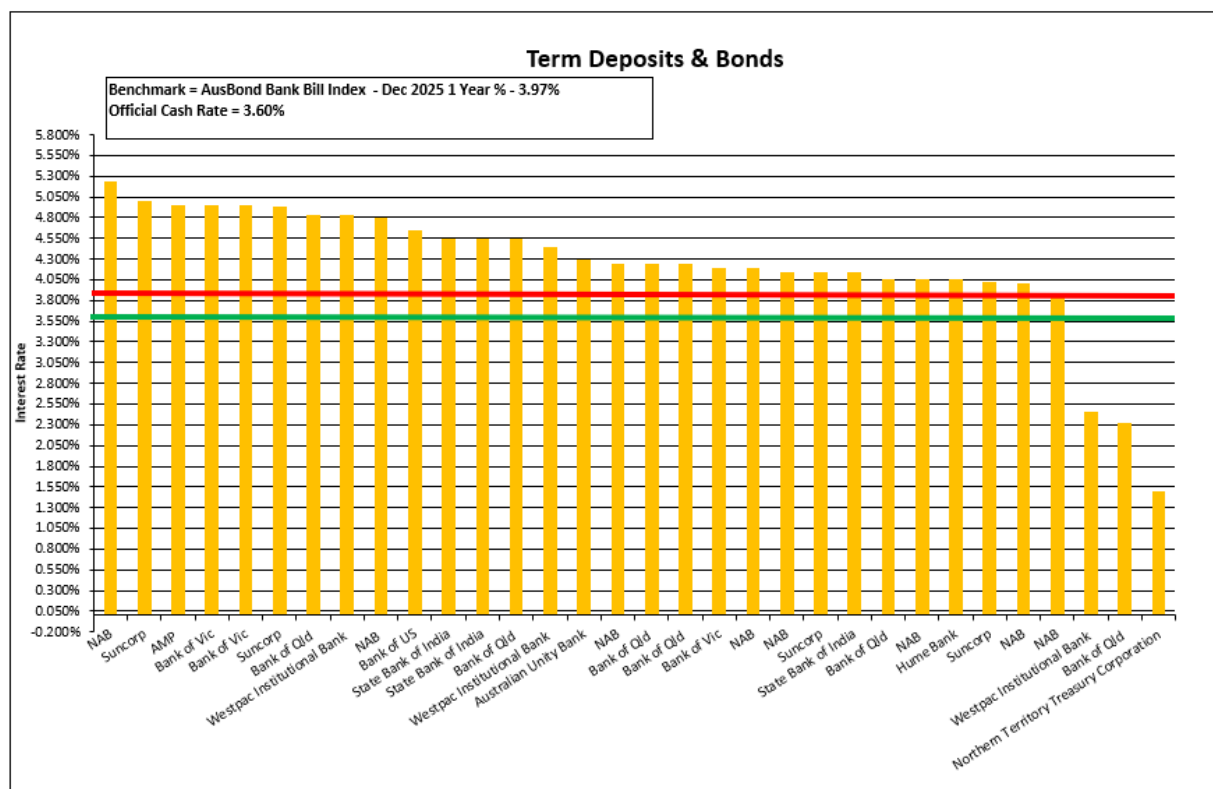
Council invests in NSW TCorp Long Term Growth fund which invests in domestic and international shares. Council will continue to monitor the TCorp Long Term Growth fund which fluctuates from month to month, however returned a positive return for the month of December of +0.35%. Domestic shares were the biggest contributor to performance this month. Funds held with TCorp are looked at with a long-term view.

ITEM 9.4 INVESTMENT REPORT FOR DECEMBER 2025

During December, council sold 1 of its Senior Fixed Bonds. Council now holds only 1 sub-optimal Senior Fixed Bond returning 1.5% p.a., however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The remaining bond has a maturity of 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.

Below are the Term Deposits and Bonds currently held with the invested interest rate and the benchmark index:



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 Compliance

Maturity Compliance as at 31/12/2025

Compliant	Term	Invested (\$)	Invested (%)	Min Limit (%)	Max Limit (%)	Available (\$)
✓	0 - 90 days	12,500,000.00	21.07	3.00	100.00	46,828,423.41
✓	91 - 365 days	22,800,000.00	38.43	0.00	100.00	36,528,423.41
✓	1 - 2 years	12,500,000.00	21.07	0.00	70.00	29,029,896.39
✓	2 - 5 years	8,000,000.00	13.48	0.00	50.00	21,664,211.71
✓	5 - 10 years	3,528,423.41	5.95	0.00	25.00	11,303,682.44
TOTALS		59,328,423.41	100.00			

ITEM 9.4 INVESTMENT REPORT FOR DECEMBER 2025**Table 2: Credit Rating and Counterparty Compliance****Credit Quality Compliance** as at 31/12/2025**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available (\$)
✓	AA	26,300,000.00	44.33	100.00	33,028,423.41
✓	A	8,500,000.00	14.33	60.00	27,097,054.05
✓	BBB	21,000,000.00	35.40	45.00	5,697,790.53
✓	Unrated	3,528,423.41	5.95	10.00	2,404,418.93
TOTALS		59,328,423.41	100.00		

Counterparty Compliance as at 31/12/2025**Long Term Investments**

Compliant	Bank Group	Term	Rating	Invested (\$)	Invested (%)	Limit (%)	Limit (\$)	Available (\$)
✓	NAB	Long	AA-	12,000,000.00	20.23	30.00	-	5,798,527.02
✓	ANZ Bank	Long	AA-	6,000,000.00	10.11	30.00	-	11,798,527.02
✓	Northern Territory Treasury	Long	AA-	1,500,000.00	2.53	30.00	-	16,298,527.02
✓	Westpac	Long	AA-	6,800,000.00	11.46	30.00	-	10,998,527.02
✓	BOQ	Long	A-	8,500,000.00	14.33	20.00	-	3,365,684.68
✓	AMP Bank	Long	BBB+	2,500,000.00	4.21	15.00	-	6,399,263.51
✓	Bank Australia	Long	BBB+	1,000,000.00	1.69	15.00	-	7,899,263.51
✓	Hume Bank	Long	BBB+	2,000,000.00	3.37	15.00	-	6,899,263.51
✓	BankVic	Long	BBB+	8,500,000.00	14.33	15.00	-	399,263.51
✓	Bank of Us	Long	BBB+	1,000,000.00	1.69	15.00	-	7,899,263.51
✓	State Bank of India	Long	BBB	6,000,000.00	10.11	15.00	-	2,899,263.51
✓	NSWTC IM LTGF	Long	Unrated	3,528,423.41	5.95	10.00	-	2,404,418.93
TOTALS				59,328,423.41	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 December 2025 report page 2:*

Risk markets were mixed in December after the US Fed delivered another rate cut and signalled they could potentially continue on their easing into 2026. In contrast, other global central banks (including Australia) appear to be on a mild tightening bias, with some now forecasting the next move in official rates

ITEM 9.4 INVESTMENT REPORT FOR DECEMBER 2025

may be up next year should inflation remain elevated. Global bonds were sold off, with yields largely rising over the month.

In the deposit market, over December, the average deposit rates offered by the domestic major banks was up to ~15bp higher compared to where they were the previous month (November). At the longer-end of the curve (1-5 years), the average deposit rates were around 25-40bp higher compared to where they were the previous month, with the market expecting official rates to be slightly higher in coming years. The market is now factoring up to two rate hikes in 2026 should inflation remain elevated or spike further.

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 December was \$202,250 totalling \$1,287,028 this financial year. Councils forecasted budgeted interest revenue for 2025/2026 is \$2,320,715. 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.

ATTACHMENTS:

- 1  957/2026 - Investment Report December 2025
- 2  959/2026 - Arlo Advisory Report December 2025

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT**ITEM 10.1 SF35 280126 USE OF DELEGATED AUTHORITY FOR DISASTER RECOVERY FUNDING ARRANGEMENTS PROGRAM****AUTHOR/ENQUIRIES:** Ashley Borthwick, Purchasing & Stores Officer**SUMMARY:**

The purpose of this report is to provide details of the use of the General Manager's delegation in relation to contracts awarded under the Disaster Recovery Funding Arrangements (DRFA) Program.

RECOMMENDATION:

That Council notes the information provided in this report.

OPTIONS:

For information only.

BACKGROUND:

At the June 2025 Council meeting a report was put to Council that would assist the timely award of contracts under the DRFA program. This report recommended that Council delegate to the General Manager until the 30 June 2026, the authority to call tenders and award contracts to repair these essential assets to speed expedite repairs and recovery from natural disasters. The following was resolved (minute 171/25):

RESOLVED: (Angel/Vance)

That Council:

1 Delegates to the General Manager and Mayor to award, finalise and execute tenders/contracts for the repair to damaged assets as approved under the Disaster Recovery Funding Arrangements (DRFA) program and subject to the project being within approved funding limit until the 30 June 2026.

2 The Contracts Register will be updated for contracts over \$50,000.

3 A report will be presented to Council on the use of this delegation for contracts over \$150,000.

DISCUSSION:

The following tenders have been awarded under delegation since 18 June 2025:

Contract	Successful Contractor	Contract Price Excluding GST	Budget to Deliver Full Project
T2025-033 Landslip Remediation of Taylors Arm Road Design & Construct	The Rix Group Pty Ltd Kurnell, NSW 2231	\$4,342,432.73	\$7,860,860
T2025-037 Missabotti & Upper Buckra Bendinni Road Landslip Remediation	See Civil Pty Ltd Oxenford QLD 4210	\$1,745,408.94	\$6,258,953
T2025-056 Landslip Remediation of Taylors Arm Road Ch 4.7	Alliance Construction Group Pty Ltd Port Macquarie NSW 2444	\$323,606.70	\$710,780

ITEM 10.1 USE OF DELEGATED AUTHORITY FOR DISASTER RECOVERY FUNDING ARRANGEMENTS PROGRAM

AGRN1012			
T2025-059 Landslip Remediation of Welshs Creek Road Ch 2.8km AGRN1012	Alliance Construction Group Pty Ltd Port Macquarie NSW 2444	\$141,408.44	\$794,800

CONSULTATION:

Disaster Recovery Team

SUSTAINABILITY ASSESSMENT:

Nil.

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**

Nil

Working funds – justification for urgency and cumulative impact

Funding is provided under the DRFA program.

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.

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

ITEM 10.2 SF3653 280126 MINUTES OF THE NAMBUCCA VALLEY YOUTH COUNCIL

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

Nambucca Valley Youth Council met on 11 November 2025. Attendance was limited to Bowraville Central School, but they provided input again into the Open Streets Festival and workshopped progressing projects they identified including access to a youth gym and activities for Seniors Week.

RECOMMENDATION:

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

OPTIONS:

For information only.

DISCUSSION:

Youth Council were asked to advise on what they wanted to do for Open Streets Festival as a group. They chose to host a stall that would run games, sell baked goods, and share information about Youth Council.

They were updated on further progress of Open Streets, including an art project with Arts MNC, and gave further feedback on activities they'd like to see.

Youth Council then discussed progressing projects identified to achieve some outcomes. Becoming U is trialling a youth gym program in Nambucca Heads and looking to initiate one in Bowraville, so sought the input of Youth Councillors as to location, needs, and preferences. The idea of a lawn bowls competition with seniors was chosen as a Senior Week 2026 activity and workshopped.

Councillors and staff seeking to attend Youth Council meetings are reminded to provide their WWCC prior to attending and to adhere to Child Safety Standards and Council's Code of Conduct policy.

Staff are working on more detailed information on child safe behaviour for adults attending Youth Council or other youth engagement activities as soon as possible. In the meantime, attached is a brief summary of child safe do's and don'ts, and all adults attending Youth Council are to adhere to the instructions of the professional youth workers, teachers, and Council's Community Development Coordinator who are informed of appropriate practices. If you are unsure or unclear, please ask any of those workers.

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  1527/2026 - Youth Council Minutes - Nov 25
- 2  1544/2026 - Child Safety Factsheet 2026

ITEM 10.3 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT**DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT****ITEM 10.3 SF963 280126 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT****AUTHOR/ENQUIRIES:** Jocelyn Box, Community Development Officer**SUMMARY:**

Council has twenty-four (24) Section 355 Committees of Management (CoM). The Committees have a long history within Council with many long term and new volunteers who manage Council facilities on behalf of Nambucca Valley Council. It is recommended that the below nominations be endorsed.

RECOMMENDATION:

That Council approves the nominations of Section 355 Committees of Management for Valla Beach Community Association and Burrupine Public Hall as per the table in the Discussion section of the report.

OPTIONS:

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

DISCUSSION:

Committee	Nominees	Reason for nominating
Valla Beach Community Association	Christena Pitman	To assist my community with Treasurer duties
Burrupine Public Hall	Jenifer McKay	So we can keep our local hall open
	Peter McKay	So we can keep our local halls open
	Raelene Daley	Interested in keeping our halls in use for future

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:**Environment**

Nil.

Social

Provision of venues and recreational facilities to support community connection, health, and wellbeing.

Economic

Nil.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Injury to volunteers	M	H	Volunteers are given Volunteer Safety	M

ITEM 10.3 NOMINATIONS TO COUNCIL SECTION 355 COMMITTEES OF MANAGEMENT

			Handbook after approval of Council.	
Mismanagement	M	H	Council Code of Meeting Practice and Code of Conduct must be adhered to.	M
Fraud	L	H	Code of Conduct must be adhered to.	M
Lack of volunteers	M	H	Promote the positive aspects of volunteering. Recognise need for succession planning for Committees.	L

Delivery Program Action

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

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**

Section 355 Committees are volunteers overseeing the management of Council facilities, ostensibly to reduce cost to Council, though this cost has not been analysed. Dwindling volunteer numbers could result in Council having to dissolve a Section 355 Committee of Management and explore options for operating the community facility such as lease arrangements or directly managing the facility which would have impact on current and/or future budgets.

Working funds – justification for urgency and cumulative impact

Nil.


Impacts on 10 Year Long Term Financial Plan

Long-term financial viability of Section 355 Committees needs to be assessed.

Service level changes and resourcing/staff implications

Some Section 355 Committees are requiring increasing resourcing from Council staff to support management of the facility.

ATTACHMENTS:

1  1565/2026 - January 2026 Nominations - Redacted

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORT

ITEM 10.4 SF3409.25 280126 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 25 NOVEMBER 2025

AUTHOR/ENQUIRIES: Jocelyn Box, Community Development Officer

SUMMARY:

The record of the meeting of the Nambucca Valley Council Disability Access and Inclusion Committee meeting held Tuesday 25 November 2025 are attached for Council's attention.

RECOMMENDATION:

That Council notes the record of meeting of the Disability Access and Inclusion Committee meeting held 25 November 2025.

OPTIONS:

For information only

DISCUSSION:

Finalised plans for the International Day of People with Disability event and discussed various matters raised from the floor for review by Council staff.

A quorum was not achieved for this meeting.

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

FINANCIAL IMPLICATIONS:

Nil.

ATTACHMENTS:

1  1622/2026 - NV DAIC Minutes - 25 Nov 2025

ITEM 10.4 MINUTES OF THE DISABILITY ACCESS AND INCLUSION COMMITTEE 25 NOVEMBER 2025

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 11.1 DA2025/098 280126 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098

AUTHOR/ENQUIRIES: Charles Watts, Development Assessment Officer

Summary:

The application is for continued use of a dwelling at 1947 North Arm Road, Argents Hill. The erection of a dwelling was granted approval on the lot on 19 November 1986, however the consent had lapsed with no evidence of compliance with conditions and was subsequently constructed unlawfully.

The requirement that a development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied that the applicant has demonstrated that a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and b) there are sufficient environmental planning grounds to justify the contravention of the development standard) applies to the development application. It has been assessed that the exception to development standards sought, being clause 4.2A of the Nambucca LEP 2010 "Erection of dwelling houses and dual occupancies on land in certain rural and conservation zones", is compliant with clause 4.6 "Exceptions to development standards."

This application is being reported to Council as the variation to clause 4.2A is greater than 10%.

RECOMMENDATION:

That Council approves the development application DA2025/098 for the continued use of an existing dwelling on Lot 92 DP755548 - 1947 North Arm Road, Argents Hill subject to the conditions contained within attachment 1.

OPTIONS:

- 1 Proposed recommendation
- 2 Refuse the development application, with reasons to be provided

BACKGROUND:

The development site is located at 1947 North Arm Road, Argents Hill, being Lot 92 DP755548. The site has an approximate area of 16.19 hectares and is accessed from North Arm Road through a right of carriageway that passes through the adjoining property to the north 1949 North Arm Road, Argents Hill, being Lot 8 DP755548.

Locality Plan



Description of Proposal

The application is for the continued use of an existing dwelling house.

The erection of a dwelling on the lot was granted approval on 19 November 1986 under DA1336 (T1-9-202), however a number of conditions were required to be complied with prior to the erection of that

ITEM 11.1 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098

dwelling. No evidence of compliance with these conditions can be found, causing the consent to lapse prior to the required date. The dwelling was therefore constructed unlawfully and requires a continued use application.

As the development consent was issued under an earlier environmental planning instrument (Interim Development Order No 1), the clause that allowed Council to consent to a dwelling on that lot no longer exists. It is for this reason that an exception to development standards in the NLEP 2010 is being sought to allow the continued use of the dwelling.

DISCUSSION:

Subject to the recommended conditions of consent, the proposed development is considered to be satisfactory with regards to the relevant sections of the *Environmental Planning and Assessment Act 1979* as follows:

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

Conditions have been included within the conditions of consent which will 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	The proposed development is permissible with consent and is considered to be consistent with the relevant objectives of the zone.
4.2A – Erection of dwelling houses and dual occupancies on land in certain rural and environmental protection zones	No	<p>A dwelling house is not permitted to be erected per this clause. In particular:</p> <ul style="list-style-type: none"> - 4.2A(3)(a) is not met as the lot is below the minimum lot size for the land. - 4.2A(3)(b) is not met as although the lot was created before this plan commenced, it was not permitted immediately before the commencement of the plan per clause 14 of the NLEP 1995. - 4.2A(3)(c) is not met as it is not a lot resulting from a subdivision. - 4.2A(3)(d) is not met as Lot 92 was part of an existing holding, which included Lots 8, 15, 28, 77 & 92 DP755548 per the definition included in 4.2A(5). As Lot 92 is under separate ownership to lots 8, 13, 28 & 77 at the time of

ITEM 11.1 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098

		<p>lodging this development application, it is not an existing holding.</p> <p>Despite this non-compliance, the continued use is considered to be consistent with the objectives of this clause.</p> <p>The dwelling is not considered to be unplanned rural-residential development, as the erection of a dwelling house was approved in the location under a previous DA on 19 November 1986. The dwelling was subsequently constructed contrary to Councils approval, meaning the conditions of the consent were not satisfied within the required timeframe and the consent subsequently lapsed.</p> <p>It is due to the previous approval of a dwelling, and the conditions to be placed on the dwelling to ensure compliance with applicable legislation, that the continued use of the dwelling is considered to be planned rural-residential development and meets the objective of this clause.</p>
4.6 – Exceptions to development standards	Yes	<p>In accordance with this clause, it is considered that development consent should be granted for the proposal to contravene the standards that enable dwelling houses in the RU2 zone in clause 4.2A because:</p> <ul style="list-style-type: none"> • A written request has been made by the applicant that adequately seeks to justify the contravention of the development standard. • It is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case because: <ul style="list-style-type: none"> ○ It will not be contrary to the aims of the NLEP. ○ The proposed variance is the result of a lapsing of consent for a dwelling house on the subject land, as the dwelling was constructed without providing evidence of meeting the conditions of consent associated with the development. The relevant objective of clause 4.2A is to 'minimise unplanned rural residential development', and as the dwelling was originally approved when it was permissible, it is not considered unplanned. In addition to the existing approval, the conditions of consent applied to the development will ensure compliance with current building standards, bush fire standards among other planning factors, meaning that the development will be thoroughly planned. It is for this reason that strict compliance with the clause is unnecessary. ○ The proposal is consistent with the objectives of the RU2 Rural Landscape zone. The dwelling is located in an area that does not limit the agricultural viability of the land. The dwelling is not visible from any public road nor any existing private dwelling, therefore will maintain the rural landscape character of the land. The dwelling will not impede on the permissible land uses in the area as it is located in a heavily forested area that is not conducive to agricultural activities. The dwelling is a relatively minor development and will not have an adverse impact on Council's urban water supply subject to the conditions of consent. <p>With regard to the 'five part test' set by the Land and Environment Court, the proposed variance is considered to be acceptable because:</p> <ul style="list-style-type: none"> • The objectives of the standard are achieved notwithstanding non-compliance with the standard. • Due to the original approval of the dwelling house, and the compliance with current planning and building standards, the

ITEM 11.1 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098

		<p>original purpose of the clause is not relevant to the proposed dwelling.</p> <ul style="list-style-type: none"> • While the underlying purpose of minimising unplanned rural residential development would not be thwarted if compliance was required; for the reasons already outlined, it would be considered unreasonable to require compliance with the standard due to the fact that the dwelling was previously approved and the negative impact requiring compliance with the standard would provide, particularly considering the economic and social benefits of additional housing. • It is considered that the above is demonstrating some reasonable flexibility with regards to the circumstances of the case which will not result in Council abandoning or destroying the development standard. This is because the unique history, shape and topography enables a dwelling on the lot, which is different to other lots of a similar size. Furthermore, potential impacts such as impacts on rural landscape and agricultural viability are considered to be negligible as the dwelling is not visible from any public roads nor any private dwellings, and is on land that is not conducive to agricultural activities. • While it is considered that the zoning of the land is appropriate for the site; having regard to the topography of the land, the proposed land use and surrounding development, it is not considered that the proposed variation would be contrary to the desired character of the land.
7.6 – Earthworks	Yes	<p>The proposed earthworks will not impact significantly on surface water flows, will not result in any significant impacts on the future uses on the land or redevelopment, will not impact any contaminated soil or the amenity of surrounding properties, is unlikely to disturb any relics, and appropriate erosion control measures have been included within the recommended conditions of consent. Condition added re retaining walls and earthworks.</p>

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 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 appropriately managed by conditions of consent.
SEPP Resilience & Hazards	Yes	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.

ITEM 11.1 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098**(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	Subject to the conditions of consent and as assessed throughout this report, the proposed development is considered to be satisfactory having regard to the relevant matters for consideration under clause A4.0.
Car Parking & Traffic (Part C)	Yes	Sufficient parking and access is proposed in compliance with this part.
Sediment & erosion control (Part D)	Yes	All works to be undertaken as part of any consent will be subject to a condition of consent requiring the installation of adequate erosion and sedimentation devices which are consistent with Part D of the DCP.
Rural and environmental development (Part F)	Yes	The proposal is considered satisfactory having regards to the provisions of this part.

(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.

Subject to the conditions of consent, it is not considered that the proposal will result in any significant impacts on the natural or built environments or any social or economic impacts on the locality due to its scale, location and consistency with surrounding uses.

(c) The suitability of the site for the development

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

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

The development was not notified in accordance with the Nambucca Community Participation Plan as it is not considered that it will result in any adverse impacts on surrounding land.

(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.

CONSULTATION:

ITEM 11.1 CONTINUED USE OF AN EXISTING DWELLING - DA2025/098

The development was referred to the NSW Rural Fire Service due to the length of the accessway from North Arm Road to the dwelling. Conditions recommended from the NSW RFS will be included in the conditions of consent.

SUSTAINABILITY ASSESSMENT:





Addressed in report.

Risk Analysis

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

FINANCIAL IMPLICATIONS: Nil

ATTACHMENTS:

- 1  1955/2026 - Draft Conditions of Consent
- 2  23724/2025 - Statement of Environmental Effects
- 3  1959/2026 - Architectural Plans
- 4  1952/2026 - Clause 4.6 Variation Report

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 11.2 SF3490 280126 MINUTES OF THE NAMBUCCA VALLEY CATCHMENTS AND COASTLINE MANAGEMENT COMMITTEE MEETING 20 NOVEMBER 2025

AUTHOR/ENQUIRIES: Keegan Noble, Environmental Project Officer

SUMMARY:

The minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 20 November 2025 are attached for Council's consideration.

RECOMMENDATION:

That Council:

- 1 Notes the Minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held Thursday 20 November 2025.**
- 2 Notes the resolutions of the Nambucca Valley Catchments and Coastline Management Committee including:**

That the Committee nominate Francis Brownhill and Trish Reinten for members on the committee.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option – approve some of the resolutions of the Committee.

DISCUSSION:

The minutes of the Nambucca Valley Catchments and Coastline Management Committee meeting held on 20 November 2025 are contained within **Attachment 1**.

CONSULTATION:

Nambucca Valley Catchments and Coastline Management Committee members.

SUSTAINABILITY ASSESSMENT:

Nil

Risk Analysis:

Nil

FINANCIAL IMPLICATIONS:

Nil

Delivery Program Action

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

3.3 - Manage the impacts of a changing climate on our local area while ensuring that our communities are resilient to natural disasters

ATTACHMENTS:

- 1 64696/2025 - Minutes - Nambucca Valley Catchments and Coastline Management Committee - 20 November 2025**

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORT

ITEM 11.3 SF3410.25 280126 OCTOBER, NOVEMBER & DECEMBER 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 October, November and December 2025 as at 7 January 2026.

RECOMMENDATION:

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for October, November & December 2025.

ATTACHMENTS:

- 1** 603/2026 - 2025 October, November and December - Development Applications and Complying Development Applications Received

- 2** 607/2026 - 2025 October, November and December - Approved Construction Certificates and Complying Development Applications


DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.1 SF3671 280126 SCOTTS HEAD MASTER PLAN - PROJECT REFERENCE GROUP

AUTHOR/ENQUIRIES: Mathias De Souza, Manager Assets

SUMMARY:

The process to develop the Scotts Head Masterplan includes the establishment of a Project Reference Group (PRG). As per Council Resolution 379/25, Council resolved to advertise for members according to the Terms of Reference. This report provides the assessment panel's recommendations in response to Expressions Of Interest (EOI) sought by Council for three (3) community representatives and (1) community youth representative.

RECOMMENDATION:

That Council:

- 1 Endorses the four (4) nominated community members.**
- 2 Notes advice from Crown Lands Department that they do not wish to be on the Project Reference Group**
- 3 Adopts the amended Terms of Reference for the Project Reference Group.**
- 4 Continues to search for a community youth representative and delegate to the Mayor the appointment of a suitable candidate to the Project Reference Group.**
- 5 Writes to each of the nominees thanking them for expressing their interest in the being on the Project Reference Group.**

OPTIONS:

- 1 Do nothing/business as usual**
- 2 Proposed recommendation**
- 3 Alternative option – That a change be made regarding member nominations**

DISCUSSION:

As per Council Resolution 379/25 in relation to the Scotts Head Masterplan, Council has sought Expressions Of Interest (EOI) to appoint members of the community to the Project Reference Group (PRG). Details of membership to the PRG are found in the group's adopted Terms of Reference. Summarised as follows:

- One (1) Nambucca Valley Councillor.
- Nambucca Valley Council - Director Engineering Services (or their representative).
- One (1) representative from Reflections Holiday Parks.
- One (1) representative from Crown Lands.
- One (1) representative from Scotts Head Community Group.
- Three (3) community members. and
- One (1) community youth representative.

This report only refers to the last two items of that list namely:

ITEM 12.1 SCOTTS HEAD MASTER PLAN - PROJECT REFERENCE GROUP

- Three (3) community members. and
- One (1) community youth representative.

Following the closing period for the EOI, a total of nineteen (19) submissions were received. No submissions were received for the community youth representative member. The assessment panel then evaluated each submission against the following three (3) key criteria:

1. Community representation capacity – Demonstrates ability and willingness to represent a broader demographic, group, or network, and to act as a community voice throughout the project.
2. Commitment to participation and collaboration – Demonstrates availability, commitment, and capacity to work constructively with others to achieve balanced, collective outcomes.
3. Alignment with Council values – Demonstrates accountability, professionalism, and teamwork through tone, content, and examples in the submission.

Council has had a discussion with Crown Lands regarding membership to the Project Reference Group. They have advised that they do not wish to have representation on the group.

Based on the above, this report proposes the following amendment to the PRG Terms of Reference membership:

Current	Proposed
One (1) representative from Crown Lands.	Remove Crown Lands from the Terms of Reference
Three (3) community members	Four (4) community members
One (1) community youth representative	Continue to look for a Youth member to be on the Project Reference Group

The assessment panel also makes the following nominations for the four (4) community members in no order:

1. John Schmidt
2. Nicole Lane
3. Liam Swan and
4. Eric Graham

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:**Environment**

Nil.

Social

Establishing a PRG with the inclusion of community members will help ensure the Masterplan is developed considering community aspirations.

Economic

Nil.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Selecting the most representative sample of	M	M	Establish clear criteria for assessment and	L

ITEM 12.1 SCOTTS HEAD MASTER PLAN - PROJECT REFERENCE GROUP

community members			assess via a panel	
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Delivery Program Action

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

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

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

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**

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

Nil.

ATTACHMENTS:

1 2087/2026 - Nambucca Valley Council - Scotts Head Master Plan - PRG Terms of Reference (ToR)



- DRAFT - Amended 150126

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.2 SF1031 280126 MANAGER WATER AND SEWERAGE POLICY REVIEWS

AUTHOR/ENQUIRIES: Brett Corven, Manager Water and Sewerage

SUMMARY:

As part of a review of Council Policies, the following policies are new policies provided for endorsement by Council:

Recycled Water Policy No: ES20

Drinking Water Quality Policy No: ES29.

RECOMMENDATION:

That Council adopts the Drinking Water Quality Policy ES29 and the Recycled Water Policy ES20.

OPTIONS:

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

BACKGROUND:

Nambucca Valley Council's Drinking Water Quality Policy was developed to support the provision of a water supply services which delivers potable quality water to its consumers. Given the risk to public health of unsatisfactory water quality, it is of paramount importance that preventative risk management systems are developed, implemented and managed to ensure the protection of human health.

The Recycled Water policy was developed to detail the requirements for managing Council's recycled water systems. Council operates four sewage treatment plants, each of which provides recycled water for on-site operations.

Where Council does or intends to use the recycled water for any purpose then this policy will apply for example the treated effluent from the Bowraville STP is reused currently for irrigation of pasture at a nearby farm with a plan to potentially use the effluent for commercial crops under a Section 60 permit.

Given the risk to public health when water is not treated or recycled properly, it is of paramount importance that preventative risk management systems are developed and implemented to ensure the protection of human and environmental health.

DISCUSSION:

The Drinking Water Quality applies to all Council officers responsible for the operation & maintenance of water supply system on behalf of Council. The policy states Council's commitments to managing its water supply catchment, treatment and supply assets to provide safe and high-quality drinking water which consistently meets the requirements of Australian Drinking Water Guidelines.

The Recycled Water policy details the requirements for managing Council's recycled water systems. This policy only relates to systems that are using recycled water from Council Sewage Treatment Facilities and that requires a Section 60 approval from the NSW Department of Primary Industries.

CONSULTATION:

MANEX

ITEM 12.2 MANAGER WATER AND SEWERAGE POLICY REVIEWS

Delivery Program Action

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

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**

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

Nil.

ATTACHMENTS:

- 1  60223/2025 - ES 20 -New Policy- Recycled Water Policy
- 2  60224/2025 - ES 29 -New Policy - Drinking Water Quality

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.3 SF3114 280126 COMMUNITY CONSULTATION - DISABLED ACCESSIBLE PARKING OPTIONS FOR HIGH STREET, BOWRAVILLE - BLERF-0355

AUTHOR/ENQUIRIES: Keith Williams, Manager Technical Services; Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council initiated community consultation with four (4) options for Disabled Accessible Parking in High Street, Bowraville. This consultation relates directly to the grant funded project for improved accessibility at the Historical Bowraville Theatre located at 74 High Street, Bowraville.

Community consultation was conducted for a period of twenty-eight (28) days from 21 November 2025 to 19 December 2025. The information was available on Council's website, and direct emails were sent to affected property owners, and business owners in High Street, Bowraville inviting input and comment.

RECOMMENDATION:

That Council approves the adjustment to the loading zone and installation of a disabled car park space in accordance with Option D and installs supporting regulatory signage.

OPTIONS:

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

BACKGROUND:

Council, in consultation with the Bushfire Local Economic Recovery Fund (BLERF) Project Officer (funding body), identified that as the Bowraville Theatre project was for improved accessibility for the Historical Bowraville Theatre, that consideration should also be given to improved parking options for patrons, and visitors to Bowraville, for better options for accessible parking and access to local businesses.

As a result Council's Engineering Services Team developed four (4) possible options to improve the parking on High Street for those less able in the community.

DISCUSSION:

The four (4) options are:

- **OPTION A** – installation of a Refuge Island between the existing pram ramps in front of the Bowra Hotel (33 High Street) and the Bowraville IGA – 76 High Street, from the disabled parking space in front of the Bowraville Pharmacy (31 High Street);
- **OPTION B** – marking an Accessible Parking space in front of 72 High Street, Bowraville which would occupy 2 traditional bays, and installation of a ramp;
- **OPTION C** – marking an Accessible Parking space in front of 70 High Street – will occupy 1.5 traditional spaces, and adjusting marking to remaining spaces north of new bay by 300mm each;
- **OPTION D** – adjustments to the loading zone in front of the IGA Supermarket, as marked, and marking an Accessible Parking space adjacent to the Loading Zone, near the Theatre;

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

Please see the attachments to this report for the pictorial depiction of the options noted above, included in the letter emailed to property and business owners on 21 November 2025. This letter was emailed to 23 recipients, including the Bowraville Chamber of Commerce.

The Survey, with options, was also published on Council's website, and highlighted on Council's FaceBook page.

Council received 23 submissions, of which 14 responses were for Option D. This indicated that 60.87% of the vote preferred Option D to the other 3 options. Only 2 responses had no preference, however provided comments – *see attached documents*

BLERF-0355 - Community Consultation Results - Parking in High Street, Bowraville (OPTIONS)

(Survey open from 21/11/2025 to 19/12/2025)

TOTAL SURVEY RESPONSES:		23				
Spread of voting:						
OPTION A	5					
OPTION B	2					
OPTION C	0					
OPTION D	14					
No preference	2					
		23				
OPTION D has 60.87% of the preference vote						

Council will note, Option A requires installation of a concrete refuge Island, with the remaining options needing to have a compliant kerb ramp installed.

The option with the greatest support, Option D, will require removal of the garden bed at the rear of the existing Loading Zone to cater for the additional length of a disabled parking bay, a kerb ramp will also need to be installed extending 1.3m into the footpath to provide compliant access.

Council could consider install of a planter to offset the loss of the garden bed.

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

OPTION D



Attached documents also outline all comments received from those submitting responses.

CONSULTATION:

Director Engineering Services

Manager Technical Services

Chief Financial Officer

Grants and Contributions Officer

BLERF Program Officer – Ange Anderson

Community consultation - conducted with direct email notification to those affected property and business owners in Bowraville and published on Council's website, with 28 days for feedback.

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

SUSTAINABILITY ASSESSMENT:

Environment

No impact.

Social

Proposed option would provide additional option for accessible parking in the CBD of Bowraville.

Economic

The cost of the installation of the preferred option would be covered by approved grant funding for improved accessibility to the Historical Bowraville Theatre – BLERF-0355.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
The disabled parking bay will remain empty in a highly sought after parking location	M	L	Monitor patronage and revert to a traditional 2 hour parking if the bay is not sufficiently utilised	M
Additional pram crossing will need to be cut into the footpath and create another potential hazard for pedestrians	M	M	Highlight the grade change of the ramp within the footpath with yellow paint	L

Delivery Program Action

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

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

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

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 or future budgets other than maintenance of paint to highlight the ramp.

Working funds – justification for urgency and cumulative impact

No impact.



Impacts on 10 Year Long Term Financial Plan

No impact.

Service level changes and resourcing/staff implications

No impact.

ATTACHMENTS:

- 1  71745/2025 - Community Consultation letter - Disabled access to Theatre - BLERF-0355
- 2  71773/2025 - Comments received on options for accessible parking - High Street, Bowraville

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.4 RF143 280126 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

AUTHOR/ENQUIRIES: Keith Williams, Manager Technical Services

SUMMARY:

A pedestrian refuge island is proposed for installation on Mann Street, Nambucca Heads to support pedestrian connections to;

- a) the bus shelter on the northern side of Mann Street and
- b) the proposed commercial development at the corner of Hyland Park Road.

Council now has a greater understanding of the layout of the adjacent development site and is also examining the prospect of moving the shelter to a safer location approximately 40m east.

RECOMMENDATION:

That Council:

- 1 Installs a Pedestrian Refuge Island on Mann Street, west of Hyland Park Road with supporting line marking and signage.**
- 2 Relocates the bus shelter 40m east of its existing location and install a 20m bus zone.**
- 3 Approves the installation of a 'No Right Turn' restriction from the adjacent car park onto Mann Street.**
- 4 Approves the extension of the No Stopping zone to incorporate the Refuge Island area.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation
- 3 Alternative option - wait until the development has been completed

BACKGROUND:

An industrial subdivision has been approved on vacant land fronting Mann Street Nambucca Heads, west of Hyland Park Road. Concept plans submitted to Council indicate pedestrian attracting commercial businesses will likely be opened and existing crossing opportunities are limited for pedestrians.

Council received \$20k in grant funding under the Country Passenger Transport Infrastructure Grants Scheme to install a slab and bus shelter opposite the existing shelters on the other side of Mann Street, the shelter has been in place for approximately 1 year.

DISCUSSION:

Pedestrian attractors exist and are additionally proposed on the northern side of Mann Street Nambucca Heads west of the intersection of Hyland Park Road. Safe pedestrian access to the Northern side from the residential southern side is essential at this busy location.

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

A bus shelter has been installed on the opposite the existing shelters on Mann Street, and developers of the vacant Lot: 2 DP: 1282065, have submitted concept plans for development site, business's will attract both vehicular and pedestrian movements given the commercial nature of the development.

It is proposed to relocate the bus shelter and install a pedestrian refuge island immediately east of the proposed driveway access to the development to support safer crossing opportunities for vulnerable members of the community.

Image 1 . Concept development of the vacant site also showing proposed location of refuge island



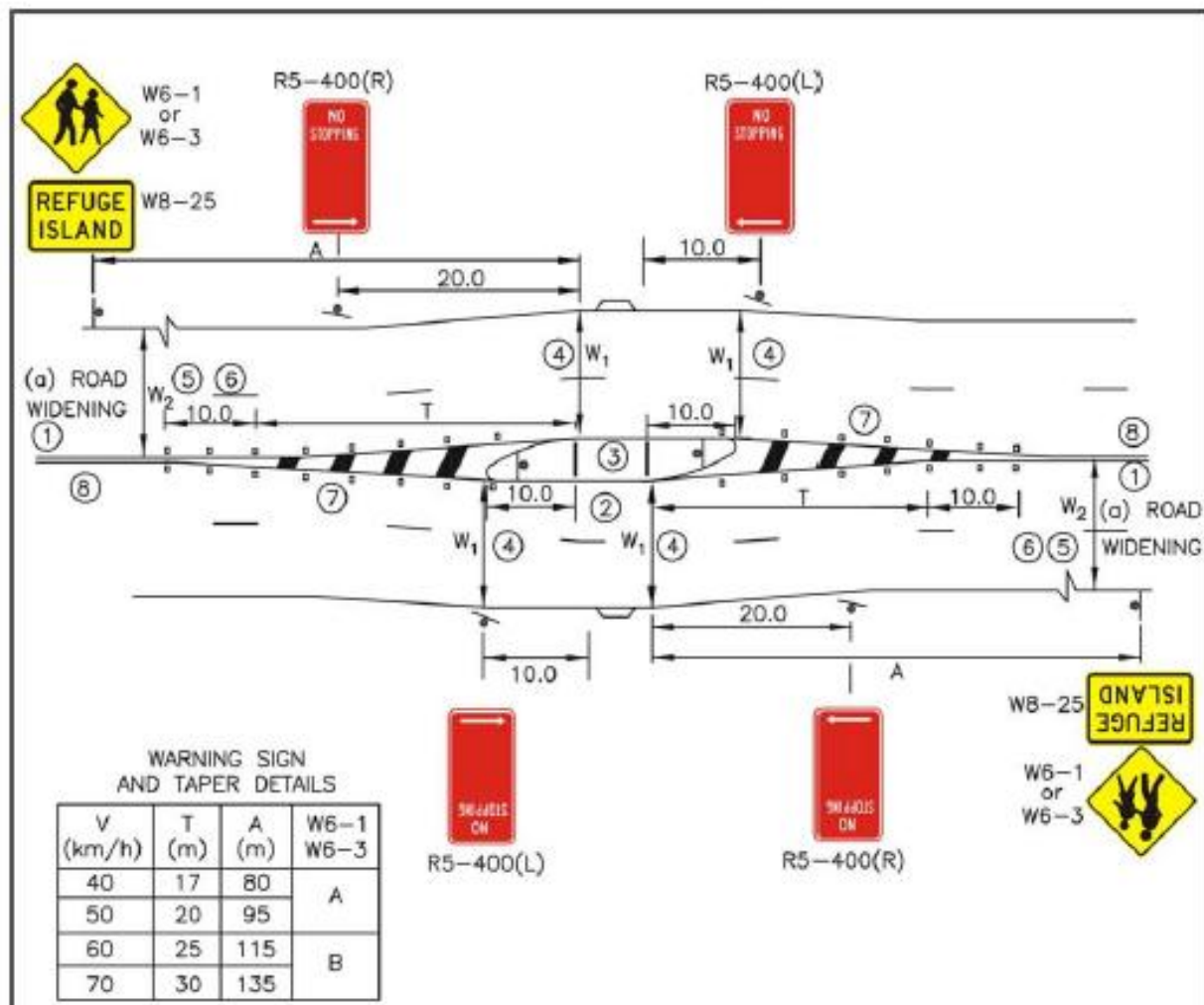
Image 2 . The proposal is highlighted in orange and connects to an existing footpath network

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD



Image 3 . Pedestrian Refuge Island Standard

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD



Pedestrian refuge islands are generally safer than standard pedestrian crossings because they break the crossing task into two simpler, safer steps. Instead of judging traffic from both directions at once, pedestrians only need to assess one direction at a time, which reduces decision-making errors and stress, especially for children, older adults, and people with disabilities.

They also shorten the effective crossing distance, meaning pedestrians spend less time in moving traffic. The raised island provides a protected waiting space in the centre of the road, physically separating pedestrians from vehicles and reducing the risk of being struck mid-crossing.

For drivers, refuge islands visually narrow the roadway, which encourages lower vehicle speeds. They also make pedestrian activity more visible and predictable, improving driver awareness and reaction time. Together, these factors reduce both the likelihood and severity of collisions.

Pedestrian Refuge Island Justification

The proposed location for the pedestrian refuge island provides an adequate and safe line of sight for drivers traveling:

- Eastbound from the roundabout at Old Coast Road and Centenary Parade, and
- Westbound along Mann Street.

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

This ensures that approaching drivers have sufficient visibility of both the refuge island and any pedestrians intending to cross, allowing ample time to slow down or stop if necessary. The alignment of the island also encourages pedestrians to cross in a predictable and controlled manner, improving overall safety. With the addition of pedestrian footpaths and access ramps this site will meet mobility requirements for the community

Additionally, the refuge has been placed near existing lighting to enhance visibility during low-light conditions. This ensures that pedestrians are clearly visible to drivers at night or during adverse weather, further reducing the risk of collisions and improving pedestrian confidence when crossing.

Relocation of the bus shelter Justification

Access to the pedestrian refuge island will be positioned behind the parked bus, thus avoiding the temptation of pedestrians attempting to cross the road in front of the bus. Pedestrians will have clear sight lines to vehicles leaving the roundabout.

The parked bus will Not obstruct vehicles turning into the future driveway entry to the development site, furthermore - If there is an additional bus alighting at the same time, there is scope for it to wait at the existing shelter location that will have No Parking restrictions.

The parked bus will Not obstruct the dedicated left turn lane into Hyland Park Road.

While the proposed pedestrian refuge on Mann Street includes a minimum median length of 14 metres to meet safety and design standards, further consideration is required regarding traffic flow impacts. The extended median may restrict right-hand turning movements from both the southern car park at 157 Mann Street, as well as the driveway at 155 Mann Street. These constraints could lead to unsafe manoeuvres, and reduced accessibility for vehicles exiting these properties. To mitigate these issues, it is recommended that "No Right Turn" restrictions be considered in front 157 Mann Carpark, supported by appropriate signage and line marking.

CONSULTATION:

Busways

TNT Autos (Adjacent business)

SUSTAINABILITY ASSESSMENT:

Environment

No impact.

Social

Safe pedestrian access will be appreciated by the community.

Economic

No perceived economic impact.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact risk (H,M,L)	Strategy to manage risk	Residual Risk
Vehicle collisions with refuge Island	M	M	Place island adjacent to street light and install reflective handrail and pavement markers	L
Less mobile pedestrians may struggle to safely reach the refuge island	M	H	Accept the risk as being less likely than a collision on a pedestrian crossing where pedestrians enter	M

ITEM 12.4 INSTALLATION OF PEDESTRIAN REFUGE ISLAND MANN STREET, WEST OF HYLAND PARK ROAD

during breaks in traffic flow and demand a pedestrian crossing			the road without looking for approaching traffic.	
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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**

Nil - There are remaining funds from the grant to relocate the shelter and there is a discretionary item in the budget for footpath works that can include the refuge island.

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:

1  616/2026 - Mann Street Refuge

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.5 DA2024/122 280126 DEVELOPMENT OF COUNCIL'S 10 LOT SUBDIVISION ON ALBERT DRIVE WARRELL CREEK

AUTHOR/ENQUIRIES: Keith Williams, Manager Technical Services; Evan Webb, Chief Financial Officer

SUMMARY:

This report seeks Council funding to undertake civil works required to develop a currently vacant parcel of council owned land located at Warrell Creek.

RECOMMENDATION:

That Council:

- 1 Fund the expenditure up to \$500,000 to undertake civil works required to develop a currently vacant parcel of council owned land located at Warrell Creek, from the Capital Works Reserve.**
- 2 Approves the preparation of the newly created proposed Lots to market for sale, noting the method of sale and minimum sale price will be brought back to Council for approval.**
- 3 Upon the sale of the land parcels, the proceeds will first be used to reimburse the Capital Works Reserve.**
- 4 Any surplus funds received beyond this amount will be transferred to the Land Development Reserve.**

OPTIONS:

- 1 Do nothing – do not fund the project
- 2 Proposed recommendation
- 3 Initially fund preliminary investigations such as the electrical design of \$20k

BACKGROUND:

At its meeting of 17 October 2024 Council resolved

311/24 RESOLVED: (Angel/Vance)

That Council as the consent authority, pursuant Section 4.16 of the Environmental Planning and Assessment Act 1979, grant consent for Development Application DA2024/122 for a 10 lot subdivision of Lots 9, 17 & 18 DP 884316, and Lot 1 DP 374127 – Albert Drive, Warrell Creek; subject to the schedule of conditions attached to this report.

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

For the Motion: Councillors Angel, Jenvey, Jones, Lee, Ballangarry, McWilliam, Simson, Smith and Vance
Total (9)

Against the Motion: Nil
Total (0)

DISCUSSION:

Subsequent to Council's resolution, council staff will be undertaking the development itself, geotechnical investigations and civil works designs have progressed, and a Subdivision Works Certificate application will soon be ready to submit.

Funding is requested to progress essential infrastructure works including road widening, drainage, utilities, earthworks and driveway construction.

ITEM 12.5 DEVELOPMENT OF COUNCIL'S 10 LOT SUBDIVISION ON ALBERT DRIVE WARRELL CREEK

The proposed civil works include, but are not limited to:

- Earthworks and site preparation
- Road construction and kerb installation
- Stormwater drainage infrastructure
- Electricity, and telecommunications servicing
- Driveway construction

Estimated development costs are \$500,000, actual costs will be greater understood once an electrical design has been completed.

Once these works are complete, Council can then market and sell the blocks of land through Local Real Estates RFQ.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Environment

The site is predominantly cleared land. The only vegetation to be removed as part of the development is a small area of trees within the building envelope of the proposed Lots. The development will not have any impact on threatened species or endangered ecological communities.

Social

The proposal will provide increased housing within the Valley while being consistent with the existing character of the area.

Economic

No adverse economic impacts have been identified.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Actual costs are greater than forecasted budget.	M	M	Large contingency has been included in budget estimate.	Low
If development does not proceed Council will not release funds to be put in Land Development Reserve.	H	M	Approve the request to utilise funds from the Capital Works Reserve.	Low
Blocks of land do not sell.	L	L	Market blocks of land with Local Real estate agents.	Low

ITEM 12.5 DEVELOPMENT OF COUNCIL'S 10 LOT SUBDIVISION ON ALBERT DRIVE WARRELL CREEK

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

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**

There will be significant costs in developing the land. There will also be significant revenue resulting from the sale of the lots.

Working funds – justification for urgency and cumulative impact

Council will fund the expenditure of \$500,000 through an internal loan from the Capital Works Reserve. Upon the sale of the land parcels, the proceeds will first be used to reimburse the Capital Works Reserve. Any surplus funds received beyond this amount will be transferred to the Land Development Reserve.

Impacts on 10 Year Long Term Financial Plan

The sale of all parcels of land will have a positive impact on the 10 Year Long Term Financial Plan.

Service level changes and resourcing/staff implications

Council staff will be undertaking the development itself, significant project management, design, survey and corporate support resourcing will be needed to manage the development.

ATTACHMENTS:

- 1  55966/2024 - Consent
- 2  55967/2024 - Approved Plan
- 3  665/2026 - Civil Design Warrell Crk Subdivision

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 12.6 SF3339 280126 REQUEST FOR A TEMPORARY ROAD CLOSURE -
MACKSVILLE**

AUTHOR/ENQUIRIES: Keith Williams, Manager Technical Services

SUMMARY:

Council has received a request for temporary road closures in Macksville for the Nambucca Valley Open Streets Project – Street Festival 2026.

RECOMMENDATION:

That Council:

1 Approves the temporary road closures in Macksville, for the Nambucca Valley Open Streets Project – Street Festival, between Cooper Street to McKay Street, Macksville

a) 09:00 to 15:00 Friday 13 February, 2026

- River Street, West of Wallace Lane
- Princess Street, North of McKay Street

b) 15:00 Friday 13 February to 17:00 Sunday 15 February 2026.

- River Street (West of Cooper Street)
- Wallace Lane, and
- Princess Street (North of McKay Street)
- McKay Street Car Park

Noting the following documentation being received by Council:

- Certificate of Currency for Public Liability Insurance
- Confirmation of clear path of 2.5 metres being provided for access by emergency service vehicles through the road closure
- Traffic Management Plan confirming Accredited Traffic Controllers will be on site, and
- Police advice of the road closure.

2 Approves signs and devices necessary to affect the road closure.

3 Advertises the road closure more than seven (7) days prior to the event.

OPTIONS:

- 1 Refuse the application
- 2 Proposed recommendation
- 3 Request changes or additional information

BACKGROUND:

The Nambucca Valley Open Streets Project, led by the Nambucca Valley Council, invites local youth aged 12-24 to join the Youth Event Crew and take the lead in naming, designing, and running this riverside event on Gumbaynggirr country, under the mentorship of local industry professionals.

Event 1 of 3 in the Open Streets Grant Program. Community Festival set on River Street and Wallace Lane, incorporating music, food, markets, activities and games. Fireworks and community parade and lead in art workshops.

DISCUSSION:

The event details are outlined in the Event Proposal Document, summarised as running from 14:00 to 21:00 on Saturday 14 February 2026.

ITEM 12.6 REQUEST FOR A TEMPORARY ROAD CLOSURE - MACKSVILLE

Pre-Event Closure:

The organiser has requested closure of the following streets between 09:00 to 15:00 Friday 13 February 2026 for pre-event set up:

- River Street, West of Wallace Lane
- Princess Street, North of McKay Street

Additional Pre-Event Closure, Event and Post Event Closure:

The organiser has requested closure of the following streets between 15:00 Friday 13 February to 17:00 Sunday 15 February 2026.

- River Street (West of Cooper Street)
- Wallace Lane, and
- Princess Street (North of McKay Street)
- McKay Street, car park

The closure from 15:00 Friday 13 allows event staff to:

- a) Stop additional non-event vehicles from entering the car parking spaces:
- b) Allow vehicles already parked to leave the event site at the end of their day's work or visit.
- c) Allow buses turning left from the post office stop on Giinagay Way through River Street and around to Princess Street to exit. This will also service the Australia Post truck, which needs to load mail from the post office.

The organiser has contacted Busways and their two (2) Saturday services will be redirected.

A 2.5m wide clear emergency access path will be in place along the entire length of the road closure on Princess Street and River Street, however there is a proposal for a stage to be placed at the southern end of Wallace Lane, however - if emergency services need to respond they have immediate access from Wallace Street.

CONSULTATION:

Joel Grimson Project Coordinator
Community Development Coordinator
Busways
Transport for NSW

SUSTAINABILITY ASSESSMENT:**Environment**

N/A.

Social

Positive event for the community in particular engagement with the youth of the valley.

Economic

Local businesses will benefit from the event if they decide to be involved and keep their premises open.

ITEM 12.6 REQUEST FOR A TEMPORARY ROAD CLOSURE - MACKSVILLE**Risk Analysis**

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Residual Risk
Vehicle accident	L	H	Roads will be closed. Vehicles will enter site at pre-determined access points prior to commencement of the event.	M

Delivery Program Action

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

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:

Nil.

Service level changes and resourcing/staff implications

Should be no impact providing applicants arrange for the adequate collection of rubbish and there is minimal damage to assets in the precinct.

ATTACHMENTS:

- 1  1423/2026 - Application For Event On council Land 2026 Open Streets Festival
- 2  1420/2026 - NV_OSF 2026 - Road Closure Supporting Information
- 3  1422/2026 - NV_OSF 26 - TGS (Coffs Coast Traffic Solutions)
- 4  1425/2026 - NV_OSF 24 - Site Map EXAMPLE SITE LAYOUT for 26 EVENT
- 5  1424/2026 - NV_OSF-EM - Risk Assessment v1.1