

## NAMBUPCA VALLEY COUNCIL

# Ordinary Council Meeting

## MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 JANUARY 2026

The following document is the minutes of the Ordinary Council meeting held **28 JANUARY 2026**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Wednesday **25 FEBRUARY 2026** and therefore subject to change. Please refer to the minutes of **25 FEBRUARY 2026** for confirmation.

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## PRESENT

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

Cr Martin Ballangarry OAM  
Cr Tamara McWilliam  
Cr Jane MacSmith

## ALSO PRESENT

Bede Spannagle (General Manager)  
David Moloney (Director Engineering Services)  
Kathryn Reynolds (Minute Secretary)

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

## APOLOGIES

### **Apologies (leave granted)**

Cr Susan Jenvey

Cr James Angel

### **Apologies**

Evan Webb (Chief Financial Officer)

## 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 Nick Green offered a prayer on behalf of the Nambucca Minister's Association.

## DISCLOSURE OF INTEREST

Councillor Vance declared a non-pecuniary - significant conflict of interest in *Item 12.6 October, November & December 2025 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received* under the Local Government Act as Cr Vance's company sold the property next door to DA2025/266.

Councillor Jones declared a non-pecuniary – less significant conflict of interest in *Item 11.3 Request for a Temporary Road Closure - Macksville* under the Local Government Act as Cr Jones is on the Arts Mid North Coast Board who is involved in the event.

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### CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

#### SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 17 DECEMBER 2025

1/26 RESOLVED: (Simson/Jones)

That the minutes of the Ordinary Council Meeting of 17 December 2025 be confirmed.

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### PUBLIC FORUM

#### RECOMMENDATION:

That the following public forum be heard:

i *Mr Richard Simshauser – speaking about renewable energy future and our local economy*

### PUBLIC FORUM

i **Mr Richard Simshauser addressed Council with speaking notes placed on 2371/2026 SF3424.**

2/26 RESOLVED: (MacSmith/Lee)

**That an extension of time be granted.**

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### 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.

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### GENERAL MANAGER REPORTS

ITEM 9.1 SF3422 280126 Request for Leave - Cr Susan Jenvey - 22 to 31 January 2026

3/26 RESOLVED: (McWilliam/Vance)

- 1 **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.**
- 2 **That Cr James Angel be granted leave of absence in accordance with Section 234(1) (d) of the *Local Government Act 1993* for the period of 22 January to 2 February 2026 inclusive.**

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

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

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Against the Motion:	Total (7)
	Nil
	Total (0)

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ITEM 9.2 SF959 280126 Outstanding Actions and Reports

4/26 **RESOLVED:** (Simson/McWilliam)

**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 Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
	Total (7)
Against the Motion:	Nil
	Total (0)

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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

5/26 **RESOLVED:** (Simson/McWilliam)

**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.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
	Total (7)
Against the Motion:	Nil
	Total (0)

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ITEM 9.4 SF3528 280126 Investment Report for December 2025

6/26 **RESOLVED:** (McWilliam/Simson)

**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.**

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

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For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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### DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORTS

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ITEM 10.1 SF35 280126 Use of Delegated Authority for Disaster Recovery Funding Arrangements Program

7/26 **RESOLVED:** (McWilliam/Simson)

**That Council notes the information provided in this report.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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ITEM 10.2 SF3653 280126 Minutes of the Nambucca Valley Youth Council

8/26 **RESOLVED:** (MacSmith/Simson)

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

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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ITEM 10.3 SF963 280126 Nominations to Council Section 355 Committees of Management

9/26 **RESOLVED:** (Simson/McWilliam)

**That Council approves the nominations of Section 355 Committees of Management for Valla Beach Community Association and Burrapine 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 Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
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	Total (7)
Against the Motion:	Nil
	Total (0)

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ITEM 10.4 SF3409.25 280126 Minutes of the Disability Access and Inclusion Committee 25 November 2025

10/26 **RESOLVED:** (Simson/McWilliam)

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

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
	Total (7)
Against the Motion:	Nil
	Total (0)

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### DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORTS

ITEM 11.1 DA2025/098 280126 Continued Use of an Existing Dwelling - DA2025/098

11/26 **RESOLVED:** (Jones/MacSmith)

**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.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
	Total (7)
Against the Motion:	Nil
	Total (0)

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ITEM 11.2 SF3490 280126 Minutes of the Nambucca Valley Catchments and Coastline Management Committee Meeting 20 November 2025

12/26 **RESOLVED:** (McWilliam/Simson)

**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:**

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

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance
	Total (7)
Against the Motion:	Nil
	Total (0)

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Councillor Troy Vance left the meeting before the commencement of this item, the time being 6:03 PM.

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ITEM 11.3 SF3410.25 280126 October, November & December 2025 - Approved Construction Certificates, Approved Complying Developments, Development Applications Received and Complying Developments Received

13/26 **RESOLVED:** (Jones/MacSmith)

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

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam and Simson
	Total (6)
Against the Motion:	Nil
	Total (0)

Councillor Troy Vance returned to the meeting at the completion of this item, the time being 6:05 PM.

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### DIRECTOR ENGINEERING SERVICES REPORTS

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ITEM 12.1 SF3671 280126 Scotts Head Master Plan - Project Reference Group

14/26 **RESOLVED:** (MacSmith/Simson)

**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.**

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

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For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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ITEM 12.2 SF1031 280126 Manager Water and Sewerage Policy Reviews

15/26 **RESOLVED:** (McWilliam/Simson)

**That Council:**

- 1 Adopts the Drinking Water Quality Policy ES29 and the Recycled Water Policy ES20.**
- 2 Reviews both policies in 12 months.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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ITEM 12.3 SF3114 280126 Community Consultation - Disabled Accessible Parking Options for High Street, Bowraville - BLERF-0355

16/26 **RESOLVED:** (MacSmith/Simson)

**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.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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ITEM 12.4 RF143 280126 Installation of Pedestrian Refuge Island Mann Street, West of Hyland Park Road

17/26 **RESOLVED:** (Jones/McWilliam)

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#### 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.

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

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

Total (7)

Against the Motion: Nil

Total (0)

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ITEM 12.5 DA2024/122 280126 Development of Council's 10 Lot Subdivision on Albert Drive Warrell Creek

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18/26 **RESOLVED:** (Jones/MacSmith)

#### 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.

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

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

Total (7)

Against the Motion: Nil

Total (0)

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ITEM 12.6 SF3339 280126 Request for a Temporary Road Closure - Macksville

19/26 **RESOLVED:** (MacSmith/Simson)

**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.**

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

For the Motion: Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance  
Total (7)

Against the Motion: Nil  
Total (0)

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## COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

20/26 **RESOLVED:** (Simson/Ballangarry)

- 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:***

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

For the Motion: Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance  
Total (7)

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Against the Motion: Nil  
Total (0)

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### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1 SF3420.25 280126 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.*

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*For Confidential Business Paper in Closed Meeting*

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ITEM 13.2 SF3420 280126 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.*

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### CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6.17PM.

### RESUME IN OPEN MEETING

21/26 **RESOLVED:** (Jones/McWilliam)

**That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:31PM.**

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

For the Motion: Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance  
Total (7)

Against the Motion: Nil  
Total (0)

### FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

### GENERAL MANAGER REPORTS

*For Confidential Business Paper in Closed Meeting*

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ITEM 13.1 SF3420.25 280126 Matters Regarding Realised or Potential Losses

22/26 **RESOLVED:** (McWilliam/Simson)

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

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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*For Confidential Business Paper in Closed Meeting*

ITEM 13.2 SF3420 280126 Proposed sale of Lot 2 DP 1294410 - 150 Albert Drive Warrell Creek

23/26 **RESOLVED:** (MacSmith/McWilliam)

**That Council:**

- 1 Approves the sale of Lot 2 DP 1294410 as per the highest offer.**
- 2 Delegates the General Manager to sign under seal the contract of sale and legal documents.**
- 3 Subject to the failure of execution of the above sale, approves the General Manager to accept further offers on Lot 2 DP 1294410 on or above the amount specified in the valuation report.**
- 4 Approves proceeds of the sale of the land be allocated into the Land Development reserve.**

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

For the Motion:	Councillors Ballangarry, Jones, Lee, MacSmith, McWilliam, Simson and Vance Total (7)
Against the Motion:	Nil Total (0)

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### CLOSURE

There being no further business the Mayor then closed the meeting the time being 6.35PM.

Confirmed and signed by the Mayor on **25 FEBRUARY 2026**

**Cr Gary Lee  
MAYOR  
(CHAIRPERSON)**