

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 FEBRUARY 2026

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

PRESENT

Cr Gary Lee (Mayor)
Cr Susan Jenvey
Cr Tamara McWilliam
Cr Jane MacSmith

Cr James Angel
Cr David Jones
Cr Ljubov Simson
Cr Troy Vance

ALSO PRESENT

Bede Spannagle (General Manager)

Kristian Enevoldson (Acting Director Corporate and Community Services)

David Moloney (Director Engineering Services)
Kathryn Reynolds (Minute Secretary)

Evan Webb (Chief Financial Officer)
Suzanne Sullivan (Minute Secretary)

APOLOGIES

APPLICATION FOR LEAVE OF ABSENCE VIA COUNCILLOR BALLANGARRY

24/26 **RESOLVED:** (Lee/Jenvey)

That Council approve a request for leave for Councillor Ballangarry for the 25 February 2026 Council meeting.

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

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

Total (8)

Against the Motion:

Nil

Total (0)

Apologies (leave granted)

Cr Martin Ballangarry OAM

Apologies

Daniel Walsh (Director Development and Environment 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.

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PRAYER

Pastor Sydney Coetzee from the Nambucca Christian Life Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Councillor Vance declared a pecuniary interest in *Item 11.2 Undetermined Development Applications Greater Than 12 Months, Where Submissions Have Been Received, or Where an Application to vary Development Standards Under Clause 4.6 of The Nambucca LEP 2010 was approved under Staff Delegation* under the Local Government Act as Cr Vance sold the property next door. Cr Vance left the meeting for this item.

Councillor Lee declared a non-pecuniary - significant conflict of interest in *Item 10.2 - Nominations to Council Section 355 Committees of Management* under the Local Government Act as Cr Lee's partner, Anna Shannon is being elected to the committee. Cr Lee left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 28 JANUARY 2026

25/26 **RESOLVED:** (McWilliam/Simson)

That the minutes of the Ordinary Council Meeting of 28 January 2026 be confirmed.

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

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

DELEGATIONS

RECOMMENDATION:

That the following delegations be heard:

- i. Mr Peter Edward Lewis – speaking about solutions to Coronation Park Drainage*

PUBLIC FORUM

- i. Mr Peter Edward Lewis addressed Council with speaking notes placed on 8448/2026 SF3424.**

26/26 **RESOLVED:** (McWilliam/Jenvey)

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.

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 250226 Outstanding Actions and Reports

27/26 **RESOLVED:** (McWilliam/Angel)

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, Jenvey, Jones, Lee, MacSmith, McWilliam, Simson and Vance

Total (8)

Against the Motion:

Nil

Total (0)

ITEM 9.2 SF1067 250226 Response to the Minister for Local Government in relation to Joint Organisation membership

MOTION: (Angel/McWilliam)

That Council advises the NSW Office Local Government (OLG) that it intends to seek membership of the Mid North Coast Joint Organisation.

AMENDMENT: (Angel/Vance)

That Council:

1 Advises the NSW Office Local Government (OLG) that it intends to seek membership of the Mid North Coast Joint Organisation.

2 Provide a copy of the minutes regarding discussion in their response to the minister.

For the Motion: Councillors Angel and Vance

Total (2)

Against the Motion:

Councillors Jenvey, Jones, Lee, MacSmith, McWilliam and Simson

Total (6)

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

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28/26 **RESOLVED:** (Angel/McWilliam)

That Council advises the NSW Office Local Government (OLG) that it intends to seek membership of the Mid North Coast Joint Organisation.

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

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

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

ITEM 9.3 SF3528 250226 Investment Report for January 2026

29/26 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for January 2026.**
- 2 Adopts the certification of the Responsible Accounting Officer for January 2026.**

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

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

ITEM 9.4 SF1120 250226 Grant Status Report

30/26 **RESOLVED:** (MacSmith/McWilliam)

That Council notes the Grants Status Report.

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

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

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ITEM 9.5 SF3517 250226 Quarterly Budget Review - December 2025

31/26 **RESOLVED:** (MacSmith/Jenvey)

That Council:

- 1 Notes the budget review for the quarter ended 31 December 2025.**
- 2 Approves the recommended variations in the budget for the 2025/26 financial year.**

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

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

DIRECTOR CORPORATE AND COMMUNITY SERVICES REPORTS

ITEM 10.1 SF600 250226 Land Disposal and Acquisition Policy

MOTION: (McWilliam/Jenvey)

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.

AMENDMENT: (MacSmith/Jones)

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.
- 4 Includes, no negotiations, including discussions regarding price or material terms, are to occur prior to Council resolving that the land is to be disposed of or acquired.

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

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

32/26 **RESOLVED:** (MacSmith/Jones)

That Council:

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- 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.
- 4 Includes, no negotiations, including discussions regarding price or material terms, are to occur prior to Council resolving that the land is to be disposed of or acquired.

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

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

Councillor Gary Lee left the meeting before the commencement of this item, the time being 6:35 PM.

Councillor Jenvey took the Chair for Item 10.2, the time being 6:35 PM.

ITEM 10.2 SF3586 250226 Nominations to Council Section 355 Committees of Management

33/26 **RESOLVED:** (Angel/MacSmith)

That Council approves the nominations of Section 355 Committees of Management and notes the resignations.

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

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

Councillor Gary Lee returned to the meeting at the completion of this item, the time being 6:37 PM.

ITEM 10.3 SF3586 250226 Minutes of Duguula-Bindarray-Garri Aboriginal Advisory Committee

34/26 **RESOLVED:** (Angel/MacSmith)

That Council notes the Minutes of the Duguula Bindarray-Garri Aboriginal Advisory Committee meeting held on 2 December 2025 and 10 February 2026.

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

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

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Against the Motion:	Nil
	Total (0)

ITEM 10.4	SF1620	250226	Delivery Program and Operational Plan Progress - July 2025 to December 2025
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35/26 **RESOLVED:** (McWilliam/Angel)

That Council:

- 1 Notes the progress of the Delivery Program and Operational Plan for the six months to 31 December 2025.**
- 2 Approves the changes to Actions set out in Table 1.**

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

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

DIRECTOR DEVELOPMENT AND ENVIRONMENT SERVICES REPORTS

ITEM 11.1	SF1031	250226	Review of Council's Cemetery Policy DE 15
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36/26 **RESOLVED:** (Lee/Angel)

That Council defer this item to the March Council meeting.

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

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

Councillor Troy Vance left the meeting before the commencement of this item, the time being 6:46 PM.

ITEM 11.2	SF3410	250226	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
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37/26 **RESOLVED:** (Simson/McWilliam)

That Council:

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1 Notes the information contained within the report.

2 Calls forward DA2025/266 to a future Council meeting.

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

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

Councillor Troy Vance returned to the meeting at the completion of this item, the time being 6:47 PM.

ITEM 11.3 SF1148 250226 Council's Rangers' Report and Penalties Issued for October, November and December 2025

38/26 **RESOLVED:** (Angel/MacSmith)

That Council notes the impounding statistics and penalties issued for October, November and December 2025.

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

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

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 12.1 PRF15 250226 Coronation Park Drainage Solutions

39/26 **RESOLVED:** (Jenvey/MacSmith)

That Council:

1 Undertake an in-house survey and drainage design for Coronation Park.

2 Develop an estimate to support a future grant application.

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

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

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ITEM 12.2 ND-NH-22-6 250226 Corner of Piggott Street and Foreshore Close Access

40/26 **RESOLVED:** (Jenvey/McWilliam)

That Council endorses the approach proposed by the Natural Disaster Recovery Team to place conditions on the access for the remediation of the failed slope adjacent to 1 Foreshore Close, Nambucca Heads.

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

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

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

41/26 **RESOLVED:** (Angel/Jenvey)

- 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.**

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

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

Reason reports are in Closed Meeting:

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 250226 Matters Regarding Realised or Potential Losses

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

For Confidential Business Paper in Closed Meeting

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ITEM 13.2 SF3420 250226 Agreement for Transfer of Land for the Purpose of Road
Realignment

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 (There are multiple property owners affected for these works, and this agreement has been negotiated in good faith specifically with this particular landowner and may differ from other such agreements.).

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 250226 Valuation Conducted Lot 1 DP1173066

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 250226 Water Leak Adjustment - Water Account 11145834

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) (b) of the Local Government Act, 1993, on the grounds that the report contains a discussion in relation to the personal hardship of a resident or ratepayer.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:55PM.

RESUME IN OPEN MEETING

42/26 **RESOLVED:** (Jenvey/McWilliam)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 7:42PM.

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

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

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

Ordinary Council Meeting

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GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3420 250226 Matters Regarding Realised or Potential Losses

43/26 **RESOLVED:** (Angel/McWilliam)

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

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF3420 250226 Agreement for Transfer of Land for the Purpose of Road
Realignment

44/26 **RESOLVED:** (Jenvey/Angel)

That Council:

- 1 Approves the acquisition of portions of land at 228 Scotts Head Road, Way Way identified on the final survey plan and admin sheets annexed to the agreement.**
- 2 Compensation be in accordance with the independent valuation.**
- 3 Authorises the General Manager to execute associated legal documents.**

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

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

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 250226 Valuation Conducted Lot 1 DP1173066

45/26 **RESOLVED:** (MacSmith/Angel)

That Council:

- 1 Notes the report on the Valuation conducted for LOT 1 DP1173066.**

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2 Delegates the General Manager to acquire part LOT 1 DP1173066 as described in Option 2 through negotiation or compulsory acquisition based on the valuation amount and execute all documents.

3 Receives a report on the final outcome of the purchase.

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

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

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 250226 Water Leak Adjustment - Water Account 11145834

46/26 **RESOLVED:** (Simson/McWilliam)

That Council resolves to write off \$15,761.56, being made up of \$5,103.47 for water usage and \$10,658.09 for sewer usage on water account 11145834.

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

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 7:45 PM.

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

Cr Gary Lee
MAYOR
(CHAIRPERSON)

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The below budget review statement was tabled during the meeting and relates to Item 9.5 – Quarterly Budget Review – December 2025.

Supplimentary Cash and Investments Budget Review Statement

<i>Restricted and allocated cash, cash equivalents and investments</i>							
	30.06.2025						30.06.2026
Total Cash, Cash Equivalents and investments	127,425,324						110,843,131
<i>Less: Externally Restricted cash, cash equivalents and investments</i>	(103,254,817)						(86,187,508)
Cash and cash equivalents and investments not subject to external restrictions	24,170,507	-	-	-	-	-	24,655,623
External Restrictions	ACTUAL Balance 30/6/2025	Original Budget	Carry Forwards	Out of QBR Adjustments	September QBR	December QBR	Estimate Balance 30/06/2026
Specific Purpose Unexpended Grants - General Fund (CL)	42,310,437	-	-	-	-	-	42,310,437
Specific Purpose Unexpended Grants - Water Fund (CL)	63,782	-	-	-	-	-	63,782
Specific Purpose Unexpended Grants - Sewer Fund (CL)	109,204	-	-	-	-	-	109,204
Security Deposits	1,293,929	-	-	-	-	-	1,293,929
Unexpended Loans Sewer Fund	3,800,000	-	-	-	-	-	3,800,000
EPA Contribution to Waste Management	-	-	-	-	-	-	-
Property Insurance Reimbursement	-	-	-	-	-	-	-
Developer Contributions - General	2,308,216	708,350	(711,957)	-	-	-	2,304,609
Developer Contributions - Water	8,142,562	(4,368,200)	-	-	-	-	3,774,362
Developer Contributions - Sewer	4,211,113	(2,937,000)	-	-	-	-	1,274,113
Specific Purpose Unexpended Grants - General	2,456,176	-	(1,092,839)	-	(1,040,600)	(131,897)	190,840
Water Supplies	16,818,684	(112,421)	(187,956)	-	-	-	16,518,307
Sewerage Services	14,836,974	(5,902,405)	(806,921)	-	(909)	(46,169)	8,080,570
Stormwater Management	483,634	103,700	(155,081)	-	-	-	432,253
Domestic Waste Management	6,420,106	(106,427)	(320,000)	-	41,423	-	6,035,102
Total External Restrictions	103,254,817	(12,614,403)	(3,274,754)		(1,000,086)	(178,066)	86,187,508
Internal Allocations	ACTUAL Balance 30/6/2025	Original Budget	Carry Forwards	Out of QBR Adjustments	September QBR	December QBR	Estimate Balance 30/06/2026
Plant & Vehicle Replacement	2,199,130	200,000	(1,196,665)	-	-	200,000	1,402,465
Carry Forward Reserve	1,950,000	-	(1,344,991)	-	-	-	605,009
Unexpended Loans - General	266,101	-	(266,130)	-	-	-	(29)
Financial assistance grant in Advance	2,883,884	-	-	-	-	2,883,884	2,883,884
Natural Disaster - Contingency Unclaimable Expenditure	83,700	-	-	-	-	-	83,700
Employees Leave Entitlements	1,183,754	(200,000)	-	-	-	-	983,754
Council Building Reserve	243,783	(200,000)	-	-	-	-	43,783
Election	100,000	55,000	-	-	-	-	155,000
Environment Rate Levy	539,097	(14,178)	(108,537)	-	-	-	416,382
Land Development	324,586	(282,710)	-	-	-	-	41,876
Lawn Cemetery	7,241	-	-	-	-	-	7,241
IT/Office Equipment	298,791	(133,000)	(45,131)	-	-	-	120,660
Other Contributions(inc beach reserve)	310,802	-	(42,404)	(30,000)	-	-	238,398
Swimming Pool	588,493	75,000	-	-	-	-	663,493
Interest Equalisation Reserve	800,000	1,000,000	-	-	-	-	1,800,000
Capital Works Reserve	1,250,000	(50,000)	-	-	-	-	1,200,000
Budget Equalisation reserve	500,000	-	-	-	-	-	500,000
Insurance Excess reserve	250,000	-	-	-	-	-	250,000
Roadworks Reserve	1,500,000	-	-	-	-	-	1,500,000
Future Improvement Reserve	250,000	-	-	-	-	-	250,000
Other Sporting Facilities	500,000	-	-	-	-	-	500,000
Halls Upgrade Reserve	250,000	-	-	-	-	-	250,000
Waste Management	5,830,195	1,854,030	(80,000)	-	9,141	-	7,613,366
Total Internal Allocation	22,109,558	2,304,142	(3,083,858)	(30,000)	9,141	200,000	21,508,983
Total Restrictions	125,364,375	- 10,310,261	- 6,358,612	- 30,000	- 990,945	21,934	107,696,491
Unrestricted Cash	2,060,949	10,310,261	6,358,612	30,000	990,945	- 21,934	3,146,640
TOTAL CASH	127,425,324	-	-	-	-	-	110,843,131