



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 18 JANUARY 2024

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

Nambucca Valley ~ Living at its best.

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

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 on the **last Thursday** of each month AND on the Thursday two weeks before the Thursday meeting. Both meetings commence 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?

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 telephone or in person before 11.00 am on a meeting day. The relevant agenda item will be brought forward at 5.30 pm in agenda order, and dealt with following preliminary business items on the agenda. 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 telephone or in person before 11.00 am on a meeting day) 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



4:00PM WORKSHOP - James Parker Taverner Research Group

NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 18 JANUARY 2024

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.

AGENDA	Page
1 APOLOGIES	
2 PRAYER	
3 DISCLOSURES OF INTERESTS	
4 CONFIRMATION OF MINUTES — <i>Ordinary Council Meeting - 14 December 2023.....</i>	<i>9</i>
5 NOTICES OF MOTION	
6 PUBLIC FORUM & DELEGATIONS	
<i>i Melina Murphy – Blueberry Farming - Concerns regarding impact on water quality</i>	
<i>ii Christopher Mulvihill – Blueberry Farming - Buffer Zones and contamination of the water in Taylors Arm River.</i>	
7 ASKING OF QUESTIONS WITH NOTICE	
8 QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED	
9 GENERAL MANAGER REPORTS	
9.1 Outstanding Actions and Reports	24
9.2 Schedule of Council Meetings - February 2024 to June 2024.....	39
9.3 Disaster Ready Funding EOI submitted.....	40
10 DIRECTOR CORPORATE SERVICES REPORTS	
10.1 Community Satisfaction Survey	42
10.2 Annual General Meeting Minutes 6 December 2023 for the Warrell Creek Hall Committee of Management.....	45
10.3 Annual General Meeting Minutes 2 December 2023 for the Mary Boulton's Pioneer Cottage and Museum Committee of Management	47
10.4 Annual General Meeting Minutes 18 November 2023 for the Burrapine Hall Committee of Management	49
10.5 Investment Report to 31 December 2023	51

11	MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS	
11.1	Undetermined Development Applications greater than 12 months or where submissions received to 10 January 2024 and Development Applications determined from 7 December 2023 to 10 January 2024 where an Application to Vary Development Standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation	56
11.2	Development Application DA2023/233 - Subdivision.....	59
11.3	Council's Rangers' Report and Penalties Issued for November 2023	64
11.4	2023 December - Approved Construction Certificates and Complying Development Applications	67
11.5	2023 December - Development Applications and Complying Development Applications Received	68
12	DIRECTOR ENGINEERING SERVICES REPORTS	
12.1	River Street Toilet Block Relocation	69
12.2	Remove Bollards From Watt Creek Cycleway	72
13	GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING	
13.1	Request for Quotation T005/2023 - Marion Wood Netball Court Resurfacing <i>It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>	
13.2	Tender T006/2023 - Nambucca Valley Sporting Fields Subsoil Drainage Program <i>It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.</i>	
13.3	Matters Regarding Realised or Potential Losses <i>It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (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.</i>	
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.	

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).

SCHEDULE 3: FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST

- 1 This form must be completed using block letters or typed.
- 2 If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.25 of the Code of Conduct – Councillors and 4.37 of the Code of Conduct - Council for the Nambucca Valley Council (the Codes of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Codes of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Codes of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Codes of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

Special disclosure of pecuniary interests byin the matter of
 which is to be considered at a meeting of the

 to be held on the.....day of 20

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest¹	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) ² <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor's signature:

Date:

[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

The following document is the minutes of the Ordinary Council meeting held **14 December 2023**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 18 January 2024 and therefore subject to change. Please refer to the minutes of 18 January 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Trevor Ballangarry
Cr Ricky Buchanan
Cr David Jones
Cr John Wilson (Deputy Mayor)

Cr James Angel (arrived 5.33 pm)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

ALSO PRESENT

Bede Spannagle (Acting General Manager)
Keith Williams (Acting Director Engineering Services)
Andrea Baillie (Acting Manager Economic Development)

Joanne Hudson (Acting Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Lorraine Hemsworth (Minute Secretary)

APOLOGIES

Matthew Sykes (Director Corporate Services) 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

PRAYER

Pastor Peter Allen from the Nambucca Baptist Church, offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mayor, Councillor Rhonda Hoban OAM declared a pecuniary interest in Item 12.2 *Land Acquisition – Hunt – Road Widening* under the Local Government Act as the landowner is a relative of Mayor Hoban. Mayor Hoban left the meeting for this item.

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 30 NOVEMBER 2023

458/23 **RESOLVED:** (Wilson/Buchanan)

That the minutes of the Ordinary Council Meeting of 30 November 2023 be confirmed.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

The Mayor formally introduced Mr Bede Spannagle as Council's new General Manager.

NOTICE OF MOTION - CR HOBAN OAM

ITEM 5.1 SF3303 141223 NOTICE OF MOTION - Request for Leave 15-24 January 2024 -
Cr Rhonda Hoban OAM

459/23 **RESOLVED:** (Hoban/Wilson)

THAT Cr Rhonda Hoban OAM be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period of 15 to 24 January 2024 inclusive for Annual Leave.

Delegation - NOTICE OF MOTION - Remove Bollards from Watt Creek Cycleway

vi Ulrich Kessler addressed Council with speaking notes placed on 66794/2023, SF3304.

NOTICE OF MOTION - CR JENVEY

ITEM 5.2 SF3303 141223 NOTICE OF MOTION - Remove Bollards from Watt Creek
Cycleway

MOTION: (Jenvey/Jones)

THAT:

- 1 Staff review the potential to remove some bollards that aren't near structures on the Watt Creek, Brian Cockbain and NSW Coastline Cycleway.
- 2 Staff consider other forms of discouragement for vehicular access on the purpose-built cycleway such as an extension of guardrails, use of surveillance technology, use of regulation by fines, and U-turn access on Giinagay Way so that all cyclists can safely access the active transport asset.

AMENDMENT: (Angel/Vance)

THAT:

- 1 Council formally recognise the petition.
- 2 A report be received back to Council on costs and alternate measures to deter vehicles.

The amendment was carried and became the motion.

460/23 **RESOLVED:** (Angel/Vance)

THAT:

- 1 **Council formally recognise the petition.**
 - 2 **A report be received back to Council on costs and alternate measures to deter vehicles.**
-

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

DELEGATIONS

RECOMMENDATION

THAT the following delegations be heard:

PUBLIC FORUM

- i Robynne McGinley - 2023 Bowraville Tidy Towns*
- ii Wurinda Gill - Local Young Legend*
- iii Lucy Shepherd - Community Conflicts*
- iv Raewyn Macky - Rural Environmental Issues in the Nambucca Valley*
- v Erik von Forell - Horticulture and Glass Houses*

DELEGATIONS

Item 5.2 Notice of Motion - Remove Bollards from Watt Creek Cycleway

- vi Ulrich Kessler – In favour of Recommendation*

Item 11.1 DA2023/015 - Demolition of Existing Dwelling, Construction of Residential Flat Building, Strata Subdivision - 3 High Street, Nambucca Heads

- vii Bernard Perkins – Against the recommendation*
- viii David Pleasance – Against the recommendation*
- ix Geoff Smyth, Town Planning Consultant on behalf of Bruce and Sandy Mason – In favour of the recommendation*
- x Sandy Mason – In favour of the recommendation*

Public Forum:

- i Wurinda Gill addressed Council with speaking notes placed on 60141/2023, SF3304*
- ii Robynne McGinley addressed Council with speaking notes placed on 65835/2023, SF3304.*
- iii Lucy Shepherd addressed Council with speaking notes placed on 66691/2023, SF3304.*
- iv Raewyn Macky addressed Council with speaking notes placed on 66688/2023, SF3304.*
- v Erik von Forell addressed Council.*

Delegations:

Item 11.1 DA2023/015 - Demolition of Existing Dwelling, Construction of Residential Flat Building, Strata Subdivision - 3 High Street, Nambucca Heads

- vii Bernard Perkins addressed Council with speaking notes placed on 66794/2023, SF3304.*
- viii David Pleasance addressed Council with speaking notes placed on 66793/2023, SF3304.*

461/23 **EXTENSION OF TIME:** (Jones/Vance)

THAT an extension of time be granted to Mr Pleasance for his delegation to Council.

462/23 **EXTENSION OF TIME:** (Angel/Jenvey)

THAT a further extension of time be granted to Mr Pleasance for his delegation to Council.

- ix Geoff Smyth & Associates addressed Council with speaking notes placed on 66623/2023, SF3304.*
- x Sandy Mason addressed Council with speaking notes placed on 66589/2023, SF3304.*

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

ITEM 11.1 DA2023/015 141223 DA2023/015 - Demolition of Existing Dwelling, Construction of Residential Flat Building, Strata Subdivision - 3 High Street, Nambucca Heads

MOTION: (Wilson/T Ballangarry)

THAT Council:

- 1 Close the section of Hill Street, Nambucca Heads illustrated on the DA Plans as Lot 1 DP 1288566 in accordance with section 38D of the Roads Act 1993.
- 2 Classify the section of Hill Street, Nambucca Heads illustrated on the DA Plans as Lot 1 DP 1288566 as operational land in accordance with section 31 of the Local Government Act 1993.
- 3 Approve development application DA2023/015 in accordance with section 4.16 of the Environmental Planning & Assessment Act 1979, subject to the recommended conditions of consent contained within Attachment 4 of this report.

AMENDMENT: (Vance/Angel)

THAT:

- 1 The report be deferred until, with the permission of the owners of 1 High Street and 47 Ridge Street, Nambucca Heads, the independent Consultant attend onsite and complete a view impact assessment.
- 2 Council engage a legal firm recommended by staff to provide a second opinion on the legal status and ownership of the road i.e. Lot 1 DP 1288566.

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

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson
Total (9)

Against the Motion: Nil
Total (0)

463/23 **RESOLVED:** (Vance/Angel)

THAT:

- 1 **The report be deferred until, with the permission of the owners of 1 High Street and 47 Ridge Street, Nambucca Heads, the independent Consultant attend onsite and complete a view impact assessment.**
- 2 **Council engage a legal firm recommended by staff to provide a second opinion on the legal status and ownership of the road i.e. Lot 1 DP 1288566.**

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

For the Motion: Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson
Total (9)

Against the Motion: Nil
Total (0)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

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 141223 Outstanding Actions and Reports

464/23 **RESOLVED:** (Angel/Jones)

THAT the list of outstanding actions and reports be noted and received for information by Council.

ITEM 9.2 SF3190 141223 Subdivision - Lots 9 and 10 DP 884342 Warrell Creek

465/23 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 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 9.3 SF731 141223 Free On Street Camping at Bowraville - Progress Update

MOTION: (Angel/Vance)

THAT:

- 1 Council endorse the southern end of Cook Street, Bowraville for overnight free camping for caravans and other camping vehicles either side of the road, subject to it being restricted to between the hours of 5.00 pm to 8.00 am during school days.**
- 2 The proposal be referred to the Local Traffic Committee for consideration and, should the Traffic Committee provide concurrence, Recommendation 1 be implemented.**

AMENDMENT: (Jenvey/Jones)

THAT staff bring to the notice of the Bowraville Chamber of Commerce to revisit the idea of free camping at Lanes Bridge, Bowraville.

The amendment was lost and reverted back to the original motion.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

466/23 **RESOLVED:** (Angel/Vance)

THAT:

- 1 Council endorse the southern end of Cook Street, Bowraville for overnight free camping for caravans and other camping vehicles either side of the road, subject to it being restricted to between the hours of 5.00 pm to 8.00 am during school days.
- 2 The proposal be referred to the Local Traffic Committee for consideration and, should the Traffic Committee provide concurrence, Recommendation 1 be implemented.

ITEM 9.4 SF791 141223 Land Development Committee Minutes - 30 November 2023

467/23 **RESOLVED:** (Jones/Vance)

THAT Council adopt the minutes of the Land Development Committee meeting held on 30 November 2023.

ITEM 9.5 SF251 141223 Schedule of Council Meetings - January 2024 to June 2024

468/23 **RESOLVED:** (Wilson/Angel)

THAT Council note the schedule of meeting dates for 18 January to 27 June 2024.

ITEM 9.6 SF35 141223 Acting General Manager for Period 15 December 2023 to 30 June 2024

469/23 **RESOLVED:** (Angel/Buchanan)

THAT Council appoint the Director of Corporate Services to act in the role of General Manager in the event of the General Manager taking leave anytime between 15 December 2023 to 30 June 2024.

ITEM 9.7 SF2451 141223 Invitation to join the Great Koala National Park Community Advisory Panel

470/23 **RESOLVED:** (Jenvey/Angel)

THAT Council nominate Councillor Susan Jenvey as representative and Councillor David Jones as an alternate to represent Nambucca Valley Council on the Great Koala National Park Community Advisory Panel.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF3358 141223 Investment Report to 30 November 2023

471/23 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 **Note the Chief Financial Officer's report on Investments for the period November 2023.**
- 2 **Adopt the certification of the Responsible Accounting Officer for the period of November 2023.**

ITEM 10.2 SF3289 141223 Minutes of the Nambucca Valley Council Access Committee meeting held 28 November 2023

472/23 **RESOLVED:** (Jenvey/Wilson)

THAT Council:

- 1 **Receive and note the minutes of the Nambucca Valley Council Access Committee meeting held 28 November 2023.**
- 2 **That the following Business Arising be noted:**
 - 1 **Bellevue Drive and Nursery Road, North Macksville Footpath/Cycleway Extension**
That Bellevue Drive and Nursery Road, North Macksville be added to the list of grant applications for design/construction of footpaths/cycleways.
 - 2 **MLAK System**
That the Access Committee wish to refer the MLAK system for Disabled Toilets to the Public Toilets Services Review.

ITEM 10.3 SF307 141223 Annual General Meeting Minutes 21 November 2023 for the Coronation Park Committee of Management

473/23 **RESOLVED:** (Buchanan/Angel)

THAT Council note the Minutes of the Coronation Park Committee of Management's Annual General Meeting held on 21 November 2023 and thank new and outgoing members for their efforts over the past twelve months.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

ITEM 10.4 SF336 141223 Nomination to Taylors Arm Hall Section 355 Committee of Management

474/23 **RESOLVED:** (Angel/M Ballangarry)

THAT:

- 1 Council accept the nomination from Allen Ward for Taylors Arm Hall Section 355 Committee of Management.
- 2 The successful nominee be provided with a copy of the Terms of Reference, Code of Conduct for Delegates, S355 Committee Guidelines and Volunteer Safety Handbook.

ITEM 10.5 SF304 141223 Nominations to Bowraville Sports Ground Section 355 Committee of Management

475/23 **RESOLVED:** (Buchanan/M Ballangarry)

THAT:

- 1 Council accept the nominations from Virginia Jarrett, Troy Grace, Matthew Harper, John Latham and David Foley for the Bowraville Sports Ground Section 355 Committee of Management.
- 2 The successful nominees be provided with a copy of the Terms of Reference, Code of Conduct for Delegates, S355 Committee Guidelines and Volunteer Safety Handbook.

ITEM 10.6 SF980 141223 Letter of support for grant application by NSW Rural Doctors Network

476/23 **RESOLVED:** (Angel/Wilson)

THAT Council endorse the letter of support to the Rural Doctors Network for its grant application.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 11.1 was dealt with under delegations.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

ITEM 11.2 SF3290 141223 Undetermined Development Applications greater than 12 months or where submissions received to 6 December 2023 and Development Applications determined from 22 November 2023 to 6 December 2023 where an Application to Vary Development Standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

477/23 **RESOLVED:** (Angel/T Ballangarry)

THAT the information on undetermined Development Applications greater than 12 months, or where submissions have been received to 6 December 2023, and Development Applications determined from 22 November 2023 to 6 December 2023 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation, be noted by Council.

ITEM 11.3 SF2278 141223 Minutes of the Clean Energy Committee Meeting Held 21 November 2023

478/23 **RESOLVED:** (Jenvey/Buchanan)

That Council receive and note the attached minutes of the Clean Energy Committee meeting held on the 21 November 2023.

ITEM 11.4 SF3290 141223 2023 November - Approved Construction Certificates and Complying Development Applications

479/23 **RESOLVED:** (Wilson/T Ballangarry)

THAT the Construction Certificates and Complying Developments approved for November 2023 be noted and received for information by Council.

ITEM 11.5 SF3290 141223 2023 November - Development Applications and Complying Development Applications Received

480/23 **RESOLVED:** (Vance/Angel)

THAT the Development Applications and Complying Developments received in November 2023 be received for information.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

481/23 **RESOLVED:** (Buchanan/M 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:

Mayor, Councillor Rhonda Hoban OAM left the meeting before the commencement of Item 12.2 and Deputy Mayor John Wilson took the chair, the time being 8:45 PM.

Mayor, Councillor Rhonda Hoban OAM returned to the meeting at the completion of Item 12.2 and returned to the chair, the time being 8:49 PM

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1	SF3301	141223	Land Acquisition - Trisley - Watt Creek Cycleway
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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 12.2	SF600	141223	Land Acquisition - Hunt - Road Widening
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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 12.3	SF3301	141223	Realignment of Trunk Main at Waste Facility, 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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3301 141223 T009/2023 Request for Quotation - Road Construction and Maintenance

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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

ITEM 12.5 SF3301 141223 Q014/2023 Request for Quotation - Deep Creek Pedestrian Footbridge - Valla Beach

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) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

For Confidential Business Paper in Closed Meeting

ITEM 12.6 T012/2023 141223 T012/2023 Request for Quotation - Purchase of Two Motor Graders

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 12.7 SF3301 141223 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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 8.31 PM.

RESUME IN OPEN MEETING

482/23 **RESOLVED:** (Jenvey/Buchanan)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 9.02 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 12.1	SF3301	141223	Land Acquisition - Trisley - Watt Creek Cycleway
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483/23 **RESOLVED:** (Angel/Vance)

THAT Council:

- 1 Notes the independent market valuation from Coffs Coast Valuations for part Lot 46 Giinagay Way, North Macksville.
- 2 Proceeds to purchase the subject land for the agreed purchase price of \$4,850.00.
- 3 Require the land purchase contract to be executed under Council seal pursuant to clause 377 (1)(h) by the Mayor and General Manager.

For Confidential Business Paper in Closed Meeting

ITEM 12.2	SF600	141223	Land Acquisition - Hunt - Road Widening
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484/23 **RESOLVED:** (Jones/Jenvey)

THAT Council:

- 1 Notes the independent market valuation from Coffs Coast Valuations for part 938 Wilson Road, Congarinni North.
 - 2 Proceeds to purchase the subject land for the agreed purchase price of \$24,000.00.
 - 3 Require the land purchase contract to be executed under Council seal pursuant to clause 377 (1)(h) by the Deputy Mayor and General Manager.
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Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

For Confidential Business Paper in Closed Meeting

ITEM 12.3 SF3301 141223 Realignment of Trunk Main at Waste Facility, Nambucca Heads

485/23 **RESOLVED:** (Jones/Buchanan)

THAT Council:

- 1 Accept the tender submitted by Trazilbat Pty Ltd for the amount of \$151,030.00 inclusive of GST to complete the contract to realign the trunk main at the Nambucca Heads Waste Facility.**
- 2 Update the Contract Register.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 12.4 SF3301 141223 T009/2023 Request for Quotation - Road Construction and Maintenance

486/23 **RESOLVED:** (Angel/T Ballangarry)

THAT Council:

- 1 Note the report and assessment on the Request for Quotation (T009/2023) for the panel contract for Road Construction and Maintenance Services for the period from 14 December 2023 to 30 June 2025.**
- 2 Endorse the following contractors to provide services under the Panel Contract:**
 - **Accurate Asphalt and Road Repairs**
 - **AJ Civil**
 - **Downer EDI**
 - **Fortade Group**
 - **Stabilcorp**
 - **Stabilised Pavements Australia.**
- 3 Update the Contract Register.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

ITEM 12.5 SF3301 141223 Q014/2023 Request for Quotation - Deep Creek Pedestrian
Footbridge - Valla Beach

487/23 **RESOLVED:** (Angel/Jones)

THAT Council:

- 1 Note the report and assessment on the Request for Quotation (Q014/2023) for the reconstruction of the Deep Creek footbridge at Valla Beach.**
- 2 Accept the quotation from Treadwell Group Pty Ltd in response to the Request for Quotation (Q014/2023) in the amount of \$369,399.94, utilising the Local Government Procurement contracts LGP420 and LGP308-3.**
- 3 Update the Contract Register.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson Total (9)
Against the Motion:	Nil Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 12.6 T012/2023 141223 T012/2023 Request for Quotation - Purchase of Two Motor
Graders

488/23 **RESOLVED:** (Jenvey/Angel)

THAT Council:

- 1 Note the report and assessment on the Request for Quotation (T012/2023) for the Supply and Purchase of Two (2) New Motor Graders - PSA Class 15.**
- 2 Accept the quotation from Westrac Pty Ltd in response to the Request for Quotation (T012/2023) at a combined price of \$975,000.00, utilising Local Government Procurement contract LGP419.**
- 3 Update the Contract Register.**
- 4 Dispose of the existing Plant Item 5197 (Caterpillar 120M) at the highest value to Council (by Auction or Trade In) under delegation to the General Manager.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, T Ballangarry, Vance and Wilson Total (9)
Against the Motion:	Nil Total (0)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 14 DECEMBER 2023

For Confidential Business Paper in Closed Meeting

ITEM 12.7 SF3301 141223 Matters Regarding Realised or Potential Losses

489/23 **RESOLVED:** (Jones/T Ballangarry)

THAT the information concerning incidents where there is a realised or potential loss of funds and/or reputation be received.

CLOSURE

There being no further business the Mayor then closed the meeting the time being 9.09 PM.

Confirmed and signed by the Mayor on 18 January 2023.

**Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)**

GENERAL MANAGER'S REPORT**ITEM 9.1 SF959 180124 OUTSTANDING ACTIONS AND REPORTS**

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager; Matthew Sykes, Director Corporate Services; Evan Webb, Chief Financial Officer; Joanne Hudson, Manager Human Resources; Daniel Walsh, Manager Development and Environment; Keith Williams, Acting Director Engineering Services

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 ~~strike through~~ 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 the list of outstanding actions and reports be noted and received for information by Council.

	FILE NO	COUNCIL MEETING	SUMMARY OF MATTER	ACTION BY	STATUS
MARCH 2022					
1	SF2143	31/03/22 13/10/22	3 That an Asbestos Management Register for all Council buildings be prepared once a funding source is obtained.	A/DES	<p>19/07/22 – Manager of Assets has advised that there are registers/management plans for all sites containing asbestos. These will be available through QR codes at each site.</p> <p>06/09/22 – Further investigation into feasibility of required actions to be undertaken.</p> <p>17/10/22 – Timeframe for establishment of register to be determined and copies of plans to be sent to each Committee.</p> <p>14/11/22 – No further update.</p> <p>05/12/22 – Management Plans to be sent out by the end of December, register anticipated to be finalised by the end of the financial year.</p> <p>01/02/23 – Plans to be sent out as soon as possible.</p> <p>13/02/23 – Plans are being sent out. Registers anticipated to be finalised this financial year.</p> <p>08/03/23 – Included in draft budget to fund remaining works.</p> <p>20/03/23 to 20/09/23 - No further update.</p> <p>04/10/23 – Budget allocation is for an audit of the registers via a contractor yet to be engaged.</p> <p>18/10/23 – No further update.</p> <p>06/11/23 to 22/11/23 - No further update.</p> <p>05/12/2023 – Works currently in progress.</p> <p>10/01/24 – A/MAF arranging a consultant to progress works.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

MAY 2022					
2	DA202 2/115	26/5/22	<p>2 Once the proposed lots are registered, Council gives public notice of a proposed resolution to reclassify Lot 2 from operational land back to community land in accordance with section 34 of the Local Government Act 1993.</p> <p>3 A report on any submissions to Council's public notice of a proposed resolution to reclassify proposed Lot 2 from operational land back to community land be presented to Council after the exhibition period.</p>	MDE	<p>08/06/22 – Waiting on registration of the Lots.</p> <p>05/07/22 – As part of the registration of the plan of subdivision, it was intended to dedicate Coronation Street as public road. Currently it is partly located within Crown land and Council land. The Crown have advised Council that this can't occur unless Council compulsory acquires the section of Crown land. In addition to this, the Bowra Hub development intend to locate their power lines within the Crown land to supply the Hub. The Crown have advised that this cannot occur until a licence is obtained for the placement of the electricity line within Crown land.</p> <p>Council is in the process of obtaining a licence for the placement of the electricity line within the Crown Land and the compulsory acquisition of the section of Crown land. This will be reported to Council separately.</p> <p>To finalise the plan of subdivision, it will be registered without Coronation Street as a public road. A right of carriageway will be created benefiting the Hub development across Council land.</p> <p>19/07/22 – Awaiting concurrence from NSW LALC to enable licence application to be lodged.</p> <p>17/08/22 – Still awaiting concurrence. NSW LALC have advised concurrence is not a certain outcome and will be presented to a board meeting.</p> <p>06/09/22 – Plan in the process of being registered.</p> <p>04/10/22 – No further update.</p> <p>19/10/22 – Plan having final amendments made before being sent for pre-examination.</p> <p>02/11/22 – Final amendments still being made.</p> <p>16/11/22 – Lodged on 14 November 2022 for pre-examination.</p> <p>05/12/22 – Subdivision Certificate issued and documents to be executed prior to registration.</p> <p>01/02/23 – Delays due to resignation of Registered Surveyor.</p> <p>13/02/23 – Surveyors are doing final markings on site prior to lodgement of plans of registration.</p> <p>08/03/23 – No further update.</p> <p>22/03/23 – Plan/s88B in process of being signed by Essential Energy. Once done it can be sent for registration.</p> <p>05/04/23 - No further update.</p> <p>19/04/23 – 9/8/23 – Waiting for Essential Energy.</p> <p>23/8/23 – Amendments to plans being done to satisfy Essential Energy requirements.</p> <p>06/09/23 – 18/10/23 – Amendments being</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>finalised.</p> <p>07/11/23 – Amended plans sent to Essential Energy for signing.</p> <p>22/11/23 – 6/12/23 - No further update.</p> <p>10/1/24 – All documents have been signed for registration. Once registered the public notice will be made and reported back to Council.</p>
3	SF3168	13/10/22	That in consultation and possible partnership with Bellingen Shire Council, Nambucca Valley Council seek a meeting or meetings with nearby Councils (Port Macquarie-Hastings, Kempsey, Bellingen, and Coffs Harbour) to discuss potential options for waste arrangements post early 2027 when the current Coffs Coast Waste contracts are due to expire.	MDE	<p>19/10/22 – Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022.</p> <p>02/11/22 – Meeting organised with Coffs Harbour and Bellingen Councils on 18 November 2022 and seek agreement to meet with Port Macquarie-Hastings, Kempsey.</p> <p>15/11/22 – Meeting with General Manager of Bellingen Shire and agreed to organise further meetings with General Managers of Bellingen, Kempsey, Port Macquarie Hastings Councils.</p> <p>Regional Waste Strategy Reference Group meeting has been deferred until Wednesday 30 November 2022.</p> <p>01/02/23 – Meeting being arranged with Bellingen, Kempsey and Port Macquarie Hastings Councils.</p> <p>16/02/23 – Virtual meeting arranged for 22 March 2023.</p> <p>20/3/23 – Outcomes of discussions with surrounding Councils will be reported back to Council as part of a future options report once all options have been investigated.</p> <p>22/03/23 – Meeting to be held 22 March 2023 with Bellingen, Kempsey, Nambucca Valley and Port Macquarie Councils.</p> <p>30/03/23 – Item to remain open at the request of Cr Jenvey.</p> <p>05/04/23 – Refer to separate report. Note that a future report will be referred to Council once all options for Councils future waste strategy has been finalised.</p> <p>13/04/23 – Resolution 133/23 that Council not enter into an agreement to accept any residue waste from City of Coffs Harbour Council.</p> <p>14/04/23 – Correspondence sent to GM City of Coffs Harbour Council (CoCH) advising NVC not in a position to offer access to our landfill at this point in time.</p> <p>19/04/23 – Meeting to be arranged by EPA.</p> <p>03/05/23 - The EPA proposed joint procurement facilitation service and the regional group will email EPA to seek their application process to move forward with investigations into the establishment of a regional entity.</p> <p>17/05/23 to 07/06/23 Waiting for response from EPA.</p> <p>21/06/23 to 04/07/23 – Meeting held with Clarence Valley Council and Bellingen Shire Council on 09/06/23. Discussions to continue.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>19/07/23 – Discussions are continuing with Bellingen, Port Macquarie, Kempsey, and Clarence. Coffs have previously advised that they are not wanting to discuss green or yellow processing. A feasibility study regarding processing green and yellow bin waste at Clarence's facilities is currently being undertaken.</p> <p>09/08/23 – No further update.</p> <p>23/8/23 – Refer to separate report with update.</p> <p>06/09/23 to 10/1/24 – No further update.</p>
4	SF1092	13/10/22	<p>1 Request approval from the Minister Administering the Crown Lands Management Act 2016 to approve the draft Plan of Management for Wellington Park Nambucca Heads Reserve 81262 Part Lot 7016 DP 1056524</p> <p>2 Upon approval from the Minister Administering the Crown Lands Management Act 2016, amend the draft Plan of Management if required by the Minister and place it on public exhibition as per Section 38 of the Local Government Act, 1993.</p>	A/MED	<p>19/10/22 – PoM lodged with the Minister for approval.</p> <p>01/11/22 – No further update.</p> <p>15/11/22 – No further update.</p> <p>08/12/22 – No further update.</p> <p>11/01/23 – No response to date.</p> <p>01/02/23 – No further update.</p> <p>09/02/23 – Crown Lands has advised there is a considerable backlog at this point in time.</p> <p>Council requires the PoM to be completed for the renewal of the existing licence by Dec 2024.</p> <p>08/03/23 - No further update.</p> <p>22/03/23 – No further update.</p> <p>05/04/23 - Matter has been referred to DoPE Crown Lands for further information, and the Crown are yet to respond.</p> <p>19/04/23 to 03/05/23 - DoPE Crown Lands have are yet to provide a detailed response.</p> <p>16/05/23 - Followed up with LANDSAS who are facilitating the processing of the report on Council's behalf. Expecting a progress update by the end of the month.</p> <p>07/06/23 – LANDSAS yet to provide the response.</p> <p>20/06/23 – Dept Crown Lands confirmed PoM held for review.</p> <p>04/07/23 – LANDSAS has been asked to make minor clarification amendments on the encroachment area in the plan and resubmit to Crown Lands (CL).</p> <p>19/07/23 to 06/09/23 – No further update.</p> <p>20/09/23 – Dept CL have requested further amendments to the PoM. Landsas have challenged the request citing they are inconsistent with the CLM Act 2016.</p> <p>Amendments include: removal of Caravan Park encroachment licence to be managed by the Crown and removal of various authorisations. Meeting with CL scheduled for 29/09/23 to discuss further.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>04/10/23 – A/MED on leave therefore meeting with CL to be scheduled for a later date.</p> <p>17/10/23 – Meeting (Teams) held between Dept Crown Lands representatives, Landsas and Council's AMED on 14 October 2023 to clarify comments made by Dept CL on PoM under review. Dept CL have now provided explanation for their position, and Landsas will amend and progress PoM as a result. Once approved by the Minister, this will be brought back to Council accordingly.</p> <p>02/11/23 – LANDSAS have addressed issues raised by DoPE Crown Lands and now resubmitted to the Minister for review. Currently with DoPE.</p> <p>22/11/23 – 10/1/24 - No further update, awaiting a response from DoPE.</p>
DECEMBER 2022					
5	SF1214	15/12/22	<p>Preferred Location for Replacement of Public Toilets – River Street, Macksville:</p> <p>THAT:</p> <p>1 In the absence of any forthcoming reasonable offer to sell to Council a suitable area of private land in or near River Street and following the endorsement of the grant funding deed, that Council proceed to obtain quotes from two architects for the design of new public toilets at Site 1 in River Street, Macksville.</p> <p>2 Any forthcoming offer to sell to Council a suitable area of land near the foreshore for the placement of public toilets be reported to Council.</p>	A/DES	<p>11/01/23 – No offers received except to acquire all of the Old NAB property. Architects still to be instructed.</p> <p>01/02/23 – No further update.</p> <p>13/02/23 – Issues with proximity to overhead power lines needs to be resolved before proceeding with designs.</p> <p>06/03/23 to 19/07/23 – No further update.</p> <p>09/08/23 – No alternate sites have been procured at this stage. Process underway to find a solution to overhead powerlines.</p> <p>23/08/23 to 20/09/23 – No further update.</p> <p>04/10/23 – Waiting for electrical design.</p> <p>18/10/23 – No further update. Works to be completed by 31 December 2025.</p> <p>06/11/23 – No further update.</p> <p>22/11/23 – Electrical quotation received for solution to overhead power on River Street.</p> <p>5/12/23 – A preferred location is being finalised.</p> <p>10/01/24 – Alternative location to be considered by Council report to 18 January 2024 meeting.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

MAY 2023					
6	SF2524	25/05/23	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.	A/MED	<p>31/05/23 - Followed up with NHRSL Club who will revert with decision on acceptance of lease by 2/6/23.</p> <p>07/06/23 - meeting with RSL representatives to be held 07/06/23.</p> <p>20/06/23 – Councillors updated at meeting</p> <p>15/06/23 - NHRSL Club advised of Council's position. No response to hand at this stage.</p> <p>04/07/23 – NHRSL Club has responded requesting a further meeting with Nambucca Valley Council.</p> <p>19/07/23 – A meeting took place on 11 July 2023 with the RSL to organise a meeting between the RSL Board and Council.</p> <p>09/08/23 - Lease not yet executed. Awaiting completion of Council's stormwater remediation project to be commenced imminently.</p> <p>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.</p> <p>The stormwater is 50% completed.</p> <p>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.</p> <p>20/09/23 – Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required.</p> <p>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:</p> <ul style="list-style-type: none"> - 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. <p>This is pending the final review by PWA which could be in 2 weeks.</p> <p>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.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>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.</p> <p>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.</p> <p>22/11/23 - DoPE Crown Lands have advised they are completing independent Native Title Advice to be supplied to 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.</p> <p>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.</p> <p>05/12/23 to 10/1/24- No further action. Awaiting completion of works at premises, and native title advice from DoPE Crown Lands.</p>
JUNE 2023					
7	SF3303	29/06/23	<p>As part of our support for the Voice to Parliament Nambucca Valley Council will convene a meeting of its Aboriginal Advisory Committee and extend its stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council's Community Strategic Plan.</p> <p>Council policies such as initiatives of Aboriginal place naming to be part of the</p>	DCS	<p>06/07/23 – Placed on website 19/07/23 – awaiting replacement of the Manager Community Development position to undertake the actions of:</p> <ul style="list-style-type: none"> • convene a meeting of Council's Aboriginal Advisory Committee and extend Council's stakeholder engagement if necessary to produce a Reconciliation Plan to be linked to Council's Community Strategic Plan. • Council policies such as initiatives of Aboriginal place naming to be part of the Reconciliation Plan between Nambucca

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>Reconciliation Plan between Nambucca Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council's support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation's performances, art and culture in Council facilities.</p>		<p>Valley Council and its Gumbaynggirr community representatives. This Reconciliation Plan is to include Council's support for NAIDOC Week and Reconciliation Week, as well as agreement to showcase First Nation's performances, art and culture in Council facilities.</p> <p>09/08/23 report to this Council meeting on staff structure related to Community Development.</p> <p>22/08/23 - Community Development Officer position to be recruited.</p> <p>06/09/23 - Applications for Community Development Officer position close 24.09.23</p> <p>18/09/23 – no further update</p> <p>04/10/23 to 18/10/23 – Interviews for Community Development Officer position to be held 20/10/23.</p> <p>08/11/23 to 22/11/23 Community Development Officer to commence 4 December 2023.</p> <p>06/12/2023 - Community Development Officer (CDO) commenced 4 December 2023.</p> <p>03/01/2024 – CDO has:</p> <ul style="list-style-type: none"> researched into why previous committee meetings ceased in 2012 (interest waned to a point where the lack of a quorum resulted in meetings being abandoned), attended a meeting of the Local Government Aboriginal Network, and scheduled a meeting with Council's three indigenous councillors on the 18th January 2024.
JULY 2023					
8	SF396	27/07/23	<p>Housekeeping amendment to Nambucca Local Environmental Plan 2010</p> <p>1 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway determination.</p> <p>2 Following community consultation, Council staff report the planning proposal back to Council for</p>	MDE	<p>09/08/23 – Refer to separate report. Once a decision is made on these matters the planning proposal will be finalised and sent to the Minister for Gateway Determination.</p> <p>23/08/23 – Planning proposal being finalised for submission to the Minister for Gateway Determination.</p> <p>06/09/23 to 10/1/24– Amendments requested by the Minister prior to Gateway determination being finalised for resubmission.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			consideration of submissions received and a final decision as to whether Council will proceed to make the amended plan.		
AUGUST 2023					
9	LF5363	31/08/23	Council to receive a report addressing the matter raised by and on behalf of the Save the River Group and the Nambucca Heads Island Golf Club in relation to the causeway to Stuarts Island Nambucca Heads. (45604/2023 & 46082/2023)	A/DES & MDE	06/09/23 - Submission received and report to be prepared accordingly. 20/09/23 – No further update. 04/10/23 – Options investigation commenced. 18/10/23 – No further update. Investigations will take time to develop. 06/11/23 to 22/11/23 – No further update. 5/12/23 to 10/01/24 – Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024.
SEPTEMBER 2023					
10	SF2278	28/09/23	Electric Vehicle (EV) Charging Stations That Council: 2 Consider all alternate locations including Nambucca Heads as a focus point (Main Street, Anzac Park near the garden centre, Bellwood Park and V-Wall). 3 Investigate grant funding opportunities for paid EV Chargers	MDE	04/10/23 – No further update. 18/10/23 to 10/1/24 – Staff are investigating suggested sites.
11	SF3190	28/09/23	Warrell Creek land Lots 9, 17 and 18 DP 884316: 2 Issue letters to relevant parties advising that Council will not be proceeding with the subdivision as originally planned and will not be proceeding to contract for the sale of land 3 Survey the land boundaries with Lot 1 DP 374127 and Lot 6 DP 748478 to identify if there are any encroachments from these lots. 4 Report the findings of the encroachment survey to Council with options for the potential subdivision of the land.	A/MED	04/10/23 – No further update 18/10/23 - AGM and AMED to prepare and hand deliver letters to current landowners advising Council will not be progressing to contract for sale of earlier proposed lots, and staff are currently attending to further survey of the land to inform subdivision options to be presented to Council as per resolution. 02/11/23 – A/MED phoned affected landowners to advise situation and delivered letters in confirmation of Council not proceeding to contract of sale. Review of the subdivision plan by internal stakeholders completed and 3 options are being sketched to bring through the Land Development Committee, then brought to Council for direction on which option to proceed with. 22/11/23 – report on northern Lot subdivision to 30 November Council Meeting. 05/12/2023 – Subdivision options

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>presented to Land Development Committee 30 November and Committee chose Option 1. Staff to proceed to draft subdivision in accordance with chosen option and bring back to Council for resolution to proceed further.</p> <p>Report on northern lots deferred from Council meeting of 30 November and will be brought to Council meeting of 14 December accordingly.</p> <p>10/01/24 – Investigation progressing on southern lots</p>
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OCTOBER 2023

12	SF90	12/10/23	<p>THAT Council:</p> <p>1 Install a trial 2-hour parking restriction for 12 months along High street Bowraville, both sides of the road, between Bolmore Street and the cenotaph, between the hours of:</p> <ul style="list-style-type: none"> • 8.30am to 6.00pm Monday to Friday, and 8.30am to 12.30pm Saturdays. • A further extension of the trial will be considered in 12 months and approval will be subject to regular compliance being carried out. <p>2 Concur with the installation of a 10m No Stopping Zone immediately prior to the Nambucca Vocational College car park driveway located at 29 Cooper Street, Macksville.</p> <p>6 Install an additional disabled parking bay, pram crossing and requisite signage on High Street Bowraville immediately adjacent to the pharmacy.</p> <p>8 Install one hour parking restrictions at the Matthew Street Lookout, Scotts Head.</p>	A/DES	<p>18/10/23 – To be implemented when time permits.</p> <p>08/11/23 – Signs for point 1, 6 & 8 have been delivered, now organising installation.</p> <p>22/11/23 – Signs waiting to be installed for all items.</p> <p>5/12/23 – No change.</p> <p>5/12/23 – Completed.</p> <p>22/11/23 – Line Marking contractors engaged for disabled parking bay.</p> <p>5/12/23 – line marking completed.</p> <p>10/01/24- pram crossing still outstanding</p> <p>06/12/23 – No change.</p> <p>10/01/24 – completed</p>
13	SF3303	26/10/23	<p>Request for funding for funding allocation - Design of Shared Pathway - Hyland Park to Mann Street</p> <p>THAT:</p>	CFO	<p>06/11/23 – No reserve funds or unallocated funds available in the budget. Council will be applying for grant funds through the "Get NSW Active" program that opened on 31/10/23 for the design of the cycleway.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>1 If staff can identify sufficient available funds in reserves or the adopted 2023/2024 budget Council allocate those funds at the September 2023 Quarterly Budget Review to engage an external consultancy to prepare a design for a shared pathway from Hyland Park to Mann Street, Nambucca Heads.</p> <p>2 When a new round of Transport for NSW's Get NSW Active program opens or any other suitable grant funding opportunity arises Council apply for funding for an external consultancy to prepare a design for a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</p> <p>3 If sufficient funding cannot be identified in reserves or the current budget and no new grant funding opportunity has opened or if a grant funding application remains undetermined or has been unsuccessful Council consider a funding allocation in the 2024/2025 budget to engage external consultants to design a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</p> <p>4 The design encompass multi modal trip for cycle friendly infrastructure.</p>	A/DES	<p>22/11/23 - Council receiving ongoing letters of support and quotations received for survey design. Application to be lodged in December 2023.</p> <p>5/12/23 – Application will be made prior to 12 December 2023 through NSW Get Active program.</p> <p>10/01/24- Grant application made and budget bid to be added to 24/25 budget process.</p> <p>22/11/23 - Will be part of design if grant application is successful 5/12/24 – no change.</p>
14	SF3303	26/10/23	<p>1 Council reconvene the Nambucca River Creeks Estuaries and Coastline Management Committee.</p> <p>2 Council extend the area of interest of the Committee to include the entire Nambucca River, Swimming Creek, Warrell Creek, and Deep Creek catchments and consider renaming the Committee to reflect the broader area of interest.</p> <p>1 Once reconvened the Committee review its Terms of Reference and membership.</p>	A/DES	<p>08/11/23 -Investigation underway to locate original terms of reference. Original Committee members to be contacted for re-participation.</p> <p>22/11/23 - Coast and Estuary committee Meeting set for mid-February 24.</p> <p>5/12/23 to 10/01/24– Meeting scheduled for 15/2/24.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

15	SF1358	26/10/23	That the amended report - Proposed Changes to the Organisation Structure be deferred until the December 2023 meeting.	GM	22/11/23 - No further action. 06/12/23 to 10/01/24 – Structure review will be undertaken in conjunction with budget process under the new General Manager.
NOVEMBER 2023					
16	SF2381	16/11/23	<p>THAT Council:</p> <p>1 Actively seek to minimise land use conflict between different types of farming through the use of buffer zones, planning changes, and better definitions of 'productive farmland' etc.</p> <p>2 Receive a report on the proposal to submit a planning proposal to the Planning Minister which seeks to amend the Nambucca LEP 2010 to make intensive plant agriculture permissible with development consent in the RU1 and RU2 zones.</p> <p>3 Write to the Minister for Water and the Environment requesting assurances that greater resources be allocated to State agencies responsible for monitoring legislative compliance within the Nambucca Valley horticulture industry associate with water testing, water harvesting, clearing of native Vegetation and Pollution.</p> <p>4 Seek legal advice to clarify if development application is required prior to the erection of Netting and Greenhouses associated with horticulture (blueberries) in Rural Zones; and if a development application is not required, seek legal advice as to which changes are needed to make it so, using the experience of the Coffs Harbour Council.</p> <p>5 Receive a report on a Rural Land Use Strategy.</p>	MDE	<p>22/11/23 – Action yet to be taken.</p> <p>6/12/23 – 10/01/24 – Report to be provided to Council once the legal advice is received.</p>
17	SF843	16/11/23	<p>Vehicular Access to Beaches</p> <p>2 Contact National Parks and Wildlife Service regarding a</p>	A/DES	<p>5/12/23 – As per Council's Environmental Project Officer – Due to funding being</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>possible new access at North Valla and report back to the Vehicular Access to Beaches Committee.</p> <p>3 Undertake temporary pedestrian and vehicle access improvements at Swimming Creek.</p> <p>4 Investigate the cost of surveillance cameras to be installed at Swimming Creek, Scotts Head and North Valla.</p> <p>5 Approve emergency vehicles including surf lifesaving vehicles to go beyond the prohibited point on Forsters Beach, Scotts Head.</p> <p>6 Install no parking signs in the dune area at Scotts Head beach access.</p>		<p>successful for the upgrade of 4WD and pedestrian access at both North Valla and Swimming Creek, an alternative access path bordering Jagun NP is not required.</p> <p>On hold due to pending applications. 9/1/24 – no longer require temporary improvements as funding application was successful. Further update regarding long term improvements to come once Environmental Project Officer returns from leave.</p> <p>Waiting on advice from the Ranger. 6/12/23 – Approximately \$5,000 for the cameras and installation from the Beach Control Capital GL 8075.721. 9/1/24 – MICT advised that approval is required by Crown Lands to install surveillance cameras at the beach access points. Cameras will need to be equivalent to the flood cameras and estimated cost for equipment is \$45k. Information to be given to VABC at the meeting on 9 February 2024.</p> <p>Council adopted 16 November Resolution 440/23.</p> <p>Lodged into Datascope SR2458. 9/1/24 signs installed prior to Christmas.</p>
18	SF1867	30/11/23	<p>Illegal Dumping in the State Forest</p> <p>That Council receive a report addressing both the concerns and suggestions made in Mr Humphrey's presentation to Council.</p>	MDE	<p>6/12/23 – To be reported to Council in the new year. 10/1/24 – To be reported to February Meeting.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

DECEMBER 2023					
19	SF3303	14/12/23	<p>Bollards – Watts Cycles Way A report be received back to Council on costs and alternate measures to deter vehicles.</p> <p>Council formally recognise the petition</p>	A/DES	5/01/23 – Report to 18 January 2023.
20	DA2023/015	14/12/23	<p>Demolition of existing dwelling, construction of Residential Flat Building, Strata Subdivision – 3 High Street Nambucca Heads</p> <p>1 The report be deferred until, with the permission of the owners of 1 High Street and 47 Ridge Street, Nambucca Heads, the independent Consultant attend onsite and complete a view impact assessment.</p> <p>2 Council engage a legal firm recommended by staff to provide a second opinion on the legal status and ownership of the road i.e. Lot 1 DP 1288566.</p>	MDE	10/01/24 – To be reported back to Council for determination once the inspection is carried out and legal advice received.
21	SF3190	14/12/23	<p>1 Approves the registration of the subdivision plan for Lots 9 and 10 DP 884342, Warrell Creek as submitted.</p> <p>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.</p>	A/MED	10/01/24- registration of subdivision underway as per Council resolution.
22	SF731	14/12/23	<p>Free On Street Camping at Bowraville</p> <p>1 Council endorse the southern end of Cook Street, Bowraville for overnight free camping for caravans and other camping vehicles either side of the road, subject to it being restricted to between the hours of 5.00 pm to 8.00 am during school days.</p>	A/DES	10/01/24 – Reporting to Traffic Committee in February , minutes of the February Traffic Committee meeting will be presented to Council for adoption prior to recommendation 1 being implemented

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>2 The proposal be referred to the Local Traffic Committee for consideration and, should the Traffic Committee provide concurrence, Recommendation 1 be implemented.</p>		
23	SF2451	14/12/23	<p>Invitation to join the Great Koala National Park Community Advisory Panel</p> <p>THAT Council nominate Councillor Susan Jenvey as representative and Councillor David Jones as an alternate to represent Nambucca Valley Council on the Great Koala National Park Community Advisory Panel.</p>	GM	10/01/24 DPIE notified of Cr Jenvey and Cr Jones as the alternate.
24	SF3289	14/12/23	<p>Minutes of the Nambucca Valley Council Access Committee meeting held 28 November 2023</p> <p>That the following Business Arising be noted:</p> <p>1 Bellevue Drive and Nursery Road, North Macksville Footpath/Cycleway Extension</p> <p>That Bellevue Drive and Nursery Road, North Macksville be added to the list of grant applications for design/construction of footpaths/cycleways.</p> <p>2 MLAK System</p> <p>-</p> <p>That the Access Committee wish to refer the MLAK system for Disabled Toilets to the Public Toilets Services Review.</p>	DCS	<p>10/01/24 Has been added to the list of priorities when applying for grant funding.</p> <p>10/01/24 Contractor has been requested to expand service review scope to include MLAK.</p>

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER'S REPORT**ITEM 9.2 SF251 180124 SCHEDULE OF COUNCIL MEETINGS - FEBRUARY 2024 TO JUNE 2024****AUTHOR/ENQUIRIES:** Jodie Jeffery, Executive Assistant**SUMMARY:**

The following is a schedule of dates for public Council and Council Committee meetings to be held 15 February 2024 to 27 June 2024. The meeting dates may change from time to time and this will be recorded in the next available report to Council.

The Council meeting schedule is two meetings per month, that being the last Thursday of the month and the Thursday two (2) weeks prior with the exception being the meeting to be held on Wednesday 24 April 2024 due to Anzac Day being Thursday 25 April 2024.

RECOMMENDATION:

THAT Council note the schedule of meeting dates for 15 February to 27 June 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
Council Meeting	15 Feb	Council Chambers	5.30 PM
Council Meeting	29 Feb	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	14 Mar	Utungun Community Centre	5.00 PM
Council Meeting			5.30 PM
Council Meeting	28 Mar	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	11 Apr	Scotts Head SLSC	5.00 PM
Council Meeting			5.30 PM
Council Meeting	Wed 24 Apr	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	16 May	South Arm Hall	5.00 PM
Council Meeting			5.30 PM
Council Meeting	30 May	Council Chambers	5.30 PM
Council Meeting	13 June	Council Chambers	5.30 PM
Council Meeting	27 June	Council Chambers	5.30 PM

ATTACHMENTS:

1  49668/2023 - Nambucca Valley Council Away Meetings to 27 June 2024

GENERAL MANAGER'S REPORT

ITEM 9.3 SF81 180124 DISASTER READY FUNDING EOI SUBMITTED

AUTHOR/ENQUIRIES: Bede Spannagle, General Manager

SUMMARY:

Council staff have submitted an Expression of Interest (EOI) application for funding the preliminary studies for the relocation of the Nambucca Emergency Operations Centre (NEOC) under the Disaster Ready Funding Round 2.

RECOMMENDATION:

THAT Council:

- 1 Note an EOI application for funding the preliminary studies for the relocation of the Nambucca Emergency Operations Centre (NEOC) has been submitted for the Disaster Ready Funding Round 2.**
- 2 Consider a budget allocation in the 2024/25 budget if the EOI for funding is unsuccessful, to enable studies to be completed and enable the essential relocation of the Nambucca Emergency Operations Centre (NEOC) project to progress.**

OPTIONS:

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

BACKGROUND:

The current NEOC is inaccessible during flood events due to Gumma Road becoming inundated with water. Council has previously explored alternative locations and this proposal will build on that previous work.

DISCUSSION:

Council staff have submitted an EOI in the Disaster Ready Funding Round 2. The intent of this EOI is to apply for funding under Stream 2 to conduct a range of studies for the relocation of the Nambucca Emergency Operations Centre (NEOC) including the following:

- Concept plan/options study
- Feasibility studies including services – water, sewerage, NBN etc
- Delivery strategy
- Detailed design

At the last Local Emergency Management Centre (LEMC) meeting on 21 November 2023, NSW Health had mentioned a property that they own in Macksville that Council staff would like to conduct the above studies before applying for funding to build etc.

This is the first step towards achieving a much-needed relocation of the NEOC. Once we have the studies done, additional funding will be sought.

The Disaster Ready Funding EOI's will be awarded in February 2024.

It is proposed that if the funding is unsuccessful, Council consider an allocation in the 2024/25 budget to fund the studies and enable the essential relocation of the NEOC.

ITEM 9.3 DISASTER READY FUNDING EOI SUBMITTED

CONSULTATION:

Nambucca LEMC
Grants and Contributions Officer

SUSTAINABILITY ASSESSMENT:**Environment**

N/A

Social

The NEOC is important for the protection of the community against natural disasters such as bush fires and flooding.

Economic

N/A

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
N/A				

Delivery Program Action

CC12 - Provide support for local emergency services

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

No impact on current budget. Next years' budget may require an allocation if grant is unsuccessful.

Working funds – justification for urgency and cumulative impact

N/A

Impacts on 10 Year Long Term Financial Plan

TBA

Service level changes and resourcing/staff implications

Increased service levels of a flood free access location for the NEOC.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF3399 180124 COMMUNITY SATISFACTION SURVEY

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

The Community Satisfaction Survey is due to be conducted in February 2024 by Taverner Research Group (TRG). The draft Survey questions are **attached** and the results will be benchmarked with the previous survey conducted in December 2021. Completing the survey within the first half of the calendar year allows for better planning regarding the following years Operational Plan/Budget/Long Term Financial Plan process. A final report on the survey will be presented to Council at the 16 May 2024 Council meeting.

Council may wish to change the below optional questions it asked in the previous survey:

- 1 There's a lot of discussion at the moment about the need for more affordable housing. Do you believe it's Council's role to seek ways of increasing the amount of affordable housing in the Nambucca Valley?
- 2 One aspect of affordable housing is increasing residential density in urban areas. Do you feel there should be more medium density housing (such as townhouses or apartments) in Nambucca Heads and Macksville?

The attached 2024 Draft Community Satisfaction Survey has changed the wording from medium to medium-high density housing for the question at point 2 above because per advice from Council's Manager of Development and Environment that increasing our densities will become a higher priority in the future once greenfield land is exhausted and it is also the most efficient way to service a growing population.

The 2021 optional survey question regarding whether the community supports converting some State forest, including State forest in the Nambucca Valley, to create the Great Koala National Park has been removed from the 2024 survey as this initiative has commenced with \$80 million committed to the Great Koala National Park in the 2023–24 NSW Budget, and also with Council resolving at the 14 December 2023 Council meeting to nominate Councillor Susan Jenvey as representative and Councillor David Jones as an alternate to represent Nambucca Valley Council on the Great Koala National Park Community Advisory Panel (Item 9.7, Council resolution number 470/23 (Jenvey/Angel)).

The 2021 optional survey question regarding whether Council should stop yellow and green bins collection from households that are still putting the wrong things in their yellow and green bins, which adds to the cost of waste processing has been removed from the 2024 survey based on advice from Council's Manager of Development and Environment that Council can't refuse to collect someone's bin.

A workshop with James Parker from Taverner Research Group is to be held with Councillors at 4.00pm prior to the meeting.

RECOMMENDATION:

That Council adopt the draft community survey questionnaire subject to any amendments and engage the Taverner Research Group to conduct the survey in February 2024.

OPTIONS:

Council can amend the survey questions or add and delete questions.

DISCUSSION:

The survey is based on previous surveys conducted by TRG.

ITEM 10.1 COMMUNITY SATISFACTION SURVEY

By utilising the TRG comparisons can be made with previous survey results conducted by Council and this can assist Council in assessing what improvements have been made or need to be made in delivering services.

Council may want to consider other questions to ask the community however these may increase the cost of the survey.

Results from the general questions asked at the last **2021** survey are as follows:

In response to the four additional questions asked by Council, results showed strong levels of support for Council playing a role in increasing the stock of affordable housing in the Nambucca Valley (57% for, 32% against), and for the initiative to create a Great Koala National Park (78% for, 18% against).

However, views were split on the other two issues. In relation to adopting strategies for more medium-density housing in Nambucca Heads and Macksville, 47% supported while 43% opposed. And on the topic of punishing continued waste contamination offenders by stopping their green and yellow bin collection, 44% supported this initiative while 46% were opposed.

Of 26 council services and facilities measured, 18 had a mean satisfaction score of three or above (using a 1-5 satisfaction scale (a score of 1 being very poor and a score of 5 being excellent)). Top-ranked services included water supply, sewage collection and treatment, libraries, sporting facilities and parks, reserves and playgrounds and cleanliness of streets.

Conversely, eight services had a mean score of below "par". Unsealed roads were the worst-ranked of the services measured, followed closely by youth facilities and activities, development applications and economic development. Rankings may have been negatively impacted following a number of flood events during the survey year affecting unsealed roads, stormwater and river quality, while development applications may have been impacted by the newly implemented state government town planning portal.

In terms of importance, river water quality had the highest mean rating together with sealed roads, followed by waste and recycling, coastal and beach management, cleanliness of streets and environmental monitoring and protection.

Overall satisfaction with Council fell marginally to a mean score of 3.3 as opposed to 3.43 in 2019.

TRG was able to benchmark Council's satisfaction scores against 25 other regional NSW councils. In the case of infrastructure, Council scored largely on par with its peers – and substantially higher in the case of water supply. However, it was slightly lower in relation to libraries, and at the bottom of the list in relation to stormwater drainage.

In the case of services, Council was on par with other regional councils on many measures. Overall services satisfaction (3.40) is slightly above the mean for its regional peers (3.34). However, it is lower in relation to environmental monitoring and protection, public toilets, and youth facilities and activities.

The Quadrant analysis below indicated where Council needed to spend its scarce funds to increase community satisfaction. The bottom right hand quadrant ('Opportunities') was where the mean satisfaction score was higher than the importance score of the service. That is the community are more than satisfied with the current level of service compared to its overall importance and Council should not divert any additional funds into improving these services. Any available funds should be diverted to the top left quadrant where services are of higher importance and lower satisfaction ('Priorities for Council'). Council can improve satisfaction levels by diverting funds to the bottom left quadrant ('Second Order Issues') however these were of lower importance to community. The top right hand quadrant ('Strengths to Maintain') indicated those services of higher importance and higher satisfaction and meant Council was doing a good job and any more funds spent is unlikely to increase community satisfaction as much as it could by improving the services in the top left quadrant.

ITEM 10.1 COMMUNITY SATISFACTION SURVEY

PRIORITIES FOR COUNCIL	STRENGTHS TO MAINTAIN
12 River water quality 13 Coastal and beach management 15 Footpaths and cycleways 16 Services for the elderly 18 Environmental monitoring and protection 19 Sealed roads 21 Stormwater drainage 22 Public toilets	1 Water supply 4 Parks, reserves and playgrounds 6 Cleanliness of streets 8 Bridges 9 Upgrading CBD's and destinations such as the V-Wall 10 Waste and recycling
SECOND ORDER ISSUES	OPPORTUNITIES
14 Dog control 17 Online services 20 Weed control 23 Economic development and attracting new investment 24 Development applications (DA's) 25 Youth facilities and activities 26 Unsealed roads	2 Sewage collection and treatment 3 Libraries 5 Sporting facilities 7 Council pool 11 Community halls

CONSULTATION:

The community survey is conducted to gauge the community satisfaction levels of Council services and to respond to any other issues of importance at the time.

SUSTAINABILITY ASSESSMENT:**Environment**

Not applicable

Social

Not applicable

Economic

Not applicable

Risk

Engagement with the community on service delivery reduces Council's risk of making poor resourcing decisions.

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

The quoted cost of the Survey \$24,900 is slightly greater than the 2023/24 Budget allocation of \$24,500 on GL 03050.0440.0422. Works and additional services may be suggested by surveyed community members for consideration and inclusion by Council in future budgets.

Working funds – justification for urgency and cumulative impact

See above.

Service level changes and resourcing/staff implications

None due to this report, however there could be changes to be considered by Council as a result of the survey.

ATTACHMENTS:

1  1297/2024 - 2024 Draft Community Satisfaction Survey

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.2 SF344 180124 ANNUAL GENERAL MEETING MINUTES 6 DECEMBER 2023
FOR THE WARRELL CREEK HALL COMMITTEE OF MANAGEMENT**

AUTHOR/ENQUIRIES: Michael Grieve, Community Development Officer

SUMMARY:

The report acknowledges the Annual General Meeting of the Warrell Creek Hall Committee of Management held on the 6 December 2023. A copy of the Annual General Meeting minutes and Financials are **attached**.

RECOMMENDATION:

THAT Council note the Minutes of the Warrell Creek Hall Committee of Management's Annual General Meeting held on 6 December 2023 and thank ongoing members for their efforts over the past twelve months.

OPTIONS:

No other options. Council needs voluntary Committees of Management to manage recreation, cultural and community facilities across the Nambucca Valley.

DISCUSSION:

Following calls for nominations the following persons were elected:

President	Shane O'Neill
Vice President	Helen Searle
Secretary	Robyn Wood
Treasurer	Julie Roberts
Booking Officer	Shane O'Neill

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:

Environment

Nil

Social

Nil

Economic

Nil

Risk Analysis

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

ITEM 10.2 ANNUAL GENERAL MEETING MINUTES 6 DECEMBER 2023 FOR THE WARRELL CREEK HALL COMMITTEE OF MANAGEMENT

Delivery Program Action

LW10 - Work with S355 Committees

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  105/2024 - Warrell Creek Hall Annual General Meeting Minutes 06 December 2023

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.3 SF315 180124 ANNUAL GENERAL MEETING MINUTES 2 DECEMBER 2023
FOR THE MARY BOULTON'S PIONEER COTTAGE AND MUSEUM COMMITTEE OF
MANAGEMENT**

AUTHOR/ENQUIRIES: Michael Grieve, Community Development Officer

SUMMARY:

The report acknowledges the Annual General Meeting of the Mary Boulton's Pioneer Cottage and Museum Committee of Management held on the 2 December 2023. A copy of the Annual General Meeting minutes and Financials are **attached**.

RECOMMENDATION:

THAT Council note the Minutes of the Mary Boulton's Pioneer Cottage and Museum Committee of Management's Annual General Meeting held on 2 December 2023 and thank ongoing members for their efforts over the past twelve months.

OPTIONS:

No other options. Council needs voluntary Committees of Management to manage recreation, cultural and community facilities across the Nambucca Valley.

DISCUSSION:

Following calls for nominations, the following persons were elected:

President	Leanne Welsh
Vice President	Geoff Minett
Secretary	David Boulton
Treasurer	Debbie Kent

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:

Environment

Nil

Social

Nil

Economic

Nil

Risk Analysis

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

ITEM 10.3 ANNUAL GENERAL MEETING MINUTES 2 DECEMBER 2023 FOR THE MARY BOULTON'S PIONEER COTTAGE AND MUSEUM COMMITTEE OF MANAGEMENT

Delivery Program Action

LW10 - Work with S355 Committees

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** 111/2024 - Annual General Meeting Minutes Mary Boulton's Pioneer Cottage and Museum 2nd December 2023

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.4 SF306 180124 ANNUAL GENERAL MEETING MINUTES 18 NOVEMBER 2023 FOR THE BURRAPINE HALL COMMITTEE OF MANAGEMENT

AUTHOR/ENQUIRIES: Michael Grieve, Community Development Officer

SUMMARY:

The report acknowledges the Annual General Meeting of the Burrupine Hall Committee of Management held on the 18 November 2023. A copy of the Annual General Meeting minutes and Financials are **attached**.

RECOMMENDATION:

THAT Council note the Minutes of the Burrupine Hall Committee of Management's Annual General Meeting held on 18 November 2023 and thank ongoing members for their efforts over the past twelve months.

OPTIONS:

No other options. Council needs voluntary Committees of Management to manage recreation, cultural and community facilities across the Nambucca Valley.

DISCUSSION:

Following calls for nominations the following persons were elected:

President	Carolyn Cox
Secretary	Nora Sepers
Treasurer	Julie Noble

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:

Environment

Nil

Social

Nil

Economic

Nil

Risk Analysis

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

ITEM 10.4 ANNUAL GENERAL MEETING MINUTES 18 NOVEMBER 2023 FOR THE BURRAPINE HALL COMMITTEE OF MANAGEMENT

Delivery Program Action

LW10 - Work with S355 Committees

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** 64863/2023 - Burrupine Hall Committee of Management - AGM Minutes and Financial Statement
 2023

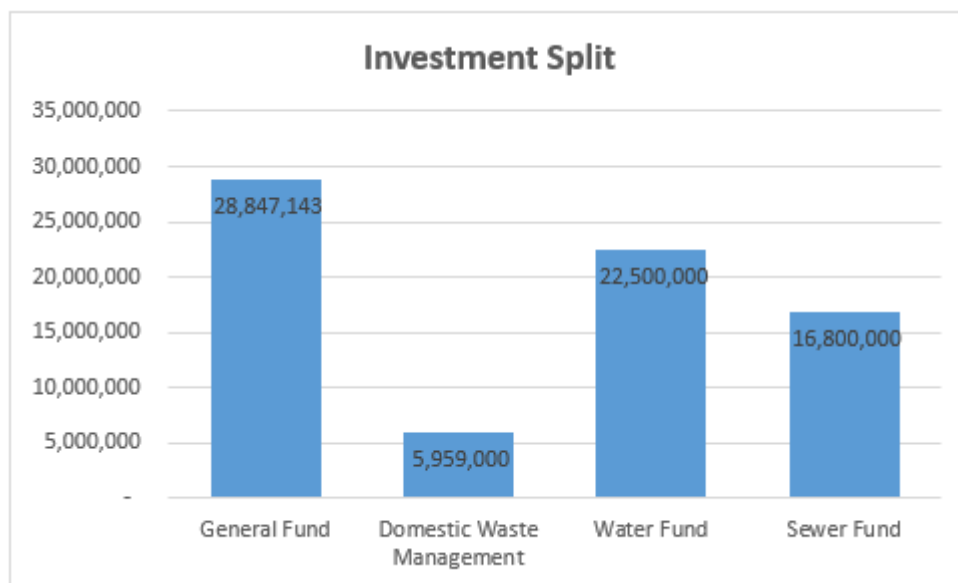
DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.5 SF3358 180124 INVESTMENT REPORT TO 31 DECEMBER 2023**

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 2023.

Council's investments as at 31 December 2023 of \$74,106,143 are split up as below:



The following investment report is in accordance with the *Local Government Act 1993* (as amended), the *Local Government (General) Regulation 2021* and Council's Investment Policy and Strategy.

RECOMMENDATION:

THAT Council:

- 1 Note the Chief Financial Officer's report on Investments for the period December 2023.**
- 2 Adopt the certification of the Responsible Accounting Officer for the period of December 2023.**

OPTIONS:

This report is for information only.

DISCUSSION:

Section 212(1) of the *Local Government (General) Regulation 2021* requires that a written report be presented each month at an Ordinary Meeting of the Council detailing all money that Council has invested under Section 625 of the *Local Government Act 1993*.

ITEM 10.5 INVESTMENT REPORT TO 31 DECEMBER 2023

For the period December 2023, the investments held by Council in each fund is shown below:

Cash/On Call Accounts	\$4,543
TCorp	\$3,262,425
Floating Rate Notes	\$4,799,678
Fixed Bonds	\$4,489,497
Term Deposits	\$61,550,000
Total	\$74,106,143

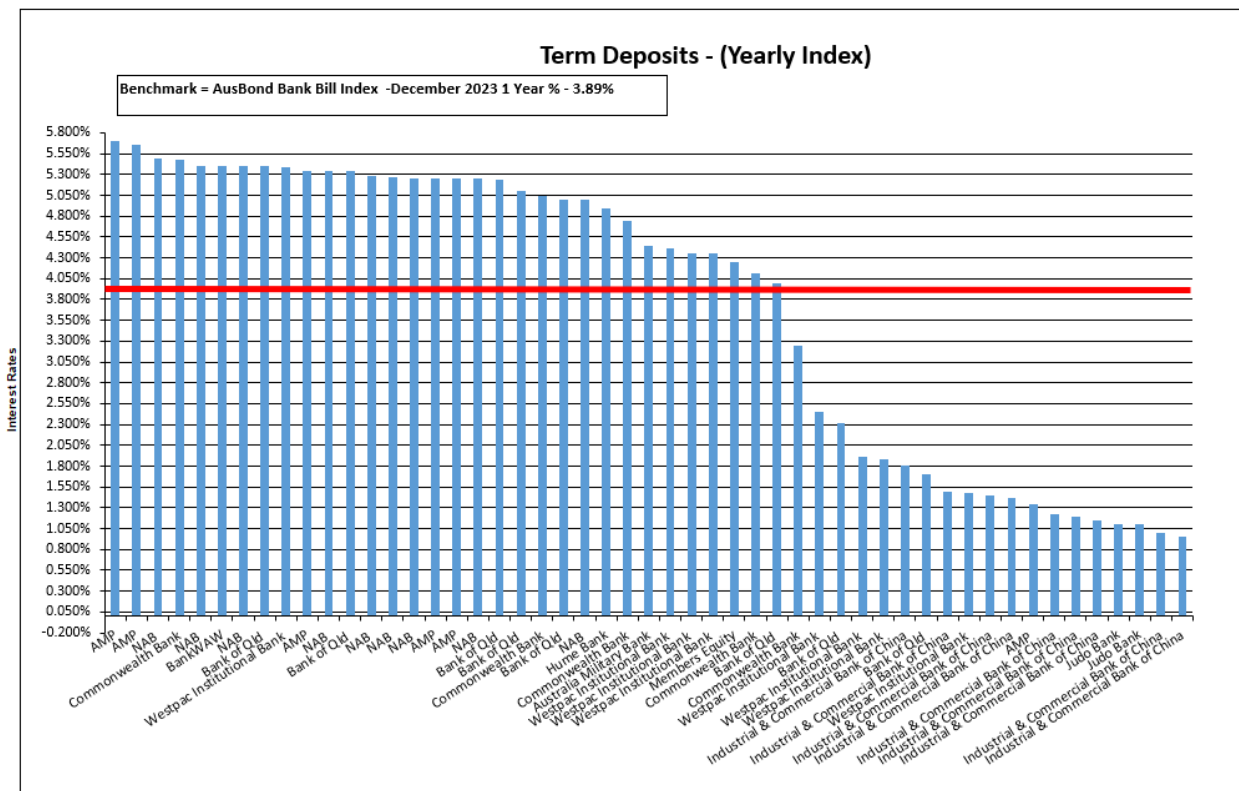
Portfolio Performance

Council's total portfolio performance for the 12 months to 31 December 2023 on investments sits at 3.58%, an improvement from last month of 3.15%. The Reserve Bank of Australia increased the Cash Rate to 4.35% at its November meeting, however did not raise the cash rate any further at the December meeting. Retiring investments are being monitored closely and being reinvested to optimise their returns in line with Council's Investment Policy.

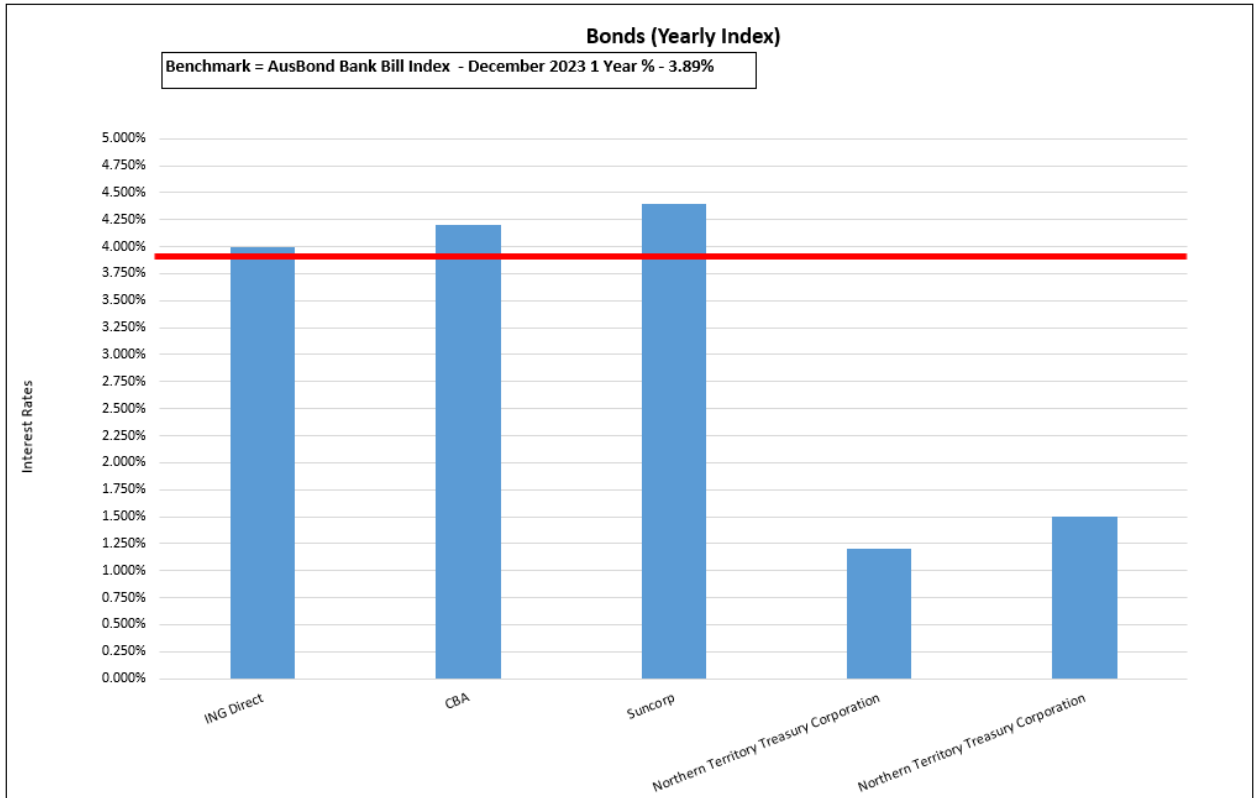
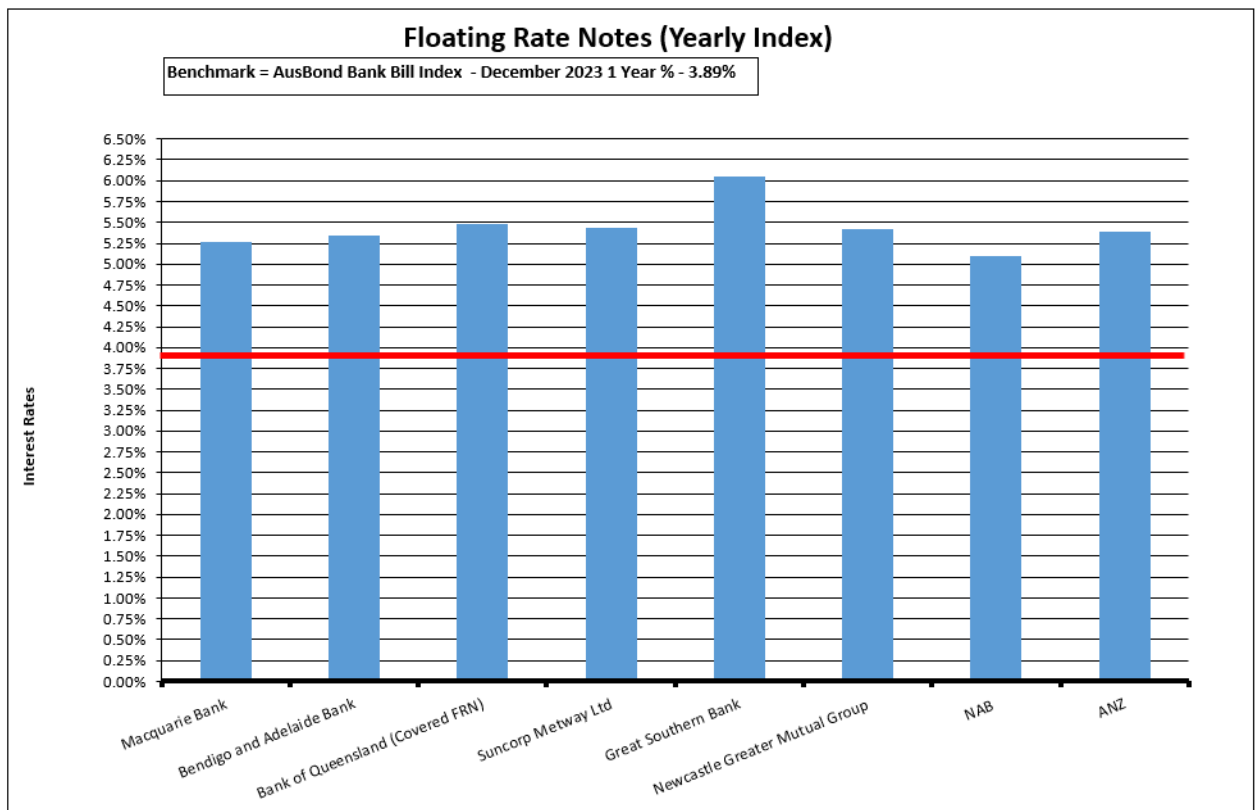
Please note: reasons for the average interest rate being below the cash rate relate to:

- 1 low yielding term deposits (Council is unable to break due uneconomic break costs); and
2 low yielding bond returns.

The following charts indicate Council's performance against the AusBond Bank Bill Index.



ITEM 10.5 INVESTMENT REPORT TO 31 DECEMBER 2023



ITEM 10.5 INVESTMENT REPORT TO 31 DECEMBER 2023**Council's Investment Policy**

Table 1 shows the percentage held by Council (holdings) and the additional amount that Council could hold (capacity) for each term to maturity allocation in accordance with limits established by Council's Policy.

Table 1: Maturity – Term Limits**Maturity Compliance** as at 31/12/2023

Compliant	Term	Invested	Invested (%)	Min Limit (%)	Max Limit (%)	Available
✓	0 - 90 days	13,854,542.86	18.70	3.00	100.00	60,251,600.33
✓	91 - 365 days	34,200,000.00	46.15	0.00	100.00	39,906,143.19
✓	1 - 2 years	14,493,436.50	19.56	0.00	70.00	37,380,863.73
✓	2 - 5 years	8,295,738.40	11.19	0.00	50.00	28,757,333.19
✓	5 - 10 years	3,262,425.43	4.40	0.00	25.00	15,264,110.37
TOTALS		74,106,143.19	100.00			

Table 2: Credit Rating Limits**Credit Quality Compliance** as at 31/12/2023**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available
✓	AAA	997,146.50	1.35	100.00	73,108,996.69
✓	AA	36,297,270.40	48.98	100.00	37,808,872.79
✓	A	11,504,276.86	15.52	60.00	32,959,409.05
✓	BBB	21,495,024.00	29.01	45.00	11,852,740.44
✓	Unrated	3,812,425.43	5.14	18.00	9,526,680.35
TOTALS		74,106,143.19	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

ITEM 10.5 INVESTMENT REPORT TO 31 DECEMBER 2023

SUSTAINABILITY ASSESSMENT:**Environment**

There are no environmental implications.

Social

There are no social implications.

Economic

There are no economic implications.

Risk

Quote from Arlo Advisory December 2023 report page 2:

“Financial markets continued their strong rally in December as inflation continues to ease and growing hopes that central banks will move towards an easing cycle (cut official interest rates) in 2024. Over December, major bank deposit rates fell ~5-10bp for 6-12 month tenors, as the market turns its attention to potential rate cuts in 2024. Interestingly, at the longer-end (2-5 years), deposit rates offered by the majors banks fell between ~25-30bp with the banks clearly pricing in rate cuts in 2024 and into 2025. Rates are now inverse again across the longer-tenors (1-5 year rates), with the peak rate offered in the 12 month tenor. With a global economic downturn and multiple interest rate cuts being priced in coming years, investors may take an ‘insurance policy’ against a potentially lower rate environment by investing across 2-5 year fixed deposits, targeting rates above or close to 5% p.a. (small allocation only).”

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

The return of the investment portfolio will vary during the financial year, due to the volatility associated with interest rate fluctuations and the total amount of the investment portfolio.

The majority of any elevation or reduction in anticipated returns will impact funded activities such as Water Fund, Sewer Fund, and Domestic Waste Management Fund, with a minimal impact on General Fund working funds.



Working funds – justification for urgency and cumulative impact

As above.

Service level changes and resourcing/staff implications

There are no changes or implications stemming from this report.

ATTACHMENTS:

- 1  758/2024 - December 2023 Investment Report
- 2  735/2024 - Arlo Investment Advice Report for December 2023

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.1 SF3290 180124 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS OR WHERE SUBMISSIONS RECEIVED TO 10 JANUARY 2024 AND DEVELOPMENT APPLICATIONS DETERMINED FROM 7 DECEMBER 2023 TO 10 JANUARY 2024 WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

AUTHOR/ENQUIRIES: Lisa Hall, Development Assessment Officer

SUMMARY:

This report contains information in relation to Development Applications which have been undetermined for over 12 months, undetermined Development Applications which have received submissions and Development Application determined where an application to vary a development standard was approved.

In accordance with Minute 848/08 from Council's meeting of 18 December 2008, should any Councillor wish to "call in" an application a motion is required specifying the reasons why it is to be "called in". If an application is not called in and staff consider the matters raised by the submissions have been adequately addressed then the application will be determined under delegated authority.

In the interests of transparency, all Development Applications determined under delegation, where an application to vary development standards under Clause 4.6 of the Nambucca Local Environmental Plan 2010 was approved, are reported to Council for information.

RECOMMENDATION:

THAT the information on undetermined Development Applications greater than 12 months, or where submissions have been received to 10 January 2024, and Development Applications determined from 7 December 2023 to 10 January 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation, be noted by Council.

OPTIONS:

In addition to the above recommendation, Council may choose to "call in" any or all of the Development Applications referred to in this report, or any other Development Applications not yet determined under delegation by Council staff. Please see information in the summary above regarding how to "call in" a development application.

DISCUSSION:

TABLE 1: UNDETERMINED DEVELOPMENT APPLICATIONS IN EXCESS OF 12 MONTHS OLD

There are no undetermined development applications in excess of 12 months old.

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS OR WHERE SUBMISSIONS RECEIVED TO 10 JANUARY 2024 AND DEVELOPMENT APPLICATIONS DETERMINED FROM 7 DECEMBER 2023 TO 10 JANUARY 2024 WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

TABLE 2: UNDETERMINED DEVELOPMENT APPLICATIONS WITH SUBMISSIONS

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/015	31 January 2023	Residential Flat Building comprising 5 units	Lot 2 DP 390600, 3 High Street, Nambucca Heads
Twenty-three submissions were received during the initial consultation period and thirty-one additional submissions were received during the additional consultation period which ended on 25 September 2023.			
STATUS: Application will be reported back to Council once the Town Planning consultant has undertaken the site inspection and the legal advice is received in accordance with Councils resolution.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/291	24 October 2023	Change of Use – Truck Depot	Lot 157 DP 755539, 45 Warrell Waters Road, Gumma
Thirty-two submissions and a petition have been received. Exhibition period closed on 13 November 2023.			
STATUS: Awaiting additional information.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/281	23 October 2023	Dwelling, Pool & Change of use from three dwellings to tourist accommodation	Lot 101 DP 755550, 62 Lumsdens Lane, North Macksville
Two submissions have been received			
STATUS: Awaiting NSW RFS general terms of approval prior to determination.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/303	13 November 2023	Car parking area and retaining walls	Lot 9 Sec 11 DP 758150, 31 Adam Street, Bowraville
One submission has been received			
STATUS: Awaiting additional information and a referral response from Essential Energy.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/306	27 November 2023	Secondary Dwelling	Lot 4 DP 1238100, 15 Callistemon Place, Nambucca Heads
Two submissions have been received.			
STATUS: Awaiting additional information.			

TABLE 3: DEVELOPMENT APPLICATIONS DETERMINED UNDER DELEGATION WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NLEP WAS APPROVED

No development applications were determined between 7 December 2023 to 10 January 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Manager Development & Environment, Senior Town Planner, Development Assessment Officer

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS OR WHERE SUBMISSIONS RECEIVED TO 10 JANUARY 2024 AND DEVELOPMENT APPLICATIONS DETERMINED FROM 7 DECEMBER 2023 TO 10 JANUARY 2024 WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

To be undertaken in assessment of individual development applications.

Economic

To be undertaken in assessment of individual development applications.

Risk Analysis

None identified.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current 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:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.2 DA2023/233 180124 DEVELOPMENT APPLICATION DA2023/233 - SUBDIVISION

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

Summary:

The proposed development includes the subdivision of a road reserve located within Lot 232 DP 598397– 793 Upper Buckrabendinni Road, Buckra Bendinni. The proposed lot is required to be created in order to close the section of road in accordance with a previous Council resolution. A copy of the proposed subdivision plan has been included within **attachment 1**.

The application has been notified and assessed in accordance with the *Environmental Planning and Assessment Act 1979* and cannot be granted consent as the lot to be created does not comply with the minimum lot size set by the Nambucca Local Environmental Plan 2010.

The development application is being referred to Council for determination in accordance with Councils Managing Conflicts of Interest for Council Related Development Policy.

NOTE: This matter requires a “Planning Decision” meaning a decision made in the exercise of a function of the council under the Environmental Planning and Assessment Act 1979 including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan. Under Section 375A of the Local Government Act 1993 it requires the General Manager to record the names of each Councillor supporting and opposing the decision.

RECOMMENDATION:

That Council, pursuant Section 4.16 of the *Environmental Planning and Assessment Act 1979*, refuse consent for Development Application 2023/233 for the subdivision of the road reserve located within Lot 232 DP 598397– 793 Upper Buckrabendinni Road, Buckra Bendinni, for the following reason:

- The area of the proposed lot is 3.5ha which is less than the 100ha minimum lot size development standard contained within clause 4.1 of the Nambucca Local Environmental Plan 2010 (LEP). The development standard cannot be varied in accordance with clause 4.6(6)(b) of the LEP.

OPTIONS:

- (a) Grant consent to the development application, either unconditionally or subject to conditions, or
- (b) Refuse consent to the development application.

DISCUSSION:

Subject Site

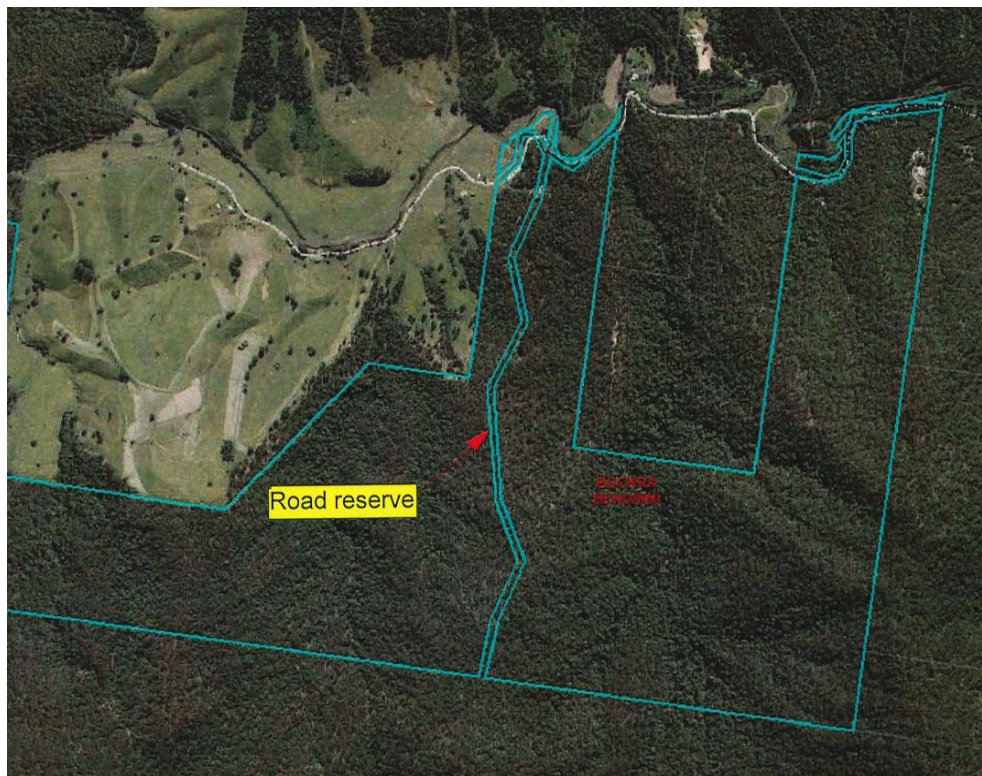
The subject site is a road reserve located within Lot 232 DP 598397– 793 Upper Buckrabendinni Road, Buckra Bendinni. It is located within the RU2 Rural Landscape Zone under the Nambucca Local Environmental Plan 2010 and has an area of approximately 3.5ha. The site is currently a 20m wide road reserve which contains a driveway within parts of it which lead to an existing dwelling on Lot 232 DP 598397. There is no physical public legal access along the driveway as it commences within Lot 232 DP 598397 prior to entering the road reserve. There is no right of carriageway across Lot 232 DP 598397. The road reserve does not provide physical access to any land other than Lot 232 DP 598397.

Lot 232 DP 598397– 793 Upper Buckrabendinni Road contains a rural land sharing community which has development consent from Council. However, a number of dwellings have been constructed without approval and are the subject of an ongoing compliance matter. It has become evident that one of the

ITEM 11.2 DEVELOPMENT APPLICATION DA2023/233 - SUBDIVISION

dwelling encroaches onto the road reserve, with the potential for another two dwellings to also encroach onto the road reserve.

An aerial photo illustrating the section of the road (subject site) is shown below.

**Background**

The road was dedicated to Council as a public road on 26 March 1926 by Government Gazette no. 38 Page 1428. The land being Lot 232 in DP 598397 was formerly part of Portion 23 which was the original Crown grant of land in 1908 and approved and charted in 1910.

In 2019 an application was received from an owner of Lot 232 DP 598397 to close the road under the Roads Act 1993. The matter was reported to Council on 13 June 2019 with the following resolution made:

304/19 RESOLVED: (Ainsworth/Jenvey)

That Council agree to the closure of the unformed Council Public Road through Lot 232 in DP 598397 from the southern boundary of Lot 232 in DP598397 to Buckra Bendinni Creek (excluding section where it crosses Upper Buckra Bendinni Road, subject to the following:

- a) The applicants enter into a formal and binding agreement with Council to pay all costs associated with the closure (but not limited by) survey, legal, valuation and Council fees; and*
- b) The applicants consolidate the title of the closed road with their existing holding thereby creating one (1) lot after the road closure has been finalised.*

However, the above resolution was made without first undertaking community or public authority consultation which is a requirement under the Roads Act 1993. This was the result of a breakdown in process which has affected a number of road closure applications Council has dealt with in the past. This process has since been rectified; however, Council must ensure due process is followed before proceeding with the creation of the lot.

ITEM 11.2 DEVELOPMENT APPLICATION DA2023/233 - SUBDIVISION

Consultation regarding the closure of the road under the Roads Act 1993 occurred from 26 June until 24 July 2019. During the above mentioned community consultation period no objections to the road closure were received, only responses in support. Note that a new round of community consultation has also occurred through the exhibition of this development application which is addressed later in this report.

In order to close the road a lot must be registered containing the closed section of road. The creation of such a lot is defined as subdivision under the Environmental Planning and Assessment Act 1979, with subdivisions such as this to facilitate a road closure not currently exempt development and only permissible with development consent.

Proposed Development

The proposed development seeks approval for the subdivision of the subject site to create a lot to facilitate the above mentioned closure of the road under the Roads Act 1993.

The proposed development is assessed against 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

As the proposal is to create a lot which will not have a dwelling entitlement, it will not be contrary to *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)**

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.
4.1 – Minimum Lot Size	No	The proposed lot will have an area of 3.5ha which is below the 100ha minimum lot size illustrated on the lot size map.
4.2 – Rural subdivision	No	The lot will have an existing dwelling on it which is contrary to this clause.
4.6 – Exceptions to development standards	No	The subdivision will result in a lot that is less than 90% of the 100ha minimum lot size development standard outlined in clause 4.1. As such, the clause 4.1 standard cannot be varied under this clause (4.6(6)(b)).
7.4 – Public utility infrastructure	Yes	It is not considered that there is any essential public utility infrastructure required for the development.

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

ITEM 11.2 DEVELOPMENT APPLICATION DA2023/233 - SUBDIVISION

State Environmental Planning Policy	Complies	Comments
SEPP Biodiversity & Conservation	Yes	It is not considered that the proposed development will have any adverse impact on koala habitat.
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 and that no works are proposed.
SEPP Resilience & Hazards	Yes	The site is considered suitable given it will maintain its existing use post subdivision.

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

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

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

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	The proposed development is considered to be satisfactory having regard to the relevant matters for consideration under clause A4.0.
Subdivision (Part B)	Yes	The proposed subdivision is considered satisfactory having regards to the provisions of these parts.
Rural and environmental development (Part F)	Yes	

(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.

(a) (v) any coastal zone management plan

It is not considered that the nature or location of the proposed development will be contrary to any of the management actions outlined within the *Coastal Zone Management Plan for the Nambucca Shire Coastline*.

(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.

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.

(c) The suitability of the site for the development

It is considered that the site is suitable for the proposed development because it will not result in any significant impacts on the natural, social, or economic environments.

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

ITEM 11.2 DEVELOPMENT APPLICATION DA2023/233 - SUBDIVISION

No Submissions were received during the exhibition of the development application in accordance with the Nambucca Community Participation Plan.

CONSULTATION:

Public Consultation

SUSTAINABILITY ASSESSMENT:**Environment**

Addressed in report above.

Social

Addressed in report above.

Economic

Nil.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Appeal from third party	Low	Low	Assessment undertaken as per above.	Low

Delivery Program Action

PP1 - Foster development opportunities

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  45372/2023 - Subdivision Plan

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.3 SF1148 180124 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR NOVEMBER 2023****AUTHOR/ENQUIRIES:** Rochelle McMurray, Senior Business Services Officer**SUMMARY:**

The following is the Council's Rangers' reports and listing of penalty notices issued for the month of November 2023 by Council Officers.

RECOMMENDATION:**THAT:**

- 1 The Rangers' Impounding Statistics for the month of November 2023 be received and noted by Council.
- 2 The penalties issued for the month of November 2023 be noted.

NOVEMBER 2023	Cats	Dogs
COUNCIL'S SEIZURE ACTIVITY		
Seized (doesn't include those animals dumped or surrendered)	0	0
Returned to Owner	0	0
Transferred to - Council's Facility from Seizure Activities	0	0
ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY		
Animals In Council's Facility - (Start of Month)	17	6
Abandoned or Stray	0	4
Surrendered	0	2
Animals transferred from Seizure Activities	0	0
Total Incoming Animals	17	12
ANIMALS LEAVING COUNCIL'S FACILITY		
Released to Owners	1	0
Sold	2	3
Released to Organisations for Rehoming	0	2
Died at Council's Facility (other than euthanised)	0	0
Stolen from Council's Facility	0	1
Escaped from Council's Facility	0	0
Other	0	0
EUTHANISED		
Restricted Dogs	0	0
Dangerous Dogs	0	0
Owner's Request	0	0
Due to Illness, Disease or Injury	0	0
Feral/infant animal	0	0
Unsuitable for rehoming	3	1
Unable to be rehomed	0	0
Total Euthanised	3	1
Total Outgoing Animals	6	7
TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)	11	5

Cattle	Breakdown	Total
Seized	0	0
Returned to Owner	0	0
Impounded	0	0
Total Seized	0	0

ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR NOVEMBER 2023**PENALTIES ISSUED BY COUNCIL'S RANGER AND COUNCIL OFFICERS –NOVEMBER 2023***(All now issued electronically)*

NOVEMBER 2023		PARKING			
OFFENCE CODE	PN NUMBER	OFFENCE	DATE ISSUED	PENALTY \$	SUBURB
8646	3168988754	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1-Nov-23	\$110.00	Ferry Street, Macksville
8646	3168988763	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1-Nov-23	\$110.00	Ferry Street, Macksville
8646	3168988772	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1-Nov-23	\$110.00	Ferry Street, Macksville
83595	3169000093	Disobey no stopping sign	1-Nov-23	\$302.00	Wellington Drive, Nambucca Heads
82740	3169000102	Disobey no parking sign	1-Nov-23	\$129.00	Woods Lane, Nambucca Heads
82740	3168988790	Disobey no parking sign	1-Nov-23	\$129.00	Woods Lane, Nambucca Heads
93877	3169000111	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Nov-23	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000120	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Nov-23	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000130	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Nov-23	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000149	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Nov-23	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000158	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Nov-23	\$92.00	Fletcher Street, Nambucca Heads
92353	3169000176	*Park vehicle for longer than maximum period allowed	1-Nov-23	\$92.00	Winifred Street, Macksville
		TOTAL		\$1442.00	

**All fines are 'Opt-In' Local Government parking fines*

ITEM 11.3 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR NOVEMBER 2023

COMPANION ANIMAL PENALTIES

NOVEMBER 2023		COMPANION ANIMALS		
ISSUED BY:	PN NUMBER	INFRINGEMENT DETAILS	DATE ISSUED	PENALTY \$
Ranger	3168988781	Code: 81558 In charge of dog in prohibited public place	1-Nov-23	\$330.00
		TOTAL:		\$330.00

OTHER

Nil

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.4 SF3290 180124 2023 DECEMBER - APPROVED CONSTRUCTION
CERTIFICATES AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Developments for the month of December 2023 as at 3 January 2024.

RECOMMENDATION:

THAT the Construction Certificates and Complying Developments approved for December 2023 be noted and received for information by Council.

ATTACHMENTS:

1  210/2024 - Construction Certificates & Complying Developments Approved December 2023

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.5 SF3290 180124 2023 DECEMBER - DEVELOPMENT APPLICATIONS AND
COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at its meeting on 16 January 2014 resolved:

“That Council endorse the method of reporting Construction and Complying Development Certificates as presented to the 16 January 2014 meeting and further that the General Manager investigate the possibility of reporting Development Applications lodged in previous month.”

Attached is a list of Development Applications and Complying Developments received in December 2023 as at 3 January 2024.

RECOMMENDATION:

THAT the Development Applications and Complying Developments received in December 2023 be received for information.

ATTACHMENTS:

1  211/2024 - Development Applications & Complying Developments Received December 2023

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.1 PRF53 180124 RIVER STREET TOILET BLOCK RELOCATION

AUTHOR/ENQUIRIES: Matthew Leibrandt, Manager Infrastructure Services; Stephen Lloyd, Acting Manager Assets and Facilities; David Banwell, Assets Engineer

SUMMARY:

Council has received \$474,060 funding to replace the toilet block at River Street Macksville through the Stronger Country Communities Fund (SCCF) Round 5.

Previously Council resolved to select Site 1 (*plan attached*) as the preferred location of the new toilet block however a review of this proposal has revealed that an alternate solution would have multiple benefits to the selected site including improved constructability, amenity, drainage, improved site distance and visibility to motorists. The footprint of the new proposed site is shown in (*Attachment B*).

RECOMMENDATION:

THAT Council:

- 1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;**
- 2 Engage an architect to progress the design of the proposed new amenities and report back to Council.**

OPTIONS:

Progress the design and construction of the structure in the location adopted at the 15 December 2022 Council meeting and allocate \$300,000 in additional funds from Councils Reserve to fund the shortfall in the project budget.

DISCUSSION:

Council has received \$474,060 funding to replace the toilet block at River Street Macksville through the Stronger Country Communities Fund (SCCF) Round 5.

A report to the 15 December 2022 Council meeting recommended that a new toilet block be constructed on the road reserve south east of the existing structure (*Attachment A*). Design constraints include a nearby Crown reserve property boundary, proximity to overhead powerlines, a pump out sewer system, sightlines addressed in the Macksville Foreshore Draft Concept Master Plan and an adjacent roundabout with potential turning path and sight distance issues.

Should the new structure be constructed, as per the Council resolution, it is anticipated that the project will require an estimated \$300,000 in additional funding to be budgeted from the Council reserve. The additional works included in the expected \$300,000 estimate includes electrical works, road works, provision of Water and Sewer extensions and parking reconfiguration.

Additional design and investigation works have revealed that the optimum location for the new toilet block is directly adjacent to the north east of the existing structure but offset approximately 3m away from River Street building line of the existing structure. The new structure will comprise of three (3) unisex toilets with one meeting disability access requirements under the Building Code of Australia. It is expected that the proposed structure will require a small retaining wall on the northern side. The 3 toilets will run longitudinally towards the river minimising view line obstructions (*Attachment B*).

ITEM 12.1 RIVER STREET TOILET BLOCK RELOCATION

An architect will be engaged to ensure the new structure aesthetically aligns with the design outlined in the adopted Macksville Foreshore Concept Master Plan and that the new structure meets current safety in design standards.

Although the Macksville Foreshore Draft Concept Master Plan highlighted the need for improved sight lines, especially from the intersection of Princess Street and McKay Street to the River which is currently obstructed by the existing building. This was to be achieved this by relocating the toilet to another location that had yet to be determined. Another suitable location away from the foreshore was not found but it is envisaged that the relocation of the toilet block directly adjacent to the existing structure but built with a narrow footprint with the assistance on an architect will improve site lines without creating additional view line obstructions (*Attachment B*).

Once a concept drawing is completed by the project architect it is proposed that additional public consultation be undertaken and the proposal reported to Council.

CONSULTATION:

Manager Infrastructure Services
Assets Engineer
Manager Assets and Facilities (Acting)
General Manager
Director Engineering Services (Acting)
Grants and Contributions Officer

SUSTAINABILITY ASSESSMENT:

Environment

The new structure will improve the aesthetic of the built environment on the River Street foreshore

Social

Improved disability access.

Economic

Proposed site (new) for amenities will mean that there will be less impact on Council's working funds, and can be achieved by current available approved funding under SCCF Round 5.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Project overbudget requiring general fund top up	M	M	Relocate building footprint	L
Community angst over the proposed location due to loss of amenity and view lines	M	M	Engage Architect and minimise change to the location of the toilet block	L

ITEM 12.1 RIVER STREET TOILET BLOCK RELOCATION

Delivery Program Action

CE18 - Maintain and clean public toilets

LW20 - Provide services to seniors and the elderly

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

Construction of the toilet block in the location resolved at the Council meeting on 15 December 2022 meeting will require an additional funding allocation of \$300,000, estimated.

Working funds – justification for urgency and cumulative impact

The proposed location will not require the relocation of the adjacent overhead powerlines, which is cost prohibitive.







Impacts on 10 Year Long Term Financial Plan

N/A

Service level changes and resourcing/staff implications

The proposed toilet block will have the same number of toilets as the existing structure although they will be constructed to meet all required standards and Building Code of Australia design requirements

ATTACHMENTS:

- 1  61381/2022 - Preferred Location for Replacement of Public Toilets - River Street, Macksville
- 2  63162/2021 - Macksville Foreshore_Concept Master Plan_exhibition DRAFT_211012
- 3  62261/2022 - Macksville Foreshore Public Toilets - Site 1 (Attachment A)
- 4  62343/2022 - Public Toilets - Site 2
- 5  62559/2022 - Macksville Foreshore Public Toilets - Sites 3 & 4
- 6  957/2024 - NEW River Street Toilet Block Relocation - Site 3 - Aerial Plan (Attachment B)

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.2 SF263 180124 REMOVE BOLLARDS FROM WATT CREEK CYCLEWAY

AUTHOR/ENQUIRIES: Keith Williams, Acting Director Engineering Services

SUMMARY:

At its meeting of 14 December 2023 Council resolved “That a report be received back to Council on costs and alternate measures to deter vehicles, from driving along the Watt Creek Cycleway and its bridge structures”.

RECOMMENDATION:

THAT Council:

- 1 Remove bollards along the Watt Street Cycleway that aren’t protecting bridge structures from vehicles, and:**
- 2 Provide additional delineation with linemarking, signs and cats eyes at the approach to remaining bollards protecting structures to increase rider awareness of the impending bollard.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Proposed recommendation – Approximate cost **\$3,000**
- 3 Alternative option 1 – Relocate bollards protecting structures to either side of the footpath, leaving a 1.6m gap sufficient for cyclists but too narrow for motor vehicles **approximate cost \$3,000.**
- 4 Alternative option 2 Remove all the bollards

DISCUSSION:

At its meeting of 14 December 2023 Council were presented with a notice of motion, **Remove Bollards from Watt Creek Cycleway**, with the safety of cyclists being the major concern. There is a view that bollards may be obscured from approaching cyclists by other path users, a number of cyclists have reported they have in fact ridden into the bollards and sustained injury.

The bollards were initially installed to:

- 1 Protect structures from damage due to vehicle entry, such as pedestrian bridges that potentially wouldn’t withstand the weight of a vehicle, if structures were damaged sections of the cycleway would have to close until repair/replacement funding could be secured.
- 2 Discourage motorists from driving on the path, as staff previously witnessed at earlier stages of construction, thus limiting conflict with path users.

Bollards are typically installed throughout the country to discourage vehicle access and limit the dangerous mix of vehicles with pedestrians/cyclists.

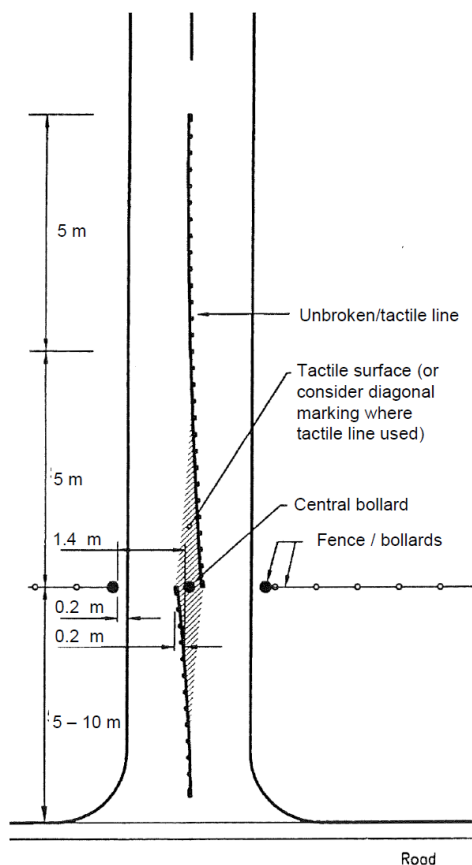
A form of structure protection should remain in place to discourage drivers from attempting to cross the structures, council has also received a subsequent submission requesting the retention of the bollards.

ITEM 12.2 REMOVE BOLLARDS FROM WATT CREEK CYCLEWAY

Options include:

- 1 Provision of addition delineation with linemarking, signs and cats eyes at the approach to remaining bollards protecting structures to increase rider awareness of the impending bollard.

Figure 7.6: Preferred layout for the use of a central bollard



Source: VicRoads (2005).



- 2 Narrowing the cycleway and relocate bollards to either side of the footpath at structures, leaving a 1.6m gap sufficient for cyclists but too narrow for motor vehicles, with linemarking and warning signs



ITEM 12.2 REMOVE BOLLARDS FROM WATT CREEK CYCLEWAY

Emailed received by a resident on 3 January 2024:

Hi there all...

I was reading about a small minority doing the wrong thing (speeding) whinging about the bollards on the new cycle way, Please don't remove them!..

These bike riders will never be happy..

My Father is 80 and myself 50, we love to cruise the new excellent cycle way and the bollards keep the spandex crew from speeding..

If they get removed that's it for us , we'll need to ride elsewhere..

If the bike riders don't like the fact they need to slow down they can risk the rd..

There's walkers , kids, dogs ect and they shouldn't be doing more than 25klm hr anyway..

If there hitting them now there going to fast!..

Please leave them where they are or more people will deffinatly get hurt if there removed..we love the bollards!..

Next they'll want it widened aswell..

Cheers all..

Kind regards..

CONSULTATION:

Council
Access Committee
Manager of Assets and Facilities
Director of Corporate Services

SUSTAINABILITY ASSESSMENT:**Environment**

No Impact

Social

Provision of a safe cycleway is an expectation for users

Economic

No economic impact

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Ride into centrally placed bollard	H	M	No action	Bollards will be ridden into
Ride into centrally placed bollard	H	M	Linemarking/warning signs on the approach to retained bollards	Rider awareness is increased on the approach to hazard
Relocate bollards to either side of path	m	M	Linemarking/warning signs on the approach to relocated bollards	Rider awareness is increased and centrally placed hazard removed

ITEM 12.2 REMOVE BOLLARDS FROM WATT CREEK CYCLEWAY

Delivery Program Action

CC9 - Instill a culture of safe work practices across the organisation

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

N/A

Working funds – justification for urgency and cumulative impact

Acknowledgement of petitioner's safety concerns

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Approximately 30 hours for options 3 & 4 under **Options** to relocate bollards and grind redundant bolts

ATTACHMENTS:

There are no attachments for this report.