



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING AGENDA ITEMS 29 FEBRUARY 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 [Application to Address Council](#), 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 [Application to Address Council](#), 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



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 29 FEBRUARY 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.

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

13.1 Tender for the installation of two sewerage overflow storage tanks at Macksville

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.

13.2 Panel Contract for the Supply of Pressure Sewerage Pump Stations and Associated Equipment.

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.

13.3 T007/2023 - Tender for Provision of Security Services

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.

13.4 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.

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 [Tick or cross one box.]	<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 [Tick or cross one box]	<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 [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Effect of proposed change of zone/planning control on councillor or associated person [Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]	

[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]

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

The following document is the minutes of the Ordinary Council meeting held **15 FEBRUARY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 29 February 2024 and therefore subject to change. Please refer to the minutes of 29 February 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Susan Jenvey
Cr John Wilson (Deputy Mayor)

Cr Martin Ballangarry OAM
Cr Troy Vance

ALSO PRESENT

Bede Spannagle (General Manager)
Keith Williams (Acting Director Engineering Services)
Evan Webb (Chief Financial Officer)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)
Rochelle McMurray (Minute Secretary)

APOLOGIES

Cr James Angel
Cr Ricky Buchanan

Cr Trevor Ballangarry
Cr David Jones

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 and public gallery observed a minute silence for the passing of ex Councillor Barry Duffus OAM.

COUNCIL MEETING AUDIO RECORDINGS

This meeting is being webcast and those in attendance should refrain from making any defamatory statements

PRAYER

Pastor Hannelie Coetzee from Nambucca Valley Christian Life Centre, offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Nil

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 14 DECEMBER 2023
23/24 **RESOLVED:** (Jenvey/Vance)

That the minutes of the Ordinary Council Meeting of 14 December 2023 be confirmed.

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 18 JANUARY 2024

24/24 **RESOLVED:** (Jenvey/M Ballangarry)

That the minutes of the Ordinary Council Meeting of 18 January 2024 be confirmed.

MAYORAL MINUTES

ITEM 3.1	SF3422	150224	MAYORAL MINUTE - Local Government NSW Periodic Cost Shifting Survey
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25/24 **RESOLVED:** (Hoban/Vance)

- 1 Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year.
- 2 A copy of the cost shifting report be placed on Council's website so that our community can access it.
- 3 Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government requesting that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

NOTICE OF MOTION – CR JAMES ANGEL

ITEM L.1	SF3422	150224	NOTICE OF MOTION - REQUEST FOR LEAVE - 14 To 16 FEBRUARY 2024 – CR JAMES ANGEL
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26/24 **RESOLVED:** (Vance/M Ballangarry)

That Cr James Angel be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period of 14 to 16 February 2024 inclusive.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

NOTICE OF MOTION – CR TREVOR BALLANGARRY

ITEM L.2 SF3422 150224 Notice of Motion - Request For Leave 14 February to 28 March
2024 - Cr Trevor Ballangarry

27/24 **RESOLVED:** (Jenvey/M Ballangarry)

That Council grant Cr Trevor Ballangarry leave of absence in accordance with Section 234(d) of the Local Government Act for the period of 15 February to 28 March 2024 inclusive.

PUBLIC FORUM

That the following Public Forum be heard:

- i Patricia Greenwood -Nambucca Valley Community Resilience and MNCJO Simulation table.*

PUBLIC FORUM

- i Patricia Greenwood addressed Council with notes placed on 6601/2024 SF 3424.*

28/24 **RESOLVED:** (Hoban/Vance)

That subject to staff resources and workloads Council receive a report on the cost and benefits of accessing the Mid North Coast Joint Organisation's Simtable for our Community and how this might be achieved.

29/24 **RESOLVED:** (Hoban/Vance)

THAT Council bring the following Items forward on the agenda;

- 12.1 Review of DA2022/364 - Dwelling Additions (Staged) - 24 Seaview Street, Nambucca Heads
- 14.1 Legal Advice - 3 High Street, Nambucca Heads
- 12.4 View Impact Assessment - Proposed Residential Flat Building - 3 High Street, Nambucca Heads

DELEGATIONS

RECOMMENDATION

That the following delegations be heard:

- 12.1 Review of DA2022/364 - Dwelling Additions (Staged) - 24 Seaview Street, Nambucca Heads

- ii Chantelle Williams*

- 12.4 View Impact Assessment - Proposed Residential Flat Building - 3 High Street, Nambucca Heads

- iii Sandra Mason – for the recommendation*

- iv Bruce Mason – for the recommendation*

- v David Pleasance – against the recommendation*

- vi Bernard Perkins – against the recommendation*

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

DELEGATIONS

12.1 Review of DA2022/364 - Dwelling Additions (Staged) - 24 Seaview Street, Nambucca Heads

ii Chantelle Williams addressed Council with notes placed on 7387/2024 SF 3424.

12.4 View Impact Assessment - Proposed Residential Flat Building - 3 High Street, Nambucca Heads

iii Sandra Mason addressed Council with notes placed on 7130/2024 SF 3424.

iv Bruce Mason addressed Council with notes placed on 7134/2024 SF 3424.

v David Pleasance addressed Council with notes placed on 7527/2024 SF 3424.

30/24 **RESOLVED:** (Jenvey/Vance)

That Council allow Mr David Pleasance an extra 5 minutes speaking time.

vi Bernard Perkins addressed Council with notes placed on 7352/2024 SF 3424.

31/24 **RESOLVED:** (Jenvey/Vance)

That Council allow Mr Bernard Perkins an extra 5 minutes speaking time.

ITEM 12.1 DA2022/364 150224 Review of DA2022/364 - Dwelling Additions (Staged) - 24 Seaview Street, Nambucca Heads

32/24 **RESOLVED:** (Hoban/Vance)

That Council approve

- 1 DA2022/364 in accordance with the original conditions except for the requirement in condition 1 to reduce the roof height of the middle floor addition by 300mm being deleted (as shown with ~~strikethrough~~).
- 2 Restricting obstructions in the Front Yard (between the front/southern elevation of the dwelling and Seaview Street) by modifying Condition 28 as follows;

CONDITION 28

The front yard (i.e. the area between the front/southern elevation of the dwelling and Seaview Street) must not contain any vegetation or structures which exceed the ground floor ceiling height of the dwelling at number 24 Seaview Street. Vegetation must be managed in perpetuity so as not to exceed the ground floor ceiling height of the dwelling at number 24 Seaview Street.

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

For the Motion:	Councillors Hoban, Jenvey, M Ballangarry, Vance and Wilson.
	Total (5)
Against the Motion:	Nil
	Total (0)

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

33/24 **RESOLVED:** (Vance/Wilson)

- 1 That Council consider any written representations from the public as to why the Meeting should not be Closed to the public.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

2 That Council move into Closed Meeting to discuss the matters for the reason(s) listed below.

Reason reports are in Closed Meeting:

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.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 14.1 LF7302 150224 Legal Advice - 3 High Street, Nambucca Heads

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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:05 PM.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 14.1 LF7302 150224 Legal Advice - 3 High Street, Nambucca Heads

34/24 **RESOLVED:** (Hoban/Wilson)

That Council:

- 1 Receive the legal advice in relation to the sale of Lot 1 DP 1288566.
- 2 Note section 435 of the Local Government Act 1993 and act in accordance with advice provided in the first, and confirmed in the second, legal opinion sought by Council.

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

For the Motion:	Councillors Hoban, M Ballangarry, Vance and Wilson
	Total (4)
Against the Motion:	Councillor Jenvey
	Total (1)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

RESUME IN OPEN MEETING

35/24 **RESOLVED:** (Vance/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 6:32 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolution.

ITEM 12.4 DA2023/015 150224 View Impact Assessment - Proposed Residential Flat Building - 3 High Street, Nambucca Heads

36/24 **RESOLVED:** (Hoban/Wilson)

THAT Council:

- 1 **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.**
- 2 **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.**
- 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 5 of this report.**

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

For the Motion:	Councillors Hoban, M Ballangarry, Vance and Wilson
	Total (4)
Against the Motion:	Councillor Jenvey
	Total (1)

Meeting adjourned at 7:39PM. Meeting returned at 7:48PM.

GENERAL MANAGER REPORTS

ITEM 10.1 SF959 150224 Outstanding Actions and Reports

37/24 **RESOLVED:** (Vance/M Ballangarry)

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 11.1 SF3383 150224 Special Rate Variation - Deferment

38/24 **RESOLVED:** (Wilson/Jenvey)

That Council defer the Special Rate Variation application to IPART from the adopted 2025/26 to 2026/27.

ITEM 11.2 SF336 150224 Annual General Meeting Minutes 20 November 2023 for the Taylors Arm Hall Committee of Management

39/24 **RESOLVED:** (Wilson/Vance)

THAT Council note the Minutes of the Taylors Arm Hall Committee of Management's Annual General Meeting held on 20 November 2023 and thank ongoing members for their efforts over the past twelve months.

ITEM 11.3 SF251 150224 Schedule of Council Meetings - 29 February 2024 to 11 July 2024

40/24 **RESOLVED:** (M Ballangarry/Wilson)

THAT Council note the schedule of meeting dates for 29 February 2024 to 11 July 2024.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

Item 12.1 was dealt with under delegations

ITEM 12.2 SF1148 150224 Council's Rangers' Report and Penalties Issued for December 2023

41/24 **RESOLVED:** (Vance/M Ballangarry)

THAT:

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

ITEM 12.3 SF3410 150224 Undetermined Development Applications greater than 12 months or where submissions received to 6 February 2024 and Development Applications determined from 10 January 2024 to 6 February 2024 where an Application to Vary Development Standards under Clause 4.6 of the Nambucca LEP 2010 was approved under staff delegation

42/24 **RESOLVED:** (Wilson/Vance)

THAT Council note the information on undetermined Development Applications greater than 12 months, or where submissions have been received to 6 February 2024, and Development Applications determined from 10 January 2024 to 6 February 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

Item 12.4 was dealt with under delegations

ITEM 12.5 SF1867 150224 Illegal Dumping in State Forest

43/24 **RESOLVED:** (Jenvey/Vance)

THAT Council:

- 1 Note the information contained within the report.**
 - 2 Provide contact details for Forestry Corporation's representative to Mr Humphreys to seek assistance with tipping fees.**
-

ITEM 12.6 SF3410 150224 2024 January - Approved Construction Certificates and Complying Development Applications

44/24 **RESOLVED:** (Wilson/Vance)

THAT Council note the Construction Certificates and Complying Developments approved for January 2024.

ITEM 12.7 SF3410 150224 2024 January - Development Applications and Complying Development Applications Received

45/24 **RESOLVED:** (Wilson/M Ballangarry)

THAT Council note the Development Applications and Complying Developments received in January 2024.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 15 FEBRUARY 2024

DIRECTOR ENGINEERING SERVICES REPORTS

ITEM 13.1 PRF47 150224 Dawkins Park, Macksville

46/24 **RESOLVED:** (Jenvey/Vance)

THAT Council support the connection of the main Dawkins Lake Island with the southern edge of the lake.

ITEM 13.2 SF3201 150224 Budget Variation - E J Biffin Playing Fields Lighting Upgrade

47/24 **RESOLVED:** (Wilson/Vance)

That Council allocate the additional expenditure of \$35,000 to finalise the installation of lighting at EJ Biffin Playing Fields, Nambucca Heads.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

48/24 **RESOLVED:** (Jenvey/Vance)

- 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:

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.

Item 14.1 was dealt under delegations within closed meeting

For Confidential Business Paper in Closed Meeting

ITEM 14.2 SF3420 150224 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 15 FEBRUARY 2024

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:56 PM.

RESUME IN OPEN MEETING

49/24 **RESOLVED:** (Vance/Wilson)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 8:05 PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolution.

GENERAL MANAGER REPORTS

For Confidential Business Paper in Closed Meeting

For Confidential Business Paper in Closed Meeting

ITEM 14.2	SF3420	150224	Matters Regarding Realised or Potential Losses
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50/24 **RESOLVED:** (Hoban/Wilson)

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

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:06 PM.

Confirmed and signed by the Mayor on 29 February 2024.

Cr Rhonda Hoban OAM
MAYOR
(CHAIRPERSON)

NOTICE OF MOTION

**ITEM 5.1 SF3422 290224 NOTICE OF MOTION - REQUEST FOR LEAVE 3 TO 30
 MARCH 2024 - CR SUSAN JENVEY**

AUTHOR/ENQUIRIES: Susan Jenvey, Councillor

SUMMARY:

Cr Susan Jenvey has requested annual leave for 3 to 30 March 2024 inclusive.

RECOMMENDATION:

That Cr Susan Jenvey be granted leave of absence in accordance with Section 234(d) of the Local Government Act for the period of 3 to 30 March 2024 inclusive.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

There are no direct or indirect impacts on current and future budgets.

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER**ITEM 9.1 SF959 290224 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; Stephen Saunders, Manager Economic Development

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	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> <p>8/2/24 to 20/02/24 – Request for Quote (RFQ) now being prepared by LGP</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

MAY 2022					
2	DA2022/115	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 – 21/2/24 - 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 21/2/24 – 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>	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 – 05/02/24 - No further update, awaiting a response from DoPE.</p> <p>20/02/24 –Email sent to LANDSAS seeking progress update.</p>
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MAY 2023

5	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.	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 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>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<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> <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>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<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 05/02/24- No further action. Awaiting completion of works at premises (estimated to be completed by the end of this financial year given the funding parameters set by TfNSW who have funded a large portion of the required works), and native title advice from DoPE Crown Lands.</p> <p>20/02/24 – Dept Crown Lands have advised they have reviewed and will no longer require Council to add the 2 previously identified purposes to the Reserve, and accordingly will no longer be undertaking a Native Title Assessment. Council may continue with the leasing process which remains subject to completion of the civil works being done to remediate the stormwater infrastructure.</p>
JUNE 2023					
6	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 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>	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 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>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</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>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. <p>01/02/2024 – CDO is currently working through a consultation phase to engage with key aboriginal stakeholders (to date it has included meeting with two aboriginal councillors and a meeting with Jaanyimili Bawrrungga Association. The CDO has also reached out to Unkya Aboriginal Land Council to seek a meeting) regarding re-establishing the Aboriginal Advisory Committee and creating a Reconciliation Action Plan (RAP). RAP's of other organisations are being reviewed to determine the appropriate format/content. Over coming weeks the CDO is seeking meetings with: Nambucca Aboriginal Land Council, Bowraville Land Council, Muurbay Language and Cultural Cooperative, Miimi Aboriginal Corporation and Ngurrala Aboriginal Corporation. The CDO has also recently had consultation with the key stakeholders involved in the development of the new Gumbaynggirr Keeping Place. CDO is also liaising with local community stakeholders to gain an understanding of what the issues and challenges are for our indigenous community.</p> <p>20/02/24 – no further update.</p>
JULY 2023					
7	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</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 21/2/24– Amendments</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			determination. 2 Following community consultation, Council staff report the planning proposal back to Council for consideration of submissions received and a final decision as to whether Council will proceed to make the amended plan.		requested by the Minister prior to Gateway determination being finalised for resubmission.
AUGUST 2023					
8	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 07/02/24 – Draft report to go to the Nambucca Rivers, Creeks, Estuaries and Coastline Committee – 15 February 2024. 20/02/24 -Item deferred to 15 May Nambucca Valley Catchments and Coastline Committee meeting
SEPTEMBER 2023					
9	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 6/2/24 – Staff are investigating suggested sites. 6/2/24 – Possible grant funding through "Community Energy Upgrades Fund Round 1" \$100m of funding over 2 funding rounds ran over 3 years from 2024/25, must be completed by March 2027. Council must contribute to 50% of the costs of the total project. Council staff to make submissions. 21/2/24 – No further update.
10	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.	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

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			4 Report the findings of the encroachment survey to Council with options for the potential subdivision of the land.		<p>being sketched to bring through the Land Development Committee, then brought to Council for direction on which option to proceed with.</p> <p>22/11/23 – report on northern Lot subdivision to 30 November Council Meeting.</p> <p>05/12/2023 – Subdivision options 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> <p>01/02/24 – Investigation continuing, requested information on OSSM.</p> <p>05/02/24 - Meeting with OSSM consultant scheduled early February to define lot size/shape possibilities</p> <p>20/02/24 – Final report expected from Consultant by end of February, then report can be prepared for subsequent Council meeting.</p>
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OCTOBER 2023

11	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>	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>6/02/24 – Signs have been installed.</p> <p> </p> <p>5/12/23 – Completed.</p>
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			<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>		<p>22/11/23 - Line Marking contractors engaged for disabled parking bay. 5/12/23 – line marking completed. 10/01/24- pram crossing still outstanding</p> <p>6/02/24 to 20/02/24 – Structures crew to prioritise, not yet complete.</p> <p>06/12/23 – No change. 10/01/24 – completed</p>
12	SF3303	26/10/23	<p>Request for funding for funding allocation - Design of Shared Pathway - Hyland Park to Mann Street</p> <p>THAT:</p> <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>	<p>CFO</p> <p>A/DES</p>	<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> <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>21/02/24 -No further update</p> <p>22/11/23 - Will be part of design if grant application is successful.</p> <p>5/1/24 to 21/02/24 - no change.</p>

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13	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>3 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> <p>20/02/24 Reviewed Terms of Reference will be presented to Council on 14 March.</p>
14	SF1358	26/10/23	That the amended report - Proposed Changes to the Organisation Structure be deferred until the December 2023 meeting.	GM	<p>22/11/23 - No further action.</p> <p>06/12/23 to 21/02/24 – Structure review will be undertaken in conjunction with budget process under the new General Manager.</p>
NOVEMBER 2023					
15	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>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> <p>6/2/24 – The legal advice is expected to be received before the end of this month, in which case the report will be presented to Council at either the 29 February or 14 March 2024 meeting.</p> <p>21/2/24 – Advice yet to be received.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

16	SF843	16/11/23	Vehicular Access to Beaches	A/DES	
			<p>2 Contact National Parks and Wildlife Service regarding a 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>5/12/23 As per Council's Environmental Project Officer Due to funding being 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>6/02/24 Department of Climate Change Energy the Environment and Water Coast and Estuaries implementation funding Project to commence in 2024.</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>6/02/24 – Council's Property Officer advised that licences would be required for any infrastructure to be installed on Crown land. VABC Committee meeting on 9 February 2024. 21/2/24 – Mobile motion-sensing surveillance cameras will be used instead of installing permanent camera infrastructure. Due to staff leave, meeting minutes will be presented to council at the 14 March 2024 meeting.</p> <p>Council adopted 16 November Resolution 440/23.</p> <p>Lodged into Datascope SR2458. 9/1/24 – signs installed prior to Christmas.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

DECEMBER 2023					
17	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>	MED	<p>10/01/24 to 05/02/24 registration of subdivision underway as per Council resolution.</p> <p>20/02/24 – No change, registration process underway at NSW Land Registry Service.</p>
18	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> <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>	A/DES	<p>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.</p> <p>6/2/24 LTC meeting scheduled for 13/2/24.</p> <p>21/02/24 refer to Council report 29 February 2024.</p>
JANUARY 2024					
19	SF3424	18/01/24	Council report back on the need for regular community meetings on land use conflicts and the intensive plant agriculture	MDE	7/2/24 to 21/2/24 – Will be reported back to Council with Item 15.
20	SF81	18/01/24	<p>Disaster Ready Funding EOI</p> <p>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.</p>	CFO	6/2/24 to 21/02/24 EOI was unsuccessful, consideration will be included in 24/25 budget.
21	PRF53	18/01/24	River Street Toilet Block Relocation	A/DES	6/2/24 to 20/02/24 - Planned layouts still being determined. Once complete, the

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>1 Adopt an alternate building footprint directly adjacent to the existing structure on the North Eastern side, as per Attachment B and;</p> <p>2 Engage an architect to progress the design of the proposed new amenities and report back to Council.</p>		architect will be engaged.
22	T006/2023	18/01/24	<p>Nambucca Valley Sporting Fields Subsoil Drainage Program</p> <p>1 Seek additional funds from future grants to complete the works to the small field of the EJ Biffin Playing Fields</p>	A/DES	<p>6/2/24 - Funding has been identified with LRCI phase 4 grant with some grant administration to be completed.</p> <p>21/02/24 - No change LRCI projects have not been finalised</p>
FEBRUARY 2024					
23	SF3422	15/02/24	Council write to the Premier, the NSW Treasurer and NSW Minister for Local Government requesting that they urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.	DCS	<p>21/02/24 – Summary and detailed reports have now been uploaded to Council website located here: https://www.nambucca.nsw.gov.au/Council/Council-Business-Councillors/State-Federal-Government-Relationship-with-Council </p>
24	SF3424	15/02/24	That subject to staff resources and workloads Council receive a report on the cost and benefits of accessing the Mid North Coast Joint Organisation's Simtable for our Community and how this might be achieved.	GM	21/02/24 – No further update

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.1 SF1620 290224 DELIVERY PROGRAM AND OPERATIONAL PLAN UPDATE

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

Sections 404 and 405 of the *Local Government Act 1993* require Council to adopt a Delivery Program and Operational Plan. This report comments on the status of the 2022-23 to 2025-26 Delivery Program and Operational Plan as at 31 December 2023 and the extent to which the performance targets have been achieved.

RECOMMENDATION:

That Council note the status of the Delivery Program and Operational Plan as at 31 December 2023.

OPTIONS:

The Report is for information purposes only.

DISCUSSION:

Section 404 (5) of the *Local Government Act 1993* states that the General Manager must ensure that regular progress reports are provided to the Council reporting as to its progress with respect to the principal activities detailed in its Delivery Program. Progress reports must be provided at least every 6 months. Managers have made comments on the status of each target as at 31 December 2023 as detailed in the **Attachment**.

CONSULTATION:

Managers

SUSTAINABILITY ASSESSMENT:

Environment

As outlined in the attached report.

Social

As outlined in the attached report.

Economic

As outlined in the attached report.

Risk

As outlined in the attached report.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Not applicable


Working funds – justification for urgency and cumulative impact

Not applicable

Service level changes and resourcing/staff implications

Not applicable

ATTACHMENTS:

1  513/2024 - Delivery Program 2022/23 to 2025/26 progress update to 31.12.23

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF1415 290224 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 17 JANUARY 2024

AUTHOR/ENQUIRIES: Matthew Sykes, Director Corporate Services

SUMMARY:

The Minutes of the Audit, Risk and Improvement Committee (ARIC) Meeting held 17 January 2024 are shown below for Council's endorsement. Discussion around the items presented to ARIC have been included in the minutes **attached**.

Items from the 17 January 2024 ARIC meeting which require approval by Council include:

- 1 Revised Statement of Business Ethics Policy G 07.
- 2 Revised Terms of Reference for Nambucca Valley Council Audit, Risk and Improvement Committee.
- 3 Continuing with the current Investment Policy CS 08.

RECOMMENDATION:

- 1 That Council receive and note the following recommendations from the Audit, Risk and Improvement Committee Meeting held 17 January 2024:

- a) That the Committee confirm the Minutes of the Meeting held 11 October 2023.

- b) Progress Update on External Audit Findings

That the Audit Risk and Improvement Committee note the Management Letter on the Final Phase of the Audit for the Year Ended 30 June 2023 from the Audit Office of New South Wales which states that there is one prior year matter not resolved by management (Issue 1 - Project costing methodology - Low Risk) and two current year matters raised (Issue 1 Financial reporting process – Medium Risk and Issue 2 IT policies and procedures – Medium Risk).

- c) Progress update on findings from Internal Audits

That the reports on the previous Internal Audit Reviews be received and noted.

- d) Information and Communication Technology Incident Reviews

That the Summary of ICT incidents January 2023 to December 2023 report be received and noted.

- e) Enterprise Risk Management Plan and Risk Control Action Plan Updates

That Council note the report on the Enterprise Risk Management Plan and Risk Control Action Plan Updates.

- f) Statement of Business Ethics

That the revised Statement of Business Ethics policy be referred to Council for approval.

- g) CONFIDENTIAL - Matters Regarding Realised or Potential Losses

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

- h) Update on 2023/24 Service Reviews

ITEM 10.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 17 JANUARY 2024

That the Audit Risk and Improvement Committee note the appointment of Centium Pty Ltd to undertake the 2023/24 Service Reviews of Animal Control, Noxious Plants, and Public Toilets.

i) Revised Audit, Risk, Improvement Committee Terms of Reference

That the Audit, Risk Improvement Committee endorses that the Terms of Reference for Nambucca Valley Council Audit, Risk and Improvement Committee be referred to Council for approval.

j) Review of Investment Policy CS08 and Investment Strategy CS04

That the Audit Risk and Improvement Committee endorse that:

1 Council continue with the current Investment Policy

2 The Arlo Advisory Monthly Investment Review be adopted as the new Investment Strategy and reflected as such in the Investment Strategy Procedure CS 04.

3 The Committee strongly recommends Council consider the preparation of a fossil fuel divestment policy.

k) September 2023 Quarterly Budget Review

That the Audit Risk and Improvement Committee note the budget review for the quarter ended 30 September 2023.

2 That Council approve the revised Statement of Business Ethics Policy G 07 as attached per the Committee's recommendation.

3 That Council approve the Terms of Reference for Nambucca Valley Council Audit, Risk and Improvement Committee as attached per the Committee's recommendation.

4 That Council approve continuing with the current Investment Policy CS 08 as attached per the Committee's recommendation.

OPTIONS:

- 1 Per the recommendation.
- 2 Council does not approve recommendations 2, 3, or 4.

DISCUSSION:

As per the summary

CONSULTATION:

ARIC members
Arlo Advisory

SUSTAINABILITY ASSESSMENT:

Environment

Not applicable

ITEM 10.2 MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 17 JANUARY 2024

Social

Not applicable

Economic

Not applicable

Risk Analysis

Implementation of the internal and external audit recommendations as identified within the report will substantially reduce Council's risk profile.

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Items listed in external and internal audit findings.	Moderate	High	ARIC to monitor appropriate action taken in agreed timeframes to address the risks.	Moderate

Delivery Program Action

CC4 - Maintain an effective governance regime

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

The cost of internal and external audits has been budgeted for in 2023/24.

Working funds – justification for urgency and cumulative impact

As above.





Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

No change from current levels

ATTACHMENTS:

- 1  1711/2024 - Audit Risk and Improvement Committee Meeting Minutes 17 January 2024 meeting
- 2  34362/2018 - Revised Statement of Business Ethics Policy G 07
- 3  1263/2024 - Revised Terms of Reference for Nambucca Valley Council Audit Risk Improvement Committee
- 4  40493/2022 - Investment Policy CS 08

DIRECTOR CORPORATE SERVICES REPORT

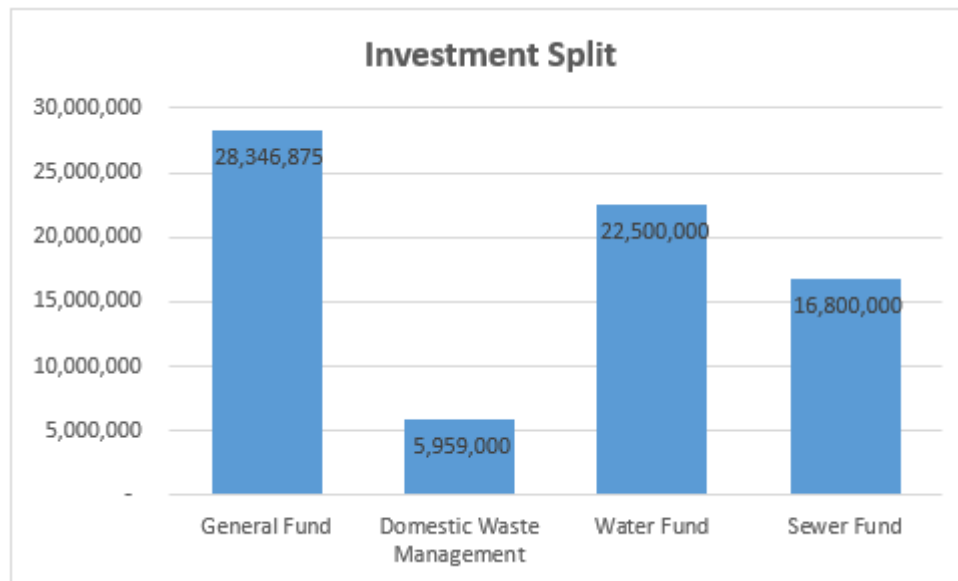
ITEM 10.3 SF3358 290224 INVESTMENT REPORT TO 31 JANUARY 2024

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 January 2024.

Council's investments as at 31 January 2024 of \$73,605,875 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 January 2024.**
- 2 Adopt the certification of the Responsible Accounting Officer for the period of January 2024.**

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 10.3 INVESTMENT REPORT TO 31 JANUARY 2024

For the period January 2024, the investments held by Council in each fund is shown below:

Cash/On Call Accounts	\$4,562
TCorp	\$3,308,693
Floating Rate Notes	\$4,801,921
Fixed Bonds	\$4,490,699
Term Deposits	\$61,000,000
Total	\$73,605,875

Portfolio Performance

Council's total portfolio performance returned +0.38% in January, outperforming the benchmark AusBond Bank Bill index of 0.37%. On an annualised basis, the portfolio returned +4.59%p.a., outperforming the benchmark of +4.44%p.a. and the Official cash rate of 4.35%.

Council's Term deposit portfolio were yielding 4.01%p.a. for January with maturing investments being reinvested for an average of 5.05% during January. Council still holds low yielding, long term maturity investments with ICBC and Judo Bank. High penalties costs would be incurred if council were to break these investments.

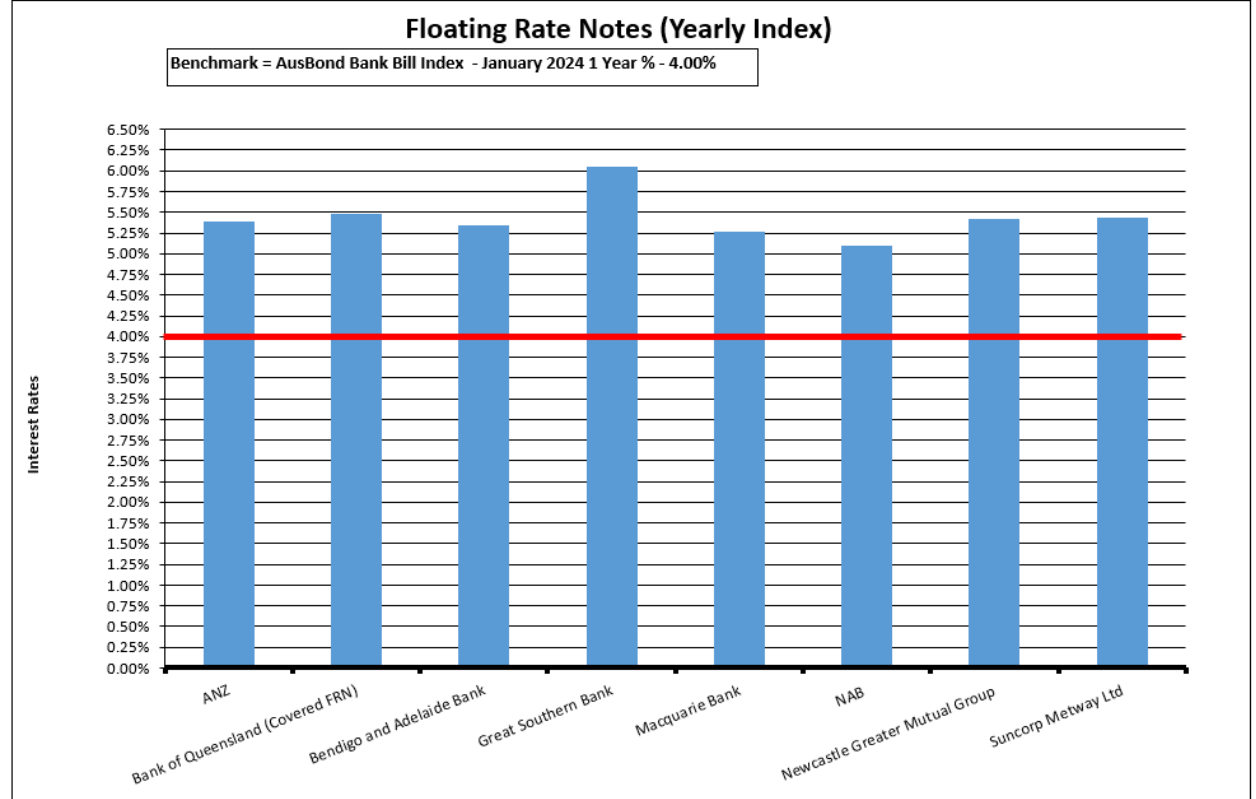
Council's Floating Rate Notes (FRN) portfolio are reported at current valuation being the "Capital Value", which can be different to the "Face Value" being the initial purchase value. FRN's are market driven and can change from month to month depending on market fluctuations. Council is holding some sub-optimal FRN investments and consideration will be taken to sell these in the coming months dependent on the market.

Council invests in NSW TCorp Growth fund which invests in domestic and international shares providing modest gains this month. Funds held with TCorp are looked at with a long term view.

Council has invested in Senior Fixed bonds. Council holds 2 sub-optimal Senior fixed Bonds returning 1.2%pa and 1.5%pa, however the advice provided by Arlo Advisory is to hold to maturity as the penalty rates would be high. The bonds have a maturity of December 2025 and December 2026.

Retiring investments are being monitored closely and being reinvested to optimise their returns in line with Council's Investment Policy.

The following charts indicate Council's performance against the 1 year Actual AusBond Bank Bill Index.



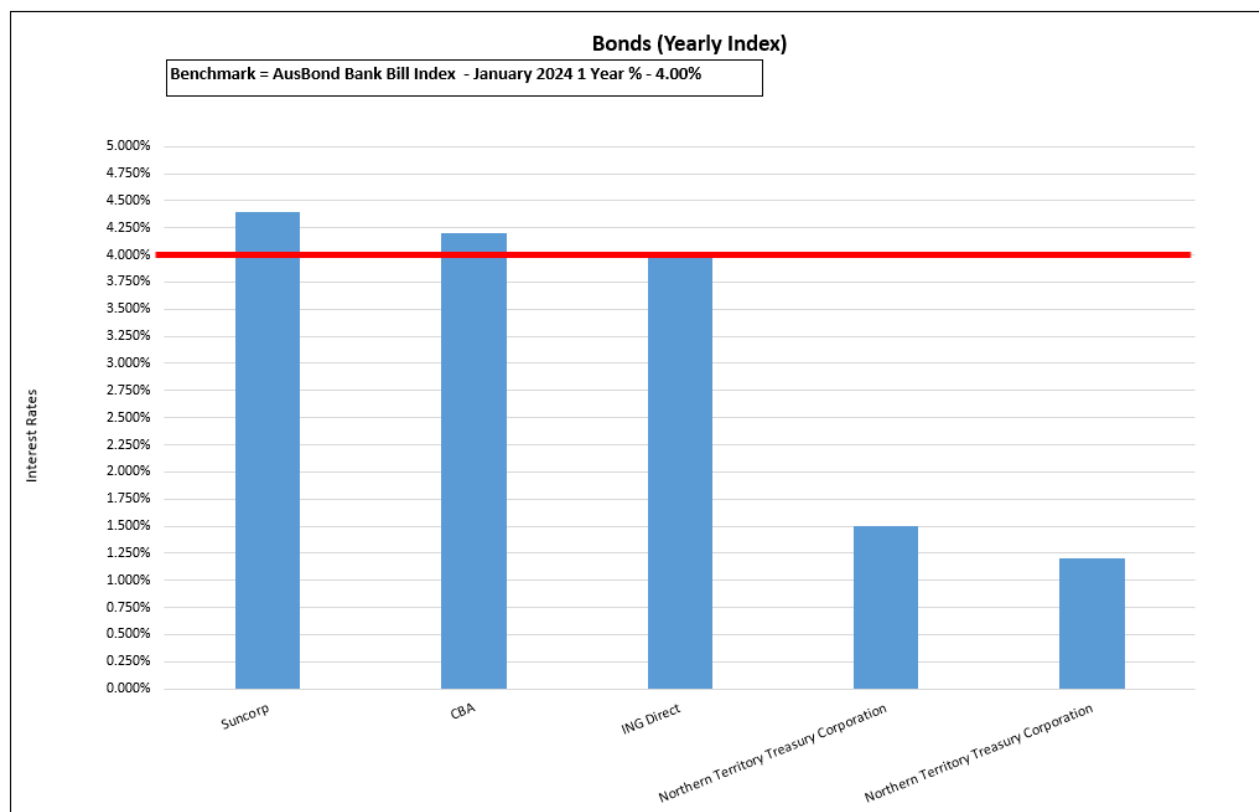
ITEM 10.3 INVESTMENT REPORT TO 31 JANUARY 2024**Council's Investment Policy**

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 31/01/2024

Compliant	Term	Invested	Invested (%)	Min Limit (%)	Max Limit (%)	Available
✓	0 - 90 days	9,204,562.00	12.51	3.00	100.00	64,401,313.34
✓	91 - 365 days	37,800,000.00	51.35	0.00	100.00	35,805,875.34
✓	1 - 2 years	14,995,755.00	20.37	0.00	70.00	36,528,357.73
✓	2 - 5 years	8,296,865.60	11.27	0.00	50.00	28,506,072.07
✓	5 - 10 years	3,308,692.74	4.50	0.00	25.00	15,092,776.10
TOTALS		73,605,875.34	100.00			

ITEM 10.3 INVESTMENT REPORT TO 31 JANUARY 2024Table 2: **Credit Rating Limits****Credit Quality Compliance** as at 31/01/2024**Long Term Investments**

Compliant	Rating	Invested (\$)	Invested (%)	Limit (%)	Available
✓	AAA	997,639.00	1.35	100.00	72,608,236.34
✓	AA	34,798,233.10	47.28	100.00	38,807,642.24
✓	A	13,005,671.50	17.67	60.00	31,157,853.70
✓	BBB	21,495,639.00	29.20	45.00	11,627,004.90
✓	Unrated	3,308,692.74	4.50	18.00	9,940,364.83
TOTALS		73,605,875.34	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

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 January 2024 report page 2:*

"Financial markets continued their rally in January following the shift by central banks indicating that inflationary pressures globally have receded more quickly than they had expected. The market is now clearly focused on the timing of the first interest rate cuts in 2024. Over January 2024, major bank deposit rates were lower across the board compared to the previous month (December 2023). Major bank deposit rates dropped by as much as 12bp across the shorter-tenors (3-12 months) and by around 15-20bp across the longer-tenors (2-5 years). Interestingly, major bank deposit rates are approximately 20-40bp lower than what they were 6 months ago (July 2023)."

ITEM 10.3 INVESTMENT REPORT TO 31 JANUARY 2024

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  5766/2024 - Investment Report January 2024
- 2  5762/2024 - Arlo Advisory Investment advice Report for January 2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.4 SF3400 290224 DECEMBER 2023 QUARTERLY BUDGET REVIEW

AUTHOR/ENQUIRIES: Kellie Byrne, Management Accountant

SUMMARY:

A review of the 2023/24 budget has been carried out for the quarter ended 31 December 2023 and this has resulted in a revised surplus projection of \$220,100. Major variations are shown below in the discussion section.

RECOMMENDATION:

THAT:

- 1 The budget review for the quarter ended 31 December 2023 be received.**
- 2 The recommended increases and decreases in votes be included as subsequent votes for the financial year 2023/24.**

OPTIONS:

- 1 Adopt the requested budget variances as requested per the recommendation.
- 2 Adopt some of the variances requested.
- 3 Reject all variances requested.

DISCUSSION:

In accordance with s203 of the *Local Government (General) Regulations 2021*:

- (1) Not later than 2 months after the end of each quarter, the responsible accounting officer of a Council must prepare and submit to the Council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the Council's Revenue Policy included in the Operational Plan for the relevant year, a revised estimate of the income and expenditure for that year.
- (2) A budget review statement must include or be accompanied by:
 - (a) A report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the Council is satisfactory, having regard to the original estimate of income and expenditure; and
 - (b) If that position is unsatisfactory, recommendation for remedial action.

ITEM 10.4 DECEMBER 2023 QUARTERLY BUDGET REVIEW**Report by Responsible Accounting Officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2021:

31 December 2023

It is my opinion that the Quarterly Budget Review Statement for Nambucca Valley Council for the quarter ended 31 December 2023 indicates that Council's projected financial position at 30 June 2024 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: E Webb

Date: 6 February 2024

Evan Webb
Responsible Accounting Officer

Council officers have reviewed their 2023/24 budgets as at 31 December 2023. The attachment to this report shows the variations to budget that are recommended for Council approval as a result of this review.

Consolidated Budget

The 2023/24 budget was originally estimated to be a deficit result of \$289,700. The budget variations for September 2023 review resulted in a budget surplus of \$162,600 at the quarter end. The budget variations for December 2023 review resulted in a budget surplus of \$220,100 at the quarter end.

General Fund

General fund forecasted a deficit of \$289,700 for the 2023/24 financial year. The September quarterly review improved the budget forecast to be a surplus of \$162,000. The December quarterly review has now improved the budget forecast to be a surplus of \$220,100 with a total in variations of -\$57,500. Budget variations greater than \$10,000 impacting the quarter ended 31 December 2023 comprised of:

Description	Impact on Budget	Amount
Nambucca Heads Library courtyard Tiles, \$20.2k Council funded and \$20.2k to be paid by Contractor	Unfavourable	20,200
Nambucca Heads SLSC bank Stabilisation - Crown Lands Flood Recovery Program Grant \$250k and \$15.8K Council contribution to project.	Unfavourable	15,800
Footpaths & Bike Track Capital Works Cycleway, North Macksville shared pathway 2017-2018 (4.25 km - Florence Wilmont Drive, N/Hds to Nursery Road North Macksville - Funded by Restart NSW. Project over budget additional land acquisition required post construction of the cycleway.	Unfavourable	28,800

ITEM 10.4 DECEMBER 2023 QUARTERLY BUDGET REVIEW

Description	Impact on Budget	Amount
EPAR Alexander Drive under AGRN1025 - Currently funding of W3834 is \$1,050,000 (250K NVC, 800K Developer Contributions S 7.12), this funding reduces the amount Council will have to fund.	Favourable	-247,700
Building Control Office Revenue - Statutory Fees & Charges - Lodgement Fees received higher than originally expected.	Favourable	-55,000
IT Services - Professional Services Consultants - Revote as Carry forward not processed for GIS consultants in 2022/23	Unfavourable	36,400
Road Safety Expenditure - Contractors - Road Safety Officer shared with Bellingen Council not budgeted.	Unfavourable	14,000
Footpaths & Bike Track Capital Works CYCLEWAY - Watt Creek Cycleway - Final Link - (Funded #SCCF-0576 - \$224,380 - Project #2) - Over budget due to variations to stage 2B construction.	Unfavourable	46,600

General Fund reserve movements:

General Fund reserve movements processed as budget variations for the quarter ended 31 December 2023 include:

Reserve Name	Transfer	Amount
Beach Permits Surplus Reserve	From Reserve	\$82,000
Environmental Rate Unallocated Funds	From Reserve	\$36,400

Water Fund

Council's water fund variations for December quarter include variations of \$263,000, resulting in a transfer from reserve to balance the Water Fund.

Budget variations greater than \$10,000 for the quarter ended 31 December 2023 are comprised of:

Description	Impact on Budget	Amount
Water Main replacement Nambucca Forest Road	Unfavourable	\$12,000
Water Infrastructure Capital Works Reservoir Improvements - Bellinger Street	Unfavourable	\$251,000

ITEM 10.4 DECEMBER 2023 QUARTERLY BUDGET REVIEW**Water Fund reserve movements:**

Water Fund reserve movements processed as budget variations for the quarter ended 31 December 2023 include:

Reserve Name	Transfer	Amount
Water fund reserve	From Reserve	\$263,000

Sewer Fund

Council's sewer fund variations for December quarter include variations for a new grant funded project, resulting in no impact on the reserve balance for the Sewer Fund.

Budget variations greater than \$10,000 for the quarter ended 31 December 2023 are comprised of:

Description	Impact on Budget	Amount
Installation overflow storage tanks and smart monitoring equipment at 2 pump stations in Macksville (DPE Funding \$1.353M)	None	\$1,353,000
Sewerage Revenue - Capital Grant Income / State Grants for new or upgraded assets	None	-\$1,353,000

Sewer Fund reserve movements:

There were no Sewer Fund reserve movements processed as budget variations for the quarter ended 31 December 2023.

CONSULTATION:

Budget Managers

SUSTAINABILITY ASSESSMENT:**Environment**

Not applicable

Social

Not applicable

Economic

Not applicable

Risk

As per the Report

ITEM 10.4 DECEMBER 2023 QUARTERLY BUDGET REVIEW





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

As per the Report

Service level changes and resourcing/staff implications

None as a result of this report.

ATTACHMENTS:

- 1  4700/2024 - December 2023 Quarterly Budget Review at GL Master and Work Order Level
- 2  4701/2024 - Consultancy & Legal Expenses December 2023 Quarterly Budget review
- 3  4702/2024 - Contract Listing for December 2023 Quarterly Budget Review
- 4  4703/2024 - December Quarterly Budget Review Projected Reserve Balances as at 30.06.24

CORPORATE SERVICES**ITEM 10.5 SF251 290224 SCHEDULE OF COUNCIL MEETINGS - 29 FEBRUARY 2024 TO 11 JULY 2024****AUTHOR/ENQUIRIES:** Rochelle McMurray, Business Services Coordinator**SUMMARY:**

The following is a schedule of dates for public Council and Council Committee meetings to be held 29 February 2024 to 11 July 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 29 February 2024 to 11 July 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
Council Meeting	29 February	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	14 March	Utungun Community Centre	5.00 PM
Council Meeting			5.30 PM
Council Meeting	28 March	Council Chambers	5.30 PM
Refreshments with the public prior to Council Meeting	11 April	Scotts Head SLSC	5.00 PM
Council Meeting			5.30 PM
Council Meeting	Wed 24 April	Council Chambers	5.30 PM
Council Meeting	16 May	Council Chambers	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
Refreshments with the public prior to Council Meeting	11 July	South Arm Hall	5.00 PM
Council Meeting			5.30 PM

ATTACHMENTS:

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

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

ITEM 11.1 SF3410 290224 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment

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 then it will be determined under delegated authority if the delegations permit.

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

RECOMMENDATION:

THAT Council note the information on undetermined development applications greater than 12 months, or where submissions have been received to 21 February 2024, and development applications determined from 6 February 2024 to 21 February 2024 where an application to vary development standards under Clause 4.6 of the Nambucca LEP 2010 was approved under delegation.

OPTIONS:

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

DISCUSSION:

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

Nil.

TABLE 2: UNDETERMINED DEVELOPMENT APPLICATIONS WITH SUBMISSIONS

DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
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 legal advice.			
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.			

ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS, WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP 2010 WAS APPROVED UNDER STAFF DELEGATION

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: Additional information received and under final assessment.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2023/331	18 December 2023	4 Lot Rural Subdivision	Lots 10, 11, 12 & 14 DP 1287883, 528 Lower Buckrabendinni Road, Buckra Bendinni
Two submissions have been received.			
STATUS: Exhibition finished. Assessment being finalised.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/003	15 January 2024	Continued use of office	Lot 1 DP 385214, 180 Bakers Creek Road, Taylors Arm
Five submissions have been received			
STATUS: Exhibition finished. Assessment being finalised.			

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

No development applications were determined between 6-21 February 2024 where an application to vary development standards under Clause 4.6 of the NLEP was approved under staff delegation.

CONSULTATION:

Nil

SUSTAINABILITY ASSESSMENT:

Environment

To be undertaken in assessment of individual development applications.

Social

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.

**ITEM 11.1 UNDETERMINED DEVELOPMENT APPLICATIONS GREATER THAN 12 MONTHS,
WHERE SUBMISSIONS HAVE BEEN RECEIVED, OR WHERE AN APPLICATION TO
VARY DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF THE NAMBUCCA LEP
2010 WAS APPROVED UNDER STAFF DELEGATION**

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.

DIRECTOR ENGINEERING SERVICES REPORT

ITEM 12.1 SF90 290224 MINUTES OF THE NAMBUCCA VALLEY TRAFFIC COMMITTEE MEETING - 13 FEBRUARY 2024

AUTHOR/ENQUIRIES: Keith Williams, Acting Director Engineering Services

SUMMARY:

The agenda and minutes of the Nambucca Traffic Committee meeting held on 13 February 2024 are **attached** for Council's information and adoption.

All voting members included in their response whether they:

- a) Support the recommendation
- b) Oppose the recommendation
- c) Require additional information or time before they can declare support or otherwise.

RECOMMENDATION:

THAT Council:

- 1 **Alter the AM time restriction on the erected Bus Zone signs situated in front of Bowraville Police Station to 7:00am-11:30am and 2pm to 6pm to accommodate a later bus service of 11:16am.**
- 2 **Install overnight free camping for caravans and other camping vehicles on:**
 - a) **The southern side of Cook Street, Bowraville, subject to advising parking between the hours of 5.00 pm to 8.00 am during school days.**
 - b) **Belmore Street, east of the laneway to the corner of Cook Street, subject to restricting parking between the hours of 5.00 pm to 8.00 am during school days.**
- 3 **Note that the free overnight vehicle camping on Cook Street and Belmore Street, Bowraville is subject to a 12 month trial period with a report to be presented to the Local Traffic Committee outlining outcome of trial.**

OPTIONS:

- 1 Do nothing/business as usual
- 2 Seek clarification or refer matters back to the Traffic Committee.

DISCUSSION:

The TfNSW is legislated as the organisation responsible for the control of traffic on all roads in New South Wales. Traffic is controlled by the installation of prescribed traffic control devices, such as regulatory signs, or traffic control facilities, such as medians.

The Local Traffic Committee (LTC) has no decision making powers and is primarily a technical review committee. It only advises the Council on matters for which the Council has delegated authority, being certain prescribed traffic control devices and traffic control facilities.

The Council must refer all traffic related matters to the LTC prior to exercising its delegated functions. Matters related to State Roads or functions that have not been delegated to the elected Council must be referred directly to TfNSW or relevant organisation.

ITEM 12.1 MINUTES OF THE NAMBUCCA VALLEY TRAFFIC COMMITTEE MEETING - 13 FEBRUARY 2024

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

The Nambucca Traffic Committee meets every two months, generally on the first Tuesday of that month.

CONSULTATION:

Local Traffic Committee
Council
Busways

SUSTAINABILITY ASSESSMENT:

Environment

No Impact

Social

Adoption of recommendations 2 & 3 will bring an increased variety of visitors to Bowraville

Economic

Adoption of recommendations 2 & 3 will bring an economic boost to Bowraville business's

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Clash with heavy vehicles and buses	L	H	Advise campers they need to leave the specified parking area by 8am	Reduce if campers comply with advice

Delivery Program Action

CC1 - Using a variety of tools, engage with the community in ways that are accessible and transparent

LW12 - Promote social equity with equal opportunities for access and participation

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

\$600= for advisory signs and posts

Working funds – justification for urgency and cumulative impact

N/A

**ITEM 12.1 MINUTES OF THE NAMBUCCA VALLEY TRAFFIC COMMITTEE MEETING - 13
FEBRUARY 2024**



Impacts on 10 Year Long Term Financial Plan

N/A

Service level changes and resourcing/staff implications

4 hours, time to source and install signs and posts

ATTACHMENTS:

- 1  5184/2024 - Agenda - Nambucca Valley Traffic Committee - 13 February 2024
- 2  5187/2024 - Minutes - Nambucca Valley Traffic Committee - 13 February 2024