



NAMBUCCA VALLEY COUNCIL

UTUNGUN COMMUNITY CENTRE

ORDINARY COUNCIL MEETING

AGENDA ITEMS

14 MARCH 2024

Council has adopted the following Vision and Mission Statements to describe its philosophy and to provide a focus for the program areas detailed in its Delivery Program.

Our Vision

Nambucca Valley ~ Living at its best.

Our Mission Statement

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

Our Values in Delivery

- *Professionalism:*
Show drive and motivation, innovation, risk awareness, an awareness of strengths and weaknesses and a commitment to learning.
- *Accountability:*
Take responsibility for own actions, act in line with legislation and policy and be open and honest.
- *Community Focus:*
Commit to delivering customer and community focused services in line with strategic objectives.
- *Team work:*
Be a respectful, inclusive and reliable team member, collaborate with others and value diversity.
- *Safety:*
Strive towards a safety focused workplace culture to ensure the wellbeing of staff, their families and the community.
- *Value for Money:*
Achieve results through efficient use of resources and a commitment to quality outcomes.
- *Leadership (Managers):*
Engage and motivate staff, develop capability and potential in others and champion positive change.

Council Meetings: Overview and Proceedings

Council meetings are held on the **last Thursday** of each month AND on the Thursday two weeks before the Thursday meeting. Both meetings commence at **5.30 pm**. Meetings are held in the Council Chamber at Council's Administration Centre—44 Princess Street, Macksville (unless otherwise advertised).

How can a Member of the Public Speak at a Council Meeting?

1 Addressing Council with regard to an item on the meeting agenda:

Members of the public are welcome to attend meetings and address the Council. Registration to speak may be made by telephone or in person before 11.00 am on a meeting day. The relevant agenda item will be brought forward at 5.30 pm in agenda order, and dealt with following preliminary business items on the agenda. Public addresses are limited to five (5) minutes per person with a limit of two people speaking for and two speaking against an item.

2 Public forum address regarding matters not on the meeting agenda:

Nambucca Valley Council believes that the opportunity for any person to address the Council in relation to any matter which concerns them is an important demonstration of local democracy and our values. Accordingly Council allows members of the public to address it on matters not listed in the agenda provided the request is received before publication of the agenda (registration to speak may be made by telephone or in person before 11.00 am on a meeting day) and the subject of the address is disclosed and recorded on the agenda.

In relation to regulatory or enforcement matters it needs to be understood that the Council has certain legal obligations which will generally prevent the Council from providing an immediate response to any concerns or grievances which may be raised in the public forum. In particular the Council has to provide procedural fairness and consider all relevant information.

Generally this cannot be done with matters which have come direct to Council via the public forum. So the fact that the Council may not immediately agree to the representations and seek a report instead should not be taken to indicate disagreement or disinterest.

Where the subject matter concerns an on-going complaint which has been the subject of previous investigation by Council staff and/or external bodies such as the NSW Ombudsman, the General Manager in consultation with the Mayor will decide on whether or not the person will be allowed to speak in the public forum.

Speakers should address issues and refrain from making personal attacks or derogatory remarks. You must treat others with respect at all times.

Council Meeting Audio Recordings

Council audio records all Council Meetings and the recordings are posted on the website once the Minutes are released. Please note that the audio files could be quite large and may take a while to download.

Meeting Agenda

These are available Council's website: www.nambucca.nsw.gov.au



NAMBUCCA VALLEY COUNCIL

ORDINARY COUNCIL MEETING - 14 MARCH 2024

VENUE: UTUNGUN COMMUNITY CENTRE

Acknowledgement of Country *(Mayor)*

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

Council Meeting Audio Recordings *(Mayor)*

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

AGENDA	Page
1 APOLOGIES	
2 PRAYER	
3 DISCLOSURES OF INTERESTS	
4 CONFIRMATION OF MINUTES — <i>Ordinary Council Meeting - 29 February 2024</i>	9
5 NOTICES OF MOTION	
5.1 Notice of Motion - Passing of Serving Councillor Trevor Ballangarry	18
6 PUBLIC FORUM & DELEGATIONS	
7 ASKING OF QUESTIONS WITH NOTICE	
8 QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED	
9 GENERAL MANAGER REPORTS	
9.1 Outstanding Actions and Reports	19
10 DIRECTOR CORPORATE SERVICES REPORTS	
10.1 Annual General Meeting Minutes Scotts Head Sports Field Committee of Management 11 December 2023	33
10.2 Grants Status Report - Active Projects - as at 29 February 2024	35
10.3 Donations Program (Section 356) 2023/2024 - Applications for Approval	37
10.4 Draft Land Acquisition Policy	42
10.5 Schedule of Council Meetings - 28 March 2024 to 25 July 2024	44
11 MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS	
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	45
11.2 Waste Management Quarterly Report - October - December 2023	47
11.3 Minutes of the Clean Energy Committee Meeting - 20 February 2024	52
11.4 Minutes of the Nambucca River, Creeks, Estuaries and Coastline Management Committee Meeting - 15 February 2024	54
11.5 2024 February - Approved Construction Certificates and Complying Development Applications	56
11.6 2024 February - Development Applications and Complying Development Applications Received	57
11.7 Council's Rangers' Report and Penalties Issued for January 2024	58

- 12 DIRECTOR ENGINEERING SERVICES REPORTS
- 12.1 Minutes of the Vehicular Access to Beaches Committee Meeting - 9 February 2024.....65
- 13 GENERAL MANAGER'S SUMMARY OF ITEMS TO BE DISCUSSED IN CLOSED MEETING
- 13.1 Matters Regarding Realised or Potential Losses
- It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (g) of the Local Government Act, 1993, on the grounds that the report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*
- 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 29 FEBRUARY 2024

The following document is the minutes of the Ordinary Council meeting held **29 FEBRUARY 2024**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday 14 March 2024 and therefore subject to change. Please refer to the minutes of 14 March 2024 for confirmation.

PRESENT

Cr Rhonda Hoban OAM (Mayor)
Cr Martin Ballangarry OAM
Cr Susan Jenvey
Cr Troy Vance

Cr James Angel
Cr Ricky Buchanan
Cr David Jones
Cr John Wilson (Deputy Mayor)

ALSO PRESENT

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

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

APOLOGIES

Cr Trevor Ballangarry

ACKNOWLEDGMENT OF COUNTRY

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

COUNCIL MEETING AUDIO RECORDINGS

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

PRAYER

Pastor Marshall Hodgekiss from the Christian Action Church Macksville, 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 29 FEBRUARY 2024

CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 15 FEBRUARY 2024

51/24 **RESOLVED:** (Wilson/Vance)

That the minutes of the Ordinary Council Meeting of 15 February 2024 be confirmed.

NOTICE OF MOTION - CR JENVEY

ITEM 5.1	SF3422	290224	Notice of Motion - Request for Leave 3 to 30 March 2024 - Cr Susan Jenvey
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52/24 **RESOLVED:** (Jenvey/Buchanan)

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.

PUBLIC FORUM

RECOMMENDATION

That the following Public Forum be heard:

i Wendy Firefly – horticulture and blueberry farming

PUBLIC FORUM

i Wendy Firefly addressed Council with notes placed on 10108/2024 SF 3424.

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.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

GENERAL MANAGER REPORTS

ITEM 9.1 SF959 290224 Outstanding Actions and Reports

53/24 **RESOLVED:** (Wilson/Angel)

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

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 10.1 SF1620 290224 Delivery Program and Operational Plan Update

54/24 **RESOLVED:** (Jenvey/Buchanan)

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

ITEM 10.2 SF1415 290224 Minutes of the Audit, Risk and Improvement Committee Meeting
held 17 January 2024

55/24 **RESOLVED:** (Wilson/Buchanan)

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

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

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

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.

5 That Council review the Buy Local Procurement Policy, the Procurement of Goods and Services Policy and any other related policies and procedures once the Office of Local Government's revised procurement guidelines are released and pending the finding of the State Government's Inquiry Into Procurement Practices of Government Agencies in NSW and it's Impact on the Social Development of the people of NSW.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

ITEM 10.3 SF3358 290224 Investment Report to 31 January 2024

56/24 **RESOLVED:** (Angel/Jenvey)

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.

ITEM 10.4 SF3400 290224 December 2023 Quarterly Budget Review

57/24 **RESOLVED:** (Jones/Wilson)

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.

ITEM 10.5 SF251 290224 Schedule of Council Meetings - 29 February 2024 to 11 July 2024

58/24 **RESOLVED:** (Jones/M Ballangarry)

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

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

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

59/24 **RESOLVED:** (Angel/M Ballangarry)

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.

DIRECTOR ENGINEERING SERVICES REPORTS

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

ITEM 12.1 SF90 290224 Minutes of the Nambucca Valley Traffic Committee Meeting - 13
February 2024

60/24 **RESOLVED:** (Angel/Wilson)

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.**

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

61/24 **RESOLVED:** (Buchanan/M Ballangarry)

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

Reason reports are in Closed Meeting:

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3398 290224 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.

For Confidential Business Paper in Closed Meeting

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

ITEM 13.2 SF247 290224 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.

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 290224 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.

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 290224 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.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 6:12PM.

RESUME IN OPEN MEETING

62/24 **RESOLVED:** (Jones/Buchanan)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed **IN OPEN MEETING** at 6:49PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

DIRECTOR ENGINEERING SERVICES REPORTS

For Confidential Business Paper in Closed Meeting

ITEM 13.1 SF3398 290224 Tender for the installation of two sewerage overflow storage tanks at Macksville

63/24 **RESOLVED:** (Jones/Jenvey)

THAT Council:

- 1 **Accept the tender submitted by AJ Civil Projects Pty Ltd for the amount of \$456,738.70 inclusive of GST to install sewerage overflow storage tanks at two pump station sites in Macksville.**
- 2 **Update the Contract Register.**
- 3 **Authorise the General Manager to negotiate and approve any contract variation regarding relocation of the electricity supply.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.2 SF247 290224 Panel Contract for the Supply of Pressure Sewerage Pump Stations and Associated Equipment.

64/24 **RESOLVED:** (Angel/Wilson)

THAT Council

- 1 **Endorse the use of the panel contract for the supply of pressure sewerage systems and associated equipment as arranged by Clarence Valley Council with Nambucca Valley Council as a nominated party.**
- 2 **Note that the panel of suppliers shall comprise of Enviro One Services and Installations Pty Ltd and Aquatec Fluid Systems Pty Ltd.**
- 3 **Authorise the General Manager to add Beck Water Pty Ltd to the panel of suppliers if further operational experience with the offered unit indicates it is advantageous to Council.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 29 FEBRUARY 2024

For Confidential Business Paper in Closed Meeting

ITEM 13.3 SF3420 290224 T007/2023 - Tender for Provision of Security Services

65/24 **RESOLVED:** (Angel/Wilson)

THAT Council:

- 1 Accept the tender submitted by MME Security for Tender T007/2023 for the amount of \$306,379.26 inclusive of GST for the provision of security services for 3 years.**
- 2 Update the Contracts register.**

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

For the Motion:	Councillors Angel, Buchanan, Hoban, Jenvey, Jones, M Ballangarry, Vance and Wilson
	Total (8)
Against the Motion:	Nil
	Total (0)

For Confidential Business Paper in Closed Meeting

ITEM 13.4 SF3420 290224 Matters Regarding Realised or Potential Losses

66/24 **RESOLVED:** (Buchanan/Angel)

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 6:55 PM.

Confirmed and signed by the Mayor on 14 March 2024.

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

NOTICE OF MOTION

**ITEM 5.1 SF3422 140324 NOTICE OF MOTION - PASSING OF SERVING COUNCILLOR
TREVOR BALLANGARRY**

AUTHOR/ENQUIRIES: Rhonda Hoban OAM, Councillor

SUMMARY:

The sad loss of Cr Trevor Ballangarry constitutes a casual vacancy under the *Local Government Act 1993* (the Act). As under section 294(1) of the Act the vacancy is within eighteen months before the date specified for the next ordinary election of the councillors for the area, Council has the option under section 294(2)(a) of the Act to apply to the Minister to dispense with a by-election.

Because this is an application to the Minister this is a non-delegable function under section 377(1)(s) of the Act and requires a resolution of Council.

The *Local Government (General) Regulation 2021* section 285(b) also requires that when a civic office becomes vacant the General Manager of the Council must give notice of the vacancy within seven days to the Electoral Commissioner and the Secretary and the Chief Executive Officer of Local Government NSW. Notice was given within the prescribed time frame.

RECOMMENDATION:

THAT:

- 1 On the passing of Cr Trevor Ballangarry Council apply to the Minister under section 294(2)(a) of the *Local Government Act 1993* to dispense with a by-election.**
- 2 The letter of application be copied to the Office of Local Government.**

OPTIONS:

- 1 Proposed recommendation
- 2 Alternative option – Council undertakes a by-election at a cost to Council.

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil

Working funds – justification for urgency and cumulative impact

Nil

Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Nil

ATTACHMENTS:

There are no attachments for this report.

GENERAL MANAGER**ITEM 9.1 SF959 140324 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 strikethrough and then removed from the report to the following meeting. Please note that the status is updated one week before the Council meeting.

RECOMMENDATION:

THAT 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 6/03/24 – 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>10/01/24 – 6/03/24 - 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 6/03/24 – 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> <p>04/03/24 - No further 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</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>involvement from NSW Public Works.</p> <p>20/09/23 – Manager Projects is waiting on formal response from NSW Public Works confirming their contribution to works required.</p> <p>04/10/23 – Manager Projects has advised that NSW Public Works have undertaken their first review of Council's submission for funding. PWA have said that they will cover:</p> <ul style="list-style-type: none"> - The full length of stormwater pipe replacement except for the first 12m - The asphalt concreting of the 2.4m (excavator width) on the full 60m long trench - The concrete carpark for 3 car parking bays out of 7. <p>This is pending the final review by PWA which could be in 2 weeks.</p> <p>17/10/23 - The Club have advised they do not wish to proceed with execution of the new licence until the current carpark works being done by Council are completed, or at least have progressed significantly.</p> <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</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					<p>of access to the boardwalk and boat ramp, and for the kiosk and café.</p> <p>The progressing of the new lease will be subject to the outcome of the exploration works with the stormwater rectification project works, then confirming our negotiated position with the RSL Club.</p> <p>05/12/23 to 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> <p>04/03/24 – Stormwater works project to recommence late April 2024, to be completed by 30 June 2024.</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</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

				<p>24.09.23</p> <p>18/09/23 – no further update</p> <p>04/10/23 to 18/10/23 – Interviews for Community Development Officer position to be held 20/10/23.</p> <p>08/11/23 to 22/11/23 Community Development Officer to commence 4 December 2023.</p> <p>06/12/2023 - Community Development Officer (CDO) commenced 4 December 2023.</p> <p>03/01/2024 – CDO has:</p> <ul style="list-style-type: none"> researched into why previous committee meetings ceased in 2012 (interest waned to a point where the lack of a quorum resulted in meetings being abandoned), attended a meeting of the Local Government Aboriginal Network, and scheduled a meeting with Council's three indigenous councillors on the 18th January 2024. <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 Jaanyмили Bawrrunga 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> <p>05/03/24 – A letter has been drafted to organise the reconvening of a meeting of Council's Aboriginal Advisory Committee and to extend its stakeholder engagement if necessary to produce a Reconciliation</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

					Action Plan to be linked to Council's Community Strategic Plan. The CDO has also been writing a grant application to fund activities through NAIDOC week (7-14/7/2024).
JULY 2023					
7	SF396	27/07/23	Housekeeping amendment to Nambucca Local Environmental Plan 2010 1 If the Minister determines that the matter should proceed, Council staff undertake community consultation in accordance with the gateway 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.	MDE	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. 23/08/23 – Planning proposal being finalised for submission to the Minister for Gateway Determination. 06/09/23 to 21/2/24– Amendments requested by the Minister prior to Gateway determination being finalised for resubmission. 6/03/24 – Amended planning proposal resubmitted and accepted for assessment.
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 – 6/03/24 – 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. 21/2/24-6/03/24 – No further update.

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

10	SF3190	28/09/23	<p>Warrell Creek land Lots 9, 17 and 18 DP 884316:</p> <p>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</p> <p>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.</p> <p>4 Report the findings of the encroachment survey to Council with options for the potential subdivision of the land.</p>	MED	<p>04/10/23 – No further update</p> <p>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.</p> <p>02/11/23 – A/MED phoned affected landowners to advise situation and delivered letters in confirmation of Council not proceeding to contract of sale.</p> <p>Review of the subdivision plan by internal stakeholders completed and 3 options are being sketched to bring through the Land Development Committee, then brought to Council for direction on which option to proceed with.</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> <p>04/03/24 – Final OSSM report not yet received. Issues around existing property encroachments being reviewed. Solutions being sought.</p>
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,</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</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>between Bolmore Street and the cenotaph, between the hours of:</p> <ul style="list-style-type: none"> 8.30am to 6.00pm Monday to Friday, and 8.30am to 12.30pm Saturdays. A further extension of the trial will be considered in 12 months and approval will be subject to regular compliance being carried out. <p>2 Concur with the installation of a 10m No Stopping Zone immediately prior to the Nambucca Vocational College car park driveway located at 29 Cooper Street, Macksville.</p> <p>6 Install an additional disabled parking bay, pram crossing and requisite signage on High Street Bowraville immediately adjacent to the pharmacy.</p> <p>8 Install one hour parking restrictions at the Matthew Street Lookout, Scotts Head.</p>		<p>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>5/12/23 – Completed.</p> <p>22/11/23 – Line Marking contractors engaged for disabled parking bay.</p> <p>5/12/23 – line marking completed.</p> <p>10/01/24- pram crossing still outstanding</p> <p>6/02/24 to 5/03/24 – Structures crew to prioritise, not yet complete.</p> <p>06/12/23 – No change.</p> <p>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>	CFO	<p>06/11/23 – No reserve funds or unallocated funds available in the budget. Council will be applying for grant funds through the "Get NSW Active" program that opened on 31/10/23 for the design of the cycleway.</p> <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>21/02/24-6/03/24 – No further update.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

			<p>3 If sufficient funding cannot be identified in reserves or the current budget and no new grant funding opportunity has opened or if a grant funding application remains undetermined or has been unsuccessful Council consider a funding allocation in the 2024/2025 budget to engage external consultants to design a shared pathway between Hyland Park and Mann Street, Nambucca Heads.</p> <p>4 The design encompass multi modal trip for cycle friendly infrastructure.</p>	A/DES	<p>22/11/23 - Will be part of design if grant application is successful.</p> <p>5/01/24 to 6/03/24 - no change.</p>
13	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 6/03/24 – Structure review will be undertaken in conjunction with budget process under the new General Manager.</p>
NOVEMBER 2023					
14	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>21/02/24 – 6/03/24 – Advice yet to be received.</p>

ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

15	SF843	16/11/23	<p>Vehicular Access to Beaches</p> <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>5 Install no parking signs in the dune area at Scotts Head beach access.</p>	A/DES	<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. 6/03/24 — Refer to report.</p> <p>Council adopted 16 November Resolution 440/23.</p> <p>Lodged into Datascope SR2458. 9/1/24 — signs installed prior to Christmas.</p>
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ITEM 9.1 OUTSTANDING ACTIONS AND REPORTS

DECEMBER 2023					
16	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 to 04/03/24 – No change, registration process underway at NSW Land Registry Service.</p>
JANUARY 2024					
17	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 6/03/24 – Will be reported back to Council with Item 14.
18	PRF53	18/01/24	<p>River Street Toilet Block Relocation</p> <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>	A/DES	6/2/24 to 6/03/24 - Planned layouts still being determined. Once complete, the architect will be engaged.
19	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 to 6/03/24 - No change LRCI projects have not been finalised.</p>
FEBRUARY 2024					
20	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> <p>05/03/24 – No further update.</p>
21	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 to 6/03/24 – No further update.

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR CORPORATE SERVICES REPORT

**ITEM 10.1 SF331 140324 ANNUAL GENERAL MEETING MINUTES SCOTTS HEAD
SPORTS FIELD COMMITTEE OF MANAGEMENT 11 DECEMBER 2023**

AUTHOR/ENQUIRIES: Michael Grieve, Community Development Officer

SUMMARY:

The report acknowledges the Annual General Meeting of the Scotts Head Sports Field Committee of Management held on the 11 December 2023. A copy of the Annual General Meeting minutes and Financials are **attached**.

RECOMMENDATION:

THAT Council note the Minutes of Scotts Head Sports Field Committee of Management's Annual General Meeting held on 11 December 2023 and thank ongoing members for their efforts over the past twelve months.

OPTIONS:

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

DISCUSSION:

Following calls for nominations the following persons were elected:

President	Michael Reardon
Secretary	Paige Ussher-Kinnear
Treasurer	Caroline Blackadder

CONSULTATION:

Director Corporate Services

SUSTAINABILITY ASSESSMENT:

Environment

Nil

Social

Nil

Economic

Nil

Risk Analysis

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

ITEM 10.1 ANNUAL GENERAL MEETING MINUTES SCOTTS HEAD SPORTS FIELD COMMITTEE OF MANAGEMENT 11 DECEMBER 2023

Delivery Program Action

LW10 - Work with S355 Committees

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil

Working funds – justification for urgency and cumulative impact

Nil



Impacts on 10 Year Long Term Financial Plan

Nil

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

- 1**  8548/2024 - Annual General Meeting Minutes Scotts Head Field Committee of Management 11 December 2023 - Council Report
- 2**  8546/2024 - Financial Statements Scotts Head Sports Fields 22-23

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.2 SF1120 140324 GRANTS STATUS REPORT - ACTIVE PROJECTS - AS AT 29 FEBRUARY 2024

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

This report provides an overview of the status of Council's active grant funded projects and programs up to 29 February 2024.

RECOMMENDATION:

That Council receive this report for the period up to 29 February 2024.

OPTIONS:

For information only.

DISCUSSION:

An extract from Council's Authority Grants Register is an attachment to this report, identifying Council's current grant funded projects and programs, up to 29 February 2024, set out in Financial Years, showing funds approved and contributions from Council, if applicable.

AWARDED GRANT FUNDS COMPARISON (TO DATE): UP TO 29/02/2024

<u>Financial Year</u>	<u>Total \$</u>
2017/2018	6,335,361.33
2018/2019	10,376,696.00
2019/2020	12,774,199.00
2020/2021	14,778,040.00
2021/2022	15,185,576.46
2022/2023	9,630,256.50
2023/2024	5,869,003.09

CONSULTATION:

Chief Financial Officer
Director Corporate Services
General Manager

SUSTAINABILITY ASSESSMENT:

Environment

Many of the grant funded projects support Council's continued environmental and sustainability works.

Social

Grant funded Community Infrastructure projects, including upgrade of amenities, parks and playgrounds, will have a positive social impact, both in the short and long-term.

ITEM 10.2 GRANTS STATUS REPORT - ACTIVE PROJECTS - AS AT 29 FEBRUARY 2024**Economic**

Improved transport infrastructure and recreational infrastructure will have positive impacts on local businesses and tourism.

Risk Analysis

The majority of approved applications include Risk Assessments at the time of submission, and then are managed by appointed Project Managers throughout the life of the project.

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk	Risk Assessment
Financial – re grant funded projects exceeding approved budgets	L	Depends on value and significance of project,	Regular reporting to ELT and Council. Ensuring hold points on grant funded projects are established and communicated.	L

Delivery Program Action

CC5 - Identify and implement initiatives to improve financial sustainability

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

As per the report.

Working funds – justification for urgency and cumulative impact

As noted in the report.


Impacts on 10 Year Long Term Financial Plan

Monitored by internal Project Managers and Finance staff.

Service level changes and resourcing/staff implications

There is ongoing impact on service levels, resourcing and staff due to volume of grant funding, and ongoing natural disaster recovery works.

ATTACHMENTS:

- 1  11563/2024 - Grants Status Report Data - 29 February 2024 - attachment to March 2024 Grants Report

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.3 SF3334 140324 DONATIONS PROGRAM (SECTION 356) 2023/2024 - APPLICATIONS FOR APPROVAL

AUTHOR/ENQUIRIES: Teresa Boorer, Grants and Contributions Officer

SUMMARY:

Council's Donations Program 2023/2024 accepted applications from 9 February 2024 to 1 March 2024.

Twenty-four (24) community groups and organisations submitted applications by the closing date.

Council's Donations Policy states that each application will be identified, the amount applied for noted, and the purpose for which the funds are being requested listed.

All twenty-four (24) of the applications submitted for the Donations Program meet the eligibility criteria and can be considered eligible for funding from the 2023/2024 donations budget.

This year the submitted eligible applications total **\$11,940.00**.

Council has a total allocation of \$24,500 for 2023/2024, of which, to date, \$8,913.23 has been allocated (*an extract from Council's Donations Register is attached to this report*).

As per Council's adopted Donations Policy, Council has donated \$100 to each of the Nambucca Valley's thirteen (13) operational schools for annual Presentation Days, will provide a \$200 donation to the annual Legacy appeal, and provided a donation of \$500 to the Talarm Hall Committee of Management to cover out of pocket expenses in maintaining Welsh's Pioneer Park.

RECOMMENDATION:

Council approve all twenty-four (24) eligible applications for monetary donation requests, received for the Donations Program, totalling \$11,940.00, up to the capped amount of \$500.00, or a lesser amount as requested.

OPTIONS:

- 1 Do nothing/business as usual
- 2 Approve recommendation
- 3 Alternative option - that Council reject the above recommendation and decide to approve or not approve individual applications for funding.

DISCUSSION:

Donations Program Assessment

Twenty-four (24) applications, were received from community organisations under the Donations Program (Section 356) 2023/2024 program, open from 9 February 2024 to 1 March 2024. The applications are summarised in the following tables:

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2023/2024 - APPLICATIONS FOR APPROVAL**Section 356 Donation eligible Applications:**

Organisation	Amount Requested	Contributing own funds	Donation Recommended	Use of funds
We're Here Committee	\$500	Yes - \$3,000	\$500	Contribution towards assisting with travel costs to Transitions Seminars for returned service people.
Scotts Head Sharks Soccer Club Inc	\$500	Yes - \$ will be confirmed by Club	\$500	Contribution towards purchase of line-marking paint for marking out soccer fields (3) at Scotts Head.
Nambucca Riverwatch (auspiced by Global Rivers Environmental Education Network (Australia) Incorporated)	\$500	No	\$500	Contribution towards Purchase of 2 x Dissolved Oxygen Kits for river sampling.
Valla Beach Residents Social Group (auspiced by Valla Beach Community Association Committee of Management.)	\$500	No	\$500	Contribution towards purchase of a plaque for installation on the ANZAC memorial (sandstone block) in the Valla Beach village.
Missabotti Community Centre Hall Committee of Management.	\$500	Yes - \$5	\$500	Contribution towards purchase of equipment to be used for Hall maintenance – as noted in the application for a Section 356 donation.
Radio Nambucca Inc. (2NVR)	\$500	Yes - \$20	\$500	Contribution towards installation of an under-sink water filler – reducing use of plastic water bottles.
Nambucca River Pony Club	\$500	Yes - \$200	\$500	Contribution towards purchase of shelving for installation in club house – keeping equipment out of flood zone.
Scotts Head Tennis Club Inc.	\$500	No	\$500	Contribution towards purchase of equipment for members and visitors playing tennis and pickle ball.
Nambucca Valley Evening Branch CWA	\$500	Yes - \$50	\$500	Contribution towards purchase of equipment, including gazebo, storage containers and a folding table.

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2023/2024 - APPLICATIONS FOR APPROVAL

Organisation	Amount Requested	Contributing own funds	Donation Recommended	Use of funds
WIRES Mid North Coast	\$500	Yes - \$100	\$500	Contribution towards purchase of equipment and cages etc. for rescued wildlife care.
Nambucca District Historical Society	\$500	No	\$500	Contribution towards equipment for preservation of historical documents and data.
Valla Beach Community Association	\$500	Yes - \$ to be confirmed	\$500	Contribution towards upgrade of electricity supply and equipment for new stage.
Scotts Head Sports Fields Committee of Management	\$440	No	\$440	Contribution towards line-marking paint for sports fields.
Mary Boulton Pioneer Cottage & Museum	\$500	Yes - \$100	\$500	Contribution towards purchase of photo frame wall hanging units for display of historical information.
Nambucca Valley Cycle Club Inc.	\$500	Yes - \$318	\$500	Contribution towards purchase of additional signage for Jacks Ridge Mountain Bike Track.
Nambucca Roosters Rugby League Football Club	\$500	Yes - \$200	\$500	Contribution towards purchase of a gas BBQ and supporting equipment for use at home games.
Midcoast Mower Racing Club	\$500	Yes - \$1,000	\$500	Contribution towards water cart costs for dust suppression during events at Unkya Reserve.
Valla Voices	\$500	Yes - \$3,600	\$500	Contribution towards development of "Connecting in Song" project – music printing.
Valla Beach Tennis Club	\$500	No	\$500	Contribution towards an Igloo Key Safe for safe storage of keys for courts.
Macksville Park & Sports Committee	\$500	\$500 (in-kind)	\$500	Contribution towards purchase of metal locker for cleaning equipment and materials.
Wyz Wimmin & Friends Theatre Company Inc	\$500	Yes - \$3,000	\$500	Contribution towards promotion of the Theatre company and production of "Into the Light".
Utungun Community Hall/Centre	\$500	Yes - \$1,200	\$500	Contribution towards purchase of Defibrillator for Utungun Hall.
Lions Club of Macksville	\$500	Yes - \$570	\$500	Contribution towards sponsorship for Getaway Camp for local disadvantaged youth.

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2023/2024 - APPLICATIONS FOR APPROVAL

Organisation	Amount Requested	Contributing own funds	Donation Recommended	Use of funds
Rivers Netball Club	\$500	Yes - \$300	\$500	Contribution towards purchase of equipment including bibs and patches.
TOTAL	\$11,940.00		\$11,940.00	

RELATED DONATIONS INFORMATION

As per Council's adopted Donations Policy, Council has donated \$100 to each of the Nambucca Valley's thirteen (13) operational schools for annual Presentation Days, will provide a \$200 donation to the annual Legacy appeal, and provided a donation of \$500 to the Talarm Hall Committee of Management to cover out of pocket expenses in maintaining Welsh's Pioneer Park.

CONSULTATION:

Mayor
Director Corporate Services
Chief Financial Officer

SUSTAINABILITY ASSESSMENT:**Environment**

There are no environmental impacts associated with this report.

Social

There are positive social benefits associated with the donation of money to various community groups throughout the Nambucca Valley.

Economic

There are positive economic impacts for the volunteer, charitable and sporting organisations which would otherwise be unable to meet the costs of the noted projects.

Risk Analysis

Identified	Risk Likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
No risks identified			

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

A total 2023/2024 budget amount of \$24,500 on GL 03100.0405.0622 has been allocated, and the current available balance, prior to consideration of the applications for this program, is \$15,586.77.

If all twenty-four (24) eligible applications for donations are approved by Council the remaining budget balance in the 2023/2024 Donations Program will be \$3,646.77.

ITEM 10.3 DONATIONS PROGRAM (SECTION 356) 2023/2024 - APPLICATIONS FOR APPROVAL

Working funds – justification for urgency and cumulative impact

No impact on working funds, and general ledger funds allocated and established for the Donations Program by Council.

Impacts on 10 Year Long Term Financial Plan

No impacts on Long Term Financial Plan

Service level changes and resourcing/staff implications

No change or implications.

ATTACHMENTS:

1  10477/2024 - Extract from Donations budget - 2023-2024 year - Council meeting 14-03-2024

DIRECTOR CORPORATE SERVICES REPORT

ITEM 10.4 SF1031 140324 DRAFT LAND ACQUISITION POLICY

AUTHOR/ENQUIRIES: Andrea Baillie, Property Officer

SUMMARY:

Council does not have a current, adopted policy to guide the acquisition of land.

A new policy and procedure for land acquisitions (**see attached**) have been created to ensure Council acts in accordance with NSW Government legislation. The procedure has been approved by the General Manager as is required by the Policy and Procedures Framework Policy G 01, and the draft Land Acquisition Policy is now brought to Council to approve for public exhibition accordingly.

RECOMMENDATION:

That Council:

- 1 Endorse the attached draft Land Acquisition Policy G 46 and place it on public exhibition for 28 days.**
- 2 Note after Public Exhibition, the draft Land Acquisition Policy G 46 will be reported back to Council for adoption.**

OPTIONS:

- 1 Adopt the recommendations
- 2 No policy.
- 3 Propose amendments to the draft policy

DISCUSSION:

Council is responsible for delivering public infrastructure and services to the residents within the Local Government Area. Council performs a range of functions for public purposes, such as building roads or upgrading infrastructure. From time to time, Council may need to acquire privately owned land or government owned land to deliver these projects (including any interest in land) under the *Local Government Act 1993* and for road matters under the *Roads Act 1993*.

Council does not have a current, adopted policy or procedure to guide the acquisition of land, and have engaged a Property Acquisition Consultant to assist in preparation of the new policy and procedure documents to meet that need and ensure adherence to the *NSW Land Acquisition (Just Terms Compensation) Act 1991*.

The objective of this policy is to clearly define Council's position in the acquisition of land by Council in accordance with the relevant NSW Government legislation i.e. in accordance with Section 377(1) (h) of the *Local Government Act 1993*, the Compulsory Acquisition or purchase of land cannot be delegated by a Council.

The draft Land Acquisition Policy G 46 is to be read in conjunction with the Land Acquisition Procedure G 10 which clearly outline's Council's process in the acquisition of land.

CONSULTATION:

Nambucca Valley Council Land Development Committee
Property Acquisition Consultant – Tim Cotsell
Relevant Council Staff – including MANEX (Nambucca Valley Council's Managers Forum).

ITEM 10.4 DRAFT LAND ACQUISITION POLICY

SUSTAINABILITY ASSESSMENT:**Environment**

Nil.

Social

Adoption of the recommendations will result in the draft policy being placed on public exhibition for 28 days.

Whilst it is anticipated the policy will have no social impact, the opportunity will be presented for the public to have their say, and any responses will be addressed in the report back to Council.

Economic

Nil

Risk Analysis

Risk currently exists (i.e. legal, financial, reputational) in the lack of formal policy and procedure guidelines to ensure Council staff are acting in accordance with the appropriate legislation.

The introduction and eventual adoption of the new policy along with implementation of the new procedures will ensure conformity with the legislation and consistency in approach to the land acquisition transactions by all staff, thus mitigating that risk.

Delivery Program Action

CC4 - Maintain an effective governance regime

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

Nil.

Working funds – justification for urgency and cumulative impact

Nil.



Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

- 1  63777/2023 - G 46 - Draft Land Acquisition Policy
- 2  63774/2023 - Procedure - Land Acquisition No. G 10

DIRECTOR CORPORATE SERVICES REPORT**ITEM 10.5 SF251 140324 SCHEDULE OF COUNCIL MEETINGS - 28 MARCH 2024 TO 25 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 28 March 2024 to 25 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 25 July 2024.

MEETING	DATE	VENUE	COMMENCING
2024			
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
Council Meeting	25 July	Council Chambers	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 140324 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 6 March 2024, and development applications determined from 22 February 2024 to 6 March 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.			
DA NUMBER	DATE OF RECEIPT	PROPOSAL	ADDRESS
2024/028	7 February 2024	Secondary Dwelling	Lot 458 DP 755550 - 36 Riverside Drive, Nambucca Heads
One submission has been received			
STATUS: Exhibition finished. Awaiting additional information.			

**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**

**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 22 February – 6 March 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.

Working funds – justification for urgency and cumulative impact

Nil.

Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.2 SF453 140324 WASTE MANAGEMENT QUARTERLY REPORT - OCTOBER - DECEMBER 2023****AUTHOR/ENQUIRIES:** Simon Chapman, Waste Services Coordinator**SUMMARY:**

A report be presented to Council on a quarterly basis for the status of waste management for the Nambucca Valley.

RECOMMENDATION:

THAT Council receive and note the information provided in the quarterly report for the period 1 October – 31 December 2023.

OPTIONS:

For information only.

DISCUSSION:**CCWS Kerbside and Transfer Station Waste Collection Services**

Kerbside collections for the last quarter being 1 October – 31 December 2023 across the Coffs Coast region indicated the hotline received a total of approx. 5500 calls during the period for the whole regional area.

Nambucca Valley had a total of 8952 properties receiving a waste collection service, 42 new services were implemented.

The table below reflects Nambucca Council's waste streams and tonnages over the last quarter:

Waste Stream	Source	Tonnes	Destination
Co-mingled recycling	Kerbside	457.88	CCWS Recycling Facility
Greenwaste organics	Kerbside	681.10	CCWS Biomass Facility
Mixed waste	Kerbside (NVC)	748.75	Nambucca Landfill
Mixed waste	Kerbside (BSC)	342.64	Nambucca Landfill
Bulky goods	Kerbside	18.80	Nambucca Landfill
Co-mingled recycling	Transfer station	96.38	CCWS Recycling Facility
Greenwaste organics	Transfer station	64.96	CCWS Biomass Facility
Mixed waste	Transfer station (BSC)	130.96	Nambucca Landfill
Batteries	Transfer station	5.67	Matthews Metal Management
Scrap metal	Transfer station	237.76	Matthews Metal Management
Motor oil (litres)	Transfer station	3100	BMC Oil
Chemical containers (farm drums)	Transfer station	556	Drum Muster
E-waste	Transfer station	9.86	Matthews Metal Management
Concrete & masonry	Landfill	244.86	Reprocessing at Nambucca Landfill
Asbestos	Landfill	2.26	Nambucca Landfill
Biosolids (grit)	Landfill	14.48	Nambucca Landfill
Building demolition	Landfill	1114.96	Nambucca Landfill
Clean fill + flood slip	Landfill	0.00	Nambucca Landfill (daily cover)

ITEM 11.2 WASTE MANAGEMENT QUARTERLY REPORT - OCTOBER - DECEMBER 2023

Commercial building waste	Landfill	241.14	Nambucca Landfill
Charity groups	Landfill	6.96	Nambucca Landfill
Dead animals (small)	Landfill	0.38	Nambucca Landfill

The table below reflects the successful charities that applied under Councils Donations Policy and the disposal tonnages from each organisation for the last quarter.

Charitable Organisation	Source	Tonnes	Destination
Anglican Opp Shop Nambucca	Self Hauled	0.00	Nambucca Landfill
Anglican Parish Macksville	Self Hauled	0.00	Nambucca Landfill
Anglican Parish Macksville/Nambucca	Self Hauled	4.38	Nambucca Landfill
Care "n" Ware	Self Hauled	1.18	Nambucca Landfill
Live Better (Nambucca Valley Phoenix)	Self Hauled	0.00	Nambucca Landfill
Nambucca Heads Men's Shed	Self Hauled	0.00	Nambucca Landfill
Salvation Army	Self Hauled	1.40	Nambucca Landfill
Macksville / Bowraville Opp Shop	Self Hauled	0.00	Nambucca Landfill
Nambucca Valley Community Church	Self Hauled	0.00	Nambucca Landfill
Total		6.96	

CCWS Materials Recovery Facility

The table below indicates the approximate Coffs Coast regional recycling tonnages processed through the Materials Recovery Facility (MRF) during the quarter at Coffs Coast Resource Recovery Park.

Approximate Tonnes Processed 3245.56

CCWS Educational Activities

The tables below reflect the Coffs Coast Waste Services educational activities carried out during the last quarter:

Education

Month	School or Group	No's Attending
October 2023	Sawtell National Seniors	35
	Naranga Public School	45
November 2023	Coffs National Seniors	28
	Boambee Community Group	50
	Coffs Aspect Macarthur School	20
December 2023	Nil	0

NSW Waste Avoidance and Resource Recovery Strategy

The NSW Waste Avoidance and Resource Recovery Strategy (WARR) was developed by State Government to provide direction for local councils to reduce waste generated, optimise the recovery of usable resources from waste and manage the disposal of residual waste in an environmentally responsible way in the following waste streams:

Municipal Solid Waste (MSW) – the solid component of the waste stream arising from household waste placed at the kerbside for Council collection and waste collected by Council from municipal parks and gardens, street sweepings, Council engineering works and public Council bins.

Commercial and Industrial Waste (C&I) – Inert, solid or industrial generated by business and industries (shopping centres, restaurants, office warehousing, manufacturing, repair workshops retail outlets, hotels and clubs) along with institutions (schools, hospitals, universities, nursing homes and government offices).

ITEM 11.2 WASTE MANAGEMENT QUARTERLY REPORT - OCTOBER - DECEMBER 2023

Construction and Demolition (C&D) – materials in the waste stream which arise from construction, refurbishment, demolition and excavation activities.

NSW has a target of 80% average recovery rate from all waste streams by 2030. The table below identifies the waste streams and the status of Nambucca's compliance during the last quarter:

Waste Stream	NSW Target	Landfilled Tonnes	Diverted Tonnes	Diversion %
Municipal (MSW)	80% recovery by 2030	1,243.81	1,396.27	53
Commercial Industrial (C&I)	80% recovery by 2030	379.44	161.34	30
Construction Demolition (C&D)	80% recovery by 2030	1,147.22	472.46	29

Municipal Waste Stream - 40% diversion reduction to the above figure due to EPA revoking mixed waste land application exemption.

Commercial Industrial Waste Stream - 5% diversion reduction to the above figure due to EPA revoking mixed waste land application exemption.

Community Recycling Facility (CRC)

NSW Environmental Trust approved a grant for the construction of a Community Recycling Centre for Nambucca Shire under the Improved Systems for Household Problem Wastes – Community Recycling Centre (drop offs) Grants program.

The Environmental Trust's goal of the program is to assist communities to look after their own neighbourhoods and environments through the establishment of a network of Community Recycling Centres to make it easier for people to recycle and remove problem wastes from their households.

Nambucca Councils CRC facility is located at the Nambucca Waste Management Facility and was commissioned on 1 July 2015. The table below identifies the household problem wastes that are now acceptable at the centre and tonnages received during the last quarter:

Problem Waste Streams	Source	Destination
Acid	CRC drop Off	Cleanaway Recycling Facility
Alkali	CRC drop Off	Cleanaway Recycling Facility
Batteries (nicad)	CRC drop Off	Cleanaway Recycling Facility
Fluorescent Tubes	CRC drop Off	Cleanaway Recycling Facility
Gas Cylinder (propane)	CRC drop Off	Cleanaway Recycling Facility
Gas Cylinder (other)	CRC drop Off	Cleanaway Recycling Facility
Hydrocarbon / Fuel	CRC drop Off	Cleanaway Recycling Facility
Smoke Detector	CRC drop Off	Cleanaway Recycling Facility
Paint (water based)	CRC drop Off	Cleanaway Recycling Facility
Paint (oil based)	CRC drop Off	Cleanaway Recycling Facility
Toxics	CRC drop Off	Cleanaway Recycling Facility

Total kilograms of household problem waste collected during the last quarter was 4,039.00.

Cleanaway has been engaged by the NSW EPA as its preferred collection contractor for the collection and processing of household problem wastes presented at the facility.

Container Deposit Scheme (CDS) (data not available at the time of reporting)

Exchange for Change is the scheme coordinator of the largest litter reduction programs undertaken in NSW and the ACT: the NSW Return and Earn scheme and the ACT Container Deposit Scheme.

ITEM 11.2 WASTE MANAGEMENT QUARTERLY REPORT - OCTOBER - DECEMBER 2023

Exchange for Change is responsible for managing both schemes' finances, collecting contributions from beverage suppliers and distributing money to network operators and other scheme participants. Exchange for Change is also responsible for governance and risk management, and educating the community.

Return and Earn and the ACT CDS are based on recognising the responsibility that the beverage industry shares with the community for reducing and dealing with waste generated by beverage product packaging.

Exchange for Change is a joint venture of five of Australia's beverage companies: Asahi Beverages, Carlton & United Breweries, Coca-Cola Amatil, Coopers Brewery and Lion. Together, these companies have more than 40 years of experience in managing container refund programs in Australia.

The table below identifies the tonnage of material received through the network operator for the period 1 October – 31 December 2023. Data was again unavailable for the nominated period.

LGA	Aluminium	Glass	PET	HDPE	Liquid Paper	Steel	Other Materials	Other Plastics	Total
Nambucca	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

NSW Government announced an expansion of the Container Deposit Scheme subject to a consultation period to include the following items,

- Wine and spirits in glass bottles
- Cordials and juice concentrate
- Larger containers up to 3 litres of beverages already in the scheme, such as flavoured milk, fruit and vegetable juice, cask wine and sachets.
- Plain milk and health tonics would continue to be excluded from the scheme

CONSULTATION:

Midwaste
Handybin Waste Services
Cleanaway
Matthews Metal Management
NSW Exchange for Change

SUSTAINABILITY ASSESSMENT:**Environment**

All kerbside waste materials are collected and reprocessed through the materials recycling facility and the biomass plant with only the reject and residual materials being landfilled. Self hauled wastes are sourced separated and recycled or landfilled accordingly.

Social

Potential increased costs.

Economic

Potential increases in the domestic waste management charge and landfill gate fees.

Risk:

No identifiable risks at this point.

ITEM 11.2 WASTE MANAGEMENT QUARTERLY REPORT - OCTOBER - DECEMBER 2023

Risk Analysis

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

Delivery Program Action

Choose an item.

CE9 - Implement waste minimisation strategies

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

No identifiable increases for the current budget at this point.

Working funds – justification for urgency and cumulative impact

No additional income required at this point.

Impacts on 10 Year Long Term Financial Plan

Additional income may need to be sourced from the annual domestic waste management charge or waste reserves.

Service level changes and resourcing/staff implications

No identifiable changes or implications at this point.

ATTACHMENTS:

There are no attachments for this report.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.3 SF2278 140324 MINUTES OF THE CLEAN ENERGY COMMITTEE MEETING -
20 FEBRUARY 2024**

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment; Keegan Noble,
Environmental Project Officer

SUMMARY:

A meeting of the Clean Energy Committee was held on Tuesday 20 February 2024. **Attached** are the minutes for Council's information and adoption.

RECOMMENDATION:

THAT Council endorse the minutes of the Clean Energy Committee meeting held on 20 February 2024.

OPTIONS:

For information only.

DISCUSSION:

The minutes of the Clean Energy Committee meeting held on 20 February 2024 are contained within **Attachment 1**, with discussion about each of the items within the Committees minutes contained within the agenda of the Committee within **Attachment 2**.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Environment

No negative impacts on the environment.

Social

No negative social impacts.

Economic

No negative economic impact.

Risk Analysis

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

ITEM 11.3 MINUTES OF THE CLEAN ENERGY COMMITTEE MEETING - 20 FEBRUARY 2024

FINANCIAL IMPLICATIONS:

Direct and indirect impact on current and future budgets

Nil.

Working funds – justification for urgency and cumulative impact

Nil.



Impacts on 10 Year Long Term Financial Plan

Nil.

Service level changes and resourcing/staff implications

Nil.

ATTACHMENTS:

- 1  8288/2024 - Minutes - Clean Energy Committee - 20 February 2024
- 2  8133/2024 - Committee Agenda

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.4 SF1496 140324 MINUTES OF THE NAMBUCCA RIVER, CREEKS,
ESTUARIES AND COASTLINE MANAGEMENT COMMITTEE MEETING - 15 FEBRUARY
2024**

AUTHOR/ENQUIRIES: Daniel Walsh, Manager Development and Environment; Keegan Noble,
Environmental Project Officer

SUMMARY:

A meeting of the Nambucca River, Creeks, Estuaries and Coastline Management Committee was held on Thursday 15 February 2024. **Attached** are the minutes for Council's information and adoption.

RECOMMENDATION:

THAT Council:

- 1 Receive and note the minutes of the Nambucca River, Creeks, Estuaries and Coastline Management Committee meeting held on 15 February 2024.**
- 2 Adopt the change in committee name of the Nambucca River, Creeks, Estuaries and Coastline Management Committee to the Nambucca Valley Catchments and Coastline Management Committee.**

OPTIONS:

- 1 Adopt the recommendations.
- 2 Amend the recommendations.

DISCUSSION:

The minutes of the Nambucca River, Creeks, Estuaries and Coastline Management Committee (now to be known as Nambucca Valley Catchments and Coastline Management Committee) meeting held on 15 February 2024 are contained within **Attachment 1**.

CONSULTATION:

Nil.

SUSTAINABILITY ASSESSMENT:

Environment

No negative impacts on the environment.

Social

No negative social impacts.

Economic

No negative economic impact.

**ITEM 11.4 MINUTES OF THE NAMBUCCA RIVER, CREEKS, ESTUARIES AND COASTLINE
MANAGEMENT COMMITTEE MEETING - 15 FEBRUARY 2024**

Risk Analysis

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

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

N/A

Working funds – justification for urgency and cumulative impact

N/A


Impacts on 10 Year Long Term Financial Plan

N/A

Service level changes and resourcing/staff implications

N/A

ATTACHMENTS:

- 1 6397/2024 - Minutes - Nambucca River, Creeks, Estuaries and Coastline Management Committee
 - 15 February 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.5 SF3410 140324 2024 FEBRUARY - APPROVED CONSTRUCTION
CERTIFICATES AND COMPLYING DEVELOPMENT APPLICATIONS**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer


SUMMARY:

The **attached** report, produced from Council's computer system, Authority, is for the information of Councillors with regard to approved Construction Certificates and Complying Developments for the month of February 2024 as at 5 March 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  10944/2024 - Construction Certificates & Complying Developments Approved February 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT

**ITEM 11.6 SF3410 140324 2024 FEBRUARY - DEVELOPMENT APPLICATIONS AND
COMPLYING DEVELOPMENT APPLICATIONS RECEIVED**

AUTHOR/ENQUIRIES: Melanie Ellis, Business Services Officer

SUMMARY:

Council at its meeting on 16 January 2014 resolved:

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

Attached is a list of Development Applications and Complying Developments received in February 2024 as at 5 March 2024.

RECOMMENDATION:

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

ATTACHMENTS:

1  10945/2024 - Development Applications & Complying Developments Received February 2024

MANAGER DEVELOPMENT AND ENVIRONMENT REPORT**ITEM 11.7 SF1148 140324 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024****AUTHOR/ENQUIRIES:** Rochelle McMurray, Business Services Coordinator**SUMMARY:**

The following is the Council's Rangers' reports and listing of penalty notices issued for the month of January 2024 by Council Officers.

RECOMMENDATION:**THAT Council:**

- 1 Receive the Rangers' Impounding Statistics for the month of January 2024.**
- 2 Note the penalties issued for the month of January 2024.**

JANUARY 2024	Cats	Dogs
COUNCIL'S SEIZURE ACTIVITY		
Seized (doesn't include those animals dumped or surrendered)	0	0
Returned to Owner	0	0
Transferred to - Council's Facility from Seizure Activities	0	0
ANIMALS IN AND ARRIVING AT COUNCIL'S FACILITY		
Animals In Council's Facility - (Start of Month)	10	1
Abandoned or Stray		5
Surrendered	0	1
Animals transferred from Seizure Activities	0	0
Total Incoming Animals	10	7
ANIMALS LEAVING COUNCIL'S FACILITY		
Released to Owners	0	2
Sold	0	1
Released to Organisations for Rehoming	1	1
Died at Council's Facility (other than euthanised)	0	0
Stolen from Council's Facility	0	1
Escaped from Council's Facility	0	0
Other	0	0
EUTHANISED		
Restricted Dogs	0	0
Dangerous Dogs	0	0
Owner's Request	0	0
Due to Illness, Disease or Injury	0	0
Feral/infant animal	0	0
Unsuitable for rehoming	0	0
Unable to be rehomed	0	0
Total Euthanised	0	0
Total Outgoing Animals	1	5
TOTAL IN COUNCIL'S FACILITY - (END OF MONTH)	9	2

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

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024**PENALTIES ISSUED BY COUNCIL'S RANGER AND COUNCIL OFFICERS – JANUARY 2024***(All now issued electronically)*

JANUARY 2024		PARKING			
OFFENCE CODE	PN NUMBER	OFFENCE	DATE ISSUED	PENALTY \$	SUBURB
82740	3169000259	Disobey no parking sign	1-Jan-24	\$129.00	Shelley Beach Road, Nambucca Heads
8646	3169000268	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1-Jan-24	\$110.00	Wellington Drive, Nambucca Heads
8646	3169000277	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	1-Jan-24	\$110.00	Valla Beach Road, Valla Beach
93877	3169000286	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000295	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000304	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000313	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000322	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000331	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000340	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000350	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000369	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000378	*Not position front/rear of vehicle correctly - 90 degree angle parking	1-Jan-24	\$92.00	Fletcher Street, Nambucca Heads

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024

83595	3169000387	Disobey no stopping sign	1-Jan-24	\$302.00	Fletcher Street, Nambucca Heads
82740	3169000396	Disobey no parking sign	1-Jan-24	\$129.00	Woods Lane, Nambucca
8646	3169000405	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	8-Jan-24	\$110.00	Ferry Street, Macksville
82685	3169000414	Not parallel park in direction of travel (road related area)	8-Jan-24	\$129.00	Scotts head Day Reserve
8646	3168988938	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Jan-24	\$110.00	Short Street, Scotts Head
8646	3168988947	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Jan-24	\$110.00	Short Street, Scotts Head
8646	3168988956	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Jan-24	\$110.00	Short Street, Scotts Head
8646	3168988965	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	13-Jan-24	\$110.00	Short Street, Scotts Head
8646	3168988974	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	17-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168988983	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	17-Jan-24	\$110.00	Short Street, Scotts Head
93877	3168988992	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989001	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
83595	3168989010	Disobey no stopping sign	17-Jan-24	\$302.00	Ridge Street Nambucca Heads
93877	3168989020	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989039	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989048	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989057	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3168989066	Fail to comply with terms of notice erected by council	17-Jan-24	\$110.00	Shelley Beach Road,

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024

		(driving/parking/use of vehicle)			Nambucca Heads
8646	3168989075	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	17-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
93877	3168989084	*Not position front/rear of vehicle correctly - 90 degree angle parking	17-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3168989093	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	19-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989111	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168989120	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168989130	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168989149	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989158	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989167	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989176	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	24-Jan-24	\$110.00	Wellington Drive, Nambucca Heads
8646	3169000423	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	25-Jan-24	\$110.00	Forster Beach 4wd access
8646	3169000432	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	25-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000441	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	25-Jan-24	\$110.00	Ferry Street, Macksville
8646	3169000450	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	25-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000460	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	25-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000479	Fail to comply with terms of	26-Jan-24	\$110.00	Stuart Island,

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024

		notice erected by council (driving/parking/use of vehicle)			Nambucca Heads
8646	3169000488	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Stuart Island, Nambucca Heads
8646	3169000497	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000506	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000515	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000524	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000533	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3169000542	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Ferry Street, Macksville
93880	3169000551	*Not park wholly within parking bay	26-Jan-24	\$92.00	Shelley Beach Road, Nambucca Heads
82740	3169000560	Disobey no parking sign	26-Jan-24	\$129.00	Woods Lane, Nambucca Heads
82740	3169000570	Disobey no parking sign	26-Jan-24	\$129.00	Woods Lane, Nambucca Heads
93877	3169000589	*Not position front/rear of vehicle correctly - 90 degree angle parking	26-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000598	*Not position front/rear of vehicle correctly - 90 degree angle parking	26-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000607	*Not position front/rear of vehicle correctly - 90 degree angle parking	26-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3169000616	*Not position front/rear of vehicle correctly - 90 degree angle parking	26-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
8646	3169000625	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	26-Jan-24	\$110.00	Forster Beach 4wd access
8646	3169000634	Fail to comply with terms of	26-Jan-24	\$110.00	Forster

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024

		notice erected by council (driving/parking/use of vehicle)			Beach 4wd access
82740	3169000643	Disobey no parking sign	26-Jan-24	\$129.00	Forster Beach 4wd access
8646	3168989185	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989194	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168989203	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Ferry Street, Macksville
8646	3168989212	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989221	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989230	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989240	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Shelley Beach Road, Nambucca Heads
8646	3168989259	Fail to comply with terms of notice erected by council (driving/parking/use of vehicle)	31-Jan-24	\$110.00	Bellwood Park, Nambucca Heads
93877	3168989268	Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989277	*Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989286	*Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989295	*Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989304	*Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca Heads
93877	3168989313	*Not position front/rear of vehicle correctly - 90 degree angle parking	31-Jan-24	\$92.00	Fletcher Street, Nambucca

ITEM 11.7 COUNCIL'S RANGERS' REPORT AND PENALTIES ISSUED FOR JANUARY 2024

					Heads
		TOTAL		\$8574.00	

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

COMPANION ANIMAL PENALTIES

JANUARY 2024		COMPANION ANIMALS		
ISSUED BY:	PN NUMBER	INFRINGEMENT DETAILS	DATE ISSUED	PENALTY \$
Ranger	3169000240	Code: 92905 Companion animal (other) not registered as prescribed - first offence	1-Jan-24	\$330.00
		TOTAL:		\$330.00

OTHER PENALTIES

JANUARY 2024		OTHER		
ISSUED BY:	PN NUMBER	INFRINGEMENT DETAILS	DATE ISSUED	PENALTY \$
Manager	3168989102	Code: 91915 Development not accord consent - class 1a or 10 building - Individual	19-Jan-24	\$1500.00
		TOTAL:		\$1500.00

ATTACHMENTS:

There are no attachments for this report.

DIRECTOR ENGINEERING SERVICES REPORT

**ITEM 12.1 SF843 140324 MINUTES OF THE VEHICULAR ACCESS TO BEACHES
COMMITTEE MEETING - 9 FEBRUARY 2024**

AUTHOR/ENQUIRIES: Keith Williams, Acting Director Engineering Services; Jodie Jeffery, Executive Assistant

SUMMARY:

A meeting of the Vehicular Access to Beaches Committee was held on Friday 9 February 2024. **Attached** are the minutes for Council's information and adoption.

RECOMMENDATION:

THAT Council:

- 1 **Note the minutes of the Vehicular Access to Beaches Committee meeting held on 9 February 2024.**
- 2 **Approve the purchase of 4 motion-sensing cameras for the purpose of monitoring 4WD access on the beaches.**
- 3 **Approve the installation of "keep clear" lettering immediately prior to the Swimming Creek bridge to enable emergency vehicle access.**
- 4 **Alter the pedestrian access "access by design" to Swimming Creek by adding bollards and directional signage into the picnic area.**
- 5 **Staff attend to the pruning of vegetation at Swimming Creek to improve visibility for both pedestrians and 4WD vehicles.**
- 6 **Approve NPWS to install a "no dogs" sign on the western side of the end of Forsters Beach, Scotts Head.**

OPTIONS:

- 1 Adopt the recommendations.
- 2 Amend the recommendations.

DISCUSSION:

The VABC convenes twice per annum and if a quorum cannot be achieved comprising of 1 Councillor, 3 Honorary Rangers plus the Director Engineering Services or their delegated officer, the VABC cannot formally resolve recommendations to be presented to Council for consideration and only discussions on the reports can occur with consensus agreeing to the recommendations and a record of the discussion presented to Council.

For the meeting on 9 February 2024 a quorum was achieved with 1 Councillor, 7 Honorary Rangers and the Director Engineering Services.

CONSULTATION:

Vehicular Access to Beaches Committee.

**ITEM 12.1 MINUTES OF THE VEHICULAR ACCESS TO BEACHES COMMITTEE MEETING - 9
FEBRUARY 2024**

SUSTAINABILITY ASSESSMENT:**Environment**

The monitoring of 4WD Beach Permit holders when driving on beaches in the Local Government Area by Council's Ranger and volunteer Honorary Rangers will aid in the protection of sand dunes within the beach environment. It also assists in the prevention of unregistered or vehicles without permits driving on the beaches.

Social

The safety of other beach users is enhanced and is consistent with public requests.

Economic

There are economic issues associated with tourism as the access to beaches are a draw card for visitors to the region.

Risk Analysis

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

There are no risk implications associated with this report

Delivery Program Action

CC2 - Use information from the community in decision making

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

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

There will be no direct or indirect impact on current or future budgets as the income realised from the sale of the beach permits is used for the maintenance of the beach access tracks and signage and is cost neutral to the budget. The cost of the cameras can be accommodated within the existing budget.

Working funds – justification for urgency and cumulative impact

The source of funds towards any work on the beach access tracks is to be funded from the reserve emanating from the sale of beach permits which means that there is no impost on working funds but will result in a decrease within the reserve.


Impacts on 10 Year Long Term Financial Plan

There are no long-term impacts.

Service level changes and resourcing/staff implications

There are no changes to service levels or resourcing/staff implications associated with this report.

ATTACHMENTS:

1  5445/2024 - Minutes - Vehicular Access to Beaches Committee - 9 February 2024