

NAMBUCCA VALLEY COUNCIL

Ordinary Council Meeting

MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 FEBRUARY 2025

The following document is the minutes of the Ordinary Council meeting held **27 FEBRUARY 2025**. These minutes are subject to confirmation as to their accuracy at the next meeting to be held on Thursday **13 MARCH 2025** and therefore subject to change. Please refer to the minutes of **13 MARCH 2025** for confirmation.

PRESENT

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

Cr James Angel
Cr Susan Jenvey
Cr Tamara McWilliam
Cr Jane Smith

ALSO PRESENT

Bede Spannagle (General Manager)
David Moloney (Director Engineering Services)
Suzanne Sullivan (Minute Secretary)

Matthew Sykes (Director Corporate Services)
Daniel Walsh (Manager Development Environment)

APOLOGIES

Apologies

Evan Webb (Chief Financial Officer)

ACKNOWLEDGMENT OF COUNTRY

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

COUNCIL MEETING AUDIO RECORDINGS

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

PRAYER

Pastor Marshall Hodgekiss from the Action Church offered a prayer on behalf of the Nambucca Minister's Association.

DISCLOSURE OF INTEREST

Mayor Lee declared a pecuniary interest in Item 11.2 *Allowance for Deputy Mayor acting as Mayor from 17 July 2025 to 15 September 2025* under the Local Government Act as the matter deals with funding of reduction or distribution of his allowance whilst on leave from area to Deputy Mayor. Mayor Lee left the meeting for this item.

Councillor Angel declared a pecuniary interest in Item 11.2 *Allowance for Deputy Mayor acting as Mayor from 17 July 2025 to 15 September 2025* under the Local Government Act as the matter deals with his role as Deputy Mayor. Councillor Angel left the meeting for this item.

Councillor Angel declared a non-pecuniary - less significant conflict of interest in Item 12.3 *Proposed Amendment to the Nambucca Local Environmental Plan 2010 - Additional Permitted use at 19 Hamerton Court Tewinga* under the Local Government Act as Cr Angel lives in Tewinga.

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CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING

SUBJECT: CONFIRMATION OF MINUTES - ORDINARY COUNCIL MEETING 13 FEBRUARY 2025

41/25 **RESOLVED:** (McWilliam/Simson)

That the minutes of the Ordinary Council Meeting of 13 February 2025 be confirmed.

NOTICE OF MOTION - CR JENVEY

ITEM 5.1	SF3422	270225	Notice of Motion - Fixing Erosion at V-Wall Precinct
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42/25 **RESOLVED:** (Jenvey/Simson)

That Council reports on the erosion problem on the southern side of the V-Wall where the fill has exposed rocks and scree, including any longer-term solutions for the erosion, and any budgetary, and risk implications for repairing the landscape.

DELEGATIONS

That the following delegations be heard:

Item 10.2 - Proposed Frequency and Timing of Future Council Meetings

i Mr Grant Salmon – against the recommendation

Item 12.3 - Proposed Amendment to the Nambucca Local Environmental Plan 2010 - Additional Permitted use at 19 Hamerton Court Tewinga

ii Mrs Lisa Hall on behalf of Planning Portal Professionals – for the recommendation

iii Mrs Nikki Laird – for the recommendation

Item 13.1 - Splash Waterpad Alternate Location Options - Local Roads and Community Infrastructure (LRCI) Phase 4 Funding

iv Ms Holly Quin – for the recommendation

DELEGATIONS continued

Item 10.2 - Proposed Frequency and Timing of Future Council Meetings

i Mr Grant Salmon addressed Council with speaking notes placed on SF3424 11820/2025

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43/25 **RESOLVED:** (Smith/Angel)

That Item 10.2 be brought forward.

ITEM 10.2	SF251	270225	Proposed Frequency and Timing of Future Council Meetings
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44/25 **RESOLVED:** (Smith/Angel)

That Council:

- 1 Meets once per month at 5:30pm on the third Wednesday of each month.
- 2 Hosts a public forum the day prior to a Council Meeting at 5:30pm.
- 3 Holds a briefing session (if required), at 4.30pm on the day prior to the Council meeting.
- 4 Amends the Code of Meeting Practice to reflect the changes adopted.
- 5 Provide a report to review the Code of Meeting Practice to be presented at the next Council meeting.

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

For the Motion: Councillors Angel, Lee, McWilliam, Smith and Vance
Total (5)

Against the Motion: Councillors Ballangarry, Jenvey, Jones and Simson
Total (4)

DELEGATIONS continued

Item 12.3 - Proposed Amendment to the Nambucca Local Environmental Plan 2010 - Additional Permitted use at 19 Hamerton Court Tewinga

ii Mrs Lisa Hall addressed Council with speaking notes placed on SF3424 11338/2025

iii Mrs Nikki Laird addressed Council with speaking notes placed on SF3424 11352/2025

45/25 **RESOLVED:** (Simson/Jenvey)

That Item 12.3 be brought forward.

ITEM 12.3	SF3599	270225	Proposed Amendment to the Nambucca Local Environmental Plan 2010 - Additional Permitted use at 19 Hamerton Court Tewinga
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46/25 **RESOLVED:** (Jones/Jenvey)

That Council forward the attached planning proposal to amend the Nambucca Local Environmental Plan 2010 to the Minister for Planning for gateway determination in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*.

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

For the Motion: Councillors Angel, Ballangarry, Jenvey, Jones, Lee, McWilliam, Simson, Smith and Vance
Total (9)

Against the Motion: Nil

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Total (0)

DELEGATIONS continued

Item 13.1 - Splash Waterpad Alternate Location Options - Local Roads and Community Infrastructure (LRCI) Phase 4 Funding

iv Ms Holly Quin addressed Council with notes placed on SF3424 11760/2025

47/25 **RESOLVED:** (Smith/McWilliam)

That an extension of time be granted to the speaker.

48/25 **RESOLVED:** (Jones/Angel)

That Item 13.1 be brought forward.

ITEM 13.1 SF1092 270225 Splash Waterpad Alternate Location Options - Local Roads and Community Infrastructure (LRCI) Phase 4 Funding

MOTION: (Jones/Angel)

That Council:

- 1 Endorses locating the splash pad at Bellwood Park on the grassed area between the playground and the river.
- 2 Allocates \$79,500 for additional plumbing, drainage and electrical works and to provide approximately 1m of fill to lift the surface to reduce impacts from flooding from the March QBR.

AMENDMENT: (Jones/Angel)

That Council:

- 1 Endorses locating the splash pad at Bellwood Park on the grassed area between the playground and the river
- 2 Allocate the \$29,500 for the additional plumbing, drainage and electrical works and to provide approximately 1m of fill to lift the surface to reduce impacts from flooding from the March QBR
- 3 Allocate the \$50,000 to complete the footpaths and seating works in a modern nature based theme
- 4 Pursue funding options for a Bowraville Splashpad.

49/25 **RESOLVED:** (Jones/Angel)

That Council:

- 1 **Endorses locating the splash pad at Bellwood Park on the grassed area between the playground and the river**
- 2 **Allocate the \$29,500 for the additional plumbing, drainage and electrical works and to provide approximately 1m of fill to lift the surface to reduce impacts from flooding from the March QBR**

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- | | |
|---|--|
| 3 | Allocate the \$50,000 to complete the footpaths and seating works in a modern nature based theme |
| 4 | Pursue funding options for a Bowraville Splashpad. |
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ASKING OF QUESTIONS WITH NOTICE

There were no questions with notice.

QUESTIONS FOR CLOSED MEETING WHERE DUE NOTICE HAS BEEN RECEIVED

There were no questions for Closed Meeting where due notice has been received.

MAYORAL MINUTES

ITEM 9.1	SF3592	270225	Mayoral Minute - Mobile Black Spot Program Meeting Update
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50/25 **RESOLVED:** (Lee)

That Council:

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| 1 | Notes the Mayoral Minute |
| 2 | Supports funding applications for mobile coverage in the Nambucca Valley. |
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GENERAL MANAGER REPORTS

ITEM 10.1	SF959	270225	Outstanding Actions and Reports
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51/25 **RESOLVED:** (Angel/McWilliam)

That Council notes the list of outstanding actions and reports.

Item 10.2 dealt with under delegations.

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ITEM 10.3 SF3145 270225 Minutes of the National Celebration Day Advisory Committee Meeting - 6 February 2025

52/25 **RESOLVED:** (Smith/McWilliam)

That Council:

- 1 **Notes the minutes of the National Celebration Day Advisory Committee meeting held on 6 February 2025.**
- 2 **Approves the following changes as recommended by the Committee:**
 - **The Terms of Reference be updated:**
 - a) **to enable nominees to be advised by Council of the award category they are receiving.**
 - b) **to change the closing date of nominations from second Friday in December to the second Friday in November, to allow the Committee to meet at the end of November, determining recipients and to present the minutes to the December Council meeting.**
 - c) **the following statement to be added to the nomination form "Citations received could be edited by the Committee".**
 - **An Expression of Interest for the location of the 2026 Australia Day Community Event be advertised in April 2025.**
 - **That the committee name changes to "Nambucca Valley Community Awards Advisory Committee".**

DIRECTOR CORPORATE SERVICES REPORTS

ITEM 11.1 SF3492 270225 Minutes of the Audit, Risk and Improvement Committee Meeting held 15 January 2025

53/25 **RESOLVED:** (Angel/McWilliam)

That Council:

- 1 **Notes the Minutes from the Audit, Risk and Improvement Committee Meeting held 15 January 2025.**
- 2 **Per Item 7.3 of the Audit, Risk and Improvement Committee Meeting held 15 January 2025 Council approves the Audit, Risk and Improvement Committee Key Performance Indicators for the 2024/25 financial year.**
- 3 **Per Item 7.4 of the Audit, Risk and Improvement Committee Meeting held 15 January 2025 Council approves the amended Terms of Reference for the Nambucca Valley Council Audit, Risk and Improvement Committee.**
- 4 **Per Item 7.7 of the Audit, Risk and Improvement Committee Meeting held 15 January 2025 approves the Internal Audit Key Performance Indicators for the 2024/25 financial year.**
- 5 **Per Item 7.7 of the Audit, Risk and Improvement Committee Meeting held 15 January 2025 approves the Head of Internal Audit Key Performance Indicators for the 2024/25 financial year.**

Mayor Gary Lee and Councillor James Angel left the meeting before the commencement of this item, the time being 7:20 PM

Councillor Jenvey was nominated to chair the meeting for Item 11.2.

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ITEM 11.2 SF270 270225 Allowance for Deputy Mayor acting as Mayor from 17 July 2025 to 15 September 2025

MOTION: (Jones/Simson)

That Council do nothing.

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

54/25 **RESOLVED:** (Jones/Simson)

That Council do nothing.

Mayor Gary Lee and Councillor James Angel returned to the meeting at the completion of this item. The time being 7:30 PM

ITEM 11.3 SF1620 270225 Delivery Program and Operational Plan Progress - July 2024 to December 2024

55/25 **RESOLVED:** (Simson/Smith)

That Council notes the status of the Delivery Program and Operational Plan as at 31 December 2024.

ITEM 11.4 SF3528 270225 Investment Report for January 2025

56/25 **RESOLVED:** (Jones/McWilliam)

That Council:

- 1 Notes the Chief Financial Officer's report on Investments for January 2025.**
- 2 Adopts the certification of the Responsible Accounting Officer for January 2025.**

ITEM 11.5 SF3517 270225 December 2024 Quarterly Budget Review

57/25 **RESOLVED:** (Vance/McWilliam)

That Council:

- 1 Notes the budget review for the quarter ended 31 December 2024.**
 - 2 Approves the recommended variations in the budget for the 2024/25 financial year.**
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ITEM 11.6 SF3421 270225 Community Information Noticeboard in Nambucca Heads

58/25 **RESOLVED:** (Jenvey/Jones)

That Council:

- 1 Notes the attached 'Installation of Community Noticeboard in Nambucca Heads' report.
- 2 Approves the wall-mounted noticeboard in the courtyard next to the Nambucca Heads Library.

ITEM 11.7 SF963 270225 Nominations to Council Section 355 Committees of Management

59/25 **RESOLVED:** (Jones/Jenvey)

That Council:

- 1 Approves the new nominations to the following Section 355 Committees of Management as per the table in the Discussion section of the report.
- 2 Provides the successful nominees with a copy of the Terms of Reference, Code of Conduct for Delegates, Section 355 Committee Guidelines and Volunteer Safety Handbook.

MANAGER DEVELOPMENT AND ENVIRONMENT REPORTS

ITEM 12.1 SF3338 270225 Waste Management Post 2027

60/25 **RESOLVED:** (Simson/Jenvey)

That Council endorses the signing of the MoU for Regional Waste Processing (Organics and Recyclables) between Nambucca Valley Council, Port Macquarie-Hastings Council, Kempsey Shire Council and Bellingen Shire Council.

ITEM 12.2 SF453 270225 Quarterly Waste Management Report - October to December 2024

61/25 **RESOLVED:** (Angel/Jenvey)

That Council notes the information provided in the quarterly report for the period 1 October to 31 December 2024.

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Item 12.3 dealt with under delegations.

ITEM 12.4 SF3410 270225 January 2025 - Approved Construction Certificates, Approved
Complying Developments, Development Applications Received and Complying
Developments Received

62/25 **RESOLVED:** (McWilliam/Angel)

That Council notes the approved Construction Certificates, approved Complying Development Certificates, Development Applications received and Complying Development Applications received for January 2025.

ITEM 12.5 SF1148 270225 Council's Rangers' Report and Penalties Issued for January
2025

63/25 **RESOLVED:** (Smith/McWilliam)

That Council notes the Rangers' impounding statistics and penalties issued for January 2025.

DIRECTOR ENGINEERING SERVICES REPORTS

Item 13.1 dealt with under delegations.

ITEM 13.2 SF3424 270225 Response to Matters Raised - Public Forum 11 July 2024

64/25 **RESOLVED:** (Jenvey/McWilliam)

That Council notes the information provided in response to matters raised by public forum speakers at the Ordinary Meeting of Council on 11 July 2024.

COUNCIL IN CLOSED MEETING (CLOSED TO THE PUBLIC)

65/25 **RESOLVED:** (Jones/Ballangarry)

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

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

Reason reports are in Closed Meeting:

MAYORAL MINUTES

For Confidential Business Paper in Closed Meeting

ITEM 14.1	SF3420	270225	Mayoral Minute - Macksville Pre-school Update
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (b) of the Local Government Act, 1993, on the grounds that the report contains a discussion in relation to the personal hardship of a resident or ratepayer.

For Confidential Business Paper in Closed Meeting

ITEM 14.2	SF3420	270225	T016/2024 Supply and Delivery of One 13T Excavator
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It is recommended that the Council resolve into closed session with the press and public excluded to allow consideration of this item, as provided for under Section 10A(2) (d) of the Local Government Act, 1993, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the Council; or (iii) reveal a trade secret.

CLOSED MEETING

The Ordinary Council Meeting's Meeting **IN CLOSED MEETING** commenced at 7:50PM.

RESUME IN OPEN MEETING

66/25 **RESOLVED:** (Jones/McWilliam)

That Ordinary Council Meeting resume in Open Meeting. The Ordinary Council Meeting resumed IN OPEN MEETING at 8:12PM.

FROM COUNCIL IN CLOSED MEETING

The General Manager then read the Confidential resolutions.

MAYORAL MINUTES

For Confidential Business Paper in Closed Meeting

ITEM 14.1	SF3420	270225	Mayoral Minute - Macksville Pre-school Update
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67/25 **RESOLVED:** (Jenvey/McWilliam)

That Council:

- 1 Endorses the letter of support sent to the Pre-School on 12 February 2025.

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- 2 Requests Crown Lands appoint Council as the Crown Land Manager for the Pre-School site in Park St, Macksville.
- 3 Offer the Pre-School governance support in the form of a Board Director to assist the Pre-School Board.
- 4 Subject to an acceptance of point 3 above, nominate the General Manager or their representative as Council's representative as a Director on the Macksville Pre-School Board.

For Confidential Business Paper in Closed Meeting

ITEM 14.2 SF3420 270225 T016/2024 Supply and Delivery of One 13T Excavator

68/25 **RESOLVED:** (McWilliam/Jones)

That Council:

- 1 Awards Tender T016/2024, supply and delivery of one 13T Excavator to Westrac Pty Ltd for the contract sum of \$312,890 ex GST.
- 2 Updates the Contract Register.

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

For the Motion:	Councillors Angel, Ballangarry, Jenvey, Jones, Lee, McWilliam, Simson, Smith and Vance
	Total (9)
Against the Motion:	Nil
	Total (0)

CLOSURE

There being no further business the Mayor then closed the meeting the time being 8:14PM.

Confirmed and signed by the Mayor on **13 MARCH 2025**.

Cr Gary Lee
MAYOR
(CHAIRPERSON)