

Ordinary Council Meeting

Minutes

Maclean - 24 October 2023 - 3:00pm



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- Ordinary Meeting of Council held 26 September 2023

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Nil

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Nil

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Nil

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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 24 October 2023 commencing at 3:00pm and closing at 7.41pm.

PRAYER – Cr Jeff Smith delivered the Prayer.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND – Cr Debrah Novak delivered the Acknowledgement of the Traditional Custodians of the Land.

We acknowledge the Bundjalung, Gumbaynggirr and Yaegl people as the Traditional Owners of the land on which we all live and work. We honour the First Nations peoples culture & connection to land, sea and community. We pay our respects to their Elders past, present and emerging.

ANNOUNCEMENT – The General Manager delivered the Announcement.

All present are advised that this meeting is being broadcast live and audio recorded. Your attendance at this meeting is your acceptance that your image may be recorded and streamed to the internet as well as being retained in the archive of the record of the Council meeting.

Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

STATEMENT OF ETHICAL OBLIGATIONS

All Councillors are reminded under section 233A of the Act and section 3.23 of the Code of Meeting Practice, of their oath or affirmation and obligations to disclose and appropriately manage conflicts of interest.

COUNCIL RESOLUTION

Day/Tiley

That Council allow an exemption to clause 15.23 of the Code of Meeting Practice to allow video recording of the meeting by NBN and ABC.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

PRESENT

Cr Greg Clancy, Cr Bill Day, Cr Peter Johnstone, Cr Debrah Novak, Cr Steve Pickering, Cr Jeff Smith, Cr Ian Tiley, Cr Karen Toms and Cr Allison Whaites

Director – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), A/General Manager & Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Michelle West & Lee Boon)

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

GENERAL MANAGER (LAURA BLACK)

3. DISCLOSURES AND DECLARATIONS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION****Toms/Whaites**

That the Minutes of Ordinary Meeting of Council dated 26 September 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED**5. MAYORAL MINUTES**

Nil

6. NOTICES OF MOTION

Nil

VOTE BY EXCEPTION - 07.23.186**Tiley/Whaites**

That the following items be adopted as recommended:

07.23.186

07.23.194

07.23.196

07.23.199

07.23.200

07.23.201

07.23.202

07.23.205

07.23.206

07.23.207

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

7. REPORTS**OFFICE OF THE GENERAL MANAGER****ITEM 07.23.185 COUNCILLOR REPRESENTATIVE FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)**

Meeting	Council	24 October 2023
Directorate	General Manager	
Reviewed by	General Manager, Laura Black	
Prepared by	Internal Audit Officer, Kallet Ward	
Attachments	Nil	

SUMMARY

This report requires Council to nominate a new councillor representative as an observer for the Audit, Risk and Improvement Committee (ARIC). The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance, and external responsibilities.

OFFICER RECOMMENDATION

That Council appoint a councillor representative as an observer to the Audit, Risk, and Improvement Committee for the term of the council.

COUNCIL RESOLUTION - 07.23.185**Toms/Day**

That Council appoint Councillor Steve Pickering as representative as an observer to the Audit, Risk, and Improvement Committee for the term of the council.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.186 2023 NATIONAL LOCAL ROADS AND TRANSPORT CONGRESS

Meeting	Council	24 October 2023
Directorate	General Manager	
Prepared by	Cr Steve Pickering & Cr Allison Whaites	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

The Australian Local Government Association (ALGA) hosted the 2023 National Local Roads and Transport Congress in Canberra at the Kamrbi Cultural Centre, Australian National University, from 5 to 7 September 2023. Council was represented by Cr Allison Whaites and Cr Steve Pickering. This report is presented to Council in accordance with section 6.7.5 of the Councillor Expenses and Facilities Policy V16.0. We thank council for providing the opportunity to attend this conference. We met some remarkable people who work in these areas and look forward to learning more in the future and implementing the knowledge we have gained.

OFFICER RECOMMENDATION

That Council note that information provided by Councillor Steve Pickering after attending the 2023 National Local Roads and Transport Congress.

COUNCIL RESOLUTION - 07.23.186

Tiley/Whaites

That Council note that information provided by Councillor Steve Pickering after attending the 2023 National Local Roads and Transport Congress.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ENVIRONMENT & PLANNING**ITEM 07.23.187 OUTCOME OF CONSULTATION - CALL TO PHASE OUT NATIVE FOREST LOGGING ON PUBLIC LAND**

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Natural Resource Management & Projects Coordinator, Reece Luxton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Logging Submissions (Separate Cover) ⇒ B. Letter Templates ⇒	

SUMMARY

Comment has been sought from the timber industry and the wider community to inform Council's consideration of a recommendation relating to native forest logging activity in State-owned forests that was considered by Council at its meeting on 27 June 2023.

Nearly 2500 submissions have been received and the issue is reconsidered in accordance with Council's resolution (Item No 07.23.092) and considering the submissions presented to Council.

OFFICER RECOMMENDATION

That Council:

1. recognise the significant interest and effort made to present a range of feedback to Council from the timber/forestry industry, timber/forestry workers, interest groups and the wider community in relation to the Council's consideration of native forest logging activity in State-owned forest estate and the recommendation to transition away this practice;
2. write to the NSW Government Ministers, and relevant Shadow Ministers, responsible for forestry activities, biodiversity, tourism, finance, employment, climate mitigation and water management to request:
 - a. urgent development of a plan for the just transition of the native forest timber industry operating in State-owned forests, to an ecologically sustainable plantation base; and
 - b. enactment of the plan to manage our State Forests, in partnership with North Coast communities, including but not limited to the timber/forestry industry, for their nature-based tourism assets, recreational opportunities, biodiversity values and for carbon sequestration; and
3. write to Local Government NSW to seek advice on the status of their advocacy following adoption of Motion 100 moved by Shoalhaven City Council at the November 2022 Local Government NSW Conference, "That Local Government NSW advocates for the ending of logging in NSW (public) Native Forests".

POINT OF ORDER

Clancy

Cr Clancy directed to Cr Toms "I believe that the claim that the Biodiversity Committee went outside of its ambit needs to be backed up by facts."

The Chair over ruled the point of order

POINT OF ORDER

Novak

Cr Novak directed to Cr Clancy "That's an incorrect statement, as I believe all Councillors here today have shared concerns."

The Chair over ruled the point of order

POINT OF ORDER

Clancy

Cr Clancy directed to Cr Toms "Under section 15.1 I don't believe that the inference that was made that I dismissed those letters, the form letters. What I did make the distinction was there were a number of form letters and there was a number of detailed submissions and form letters can be different to a full submission, that someone has sat down and thought out..."

The Chair over ruled the point of order

POINT OF ORDER

Toms

Cr Toms directed to Cr Clancy "What part of the Code of Meeting Practice."

The Chair over ruled the point of order

POINT OF ORDER

Toms

Cr Toms directed to Cr Clancy "15.1 does not relate to what I said."

The Chair over ruled the point of order

MOTION

Clancy/Smith

That Council:

1. recognise the significant interest and effort made to present a range of feedback to Council from the timber/forestry industry, timber/forestry workers, interest groups and the wider community in relation to the Council's consideration of native forest logging activity in State-owned forest estate and the recommendation to transition away this practice;
2. write to the NSW Government Ministers, and relevant Shadow Ministers, responsible for forestry activities, biodiversity, tourism, finance, employment, climate mitigation and water management to request:
 - a. urgent development of a plan for the just transition of the native forest timber industry operating in State-owned forests, to an ecologically sustainable plantation base; and
 - b. enactment of the plan to manage our State Forests, in partnership with North Coast communities, including but not limited to the timber/forestry industry, for their nature-based tourism assets, recreational opportunities, biodiversity values and for carbon sequestration; and
3. write to Local Government NSW to seek advice on the status of their advocacy following adoption of Motion 100 moved by Shoalhaven City Council at the November 2022 Local Government NSW Conference, "That Local Government NSW advocates for the ending of logging in NSW (public) Native Forests".

Voting recorded as follows

For: Clancy

Against: Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

The Motion was put and declared LOST

FORESHADOWED MOTION

Novak/Whaites

That Council:

1. note the 2464 submissions received on this matter and thank those who contributed.
 2. note the support for the native forest sustainable harvesting industry in the Clarence Valley and its significant economic contribution, directly and indirectly.
 3. acknowledge the importance of the international ecological values of the Clarence Valley's biodiversity and native forests.
-

4. invite State MP Richie Williamson to facilitate a workshop with Regional Development Australia Northern Rivers, the Clarence Valley timber industry, the Clarence River Environmental Centre and other interested groups.
5. establish terms of reference for a new CVC Agriculture, Forestry and Fishing Advisory Committee and report back to Council no later than February 2024 meeting.

Voting recorded as follows

For: Novak, Smith, Whaites

Against: Clancy, Day, Johnstone, Pickering, Tiley, Toms

The Foreshadowed Motion was put and declared LOST

COUNCIL RESOLUTION - 07.23.187

Tiley/Day

That given the native forestry logging importance to the Clarence Valley economy and noting the long term environmentally responsible approach of the Clarence Valley industry, Council support the continuation of selected native forest logging and take no further actions in this matter.

Voting recorded as follows

For: Day, Johnstone, Novak, Pickering, Tiley, Toms, Whaites

Against: Clancy, Smith

CARRIED

That Council adjourn for a 6 minute break at 4:09pm.

The Council meeting resumed at 4:16pm

Cr Clancy left the meeting at 4:16 pm.

Cr Clancy returned to the meeting at 4:18 pm.

ITEM 07.23.188 DA2023/0259 - RECREATION AREA (TWO PICKLEBALLS COURTS AND COVERED SEATING AREA) - 1 ORION DRIVE, YAMBA

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023 0259 - Architectural Plans ⇨ B. DA2023 0259 - Statement of environmental effects ⇨ C. DA2023 0259 - Biodiversity Development Assessment Report (Separate Cover) ⇨ D. DA2023 0259 - Submissions (Separate Cover) ⇨ E. DA2023 0259 - Section 4.15 Assessment (Separate Cover) ⇨	

SUMMARY

Development Application DA2023/0259 seeks approval for a recreation area (Two pickleball courts and covered seating area) at 1 Orion Drive, Yamba, being lot 7 DP 833711.

<i>Applicant</i>	Palm Lakes Resort Pty Ltd
<i>Owner</i>	Palm Lakes Resort Pty Ltd
<i>Address</i>	1 Orion Drive Yamba being Lot 7 DP 833711
<i>Submissions</i>	Twenty-one Submissions (all against)

The proposed development was advertised and notified in accordance with the Community Participation Plan. A total of 21 submissions were received during the exhibition period for the proposal which raised concerns regarding the impacts to the environment, amenity, flooding and the suitability of the development. The matters raised are discussed in detail in the Key Issues section of this report.

The application is referred to Council for determination due to the public interest in the proposal. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application DA2023/0259 subject to the draft Advices and Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.23.188**Toms/Whaites****That Council:**

1. approve development Application DA2023/0259 subject to the draft Advices and Conditions contained in Schedule 1.
2. replace condition 3 to use of the pickleball courts is restricted to residents of the existing Palm Lake Resort.

Voting recorded as follows

For: Day, Johnstone, Tiley, Toms, Whaites

Against: Clancy, Novak, Pickering, Smith

CARRIED

ITEM 07.23.189 REV2023/0005 - SECTION 8.2 REVIEW OF REFUSAL OF SUB2021/0045 - SIX (6) LOT SUBDIVISION - 181 CARRS DRIVE, YAMBA

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<p>A. REV2023-0005 - Amended Subdivision Plan ⇨</p> <p>B. REV2023-0005 - Amended Biodiversity Development Assessment Report (Separate Cover) ⇨</p> <p>C. REV2023-0005 - Amended Onsite Waste Water Report (Separate Cover) ⇨</p> <p>D. REV2023-0005 - NSW RFS General Terms of Approval ⇨</p> <p>E. REV2023-0005 - Flood Impact Assessment (Separate Cover) ⇨</p> <p>F. REV2023-0005 - Submissions (Separate Cover) ⇨</p> <p>G. REV2023-0005 - Section 4 15 Assessment ⇨</p>	

SUMMARY

Council has received a review application under Section 8.2 of the *Environmental Planning and Assessment Act 1979*. Review Application REV2023/0005 is seeking a review of Council's decision to refuse SUB2021/0045 at the 24 April 2023 Meeting (Item No. 07.23.050). The application proposed a six (6) large lot residential subdivision of 181 Carrs Drive, Yamba, being Lot 1 DP558571.

<i>Applicant</i>	Warren Gould
<i>Owner</i>	Gavin and Sharon Shankland
<i>Address</i>	181 Carrs Drive, Yamba (being Lot 1 DP558571)
<i>Submissions</i>	Yes - Four (4) in objection

The application was refused on the following grounds:

- The land being a wetland (Swamp Forest of Swamp Oak) making it unsuitable for the proposed development;*
- The nine submissions raised major concerns about the potential for flooding, impacts of stormwater runoff and clearing of natural vegetation;*
- The likely impacts of the development on the natural environment; and*
- Impact on areas of C2 zoning for some infrastructure.*

The applicant has addressed the reasons for refusal and an amended subdivision design and supporting reports have been submitted. The following changes have been made to the proposal:

- All infrastructure for proposed Lot 6 has been relocated outside of the C2 Environmental Conservation Zone; and
- A reduction in building envelope size for proposed Lots 2-6 from 20m x 20m (400m²) to 15m x 20m (300m²).

The Review Application was exhibited in accordance with the Community Participation Plan. A total of four (4) submissions were received during the exhibition period.

The application is referred to Council to review their original decision. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application SUB2021/0045 under Division 8.2 Review Application REV2023/0005 subject to the draft Advices and Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.23.189

Toms/Novak

That Council approve Development Application SUB2021/0045 under Division 8.2 Review Application REV2023/0005 subject to the draft Advices and Conditions contained in Schedule 1.

Voting recorded as follows

For: Day, Johnstone, Novak, Pickering, Tiley, Toms, Whaites

Against: Clancy, Smith

CARRIED

ITEM 07.23.190 LOWER CLARENCE FLOOD MODEL 2022 UPDATE AND FLOOD PLANNING LEVELS

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Manager Development & Land Use Planning, Murray Lane; Manager Water Cycle, Greg Mashiah	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Report 6b.20.096 to 15 December 2020 Council meeting ⇨	

SUMMARY

Consultants Jeremy Benn Pacific (JBP) have completed a high level review and validation of the Lower Clarence Flood Model Update 2022 (2022 Flood Model), and following concurrence from the Department of Planning & Environment (DPE), Council is advised, that the review did not significantly alter the model. Accordingly, the 2022 Flood Model has been adopted and placed on Council's website in accordance with Point 2 of Council resolution 06.23.009 at the 27 June 2023 meeting.

This report provides updated advice about the next steps to establish interim Flood Planning Levels forward of completing a new Floodplain Risk Management Study and Plan for the Clarence River floodplain, and the process for updating the Floodplain Management Controls in Council's Development Control Plans (DCPs).

The consensus recommendation from the Floodplain Risk Management Committee (FRMC) meeting of 11 September 2023 is that proposed interim Flood Planning Levels be placed on public exhibition for 28 days for comment and that flood planning levels be adopted through the Development Control Plans (DCP). Council officers support the FRMC's recommendation.

OFFICER RECOMMENDATION

That Council:

1. note concurrence from the Department of Planning & Environment that the high level peer review and validation of the Lower Clarence Flood Model 2022 Update did not significantly alter the model and therefore the model has been adopted and placed on Council's website.
2. note the Department of Planning advice that a planning proposal to change the Flood Planning Levels in the *Clarence Valley Local Environment Plan 2011* cannot be made due to changes to the *Standard Instrument – Principal Local Environmental Plan* which no longer includes a statutory Flood Planning Map.
3. note the new approach to establish Flood Planning Levels is under the provisions of the Flood Risk Management Manual 2023 and that Council may determine interim Flood Planning Levels by way of Council resolution.
4. publicly exhibit proposed interim Flood Planning Levels (as contained in the adopted Lower Clarence Flood Model Update 2022) for an extended period from Friday 3 November 2023 until Monday 29 January 2024, being 1% AEP Climate Change 1 (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard, including media communication, consultation material that explains and seeks feedback on proposed changes, and in-person an online community engagement opportunities.
5. consider any submissions received during exhibition on the interim Flood Planning Levels before adopting the finalised interim Flood Planning Levels.
6. commence the process of modifying Floodplain Management Controls in Council's Development Control Plans to align with the interim Flood Planning Levels, including:
 - a) controls that require all new residential development to have a primary habitable floor level above the 1% AEP Climate Change 1 (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard
 - b) Removal of clauses that permit Primary Habitable Floor Levels in North Grafton below the interim Flood Planning Levels;
 - c) include Objectives and Controls that permit habitable floor levels below the Flood Planning Level in limited circumstances, such as being limited to alterations and additions to existing dwellings;
 - d) update controls that any development below the Flood Planning Level must be constructed from Flood Compatible Building Components;
 - e) consideration of any feedback received during exhibition of the interim Flood Planning Levels; and
 - f) any other necessary amendments to effect these changes; and
 - g) reporting the draft amendments to Council for endorsement before exhibition.

COUNCIL RESOLUTION - 07.23.190**Toms/Novak****That Council:**

- 1. note concurrence from the Department of Planning & Environment that the high level peer review and validation of the Lower Clarence Flood Model 2022 Update did not significantly alter the model and therefore the model has been adopted and placed on Council's website.**
- 2. note the Department of Planning advice that a planning proposal to change the Flood Planning Levels in the *Clarence Valley Local Environment Plan 2011* cannot be made due to changes to the *Standard Instrument – Principal Local Environmental Plan* which no longer includes a statutory Flood Planning Map.**
- 3. note the new approach to establish Flood Planning Levels is under the provisions of the Flood Risk Management Manual 2023 and that Council may determine interim Flood Planning Levels by way of Council resolution.**
- 4. publicly exhibit proposed interim Flood Planning Levels (as contained in the adopted Lower Clarence Flood Model Update 2022) for an extended period from Friday 3 November 2023 until Monday 29 January 2024, being 1% AEP Climate Change 1 (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard, including media communication, consultation material that explains and seeks feedback on proposed changes, and in-person an online community engagement opportunities.**
- 5. consider any submissions received during exhibition on the interim Flood Planning Levels and report back to Council prior to adopting the finalised interim Flood Planning Levels.**
- 6. commence the process of modifying Floodplain Management Controls in Council's Development Control Plans to align with the interim Flood Planning Levels, including:**
 - a) controls that require all new residential development to have a primary habitable floor level above the 1% AEP Climate Change 1 (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard**
 - b) Removal of clauses that permit Primary Habitable Floor Levels in North Grafton below the interim Flood Planning Levels;**
 - c) include Objectives and Controls that permit habitable floor levels below the Flood Planning Level in limited circumstances, such as being limited to alterations and additions to existing dwellings;**
 - d) update controls that any development below the Flood Planning Level must be constructed from Flood Compatible Building Components;**
 - e) consideration of any feedback received during exhibition of the interim Flood Planning Levels; and**
 - f) any other necessary amendments to effect these changes; and**
 - g) reporting the draft amendments to Council for endorsement before exhibition.**

Voting recorded as follows**For: Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites****Against: Clancy****CARRIED**

ITEM 07.23.191 MEMBERSHIP OF THE JOINT REGIONAL PLANNING PANEL

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Sydney District and Regional Planning Panels Operational Procedures (November 2022) (Separate Cover) ⇨	

SUMMARY

This report seeks a Council resolution to appoint members to the Northern Regional Planning Panel (the NR Planning Panel). The NR Planning Panel is established under the *Environmental Planning and Assessment Act 1979* (EP&A Act) which includes specific requirements about panel membership.

OFFICER RECOMMENDATION

That Council:

1. appoint two (2) members and up to four (4) alternative members to the Northern Regional Planning Panel, in accordance with the *Environmental Planning and Assessment Act 1979* and for a period until the commencement of the current Council's caretaker period in September 2024; and
2. advise the Sydney and Regional Planning Panels Secretariate of the changes to Council's appointed panel members.

POINT OF ORDER

Tiley

Cr Tiley "This gentleman has exercised his right of reply hasn't he, just end it."

The Chair upheld the point of order

MOTION

Pickering/Novak

That Council:

1. seek an Expression of Interest (EOI) from the Clarence Valley community for members with sufficient experience to be appointed to the NR Planning Panel until September 2025.
2. report the results from the EOI to council for consideration.
3. defer ITEM 07.23.191 Membership of the Joint Regional Planning Panel until the EOI process is complete.

Voting recorded as follows

For: Novak, Pickering, Whaites

Against: Clancy, Day, Johnstone, Smith, Tiley, Toms

The Motion was put and declared LOST

COUNCIL RESOLUTION - 07.23.191

Johnstone/Clancy

That the members of the Joint Regional Planning Panel remain as Cr Tiley, Cr Johnstone and Cr Clancy with Cr Clancy being the alternate member for the remainder of this council term.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.192 YAMBA URBAN BYPASS - PRELIMINARY ENVIRONMENTAL INVESTIGATION

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Policy), Alex Wells	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Yamba Urban Bypass Preliminary Environmental Investigation (Separate Cover) ⇒	

SUMMARY

At its April 2022 meeting, Council resolved to engage a consultant to undertake a preliminary environmental assessment of the Yamba Urban Bypass proposal and to report back to Council upon its completion. Following a competitive tender process, Planit Consulting were appointed to undertake the Preliminary Environmental Investigation (PEI) including an assessment of potential impacts on aboriginal cultural heritage. The final report for the PEI (**Attachment A**) shows significant environmental constraints under both State and Commonwealth legislation and identifies the relevant planning pathways.

The report recommends that a contemporary traffic and transport study is needed to determine the actual need for the project, to properly consider the various costs and benefits of the proposal as well as the consideration of alternatives. Subsequent discussions with Transport for NSW (TfNSW) regarding Yamba's transportation infrastructure has resulted in an offer to work collaboratively with Council to develop a network plan to guide transport investment over the short to medium term.

OFFICER RECOMMENDATION

That Council:

1. note the Final Report for the Preliminary Environmental Investigation –Yamba Urban Bypass proposal
2. will work collaboratively with Transport for NSW to develop a network plan to guide transport investment over the short to medium term.

COUNCIL RESOLUTION - 07.23.192

Day/Novak

That Council:

1. note the Final Report for the Preliminary Environmental Investigation –Yamba Urban Bypass proposal
2. will work collaboratively with Transport for NSW to develop a network plan to guide transport investment over the short to medium term.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.193 DRAFT CLARENCE VALLEY LOCAL HOUSING STRATEGY AND AFFORDABLE HOUSING POLICY

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Draft Local Housing Strategy for exhibition Oct 2023 ↔ B. Draft Affordable Housing Policy for exhibition Oct 2023 ↔	

SUMMARY

This report seeks Council endorsement to publicly exhibit the draft Clarence Valley Local Housing Strategy (draft Strategy) (**Attachment A**) and draft Clarence Valley Affordable Housing Policy (draft Policy) (**Attachment B**). The draft Strategy and draft Policy supports and implements the priorities of the North Coast Regional Plan 2041 and Council's Local Strategic Planning Statement, as well as Council's Community Strategic Plan (The Clarence 2036) and Delivery Program.

Once finalised, the draft Strategy and draft Policy will assist Council's planning and decision making to encourage delivery of appropriate housing diversity and affordability. Implementation of the Strategy, including any changes to Council's planning framework, such as the Local Environmental Plan (LEP) and Development Control Plans (DCPs), would come back to Council before being exhibited and adopted. It is a 20 year strategy with a range of short and long term actions.

Extensive consultation and engagement sessions have occurred with various stakeholders including the planning and development industry, government agencies, and non-government organisations to inform the development of the draft Strategy and draft Policy. Further engagement is planned to ensure we have a robust strategy and policy framework that can be implemented with general support or acceptance from the community, development industry, government agencies and housing providers.

OFFICER RECOMMENDATION

That Council:

1. endorse the draft Clarence Valley Local Housing Strategy (**Attachment A**) and draft Clarence Valley Affordable Housing Policy (**Attachment B**) for public exhibition and associated community consultation for a minimum six (6) weeks, in accordance with the Community Participation Plan;
2. delegate authority to the General Manager to make any minor amendments to the draft Strategy and draft Policy for public exhibition purposes prior to public exhibition; and
3. note that all submissions received and recommended changes to the draft Strategy and / or draft Affordable Housing Policy will be reported back to Council for endorsement following the exhibition period.

COUNCIL RESOLUTION - 07.23.193

Pickering/Novak

That Council:

1. **endorse the draft Clarence Valley Local Housing Strategy (Attachment A) and draft Clarence Valley Affordable Housing Policy (Attachment B) for public exhibition and associated community consultation for a minimum six (6) weeks, in accordance with the Community Participation Plan;**
2. **delegate authority to the General Manager to make any minor amendments to the draft Strategy and draft Policy for public exhibition purposes prior to public exhibition; and**
3. **note that all submissions received and recommended changes to the draft Strategy and / or draft Affordable Housing Policy will be reported back to Council for endorsement following the exhibition period.**

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.194 PLANNING PROPOSAL TO AMEND CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 TO PERMIT AN ADDITIONAL USE (RURAL SUPPLIES) AT 4 RIVER ST, PALMERS ISLAND

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Policy), Alex Wells	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<p>A. Revised Bitzios TIA 24 February 2023 (Separate Cover) ⇒</p> <p>B. September 2023 TfNSW Response - Rural Supplies Store Palmers Island Planning Proposal ⇒</p> <p>C. March 2021 TfNSW Response to Original Planning Proposal - Palmers Island Rural Store ⇒</p> <p>D. September 2023 Engineering Comments Revised TIA & Response to TfNSW (Confidential)</p>	

SUMMARY

At its July 2023 meeting, Council considered a report that addressed planning proposal PP-2022-2655 which sought to amend the *Clarence Valley Local Environmental Plan 2011* to permit an additional use with consent, for a Rural Supplies store at Lot 11 DP 1259162, at 4 River Street, Palmers Island.

Due to significant road safety and traffic flow concerns, after considering the proponent's Traffic Impact Assessment (TIA) report and proposed traffic treatments (**Attachment A**), it was recommended that Council not proceed with the planning proposal. However, Council resolved to defer the matter until a future meeting and requested that the matter be referred to Council's Local Traffic Committee (LTC) and to Transport for NSW (TfNSW). Council's LTC considered the matter at its 3 October 2023 meeting, including updated advice from TfNSW (**Attachment B**) and resolved to recommend that the planning proposal not proceed.

OFFICER RECOMMENDATION

That Council:

- advise the proponent of the former planning proposal (PP-2022-2655) of the recommendation of the Local Traffic Committee and that Council will not support any new planning proposal to amend the *Clarence Valley Local Environmental Plan 2011* for an additional use to be permitted with consent of 'Rural Supplies' at Lot 11 DP 1259162, being 4 River Street, Palmers Island where ingress/egress is via Yamba Road.
- endorse the recommendation of Council's Local Traffic Committee which states: *That the access on Yamba Road associated with Planning Proposal 2022-2655 is not supported because a commercial access at this location would compromise the functionality of Yamba Road and the safety of road users.*

COUNCIL RESOLUTION - 07.23.194

Tiley/Whaites

That Council:

- advise the proponent of the former planning proposal (PP-2022-2655) of the recommendation of the Local Traffic Committee and that Council will not support any new planning proposal to amend the *Clarence Valley Local Environmental Plan 2011* for an additional use to be permitted with consent of 'Rural Supplies' at Lot 11 DP 1259162, being 4 River Street, Palmers Island where ingress/egress is via Yamba Road.
- endorse the recommendation of Council's Local Traffic Committee which states: *That the access on Yamba Road associated with Planning Proposal 2022-2655 is not supported because a commercial access at this location would compromise the functionality of Yamba Road and the safety of road users.*

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.195 ANCHORAGE HOLIDAY PARK - REQUEST TO CONSIDER REDUCTION IN WATER CONNECTION FEE

Meeting	Council	24 October 2023
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway; Manager Water Cycle, Greg Mashiah	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Notice of Determination - as amended DA2019-0195 (Separate Cover) ⇨ B. ACT2022-0349 Approved Engineering Design Plans 42 Marandowie Drive ILUKA NSW 2466 (Separate Cover) ⇨ C. Construction Certificate CC2022-0049 (Separate Cover) ⇨ D. Section 68 Letter of Approval ACT2022-0349 (Separate Cover) ⇨ E. Correspondence (between CVC staff and the applicant) (Separate Cover) ⇨	

SUMMARY

Council's adopted fees and charges include two different types of water connection fees:

- A connection fee for a "standard" connection, where the fee includes the cost of tapping plus a capital component. The capital component is reduced by any previous capital payments (developer contributions); and
- A connection fee for a fire service. This fee is for the cost of tapping only; any non-fire related consumption recorded through a fire service is charged at four times the water consumption charge.

Many developments are required to install larger meters than otherwise required for their consumption to meet fire fighting standards. The developer makes a commercial decision whether to install a dedicated fire service (which requires separate internal plumbing to the fire fixtures only) or to install a larger water meter which services both their normal plumbing as well as fire fighting purposes.

For the Manufactured Home Estate (MHE) 33 dwellings were approved under DA2019/0195. The design submitted by the developer was for a single water connection with a 100mm water meter servicing both fire fighting purposes and consumption in the MHE dwelling units. The developer was required to pay the applicable fee in the fees and charges for a 100mm meter. The developer is now requesting that they be refunded the capital component of the connection fee in excess of the demand of their development as calculated for water developer contributions, or alternatively that the capital component in excess of the demand from their development be used as credit towards their sewer developer contributions.

The request is referred to Council for consideration at the request of the applicant. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council does not support the request for a refund or reduction to the connection fees charged for a 100mm diameter water meter in relation to DA2019/0195.

COUNCIL RESOLUTION - 07.23.195

Toms/Novak

That Council does not support the request for a refund or reduction to the connection fees charged for a 100mm diameter water meter in relation to DA2019/0195.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

That Council adjourn for a 8 minute break at 5.52pm.

The Council meeting resumed at 6.00pm

CORPORATE & COMMUNITY

ITEM 07.23.196 POLICY REPORT

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Corporate & Customer Experience, Lynette Burley	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Data Breach Policy V1.0 (Draft) ⇒ B. Privacy statement and privacy management plan V9.0 (Draft) ⇒	

SUMMARY

This report recommends action in relation to Council policies.

OFFICER RECOMMENDATION

That Council

1. place the following policies on exhibition and subject to there being no submissions that change the intent of the policies that they be adopted:
 - a. Data Breach Policy V1.0 (Draft)
 - b. Privacy statement and privacy management plan V9.0 (Draft)
2. note the adoption of the following policies that received submissions that did not change the intent of the policy.
 - a. Public Interest Disclosure Policy V2.0 – 1 submission
 - b. Keeping Animals Policy V2.0 – 9 submissions

COUNCIL RESOLUTION - 07.23.196

Tiley/Whaites

That Council

1. place the following policies on exhibition and subject to there being no submissions that change the intent of the policies that they be adopted:
 - a. Data Breach Policy V1.0 (Draft)
 - b. Privacy statement and privacy management plan V9.0 (Draft)
2. note the adoption of the following policies that received submissions that did not change the intent of the policy.
 - a. Public Interest Disclosure Policy V2.0 – 1 submission
 - b. Keeping Animals Policy V2.0 – 9 submissions

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.197 Q1 2023/2024 GOVERNANCE REPORT

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Corporate & Customer Experience, Lynette Burley	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims for Q1 2023-24 (1 July 2023 to 30 September 2023).

OFFICER RECOMMENDATION

That Council receive and note the Q1 2023/2024 Governance Report.

COUNCIL RESOLUTION - 07.23.197

Day/Toms

That Council receive and note the Q1 2023/2024 Governance Report.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.198 APPLICATION FOR LOCAL PART DAY PUBLIC HOLIDAYS 2024

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Business & Executive Support, Bryanna Boyd	
Reviewed by	General Manager, Laura Black	
Attachments	A. Guidelines for Local Public Holiday and Local Event Day applications ⇒ B. CRJC Letter of Support ⇒ C. Local Bank Feedback for 2024 Half Day Public Holidays ⇒	

SUMMARY

Application for the proposed July 2024 Racing Carnival local part public holidays to NSW Government Department of Premier and Cabinet (DPO&C) Industrial Relations (I/R).

OFFICER RECOMMENDATION

That Council:

authorise an application for the following part-day local public holidays for the calendar year of 2024, noting the Guidelines for Local Public Holiday and Local Event Day Applications (Attachment A) and the feedback received from the consultation process (below and **Attachment B**).

Event	Date / Time	Location
Ramornie Handicap	Wednesday 17 th July 2024 1.00pm to 5.00pm	Grafton City within the Clarence Valley Council area
Grafton Cup	Thursday 18 th July 2024 1.00pm to 5.00pm	Grafton City within the Clarence Valley Council area

Table 1: Proposed Half Day Public Holidays

COUNCIL RESOLUTION - 07.23.198**Smith/Day**

That Council:

authorise an application for the following part-day local public holidays for the calendar year of 2024, noting the Guidelines for Local Public Holiday and Local Event Day Applications (Attachment A) and the feedback received from the consultation process (below and Attachment B).

Event	Date / Time	Location
Ramornie Handicap	Wednesday 17 th July 2024 1.00pm to 5.00pm	Grafton City within the Clarence Valley Council area
Grafton Cup	Thursday 18 th July 2024 1.00pm to 5.00pm	Grafton City within the Clarence Valley Council area

Table 1: Proposed Half Day Public Holidays

Voting recorded as follows

For: Day, Johnstone, Pickering, Smith, Tiley

Against: Clancy, Novak, Toms, Whaites

CARRIED

ITEM 07.23.199 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Corporate Support, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List - Completed ⇒ B. Actions List - Outstanding ⇒ C. Rolling Checklist from 2019-2021 ⇒	

SUMMARY

This report updates Councillors on actions taken to implement resolutions at previous Council meetings.

OFFICER RECOMMENDATION

That the schedule of actions on Council resolutions be noted and those resolutions marked as complete be removed from the rolling checklist.

COUNCIL RESOLUTION - 07.23.199

Tiley/Whaites

That the schedule of actions on Council resolutions be noted and those resolutions marked as complete be removed from the rolling checklist.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.200 ITEMS FOR INFORMATION

Meeting	Council	24 October 2023
Directorate	General Manager	
Attachments	A. Access Committee Minutes - August 2023 ⇒ B. Letter to Joint Select Committee on Protecting Local Water Utilities from Privatisation ⇒ C. Letter from Minister Jackson re water security in Clarence Valley ⇒ D. Correspondence from Minister Jackson re privatisation of RWUs ⇒	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Access Committee Minutes - August 2023
- Correspondence from Minister Jackson re privatisation of RWUs
- Letter from Minister Jackson re water security in Clarence Valley
- Letter to Joint Select Committee on Protecting Local Water Utilities from Privatisation

COUNCIL RESOLUTION - 07.23.200

Tiley/Whaites

That the Items for Information as listed below be noted

- Access Committee Minutes - August 2023
- Correspondence from Minister Jackson re privatisation of RWUs
- Letter from Minister Jackson re water security in Clarence Valley
- Letter to Joint Select Committee on Protecting Local Water Utilities from Privatisation

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.201 MONTHLY INVESTMENT REPORT - SEPTEMBER 2023

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - September 2023 ↗	

SUMMARY

The purpose of this report is to inform Council of the details of Council's investment funds at the end of each month.

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 30 September 2023 be noted.

COUNCIL RESOLUTION - 07.23.201

Tiley/Whaites

That the report indicating Council's funds investment position as at 30 September 2023 be noted.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.202 2023/23 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2023

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Quarterly Budget Income Statement by Fund - September 2023 ⇒ B. Quarterly Budget Income & Expenditure Statements by Service - September 2023 ⇒ C. Statement of Restricted Cash Reserve Funds - September 2023 ⇒ D. Quarterly Contracts and Other Expenses - September 2023 ⇒ E. Monthly Grant Application Summary - September 2023 ⇒	

SUMMARY

This report presents to Council the September 2023 Quarterly Budget Review Statement (QBRs) for the period 1 July 2023 to 30 September 2023.

Budget adjustments for the quarter ended 30 September 2023 (subject to council resolution) will result in a net impact of General Fund impact of (\$197,398) resulting in a current year projected budget result of \$141,872 surplus.

The reserve funding variations identified in this report will decrease the reserve funds by a \$59,000, resulting in a current year projected reserve funds movement of \$23,180,080.

OFFICER RECOMMENDATION

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to September 2023.
2. approve the General Fund variations detailed in this report, which result in a (\$197,398) movement on the projected General Fund budget resulting in a surplus of \$141,872 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in increasing the projected decrease in the External and Internal Reserves Funds to \$23,180,080.
4. note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

COUNCIL RESOLUTION - 07.23.202

Tiley/Whaites

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to September 2023.
2. approve the General Fund variations detailed in this report, which result in a (\$197,398) movement on the projected General Fund budget resulting in a surplus of \$141,872 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in increasing the projected decrease in the External and Internal Reserves Funds to \$23,180,080.
4. note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.23.203 TOWNSEND COMMUNITY PRECINCT MASTER PLAN**

Meeting	Council	24 October 2023
Directorate	Works & Civil	
Prepared by	Team Leader Open Spaces, Andrew Auglys	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Community Engagement Plan for The Townsend Collective ⇒ B. The Townsend Collective Summary Report ⇒ C. The Townsend Collective Masterplan Draft Report (Separate Cover) ⇒	

SUMMARY

A Concept Masterplan has been developed to inform future development of a community hub precinct at Townsend as identified in the 2023/2024 Operational Plan. Internal and external stakeholder consultation was held in June 2023 to capture the key elements of a Masterplan proposed to be known as '*The Townsend Collective*' and it is recommended that it be placed on public exhibition.

OFFICER RECOMMENDATION

That Council

1. place The Townsend Collective Concept Masterplan on public exhibition for a period of 30 days in accordance with the attached community engagement plan.
2. consider the outcome of the public exhibition consultation and report back with a final Masterplan including an opinion on estimated cost.

COUNCIL RESOLUTION - 07.23.203**Day/Pickering**

That Council

1. place The Townsend Collective Concept Masterplan on public exhibition for a period of 30 days in accordance with the attached community engagement plan.
2. consider the outcome of the public exhibition consultation and report back with a final Masterplan including an opinion on estimated cost.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.204 CAMERON PARK, MACLEAN MASTERPLAN

Meeting	Council	24 October 2023
Directorate	Works & Civil	
Prepared by	Team Leader Open Spaces, Andrew Auglys	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Cameron Park Draft Masterplan Report (Separate Cover) ⇨	

SUMMARY

A Masterplan to inform future management and development of Cameron Park Maclean has been prepared and is recommended to be placed on public exhibition.

OFFICER RECOMMENDATION

That Council place the draft Cameron Park Masterplan Report on public exhibition for a period of 30 days and report back to Council the outcome of the consultation with a final Masterplan including an opinion on estimated cost.

Cr Novak acknowledges Open Spaces Manager Peter Birch on his upcoming retirement. 'Thank you to Peter Birch for all the work he's put in here, this is his legacy, these are his projects that he has signed off on. He has been an important part of this council and the way it's moved forward and these projects. Congratulations to Peter Birch and what a extraordinary legacy he leaves us.'

COUNCIL RESOLUTION - 07.23.204

Day/Tiley

That Council place the draft Cameron Park Masterplan Report on public exhibition for a period of 30 days and report back to Council the outcome of the consultation with a final Masterplan including an opinion on estimated cost.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

COUNCIL RESOLUTION

Tiley/Day

As the meeting is unlikely to finish by 7pm, the meeting be extended until 8pm under section 18.2

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.205 LOCAL TRAFFIC COMMITTEE

Meeting	Council	24 October 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes (Separate Cover) ⇒ B. Local Traffic Committee Attachment Item 023.23 (Separate Cover) ⇒ C. Local Traffic Committee Attachment Item 024.23 ⇒	

SUMMARY

This report outlines the recommendations proposed by the Local Traffic Committee held on 3 October 2023.

OFFICER RECOMMENDATION

That Council adopt the recommendations of the Local Traffic Committee as determined on 3 October 2023.

COUNCIL RESOLUTION - 07.23.205

Tiley/Whaites

That Council adopt the recommendations of the Local Traffic Committee as determined on 3 October 2023.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.206 RFT22/36 MACLEAN SHOWGROUND LIGHTS

Meeting	Council	24 October 2023
Directorate	Works & Civil	
Prepared by	Coordinator Project Management, Rick Johnson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22/36 Tender Recommendation Report (Confidential)	

SUMMARY

Council called open tenders for the Maclean Showground Main Arena Lights which opened on 14 August 2023 and closed on 19 September 2023. One complying tender was received. This report presents the outcome of the tender and seeks a Council resolution to accept the most advantageous tender.

OFFICER RECOMMENDATION

That Council:

1. accepts the tender from Alan Kneale Electrical Pty Ltd for RFT22/36-Maclean Showground Lights at a cost of \$349,382.00 (GST inclusive) to be funded from Maclean Showground–Main Arena Lighting Upgrade (PJ 540546 Sub Service 341).
2. delegates authority to the General Manager to approve appropriately deemed variations to the Contract and those variations be reported to Council within the Quarterly Budget Review Statement (QBRs) once the Contract is finalised.

COUNCIL RESOLUTION - 07.23.206

Tiley/Whaites

That Council:

1. accepts the tender from Alan Kneale Electrical Pty Ltd for RFT22/36-Maclean Showground Lights at a cost of \$349,382.00 (GST inclusive) to be funded from Maclean Showground–Main Arena Lighting Upgrade (PJ 540546 Sub Service 341).
2. delegates authority to the General Manager to approve appropriately deemed variations to the Contract and those variations be reported to Council within the Quarterly Budget Review Statement (QBRs) once the Contract is finalised.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 07.23.207 RFT22/59 - SUPPLY OF INLINE SUBMERSIBLE HYDROELECTRIC GENERATOR TURBINE

Meeting	Council	24 October 2023
Directorate	Works & Civil	
Prepared by	Water & Sewer Engineer, Cliff Dredge	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Tender Recommendation Report - RFT22-59 (Confidential)	

SUMMARY

Council called tenders on 14 August 2023 for the procurement of a hydroelectric generator turbine to be installed within the drinking water network at the Rushforth Water Treatment Plant. Tenders closed on 5 September 2023 with three (3) complying tenders received. The Tender Evaluation Committee (TEC) considers, having regard to all the circumstances, that the tender from Alisea Australia Pty Ltd is the most advantageous for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

1. That Council awards Tender RFT22/59 Supply of Inline Submersible Hydroelectric Generator Turbine to Alisea Australia Pty Ltd in the amount of \$364,705 (including GST), to be funded from Financial Project 950563 (Rushforth Road WTP Mini Hydro).
2. The budget for PJ950563 be increased by \$82,000 (excluding GST), to be funded from the Water Fund Reserve.

COUNCIL RESOLUTION - 07.23.207**Tiley/Whaites**

1. That Council awards Tender RFT22/59 Supply of Inline Submersible Hydroelectric Generator Turbine to Alisea Australia Pty Ltd in the amount of \$364,705 (including GST), to be funded from Financial Project 950563 (Rushforth Road WTP Mini Hydro).
2. The budget for PJ950563 be increased by \$82,000 (excluding GST), to be funded from the Water Fund Reserve.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

7. CONFIDENTIAL BUSINESS**OFFICER RECOMMENDATION**

That Council move into closed session to consider the following items in accordance with the Local Government Act 1993:

1. 08.23.008 Code of Conduct Complaint Investigation Report - 10A(2) (i) *The report contains alleged contraventions of any code of conduct requirements applicable under section 440*

COUNCIL RESOLUTION

Novak/Whaites

That Council move into closed session to consider the following items in accordance with the Local Government Act 1993:

1. 08.23.008 Code of Conduct Complaint Investigation Report - 10A(2) (i) *The report contains alleged contraventions of any code of conduct requirements applicable under section 440*

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whaites

Against: Nil

CARRIED

ITEM 08.23.008 CODE OF CONDUCT COMPLAINT INVESTIGATION REPORT

Meeting	Council	24 October 2023
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Code of Conduct Reviewer's report (Separate Cover) (Confidential)	
CONFIDENTIAL	<i>The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section 10A(2) (i) The report contains alleged contraventions of any code of conduct requirements applicable under section 440</i>	

COUNCIL RESOLUTION

Tiley/Whaites

That Council move to open session and the resolution (08.23.008) remain confidential until the process is completed.

Voting recorded as follows

For: Day, Johnstone, Pickering, Smith, Tiley, Whaites

Against: Nil

CARRIED

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

Nil

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 7.41pm.



CERTIFICATION OF MINUTES

I certify that the preceding xxx pages are the Minutes of the meeting of Clarence Valley Council held on meeting date.

Signed by:

First name surname
Mayor / Chairperson