

Ordinary Council Meeting

Minutes

Grafton - 13 December 2022 - 2:00 pm



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 13 December 2022 commencing at 2:00 pm and closing at x.yy am/pm .

AFFIRMATION – Cr Day delivered the Affirmation.

We, the Councillors of the Clarence Valley declare that we will undertake the duties of the office of Councillor in the best interests of our community and faithfully and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND – Cr Pickering 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 - The General Manager delivered the Announcement.

All Councillors are reminded that under section 3.23 of the Code of Meeting Practice, Councillors are reminded of their oath or affirmation of office made under section 233A of the Act and their obligations under the council's code of conduct to disclose and appropriately manage conflicts of interest.

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

General Manager (Laura Black), Director Environment & Planning (Adam Cameron), Director Corporate & Community (Alex Moar), Director Works & Civil (Jamie Fleeting) and Minutes Secretary (Karlle Chevalley) were in attendance.

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION

Day/Whaites

That Council approve Cr Johnstone to attend this Ordinary Council Meeting on Tuesday, 13 December 2022 via Teams under section 5.23 of the Code of Meeting Practice as he had pre-arranged commitments prior to the 13 December meeting date being set.

Voting recorded as follows

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

Against: Nil

CARRIED

3. DISCLOSURES AND DECLARATIONS OF INTEREST**Declarations received at the commencement of the Ordinary Council Meeting**

Name	Item	Nature of Interest, Action and Reason
Laura Black	07.22.274	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Leave the Meeting should the Item be called. ▪ The performance plan relates to the role I occupy but not the remuneration.
Cr Clancy	07.22.277	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Leave the Meeting ▪ I was an objector to the DA and spoke at the Planning Panel Meeting
Cr Toms	07.22.276	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ CEO of the Birrigan Gargle LC is a committee member Vice President Yamba Evening View Club
Cr Toms	07.22.278	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ CEO of the Birrigan Gargle LC is a committee member Vice President Yamba Evening View Club
Cr Toms	07.22.280	<ul style="list-style-type: none"> ▪ Pecuniary – Leave the Meeting ▪ Director JKT 7 Sons P/L Manage Iluka Holiday Park – On Crown Land
Cr Smith	07.22.294	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ I will be one of the food vendor at the event

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Toms/Whaites

That the Minutes of Ordinary Meeting of Council dated 22 November 2022, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION**ITEM 06.22.013 NOTICE OF MOTION
LEGAL OPINION ON REZONING LANDS ON WEST YAMBA FLOODPLAIN**

Meeting	Council	13 December 2022
Submitted by	Cr Greg Clancy	
Attachments	Nil	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

Approved development of the Yamba floodplain under the provisions of the West Yamba Urban Release Area (WYURA) planning approval has resulted in large amounts of fill being transported to the site, particularly along Gardeners Road, Yamba Road and Carrs Drive. The constant truck movements (1 every 6 -10 minutes) has caused great consternation among a number of Yamba residents. The large amount of fill would appear to be exacerbating localized flooding around the Carrs Drive roundabout and the area surrounding it. There is also concern that the large amount of fill is affecting, and will increasingly affect, the drainage of the area, adversely affecting low lying residences and the environment.

PROPOSED MOTION

That Council seek a legal opinion as to:

1. Whether compensation becomes liable when and if the NSW Planning Minister was to rezone vacant lands that have not had DA approval for development on the Yamba floodplain (WYURA) from R1 General Residential to RU2 Rural landscape and C2 Environmental Conservation zonings at Council's request, and
2. Whether compensation becomes liable if land previously approved for the importation of fill was to be similarly rezoned;
3. Whether there are any other legal implications of such an action.

COUNCIL RESOLUTION - 06.22.013

Clancy/Smith

That Council seek a legal opinion as to:

1. **Whether compensation becomes liable when and if the NSW Planning Minister was to rezone vacant lands that have not had DA approval for development on the Yamba floodplain (WYURA) from R1 General Residential to RU2 Rural landscape and C2 Environmental Conservation zonings at Council's request, and**
2. **Whether compensation becomes liable if land previously approved for the importation of fill was to be similarly rezoned;**
3. **Whether there are any other legal implications of such an action.**




Voting recorded as follows

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

Against: Toms, Whaites

CARRIED

**ITEM 06.22.014 NOTICE OF MOTION
FEES WAIVER REQUEST FOR HALL HIRE FOR ILUKA COMMUNITY
ORGANISATION PLANNING FOR EMERGENCIES INC (ICOPE) FOR BI-MONTHLY
COMMUNITY MEETINGS IN 2023**

Meeting	Council	13 December 2022
Submitted by	Councillor, Karen Toms	
Attachments	A. NSW Incorporated Associations Register  B. LEMC meeting presentation  C. ICOPE Scope Objectives 	

To the General Manager, Clarence Valley Council, I propose that the following report and notice of motion be submitted to Council.

SUMMARY

ICOPE's main purpose is to promote future disaster preparedness for Iluka and encourage an increasingly connected community.

PROPOSED MOTION

That Council waive the hall hire fees for the new committee, ILUKA COMMUNITY ORGANISATION PLANNING FOR EMERGENCIES INC.(ICOPE) for their bi-monthly community meetings in the Spencer Street Hall Iluka, for 2023.

Cr Toms left the meeting at 2:22 pm. Cr Toms returned to the meeting at 2:24 pm.

COUNCIL RESOLUTION - 06.22.014

Tiley/Novak

That Council waive the hall hire fees for the new committee, ILUKA COMMUNITY ORGANISATION PLANNING FOR EMERGENCIES INC.(ICOPE) for their bi-monthly community meetings in the Spencer Street Hall Iluka, for 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

VOTE BY EXCEPTION - 07.22.274

Novak/Whaites

That the following items be adopted as recommended:

07.22.274

07.22.279

07.22.282

07.22.284

07.22.285

07.22.286

07.22.287

07.22.289

07.22.291

07.22.293

08.22.008

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 07.22.274 GENERAL MANAGER'S PERFORMANCE AGREEMENT**

Meeting	Council	13 December 2022
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	A. Performance Agreement - General Manager (Confidential) B. LGMS Performance Review Facilitation Proposal (Confidential)	

SUMMARY

The report considers the General Manager's Performance Plan prepared in consultation with the Mayor.

OFFICER RECOMMENDATION

That:

1. The General Manager's Performance Agreement be noted.
2. The Mayor and General Manager sign the Performance.
3. Local Government Management Solutions be engaged to facilitate the biannual and annual performance reviews.

COUNCIL RESOLUTION - 07.22.274

Novak/Whaites

That:

1. **The General Manager's Performance Agreement be noted.**
2. **The Mayor and General Manager sign the Performance.**
3. **Local Government Management Solutions be engaged to facilitate the biannual and annual performance reviews.**
- 4.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.275 CR WHAITES - LGNSW ANNUAL CONFERENCE 2022

Meeting	Council	13 December 2022
Directorate	General Manager	
Attachments	Nil	

SUMMARY

Report at LGNSW Annual Conference 2022

OFFICER RECOMMENDATION

That Council note that information provided by Councillor Allison Whaites after attending the LGNSW Special Conference.

COUNCIL RESOLUTION - 07.22.275**Whaites/Novak**

That Council note that information provided by Councillor Allison Whaites after attending the LGNSW Special Conference.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.22.276 SUB2022/0017 - 38 LOT SUBDIVISION - 34 RESIDENTIAL LOTS, 1 COMMUNITY FACILITY LOT, 1 COMMUNITY GATHERING LOT AND 1 CHILDRENS PLAYGROUND - REQUEST TO WAIVE DEVELOPER CONTRIBUTIONS - 4 CAMERON STREET, YAMBA

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. SUB2022-0017 - Applicant's request to Waive Contributions 	
	B. DA83-407 - Consent and Council resolution 	

SUMMARY

<i>Applicant</i>	Ocean Park Consulting Pty Ltd
<i>Owner</i>	Birrigan Gargle Local Aboriginal Land Council
<i>Address</i>	4 Cameron Street, Yamba (being Lot 165 DP 751395, Lot 199 DP 729133 and Lot 182 DP 44782)

Council is in receipt of Development Application SUB2022/0017 which proposes a 38 Lot Residential subdivision including 34 Residential Lots, one (1) Community Facility lot, one (1) Community Gathering lot and one (1) Children's Playground lot at 4 Cameron Street, Yamba. The proposed development creates the new proposed lots in a Torrens title subdivision.

The proposal is part of the New South Wales Government "Roads to Homes" program, which is designed to provide better access to infrastructure and services for key Aboriginal communities across NSW.

This report is not to consider the entire development application, only the request from the Applicant to not impose developer contributions applicable to the creation of residential lots under this proposal. An assessment of the request and a recommendation for Council's consideration is detailed throughout the report.

OFFICER RECOMMENDATION

That Council resolve in accordance with Option 1, being:

1. Confirm credit for Developer Contributions to the buildings approved under Development Consent DA83/407, being 12 Equivalent Tenements (ETs) for the purposes of proposed subdivision under Development Application SUB2022/0017; and
2. Subject to determination of Development Application SUB2022/0017, require the Applicant to pay the shortfall of 22 ETs towards:
 - a. Section 7.11 Contributions under the *Environmental Planning and Protection Act 1979* and the Clarence Valley Council Contributions Plan 2011; and
 - b. Section 64 Sewer/Water Headwork charges as applicable under the *Local Government Act 1993* and the Water Directorate Guidelines.

MOTION

Clancy/Smith

That Council resolve in accordance with Option 1, being:

1. Confirm credit for Developer Contributions to the buildings approved under Development Consent DA83/407, being 12 Equivalent Tenements (ETs) for the purposes of proposed subdivision under Development Application SUB2022/0017; and
2. Subject to determination of Development Application SUB2022/0017, require the Applicant to pay the shortfall of 22 ETs towards:
 - a. Section 7.11 Contributions under the *Environmental Planning and Protection Act 1979* and the Clarence Valley Council Contributions Plan 2011; and
 - b. Section 64 Sewer/Water Headwork charges as applicable under the *Local Government Act 1993* and the Water Directorate Guidelines.

Voting recorded as follows

For: Johnstone, Pickering, Toms

Against: Clancy, Day, Novak, Smith, Tiley, Whaites

The Motion was put and declared LOST

COUNCIL RESOLUTION - 07.22.276

Tiley/Day

That Council approve credit for all developer contributions and sewer/water headworks charges for 34 residential allotments for the proposed subdivision under Development Application SUB2022/0017.

Voting recorded as follows

For: Clancy, Day, Novak, Tiley, Whaites

Against: Johnstone, Pickering, Smith, Toms

CARRIED

The Foreshadowed Motion was then considered and became the Council Resolution.







FORESHADOWED MOTION

Toms

That Council:

1. Confirm credit for developer contributions to the buildings approved under Development consent DA83/407, being 19 Equivalent Tenements (ETs) for the purposes of proposed subdivision under Development Application SUB2022/0017; and
2. Subject to determination of Development Application SUB2022/0017, require the Applicant to pay the shortfall of 15 ETs towards:
 - A. Section 7.11 contributions under the Environment Planning and Protection Act 1979 and the Clarence Valley Council Contributions Plan 2011;
 - B. Section 64 Sewer/Water Headwork charges as applicable under the Local Government Act 1993 and the Water Directorate Guidelines.

ITEM 07.22.277 MOD2022/0027 - MODIFICATION OF SUB2015/0034 – RECONFIGURATION OF LOTS, CREATION OF TWO ADDITIONAL LOTS AND AMEND ROADWORKS CONDITION - ELIZABETH STREET, ILUKA

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Development Planner, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. MOD2022-0027 - Notice of Determination  B. MOD2022-0027 - Approved Plan  C. MOD2022-0027 - Proposed Modified Plan  D. MOD2022-0027 - Submissions  E. MOD2022-0027 - Section 4.55 Report  F. MOD2022 0027 - Indicative Micalo Street Roadworks 	

SUMMARY

<i>Applicant</i>	Ocean Park Consulting Pty Ltd
<i>Owner</i>	Birrigan Gargle Local Aboriginal Land Council
<i>Address</i>	Elizabeth Street, Iluka being Lots 1, 2 and 3 DP 271283
<i>Submissions</i>	Yes – Six (6) against

Development application SUB2015/0034 approved a 141 Lot Community Title Subdivision (140 Residential Lots and 1 Community Lot). The application was determined by the Northern Regional Planning Panel (the Panel) at their meeting held 11 November 2019. The Notice of Determination issued is provided as **Attachment A** and the approved plan as **Attachment B**.

The applicant has lodged a Section 4.55 (1A) modification application in relation to amending the subdivision layout within the same footprint to allow for an additional two (2) lots and modify conditions relating to road upgrading. The proposed modified plan is provided as **Attachment C**.

The modification application was notified and advertised. Six (6) submissions were received during the exhibition period, the submissions are provided in **Attachment D**. The matters raised in the submissions are discussed under the Key Issues section of this report.

This modification application is not required to be reported back to the Panel for consideration (as per the Panel's operational procedures). Due to the public interest in the application it is being report to Council to determine.

This report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Accept the Section 4.55(1A) modification application MOD2022/0027 is substantially the same development as approved under SUB2015/0034; and
2. Approve the Section 4.55(1A) modification application, being MOD2022/0027 of SUB2015/0034, subject to the amended draft Advices and Conditions contained in Schedule 1.







Cr Clancy left the meeting at 2:50 pm. Cr Clancy returned to the meeting at 2:51 pm.

COUNCIL RESOLUTION - 07.22.277**Toms/Tiley****That Council:**

1. **Accept the Section 4.55(1A) modification application MOD2022/0027 is substantially the same development as approved under SUB2015/0034; and**
2. **Approve the Section 4.55(1A) modification application, being MOD2022/0027 of SUB2015/0034, subject to the amended draft Advices and Conditions contained in Schedule 1.**

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

ITEM 07.22.278 MOD2022/0068 - MODIFICATION OF DA2007/0884 FOR A SENIORS LIVING ESTATE - CHANGES TO MASTER PLAN AND INTERNAL LAYOUT INCLUDING CLUBHOUSE, ENTRANCE AND DWELLING DESIGNS - 2 ORION DRIVE, YAMBA

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<p>A. DA2007-0884 - Amended notice of determination </p> <p>B. MOD2021-0029 - Approved Plans </p> <p>C. MOD2022-0068 - Notification Plans (Separate Cover) </p> <p>D. MOD2022-0068 Submissions (Separate Cover) </p> <p>E. MOD2022-0068 - Proposed Restructured Consent (Draft) </p> <p>F. MOD2022-0068 - Section 4.55 Report </p>	

SUMMARY

<i>Applicant</i>	Palm Lake Works Pty Ltd
<i>Owner</i>	Palm Lake Resort Pty Ltd
<i>Address</i>	2 Orion Drive, Yamba (being lot 2 and 3 DP 833711)
<i>Submissions</i>	Yes – 57 submissions against

Development application DA2007/0884 for a Seniors Living Estate comprising 78 dwellings and Communal Facilities was determined by Council at its meeting on 11 December 2007 and recently modified by MOD2021/00029 by Council at its meeting on 16 November 2021 (item No 6b.21.084). The applicant lodged a Section 8.2 Review REV2021/0013 seeking a review of MOD2021/0029 as some of the matters that were requested to be changed under the modification were not addressed, this was resolved by Council at its meeting held 22 March 2022 (Item No 07.22.039). The modified Notice of Determination issued is provided as **Attachment A** and the modified approved plans as **Attachment B**.

The applicant has lodged a Section 4.55(2) modification application in relation to amending the approved masterplan within the same footprint. The key changes include altering the internal layout, the number of two (2) storey height dwellings, access location, clubhouse and landscaping. The proposed modified plan is provided as **Attachment C**.

The modification application was notified and advertised and 57 submissions were received during the exhibition period. A copy of the submissions is provided in **Attachment D**. The matters raised in the submissions are discussed under the Key Issues section of this report.

This modification application is reported to Council due to the application previously being determined by Council and the public interest in the application. This report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Accept the Section 4.55(2) modification application MOD2022/0027 is substantially the same development as approved under DA2007/0884; and
2. Approve the Section 4.55(2) modification application, being MOD2022/0068 of DA2007/0884, subject to the amended draft Advices and Conditions contained in Schedule 1 and restructured in accordance with Attachment E.

COUNCIL RESOLUTION - 07.22.278

Toms/Whaites

That Council:

- 1. Accept the Section 4.55(2) modification application MOD2022/0027 is substantially the same development as approved under DA2007/0884; and**
- 2. Approve the Section 4.55(2) modification application, being MOD2022/0068 of DA2007/0884, subject to the amended draft Advices and Conditions contained in Schedule 1 and restructured in accordance with Attachment E.**

Voting recorded as follows

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

Against: Clancy, Novak, Smith

CARRIED

ITEM 07.22.279 PREPARATION OF A PLANNING PROPOSAL TO RECLASSIFY LAND CONSISTING LOT 1 & 2 DP1270948 TO 'OPERATIONAL' LAND

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Confidential - Contract of Sale (Separate Cover) (Confidential)	

SUMMARY

This report seeks Council endorsement for the preparation of a planning proposal to reclassify Lot 1 and 2 DP1270948 from 'community' to 'operational' land at the Police Citizens Youth Club (PCYC) in Grafton. This is to complete a boundary adjustment and consolidation with Lot 21 DP712604 to enable the transfer of ownership of the land from Council to the PCYC commenced in 2019. PCYC manages the sporting complex on the lot.

OFFICER RECOMMENDATION

That Council:

1. Authorise and allocate funds for the preparation of a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* to amend Schedule 4 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) to reclassify Lot 1 and 2 DP1270948 from 'community' to 'operational' land and to secure an independent consultant to undertake a public hearing into the reclassification;
2. Delegate authority to the General Manager to:
 - (a) Execute all documentation associated with the local plan making functions;
 - (b) Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination;
 - (c) Seek to be the local plan-making authority;
3. In the event a Gateway determination is issued, publicly exhibit the planning proposal and engage an independent consultant to undertake a public hearing in accordance with legislative requirements, notifying Council intention to reclassify the land;
4. Subject to no submissions or objections being received requiring further consideration by Council:
 - (a) Finalise the CVLEP to reclassify the land as 'operational' land;
 - (b) Finalise consolidation of the lots with Lot 21 DP712604; and
 - (c) Transfer ownership of the resultant new land parcel to the Police Citizens Youth Club (PCYC) Grafton
5. Note that in the event submissions or objections regarding the reclassification are received during the hearing and exhibition process, a report will be brought back to Council for further consideration.
6. Note that the contract for sale includes a clause to ensure that if PCYC Grafton opt to dissolve ownership of the facility it will return to Council ownership.

COUNCIL RESOLUTION - 07.22.279

Novak/Whaites

That Council:

1. Authorise and allocate funds for the preparation of a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* to amend Schedule 4 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) to reclassify Lot 1 and 2 DP1270948 from 'community' to 'operational' land and to secure an independent consultant to undertake a public hearing into the reclassification;
2. Delegate authority to the General Manager to:
 - (a) Execute all documentation associated with the local plan making functions;
 - (b) Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination;
 - (c) Seek to be the local plan-making authority;

3. In the event a Gateway determination is issued, publicly exhibit the planning proposal and engage an independent consultant to undertake a public hearing in accordance with legislative requirements, notifying Council intention to reclassify the land;
4. Subject to no submissions or objections being received requiring further consideration by Council:
 - (a) Finalise the CVLEP to reclassify the land as 'operational' land;
 - (b) Finalise consolidation of the lots with Lot 21 DP712604; and
 - (c) Transfer ownership of the resultant new land parcel to the Police Citizens Youth Club (PCYC) Grafton
5. Note that in the event submissions or objections regarding the reclassification are received during the hearing and exhibition process, a report will be brought back to Council for further consideration.
6. Note that the contract for sale includes a clause to ensure that if PCYC Grafton opt to dissolve ownership of the facility it will return to Council ownership.
- 7.





Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.280 COUNCIL MANAGED HOLIDAY PARKS ON CROWN LAND

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Public Land/Native Title), Dr Danny Parkin	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Request to Classify Certain Crown Lands as Operational Land  B. CL Letter to CVC re Operational Classification Request  C. Council Managed Caravan Parks on Crown Reserves  D. CL Letter to CVC re Classification of Holiday Parks 	

SUMMARY

This report details Crown Lands' recent advice that Council is required to manage its holiday parks as if they were classified as 'community' land categorised as 'General Community Use' under the *Local Government Act 1993*.

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

1. Note the decision of the Department of Planning and Environment's Crown Lands Division that caravan parks can be managed as community land categorised as 'General Community Use' under the *Local Government Act 1993*.
2. Prepare a plan of management (PoM) encompassing the Woolli; Calypso Yamba; Iluka Riverside and Minnie Water holiday parks.

Cr Toms left the meeting at 3:09 pm. Cr Toms returned to the meeting at 3:09 pm.

COUNCIL RESOLUTION - 07.22.280

Pickering/Novak

That Council as Crown Land Manager:

1. Note the decision of the Department of Planning and Environment's Crown Lands Division that caravan parks can be managed as community land categorised as 'General Community Use' under the *Local Government Act 1993*.
2. Prepare a plan of management (PoM) encompassing the Woolli; Calypso Yamba; Iluka Riverside and Minnie Water holiday parks.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.281 NORTH COAST WASTE INVESTMENT REVIEW PROJECT

Meeting	Council	13 December 2022
Directorate	Environment & Planning	
Prepared by	Waste & Sustainability Coordinator, Ken Wilson	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	Nil	

SUMMARY

This report provides an overview and status update on the North Coast Regional Waste Investment Project and includes a recommendation from the Climate Change Advisory Committee related to Energy from Waste.

OFFICER RECOMMENDATION

That Council:

1. Note the status of the North Coast Waste Investment Review Project;
2. In considering the recommendation of the Climate Change Advisory Committee, notes it does not have a position on the merit of Waste from Energy technologies currently and therefore does not condemn the project under investigation.

COUNCIL RESOLUTION - 07.22.281

Clancy/Smith

That Council:

1. **Note the status of the North Coast Waste Investment Review Project;**
2. **In considering the recommendation of the Climate Change Advisory Committee, notes it does not have a position on the merit of Waste to Energy technologies currently.**
3. **Obtain additional information from staff in relation to North Coast Waste Investment Review.**

Voting recorded as follows

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

Against: Nil

CARRIED

FORESHADOWED MOTION

Toms

That Council:

1. Note the status of the North Coast Waste Investment Review Project;
2. In considering the recommendation of the Climate Change Advisory Committee, notes it does not have a position on the merit of Waste from Energy technologies currently and therefore does not condemn the project under investigation.

CORPORATE & GOVERNANCE**ITEM 07.22.282 COMMUNITY SATISFACTION SURVEY 2022**

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Director - Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

This report introduces the results of an independent 2022 Community Satisfaction Survey of 402 randomly selected residents of the Clarence Valley, undertaken by Taverner Research Group between 23 August to 1 September 2022 inclusive.

OFFICER RECOMMENDATION

That the Community Satisfaction Survey 2022 report be noted.

COUNCIL RESOLUTION - 07.22.282

Novak/Whaites

That the Community Satisfaction Survey 2022 report be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.283 CONFERENCE ATTENDANCE FOR 2023

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Karlie Chevalley	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. LGNSW Annual Conference - Media Release 2023 (Separate Cover)  B. National Forum - ACCA Registration Information Brochure (Separate Cover) 	

SUMMARY

The purpose of this report is to plan the attendance by Councillors to attend conferences being held in 2023.

OFFICER RECOMMENDATION

That Council

1. Nominate councillor(s) to attend the following conferences being held in 2023:
 - a. Joint Coast to Coast & NSW Coastal Conference 2023;
 - b. National General Assembly & Regional Forum;
 - c. Australian Local Government Women's Association Conference (ALGWA);
 - d. National Forum - Australian Coastal Councils Association Inc
 - e. LGNSW Annual Conference;
2. Nominate up to four (4) voting delegates to the LGNSW Annual Conference

COUNCIL RESOLUTION - 07.22.283

Novak/Clancy

That Council

1. **Nominate councillor(s) to attend the following conferences being held in 2023:**
 - a. **Joint Coast to Coast & NSW Coastal Conference 2023;**
 - b. **National General Assembly & Regional Forum;**
 - c. **Australian Local Government Women's Association Conference (ALGWA);**
 - d. **National Forum - Australian Coastal Councils Association Inc**
 - e. **LGNSW Annual Conference;**
2. **Nominate up to four (4) voting delegates to the LGNSW Annual Conference**

Voting recorded as follows

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

Against: Nil

CARRIED

MOTION

Johnstone/Day

That Council

1. Address attendance of the conferences at an upcoming workshop.
2. Nominate Councillor(s) to attend the National Forum - Australian Coastal Councils Association Inc

Voting recorded as follows

For: Day, Johnstone, Smith, Tiley

Against: Clancy, Novak, Pickering, Toms, Whaites

The Motion was put and declared LOST

COUNCIL RESOLUTION - 07.22.283a

Johnstone/Toms

That Council

- 1. Nominate the following councillor(s) to attend the following conferences being held in 2023:**
 - a. Joint Coast to Coast & NSW Coastal Conference 2023 – Cr Clancy**
 - b. National General Assembly & Regional Forum – Cr Tiley**
 - c. Australian Local Government Women's Association Conference (ALGWA) - Cr Whaites**
 - d. LGNSW Annual Conference- Crs Whaites, Pickering, Toms, Clancy, Tiley.**

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.22.283b

Day/Novak

That Council approve the four voting delegates for the LGNSW Annual Conference as Crs Pickering, Toms, Clancy, Tiley.

Voting recorded as follows

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

Against: Nil

CARRIED

POINT OF ORDER




Toms

Cr Toms called a Point of Order against Cr Johnstone during his debate.

Cr Toms: Not talking about the motion on the floor.

The Chair upheld the point of order calling on Cr Johnstone to redirect and continue his debate.

ITEM 07.22.284 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Karlie Chevalley	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Completed Checklist Items (Separate Cover) 	
	B. Outstanding checklist (Separate Cover) 	
	C. Rolling Checklist from 2019-2021 (Separate Cover) 	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.22.284

Novak/Whaites

That the schedule of actions taken 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 07.22.285 ITEMS FOR INFORMATION

Meeting	Council	13 December 2022
Directorate	General Manager	
Attachments	A. Access Committee Minutes: 17 August 2022 (Separate Cover)  B. Access Committee Minutes: 21 September 2022 (Separate Cover)  C. Access Committee Minutes: 19 October 2022 (Separate Cover)  D. Climate Change Committee Minutes: 27 October 2022 (Separate Cover)  E. Ewingar Hall Committee Minutes: 1 November 2022 (Separate Cover)  F. Biodiversity Advisory Committee Minutes: 11 October 2022 (Separate Cover)  G. Community & Cultural Committee Minutes: 16 August 2022 (Separate Cover)  H. Community & Cultural Committee Minutes: 18 October 2022 (Separate Cover)  I. Water Efficiency Working Group Minutes: 24 November 2022 (Separate Cover) 	

SUMMARY

Committee minutes attached are for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

- Access Committee Meeting Minutes: 17 August 2022
- Access Committee Meeting Minutes: 21 September 2022
- Access Committee Meeting Minutes: 19 October 2022
- Climate Change Committee Meeting Minutes: 27 October 2022
- Ewingar Hall Committee Meeting Minutes: 1 November 2022
- Biodiversity Advisory Committee Meeting Minutes: 11 October 2022
- Community and Cultural Committee Meeting Minutes: 16 August 2022
- Community and Cultural Committee Meeting Minutes: 18 October 2022
- Water Efficiency Works Group Meeting Minutes: 24 November 2022

COUNCIL RESOLUTION - 07.22.285

Novak/Whaites

That the Items for Information as listed below be noted:

- **Access Committee Meeting Minutes: 17 August 2022**
- **Access Committee Meeting Minutes: 21 September 2022**
- **Access Committee Meeting Minutes: 19 October 2022**
- **Climate Change Committee Meeting Minutes: 27 October 2022**
- **Ewingar Hall Committee Meeting Minutes: 1 November 2022**
- **Biodiversity Advisory Committee Meeting Minutes: 11 October 2022**
- **Community and Cultural Committee Meeting Minutes: 16 August 2022**
- **Community and Cultural Committee Meeting Minutes: 18 October 2022**
- **Water Efficiency Works Group Meeting Minutes: 24 November 2022**



Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.286 POLICY REPORT

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Contaminated Land Policy V6.0 	
	B. Affixing the Council Seal Policy V2.0 	

SUMMARY

This report asks that Council place one (1) policy on exhibition and that Council adopt one (1) policy.

OFFICER RECOMMENDATION

That Council:

1. Place the Contaminated Land Policy V6.0 (Attachment A) on exhibition and, subject to no submissions being received that change the intent of the policy, that it be adopted.
2. Adopt the Affixing the Council Seal Policy V2.0 (Attachment B).

COUNCIL RESOLUTION - 07.22.286

Novak/Whaites

That Council:

1. Place the Contaminated Land Policy V6.0 (Attachment A) on exhibition and, subject to no submissions being received that change the intent of the policy, that it be adopted.
2. Adopt the Affixing the Council Seal Policy V2.0 (Attachment B).


Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.287 MONTHLY INVESTMENT REPORT - NOVEMBER 2022

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - Nov 2022 	

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 November 2022 be noted.

COUNCIL RESOLUTION - 07.22.287

Novak/Whaites

That the report indicating Council's funds investment position as at 30 November 2022 be noted.



Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.288 2022/2023 MONTHLY FINANCE REPORT - NOVEMBER 2022

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. 2022/23 Monthly Income & Expenditure Summary Statements By Service - November 2022 	
	B. Monthly Grant Application Summary - November 2022 	

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all funds and provide advance notice of potential budget variations. This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements.

Budget variations identified in this report are fully grant funded and as such do not impact the General Fund end of year result, nor the balance of our Financial Reserves.

OFFICER RECOMMENDATION

That Council:

1. Note the monthly financial information report for November 2022 attached to this report.
2. Endorse the proposed variations, which do not impact the general fund end of year result nor the balance of our financial reserves, for inclusion in the December Quarterly Budget Review Statement to be reported in February 2023.
3. Note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.22.288

Tiley/Whaites

That Council:

1. **Note the monthly financial information report for November 2022 attached to this report.**
2. **Endorse the proposed variations, which do not impact the general fund end of year result nor the balance of our financial reserves, for inclusion in the December Quarterly Budget Review Statement to be reported in February 2023.**
3. **Note and endorse the grant applications as identified in Attachment B.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.289 2022/2023 COMMUNITY INITIATIVES PROGRAM - ROUND 2

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Community Projects Officer (Community Grants), Sammy Lovejoy	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. CIP R2 Recommendations 	

SUMMARY

This report summarises the assessment of applications received from community organisations for a donation from Council as part of the 2022/2023 Community Initiatives Program - Round 2.

OFFICER RECOMMENDATION

That Council approve donations under the 2022/2023 Community Initiatives Program – Round 2 to the value of \$15,657.80 in accordance with the recommendations set out in the attached schedule.

COUNCIL RESOLUTION - 07.22.289

Novak/Whaites

That Council approve donations under the 2022/2023 Community Initiatives Program – Round 2 to the value of \$15,657.80 in accordance with the recommendations set out in the attached schedule.



Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.290 YAMBA COMMUNITY PRECINCT PROJECT

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Yamba Community Precinct Survey response report  B. Yamba Precinct Project community feedback 	

SUMMARY

This report provides an update on the community engagement activities conducted with Yamba community to inform Council decision making for the future direction of the Yamba Community Precinct Project. The report also provides a proposed funding plan to support the successful delivery of this project.

OFFICER RECOMMENDATION

That Council:

1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project;
2. Endorse the proposed funding strategy Option 1, with confirmation to be reported at the time of awarding the contract.

COUNCIL RESOLUTION - 07.22.290

Clancy/Novak

That Council

1. Investigate a contract variation with the current design contract for the detailed design of Option B.
2. Allocate expenditure to date in design of Yamba Community Precinct (Option A) totalling \$ 728,818 to the General Fund as a deficit.
3. Retain the Woolli Street Hall.

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Smith, Tiley

Against: Pickering, Toms, Whaites

CARRIED

FORESHADOWED MOTION

Toms

That Council:

1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project.
2. Endorse the proposed funding strategy Option 1, with confirmation to be reported at the time of awarding the contract.
3. Notes option 1 does not include selling the Woolli Street Hall site.

ITEM 07.22.291 CLARENCE VALLEY CULTURAL AND COMMUNITY PRECINCT PROJECT UPDATE

Meeting	Council	13 December 2022
Directorate	Corporate & Community	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

The purpose of this report is to provide Council with an update for the Clarence Valley Cultural and Community Precinct project.

OFFICER RECOMMENDATION

That Council:

1. Note project progress as detailed in the report.
2. Proceed with a two-stage selective tender for construction of the Clarence Valley Cultural and Community Precinct at Maclean.
3. Receive a report seeking approval of the successful tenderer by March 2023.

COUNCIL RESOLUTION - 07.22.291

Novak/Whaites

That Council:

1. Note project progress as detailed in the report.
2. Proceed with a two-stage selective tender for construction of the Clarence Valley Cultural and Community Precinct at Maclean.
3. Receive a report seeking approval of the successful tenderer by March 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION

Day/Novak

That Council adjourn until 4:15pm.

Voting recorded as follows

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

Against: Nil

CARRIED

The meeting recommenced at 4:14pm.

WORKS & CIVIL**ITEM 07.22.292 GRAFTON OLYMPIC POOL - EXPRESSION OF INTEREST**

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Senior Parks & Recreation Officer, Rachelle Passmore	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report provides an update on the items in Council Resolution 07.22.193 regarding the Regional Aquatic Centre (Grafton Olympic Pool) upgrade.

OFFICER RECOMMENDATION

That Council:

1. Permanently close the current Regional Aquatic Centre upon completion of the current use of the water slide.
2. Delegate authority to the General Manager to nominate suitable entities through the Expressions of Interest process to advance to the select tender.
3. Receive a report on the outcome and recommendation at the conclusion of the select tender process.
4. Nominate a Councillor representative to be a member of the community focus group for the duration of the project.
5. Invite a representative from the following entities and groups to be part of the community focus group:
 - Soyuvu Pty Ltd (pool managers for many years).
 - Swim Club, nominated by the collective groups.
 - NSW Department of Education representing Grafton and surrounding schools.
6. Receive project progress reports on its most significant capital project in its six monthly Delivery Program reports.

COUNCIL RESOLUTION - 07.22.292**Toms/Pickering**

That Council:

1. **Close the Grafton Olympic Pool upon completion of the current use of the water slide.**
2. **Delegate authority to the General Manager to nominate suitable entities through the Expressions of Interest process to advance to the select tender.**
3. **Receive a report on the outcome and recommendation at the conclusion of the select tender process.**
4. **Nominate a Councillor representative to be a member of the community focus group for the duration of the project.**
5. **Prepare a Terms of Reference (ToR) for the Community Focus Group.**
6. **Invite a representative from the following entities and groups to be part of the community focus group:**
 - **Soyuvu Pty Ltd (pool managers for many years).**
 - **Swim Club, nominated by the collective groups.**
 - **NSW Department of Education representing Grafton and surrounding schools.**
7. **Receive project progress reports on its most significant capital project in its six monthly Delivery Program reports.**

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.22.292a

Toms/Novak

That Cr Whaites be the Councillor representative for the Community Focus Group for the duration of the project.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 07.22.293 BROOMS HEAD HOLIDAY PARK PACKAGED SEWAGE TREATMENT PLANT
TENDER - ON CROWN LAND**

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report is seeking Council's delegation to the General Manager to accept open tenders for the re-tender of the new packaged sewage treatment plant at the Brooms Head Holiday Park to facilitate project timeframes and update progress on the project.

OFFICER RECOMMENDATION

1. That Council under S377 of the Local Government Act, delegate to the General Manager to accept tenders for the new packaged sewage treatment plant at the Brooms Head Holiday Park.
2. That the outcome of the tender be reported to the February Ordinary Meeting.

COUNCIL RESOLUTION - 07.22.293

Novak/Whaites

That

1. **Council Under S377 of the Local Government Act, delegate to the General Manager to accept tenders for the new packaged sewage treatment plant at the Brooms Head Holiday Park.**
2. **The outcome of the tender be reported to the February Ordinary Meeting.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.294 ALCOHOL PROHIBITED AREA - GROOVE IN THE GRASS MUSIC EVENT

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	

SUMMARY

The 'Groove in the Grass' Music Event is scheduled to take place on 28 January 2023 at Market Square and will permit the sale and consumption of alcohol as part of the event. Market Square is an alcohol prohibited area (at all times) and approval of the sale and consumption of alcohol within the parks requires the temporary revoking of the restriction for the duration of the event.

OFFICER RECOMMENDATION

That Council temporarily revoke the alcohol prohibition area at Market Square for the Groove in the Grass Music Event from 5:00pm – 11.00pm on Saturday 28 January 2023.

COUNCIL RESOLUTION - 07.22.294

Smith/Pickering

That Council temporarily revoke the alcohol prohibition area at Market Square for the Groove in the Grass Music Event from 5:00pm – 11.00pm on Saturday 28 January 2023.



Voting recorded as follows

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

Against: Clancy

CARRIED

ITEM 07.22.295 WOLOWEYAH FORESHORE RESERVE SITE MANAGEMENT PLAN - ON CROWN LAND

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Wooloweyah Foreshore Reserve Vegetation Management Plan 	
	B. Summary of Submissions - Initial Consultation 	

SUMMARY

Council resolved at its November Ordinary Council Meeting (OCM) to defer consideration of this item to allow additional information in relation to community consultation carried out in preparation of the draft Site Management Plan at the Wooloweyah Foreshore Reserve.

This report is recommending Council reach a position on the location of rock bollards in the vicinity of the rock platform used for launching and retrieval of commercial fishing boats from the reserve.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the Wooloweyah Foreshore Reserve R95841:

1. Note the consultation undertaken to date for the Site Management Plan.
2. As an interim action, move the rock bollards in alignment with the property boundary between Lot 102 DP 1003014 and Lot 103 DP 1003014 to provide commercial fishers with an area suitable to stage activities.
3. Advise any commercial users of the reserve that they need to seek appropriate licenses from NSW Crown lands for the use of the reserve for that activity.

COUNCIL RESOLUTION - 07.22.295

Toms/Novak

That Council defer the Wooloweyah Foreshore Reserve Site Management Plan on Crown Land, pending a site visit by Councillors and Staff.


Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.296 FLOOD RECOVERY AND RESILIENCE UPDATE

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Manager Civil Services, Devin Simpson	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Making the impossible possible – saving the town of Maclean in the March 2022 flood 	

SUMMARY

This report provides a summary on Council's current combined disaster recovery status from the March 2021 and February 2022 flood events, and how additional Category D funding is being applied to develop flood resilience and improved storm water strategies.

OFFICER RECOMMENDATION

That Council note the status of the flood recovery following the March 2021 and February 2022 flood events as detailed in this report.

COUNCIL RESOLUTION - 07.22.296

Pickering/Novak

That Council note the status of the flood recovery following the March 2021 and February 2022 flood events as detailed in this report.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.297 CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES - FUNDING

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Parks & Recreation Officer, Gavin Beveridge	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Minutes - Clarence Sports Committee - Monday 14 November 2022  B. Minutes - Lower Clarence Sports Committee - Monday 14 November 2022 	

SUMMARY

This report provides a copy of the minutes of the meetings and recommendations from the Clarence and Lower Clarence Sports Committees held on Monday 14 November 2022 for consideration.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the Minutes from Monday 14 November 2022 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. Endorse the recommendation by the Clarence Sports Committee that \$3,530.90 (ex GST) is allocated to the Coutts Crossing Croquet Club for Restoration of Croquet Playing Surface at Wajard Park.
3. Endorse the recommendation by the Clarence Sports Committee that \$1,000.00 (ex GST) is allocated to the Junction Hill Tennis Club for Drainage Works to Tennis Courts at Junction Hill Tennis Courts.
4. Endorse the recommendation by the Lower Clarence Sports Committee that \$2,423.00 (ex GST) is allocated to the Lawrence Golf and Sports Club for Topdressing, Drainage and Access to Croquet Courts at Lawrence Sportsground.
5. Endorse the recommendation by the Lower Clarence Sports Committee that \$2,490.35 (ex GST) is allocated to the Big River Sailing Club for Riverbank Stabilisation at Big River Sailing Club.
6. Endorse the recommendation by the Lower Clarence Sports Committee that \$1,011.82 (ex GST) is allocated to the Yamba Football Club for Yamba Sports Complex Football Facilities at Ngayundi Yamba Sports Complex.
7. Accept and endorse the nomination for membership to the Clarence Sports Committee from Bush n Beach Orienteering and Big River Canoe Club.

COUNCIL RESOLUTION - 07.22.297

Novak/Whaites

That Council:



1. **Receive and note the Minutes from Monday, 14 November 2022 Clarence Sports Committee and Lower Clarence Sports Committee meetings.**
2. **Endorse the recommendation by the Clarence Sports Committee that \$3,530.90 (ex GST) is allocated to the Coutts Crossing Croquet Club for Restoration of Croquet Playing Surface at Wajard Park.**
3. **Endorse the recommendation by the Clarence Sports Committee that \$1,000.00 (ex GST) is allocated to the Junction Hill Tennis Club for Drainage Works to Tennis Courts at Junction Hill Tennis Courts.**
4. **Endorse the recommendation by the Lower Clarence Sports Committee that \$2,423.00 (ex GST) is allocated to the Lawrence Golf and Sports Club for Topdressing, Drainage and Access to Croquet Courts at Lawrence Sportsground.**
5. **Endorse the recommendation by the Lower Clarence Sports Committee that \$2,490.35 (ex GST) is allocated to the Big River Sailing Club for Riverbank Stabilisation at Big River Sailing Club.**
6. **Endorse the recommendation by the Lower Clarence Sports Committee that \$1,011.82 (ex GST) is allocated to the Yamba Football Club for Yamba Sports Complex Football Facilities at Ngayundi Yamba Sports Complex.**
7. **Accept and endorse the nomination for membership to the Clarence Sports Committee from Bush n Beach Orienteering and Big River Canoe Club.**

Voting recorded as follows

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

CARRIED

ITEM 07.22.298 LOCAL TRAFFIC COMMITTEE

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes 29.11.22 (Separate Cover) 	
	B. 036.22 Hogues Lane Maclean - Intersection Upgrade (Separate Cover) 	

SUMMARY

This report lists the recommendations made by the Local Traffic Committee on the 29 November, after the circulation of two out of meeting reports.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee determined on the 29 November 2022 via circulation online, be adopted by Council.

COUNCIL RESOLUTION - 07.22.298

Clancy/Whaites

That the recommendations of the Local Traffic Committee determined on the 29 November 2022 via circulation online, be adopted by Council.

Voting recorded as follows

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

Against: Nil

CARRIED

7. CONFIDENTIAL BUSINESS

ITEM 08.22.008 EXPRESSIONS OF INTEREST REGULAR PASSENGER TRANSPORT SERVICE - CLARENCE VALLEY REGIONAL AIRPORT

Meeting	Council	13 December 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. FlyPelican EOI Response (Confidential) B. FlyPelican RPT EOI Amendment - Triangulated GFN - SYD (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) (d(i)) The report contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it</i>	

COUNCIL RESOLUTION - 08.22.008**Novak/Whaites**

That Council not proceed with the Expressions of Interest from FlyPelican to operate a regular passenger service from Clarence Valley Regional Airport.

Voting recorded as follows

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

Against: Nil

CARRIED**COUNCIL RESOLUTION****Johnstone/Smith**

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

08.22.009 Bulk Raw Water Supply Agreement - 10A(2) (c) *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*

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 08.22.009 BULK RAW WATER SUPPLY AGREEMENT

Meeting	Council	13 December 2022
Directorate	General Manager	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	<p>A. Bulk Raw Water Supply Agreement, February 2004 (Confidential)</p> <p>B. Agreement for return flow from Karangi to CVC, 4 June 2008 (Confidential)</p> <p>C. Email exchange between General Managers - 9 Nov to 14 Nov 2022 (Confidential)</p> <p>D. Karangi Dam Licence (30SL051671) conditions (Confidential)</p> <p>E. Karangi Dam Licence (30SL051671) history (Confidential)</p> <p>F. Office of Water email to councils 2014</p> <p>G. Email exchange between General Managers - 25 Nov to 28 Nov 2022 (Confidential)</p> <p>H. Correspondence from Mayor Tiley to Mayor Amos - 23 November 2022 (Confidential)</p> <p>I. Response from Mayor Amos to Mayor Tiley - 28 Nov 2022 (Confidential)</p> <p>J. Email CHCC former management to CVC April 2021</p>	

CONFIDENTIAL

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) (c) 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

COUNCIL RESOLUTION - 08.22.009**Johnstone/Novak****That**

- 1. The dispute resolution procedures in accordance with Schedule 10 of the Bulk Raw Water Supply Agreement be commenced regarding the return water from Karangi Dam to Clarence Valley Council.**
- 2. Council vary the capital budget by \$1,000,000 to undertake capital works to address the temporary filtration works at the Rushforth Road Water Treatment Plant and that this be funded from the Water Fund.**
- 3. Council vary the operational budget to resource the implementation of the works required at Rushforth Road Water Treatment Plant and that this be funded from the Water fund.**

Voting recorded as follows

For: Clancy, Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, 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 4:49pm.



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