

# Ordinary Council Meeting

## Minutes

Maclean - 19 December 2023 - 3:00pm





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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, 19 December 2023 commencing at 3:00pm and closing at 7.41pm.**

**AFFIRMATION** – Cr Greg Clancy 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 Bill Day 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.

**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 – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Michelle West & Janelle Hale)

**2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**3. DISCLOSURES AND DECLARATIONS OF INTEREST**

CR STEVE PICKERING	07.23.228	<ul style="list-style-type: none"> <li>▪ NON-SIGNIFICANT NON-PECUNIARY – REMAIN IN THE MEETING</li> <li>▪ VOLUNTEER WITH RFS</li> </ul>
CR PETER JOHNSTONE	07.23.228	<ul style="list-style-type: none"> <li>▪ NON-SIGNIFICANT NON-PECUNIARY – REMAIN IN THE MEETING</li> <li>▪ VOLUNTEER WITH RFS</li> </ul>

**4. CONFIRMATION OF MINUTES****COUNCIL RESOLUTION**

**Tiley/Pickering**

**That the Minutes of Ordinary Meeting of Council dated 28 November 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**

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**CARRIED**

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**LATE ITEMS OF BUSINESS****COUNCIL RESOLUTION****Toms/Whaites**

**That the late item of business 10.23.003 Australian Local Government Women's Association Conference Attendance be accepted.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**COUNCIL RESOLUTION****Novak/Whaites**

**That the confidential late item 08.23.010 Former Grafton Gaol be accepted.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**5. MAYORAL MINUTES****ITEM 05.23.013 MAYORAL MINUTE  
GRAFTON BASE HOSPITAL REDEVELOPMENT**

<b>Meeting</b>	Council	19 December 2023
<b>Submitted by</b>	Cr Peter Johnstone	
<b>Attachments</b>	Nil	

**SUMMARY**

An updated Clarence River Flood Model was adopted by Council at the October 2023 Ordinary meeting. This has resulted in an increase of the probable maximum flood level (PMF) across parts of the Clarence Valley, including Grafton.

In response, NSW Health Infrastructure has advised that as it works to understand any impact of the updated flood model on the Grafton Base Hospital redevelopment project, consultation with staff, local community and stakeholders has been temporarily paused.

**PROPOSED MOTION**

That Council:

1. write to the NSW Premier, the Hon. (Chris) Christopher Minns, MP and the Hon. Ryan Park MP, Minister for Health and Minister for Regional Health:
  - a. seeking an urgent meeting to confirm that the redevelopment of the Grafton Base Hospital will proceed as planned and that the redevelopment remains a priority for the NSW Government,
  - b. confirming Clarence Valley Council and the local community's strong support for the proposed redevelopment.
  - c. thanking the NSW Government for their ongoing commitment to improving health services in the Clarence Valley
2. write to the State Member for Clarence, Richie Williamson MP:
  - a. advising of Council's and the community's concerns about the "project pause"
  - b. providing a copy of the letter to the NSW Government for their information.
3. write to the Federal Member for Page, Kevin Hogan MP advising of the situation.

**COUNCIL RESOLUTION - 05.23.013**

**That Council**

1. **write to the NSW Premier, the Hon. (Chris) Christopher Minns, MP and the Hon. Ryan Park MP, Minister for Health and Minister for Regional Health:**
  - a. seeking an urgent meeting to confirm that the redevelopment of the Grafton Base Hospital will proceed as planned and that the redevelopment remains a priority for the NSW Government,**
  - b. confirming Clarence Valley Council and the local community's strong support for the proposed redevelopment.**
  - c. thanking the NSW Government for their ongoing commitment to improving health services in the Clarence Valley**
2. **write to the State Member for Clarence, Richie Williamson MP:**
  - a. advising of Council's and the community's concerns about the "project pause"**
  - b. providing a copy of the letter to the NSW Government for their information.**
3. **write to the Federal Member for Page, Kevin Hogan MP advising of the situation.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



**6. NOTICES OF MOTION****ITEM 06.23.017 NOTICE OF MOTION  
MACLEAN COURT HOUSE**

<b>Meeting</b>	Council	19 December 2023
<b>Submitted by</b>	Cr Debrah Novak	
<b>Attachments</b>	Nil	

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

**SUMMARY**

Without notice the NSW Government has closed down the Maclean Courthouse with the exception of four court sitting days per month.

This has restricted services and justice for many people living in the local area of the Lower Clarence who will now have to incur costs to travel to either Grafton or go online for their legal answers.

This closure also places undue stress and workloads on local solicitors who are now acting as 'front of house' for Maclean Court House services because they are closed most of the time.

Solicitors can't access files for their court cases prior to sitting days, waiting times have increased for information, advice for domestic violence victims is restricted, elderly are disadvantaged due to travel costs and face to face

The Maclean Court House has just finished a yearlong refurbishment program to be shut down to just four sitting days per month.

**PROPOSED MOTION**

That Council write to Clarence State MP Richie Williamson and ask him to advocate to the NSW Attorney General Michael Daley for the reopening of the Maclean Court House to its previous five days a week.

**COUNCIL RESOLUTION - 06.23.017**

**Novak/Tiley**

**That Council advocate to the NSW Attorney General Michael Daley for the reopening of the Maclean Court House to its previous 5 day per week**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



**ITEM 06.23.018 NOTICE OF MOTION  
CHRISTMAS DECORATIONS**

<b>Meeting</b>	Council	19 December 2023
<b>Submitted by</b>	Cr Debrah Novak	
<b>Attachments</b>	Nil	

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

**SUMMARY**

Christmas bells, tinsel, reindeers, and fairy lights have started appearing across many front yards of Clarence Valley.

For the past seven years the same question has been asked by our community where are the CBD Christmas lights and whose job is it to organise the tree and tinsel.

This Notice of Motion is an official attempt to establish a set of guidelines for those interested in lighting up their CBD any time of the year.

**PROPOSED MOTION**

That Council

1. call for an Expression of Interest (EOI) from interested stakeholders to participate in a focus group to establish a set of guidelines for main street Christmas Decorations across the Clarence Valley.
2. call for an Expression of Interest (EOI) from interested stakeholders who would like to officially partner with Clarence Valley Council to fund Christmas decorations across the Clarence Valley.
3. place this matter on CVC's online discussion portal Clarence Conversations for ideas and feedback till March 2024
4. appoint a Councillor to be the delegate on this focus group.
5. bring this matter back to a Council workshop in April 2024.
6. bring a report back to Council no later than April 2024 General Council meeting.

**MOTION**

Novak/Whaites

That Council

1. call for an Expression of Interest (EOI) from interested stakeholders to participate in a focus group to establish a set of guidelines for main street Christmas Decorations across the Clarence Valley.
2. call for an Expression of Interest (EOI) from interested stakeholders who would like to officially partner with Clarence Valley Council to fund Christmas decorations across the Clarence Valley.
3. place this matter on CVC's online discussion portal Clarence Conversations for ideas and feedback till March 2024
4. appoint a Councillor to be the delegate on this focus group.
5. bring this matter back to a Council workshop in April 2024.
6. bring a report back to Council no later than April 2024 General Council meeting.

Voting recorded as follows

For: Nil

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

The Motion was put and declared LOST

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**COUNCIL RESOLUTION - 06.23.018**

**Toms/Whaites**

**Defer until February 2024 to discuss the possibility of being included in the Operational funding 2024/2025**

**Voting recorded as follows**

**For: Clancy, Novak, Pickering, Smith, Toms, Whaites**

**Against: Day, Johnstone, Tiley**

**CARRIED**

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**VOTE BY EXCEPTION - 07.23.230**

**Toms/Day**

**That the following items be adopted as recommended:**

**07.23.230**

**07.23.231**

**07.23.232**

**07.23.235**

**07.23.236**

**07.23.237**

**07.23.239**

**07.23.240**

**07.23.246**

**07.23.247**

**07.23.248**

**07.23.251**

**07.23.252**

**07.23.253**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**7. REPORTS****OFFICE OF THE GENERAL MANAGER****ITEM 07.23.226 LGNSW ANNUAL CONFERENCE 2023**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	General Manager	
<b>Prepared by</b>	Cr Steve Pickering; Cr Allison Whaites; Cr Karen Toms; Cr Greg Clancy	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

The report is tabled in accordance with item 6.7.5 of the Councillor Expenses and Facilities Policy.

**OFFICER RECOMMENDATION**

That Council note the information provided by Cr Allison Whaites, Cr Karen Toms, Cr Steve Pickering and Cr Clancy after attending the 2023 Local Government Annual Conference.

**COUNCIL RESOLUTION - 07.23.226****Pickering/Whaites****That Council note**

1. the information provided by Cr Allison Whaites, Cr Karen Toms, Cr Steve Pickering and Cr Greg Clancy after attending the 2023 Local Government Annual Conference.
2. that in addition to those mentioned as approved to attend, Cr Greg Clancy and Cr Ian Tiley were also approved to attend.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

## ENVIRONMENT &amp; PLANNING

**ITEM 07.23.227 DA2020/0729 - 86 LOT SUBDIVISION AND RETAIL PREMISES INCLUDING SHOPS AND FOOD AND DRINK PREMISES (PUB) - BROOMS HEAD ROAD, GULMARRAD**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Acting Coordinator Development Services, James Hamilton	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2020-0729 - Proposed Plans (Separate Cover) <a href="#">⇒</a> B. DA2020-0729 - Biodiversity Development Assessment Report (Separate Cover) <a href="#">⇒</a> C. DA2020-0729 - Revised Engineering Services Report (Separate Cover) <a href="#">⇒</a> D. DA2020-0729 - Original Statement of Environmental Effects (Separate Cover) <a href="#">⇒</a> E. DA2020-0729 - Combined Submissions (first notification) (Separate Cover) <a href="#">⇒</a> F. DA2020-0729 - Combined Submissions (second notification) (Separate Cover) <a href="#">⇒</a> G. DA2020-0729 - Response from Coffs Clarence Police District (Confidential) H. DA2020-0729 - Section 4 15 Assessment (Separate Cover) <a href="#">⇒</a> I. DA2020-0729 - Draft Schedule of Advices and Conditions (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Newton Denny Chapelle
<i>Owner</i>	Allycass Developments Pty Ltd
<i>Address</i>	Brooms Head Road GULMARRAD NSW 2463 being Lot 1 DP 1199142
<i>Submissions</i>	First Round – 21 submissions (seventeen against and four in favour) Second Round – 10 submissions (eight against and two in favour)

Development Application DA2020/0259 seeks approval for an 86 lot subdivision and retail premises including shop and food and drink premises (pub) at Brooms Head Road, Gulmarrad being Lot 1 DP 1199142.

The proposed development was advertised and notified in accordance with the Community Participation Plan on two (2) occasions. A total of 31 submissions were received during the exhibition period for the proposal which raised concerns regarding the impacts to the environment, amenity, the suitability of the development and inadequate services being available. 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

1. support a variation to Clause F2 Number of Car Parking Spaces of the Business Zones Development Control Plan 2011 to accept a shortfall of 114 car spaces.
2. approve Development Application DA2020/0729 subject to the draft Advices and Conditions contained in Attachment I.

**POINT OF ORDER**

Clancy

Cr Clancy directed to Cr Toms "I believe it's getting too personal, directing at me. I think we need to talk about the arguments not the person.

The Chair upheld the point of order and requested Cr Toms speak to the matter only.

**COUNCIL RESOLUTION - 07.23.227**

**Toms/Day**

**That Council**

- 1. support a variation to Clause F2 Number of Car Parking Spaces of the Business Zones Development Control Plan 2011 to accept a shortfall of 114 car spaces.**
- 2. approve Development Application DA2020/0729 subject to the draft Advices and Conditions contained in Attachment I, and replace Condition 76 as follows:**

***Prior to the issue of any Construction Certificate, parking area plans shall be submitted detailing:***

  - a) The adequacy of parking, car parks, driveways and vehicular accesses for the development is to be demonstrated by the submission of standard scale plans with manoeuvring paths shown in accordance with AS2890. This must clearly demonstrate that the parking area will function as intended.***
  - b) Provision of suitable power supply to be provided to a minimum of six (6) car parking spaces to enable future dedicated Electric Vehicle (EV) parking and recharging.***
  - c) Provision of required accessible parking spaces to service the development are to be located to provide access to all destinations of the development including the open space, pub and retail premises.***
  - d) Provision of a minimum of three (3) long vehicle parking spaces be provided on-street adjacent to Commercial Lot 85 to accommodate an anticipated demand for trailer and caravan parking. The spaces should be in accordance with AS 2890:2020 Parking Facilities, Part 5: On-street Parking, and should provide safe pedestrian access to the development.***

***The parking area plans are to be submitted and approved by Council.***

**Voting recorded as follows**

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

**Against: Clancy**

**CARRIED**

**ITEM 07.23.228 DA2023/0627 - GRAFTON FIRE CONTROL CENTRE - NO. 419 AIRPORT ROAD, GLENUGIE - NOTICE OF NORTHERN REGIONAL PLANNING PANEL**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner (Systems), Carmen Landers	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2023-0627 - Panel Assessment Briefing Report (Separate Cover) <a href="#">⇒</a> B. DA2023-0627 - Plans (Separate Cover) <a href="#">⇒</a> C. DA2023-0627 - Combined Submissions (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Shihui Song C/- NSW Public Works
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	419 Airport Road, Glenugie – Lot 1 DP1192555
<i>Submissions</i>	Four (4) Submissions

Council received Development Application DA2023/0627 for the construction of the Grafton Fire Control Centre at the Grafton Airport site located at No. 419 Airport Road, Glenugie. The development application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for this application.

The purpose of this report is to advise Council that the development application will be scheduled by the Panel for determination around the 20<sup>th</sup> February 2024. An elected Council may make a submission on a Development Application to be determined by the Panel up to seven days before the Panel meeting and may speak to this submission at the public determination meeting.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel Operation Procedures and the Panel determination date, only the Council Assessment Briefing Report to the Panel is attached to this report for information purposes (**Attachment A**).

**OFFICER RECOMMENDATION**

That the items for Information as listed below be noted

1. a public meeting for DA2023/0627 will be scheduled by the Northern Regional Planning Panel for 20 February 2024.
2. a Council resolution is required should Council wish to make a submission in relation to DA2023/0627 to the Northern Regional Planning Panel.

**COUNCIL RESOLUTION - 07.23.228**

**Tiley/Clancy**

**That Council**

1. note that a public meeting for DA2023/0627 will be scheduled by the Northern Regional Planning Panel for 20 February 2024.
2. make a submission on the matter to the panel strongly supporting the provision of the fire control centre on Council provided land at Clarence Valley Airport
3. request NSW Public Works name the facility the Clarence Valley Fire Control Centre as it will become a Valley wide facility

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**ITEM 07.23.229 MOD2023/0092 - MODIFICATION OF DA2014/0214 TO AMEND CONDITON 7 TO ENABLE SERVICE OF LIQUOR FROM ROOF TOP AREA OF THE MOTEL - 2 QUEEN STREET, YAMBA**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Development Planner, Patrick Ridgway	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. MOD2023-0092 - Redacted Submissions <a href="#">⇨</a> B. MOD2023-0092 - Applicant's Cover Letter <a href="#">⇨</a> C. MOD2023-0092 - Section 4.55 Assessment Report <a href="#">⇨</a>	

## SUMMARY

<i>Applicant</i>	Mainrow Pty Ltd
<i>Owner</i>	Mainrow Pty Ltd
<i>Address</i>	2 Queen Street Yamba NSW 2464 Lot 7 DP6907
<i>Submissions</i>	Seventeen (17)

Application DA2014/0214 approved the demolition of the existing Surf Motel and the construction of a new 12 room motel at 2 Queen Street Yamba. The subject land is zoned SP3 Tourist under the *Clarence Valley Local Environmental Plan 2011* and hotel and motel accommodation is permitted in this zone with consent.

Condition 7 of the Development Consent requires the rooftop area to not be used for functions or the service of alcohol. Currently, the approval allows guests staying at the motel to consume alcohol purchased in the motel room minibars or from local licenced premises on the rooftop until 10.00pm.

Council has received a Section 4.55(1A) Modification Application (MOD2023/0092) to modify the consent to permit the service of alcohol for guests of the hotel from the rooftop bar area, between 4.00pm and 6.00pm on Wednesday, Friday and Saturday.

This report provides an assessment of the application, a summary of the matters raised in the submissions and a recommendation for Council's consideration.

## OFFICER RECOMMENDATION

That Council

1. approve the proposed change to the condition of consent to allow for the service of alcohol for a limited period, three (3) afternoons a week due to the likely minor impacts on the amenity of nearby properties and on the basis that:
  - a. that the service of alcohol licence is allowed for restricted days and hours only,
  - b. the hours proposed (4pm to 6pm) are during a time period that will have minimal noise impacts on the surrounding environment,
  - c. the amended condition still requires that no functions be permitted on the rooftop area,
  - d. the service of alcohol and management of patrons will be by a staff member with 'responsible service of alcohol' training as per the Liquor and Gaming NSW requirements, and
  - e. any further changes to the use of the rooftop area for consent will require further modification to the consent.
2. approve the modification to DA2014/0214 to by modifying Condition 7 as follows:
  7. *The rooftop recreation area is to be closed to guests by 10.00pm daily. ~~The rooftop area is not to be used for functions or the service of alcohol from the bar area without further approval from Council.~~ The rooftop area is for the exclusive use of hotel guests and must not be rented for or used for functions. The service of alcohol for guests of the hotel from the bar area is permitted between 1600 – 1800 hours on - Wednesday, Friday and Saturday. No other service of alcohol from the bar area is to occur without further Council approval.*



**POINT OF ORDER**

Toms

Cr Toms directed to Cr Smith "Cr Smith is using one of the submissions and saying it already goes on after 10 o'clock, he can't prove that the alcohol is going on after 10 o'clock. It doesn't mean they need to go to bed like good little boys and girls at 10 o'clock. How do we know that if they're having a party after 10 o'clock? I know I stay up after 10 o'clock sometimes so to use that as an argument that they're actually drinking alcohol after 10pm, I think is not fair to those guests"

The Chair over ruled the point of order

**COUNCIL RESOLUTION - 07.23.229**

Smith/Toms

**That Council**

1. approve the proposed change to the condition of consent to allow for the service of alcohol for a limited period, three (3) afternoons a week due to the likely minor impacts on the amenity of nearby properties and on the basis that:
  - a. that the service of alcohol licence is allowed for restricted days and hours only,
  - b. the hours proposed (4pm to 6pm) are during a time period that will have minimal noise impacts on the surrounding environment,
  - c. the amended condition still requires that no functions be permitted on the rooftop area,
  - d. the service of alcohol and management of patrons will be by a staff member with 'responsible service of alcohol' training as per the Liquor and Gaming NSW requirements, and
  - e. any further changes to the use of the rooftop area for consent will require further modification to the consent.
2. approve the modification to DA2014/0214 to by modifying Condition 7 as follows:
  7. *The rooftop recreation area is to be closed to guests by 10.00pm daily. ~~The rooftop area is not to be used for functions or the service of alcohol from the bar area without further approval from Council.~~ The rooftop area is for the exclusive use of hotel guests and must not be rented for or used for functions. The service of alcohol for guests of the hotel from the bar area is permitted between 1600 – 1800 hours on - Wednesday, Friday and Saturday. No other service of alcohol from the bar area is to occur without further Council approval.*

Voting recorded as follows

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

Against: Clancy, Novak, Smith

**CARRIED**

**ITEM 07.23.230 MOD2023/0095 - MODIFICATION OF SUB2020/0010 - AMEND BOUNDARY LOCATION AND ALLOW ACCESS FROM ILUKA ROAD - 135 ADAMS STREET, WOOMBAH**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Acting Coordinator Development Services, James Hamilton	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. MOD2023-0095 - Proposed Amended Site Plans <a href="#">⇒</a> B. MOD2023-0095 - Flora and Fauna Assessment (Separate Cover) <a href="#">⇒</a> C. MOD2023-0095 - Section 4 55 Amendment Report <a href="#">⇒</a> D. SUB2020-0010 - Notice of Determination (Separate Cover) <a href="#">⇒</a> E. SUB2020-0010 - Approved Plans <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Clarence Valley Surveys Pty Ltd
<i>Owner</i>	Trevor Hames
<i>Address</i>	135 Adams Street, Woombah being Lot 19 DP 1058946
<i>Submissions</i>	Nil.

Council has received a Modification Application under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979*. Modification Application MOD2023/0095 seeks to alter the boundary location and permit access to Iluka Road for both proposed lots as approved under Development Application SUB2020/0010 which approved a 2 Lot Subdivision at 135 Adams Street, Woombah.

The determination of SUB2020/0010 was made by Council, hence this application is reported back to Council for determination. This report provides an assessment of the application, a summary of the matters raised in the submissions and a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That Council

1. accept the Section 4.55 (1A) modification application MOD2023/0095 to be substantially the same development and of minor environmental impact.
2. support variation to the existing Restriction as to User 1.a) imposed by DP 1058946, to allow vehicular access to Iluka Road in the location shown on Dwg. No. 9244DA by A. Fletcher & Associates, dated 9 November 2022.
3. approve modification application MOD2023/0095 subject to the draft amendments to development consent SUB2020/010 contained in Schedule 1.

**COUNCIL RESOLUTION - 07.23.230**

**Toms/Day**

That Council

1. accept the Section 4.55 (1A) modification application MOD2023/0095 to be substantially the same development and of minor environmental impact.
2. support variation to the existing Restriction as to User 1.a) imposed by DP 1058946, to allow vehicular access to Iluka Road in the location shown on Dwg. No. 9244DA by A. Fletcher & Associates, dated 9 November 2022.
3. approve modification application MOD2023/0095 subject to the draft amendments to development consent SUB2020/010 contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

**CARRIED**

## ITEM 07.23.231 PLANNING PROPOSAL (REZ2023/0004) TO REZONE LOT 8 DP 715173, COLDSTREAM ROAD TYNDALE TO E4 GENERAL INDUSTRIAL

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Strategic Planner, Jasmine Oakes	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. REZ2023-0004 - Planning Proposal	

### SUMMARY

This report seeks Council endorsement to submit a proponent led planning proposal (REZ2023/0004) (**Attachment A**) to the Department of Planning and Environment for Gateway determination. The purpose being to rezone land located at Lot 8 DP 715173, Coldstream Road Tyndale from RU2 Rural Landscape to E4 General Industrial, to allow the land to be redeveloped for land uses permissible under the E4 General Industrial Land Use zoning. The site is 1.7 hectares and currently used for a timber mill and storage sheds. This will be an extension of the adjacent E4 General Industrial zoning and is considered a suitable site given the surrounding uses, access to the motorway and avoids flood risk.

### OFFICER RECOMMENDATION

That Council

1. support planning proposal (REZ2023/0004) (**Attachment A**) to amend the *Clarence Valley Local Environmental Plan 2011* Land Zoning Map from RU2 Rural Landscape to E4 General Industrial on land located at Lot 8 DP 715173, Coldstream Road Tyndale.
2. delegate authority to the General Manager to:
  - a. Edit and finalise the planning proposal as required;
  - b. Execute all documentation associated with the local plan making functions;
  - c. Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination; and
  - d. Seek to be the local plan-making authority.
3. in the event that a Gateway determination is issued, publicly exhibit the planning proposal in accordance with Gateway conditions or Council's Community Participation Plan.
4. amend the *Clarence Valley Local Environmental Plan 2011* to rezone the land parcel to E4 General Industrial, subject to no submissions being received during the exhibition period.
5. note that if submissions opposing the proposed rezoning are received that require further consideration by Council, this will be reported back to the next available Council meeting after submissions close.

### COUNCIL RESOLUTION - 07.23.231

**Toms/Day**

That Council

1. support planning proposal (REZ2023/0004) (**Attachment A**) to amend the *Clarence Valley Local Environmental Plan 2011* Land Zoning Map from RU2 Rural Landscape to E4 General Industrial on land located at Lot 8 DP 715173, Coldstream Road Tyndale.
2. delegate authority to the General Manager to:
  - a. Edit and finalise the planning proposal as required;
  - b. Execute all documentation associated with the local plan making functions;
  - c. Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination; and
  - d. Seek to be the local plan-making authority.
3. in the event that a Gateway determination is issued, publicly exhibit the planning proposal in accordance with Gateway conditions or Council's Community Participation Plan.
4. amend the *Clarence Valley Local Environmental Plan 2011* to rezone the land parcel to E4 General Industrial, subject to no submissions being received during the exhibition period.

5. note that if submissions opposing the proposed rezoning are received that require further consideration by Council, this will be reported back to the next available Council meeting after submissions close.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**WITEM 07.23.232 BUSH FIRE PRONE LAND MAPPING UPDATE**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Strategic Planner, Jasmine Oakes	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Summary of Process and Methodology - CVC Bush Fire Prone Land Map Review <a href="#">⇒</a> B. Peer Review - Bush Fire Prone Land Map (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

It is a legislative requirement under section 10.3 of the *Environmental Planning and Assessment Act 1979* and the *Rural Fires Act 1997* that Council record designated Bush Fire Prone Land (BFPL) within the local government area (LGA) on a Council map. This report seeks Council endorsement to request that the Commissioner of the NSW Rural Fire Service (RFS) certify the draft BFPL Map 2023 for the Clarence Valley LGA. The draft BFPL Map 2023 has been prepared in compliance with the NSW Rural Fire Service 2015, *Guide for Bush Fire Prone Land Mapping version 5b 2015* (2015 Guidelines), taking a precautionary approach to map areas across the LGA as bush fire prone, particularly given the experience of the 2019 Black Summer Bushfires.

New areas are mapped as BFPL to comply with the guidelines to include “grassland” and to better map areas that may support a bush fire in severe weather / climate conditions. The revised maps were initially produced by the RFS and reviewed and revised by Council staff and RFS, and the methodology (**Attachment A**) used and final maps have been peer reviewed by independent bushfire consultants (**Attachment B**). If Council agree, the final step in the process is for the RFS to add on buffers and certify the map.

**OFFICER RECOMMENDATION**

That Council

1. note
  - a. the NSW Rural Fire Service 2015, *Guide for Bush Fire Prone Land Mapping version 5b 2015* (2015 Guidelines) which provides a guideline for Councils to assess, categorise and map vegetation based on potential bushfire risk. This guideline introduces a requirement for councils to include an additional vegetation category 3 (grassland) within Bush Fire Prone Land Map;
  - b. the Clarence Valley Council Bush Fire Prone Land Map Methodology (**Attachment A**), which details the methodology, approach and background to the development of the draft BFPL Map 2023; and
  - c. the Clarence Valley Council Bushfire Prone Land Mapping Review (**Attachment B**), which provides a review of the methodology used to develop the draft Bush Fire Prone Land Map 2023.
2. request that the Commissioner of the NSW Rural Fire Service certify the draft Bush Fire Prone Land Map 2023.
3. place the certified Bush Fire Prone Land Map on Council’s website and notify the public that the new Bush Fire Prone Land Map will need to be considered for all new development within the Local Government Area.

**COUNCIL RESOLUTION - 07.23.232**

Toms/Day

That Council

1. note
  - a. the NSW Rural Fire Service 2015, *Guide for Bush Fire Prone Land Mapping version 5b 2015 (2015 Guidelines)* which provides a guideline for Councils to assess, categorise and map vegetation based on potential bushfire risk. This guideline introduces a requirement for councils to include an additional vegetation category 3 (grassland) within Bush Fire Prone Land Map;
  - b. the Clarence Valley Council Bush Fire Prone Land Map Methodology (Attachment A), which details the methodology, approach and background to the development of the draft BFPL Map 2023; and
  - c. the Clarence Valley Council Bushfire Prone Land Mapping Review (Attachment B), which provides a review of the methodology used to develop the draft Bush Fire Prone Land Map 2023.
2. request that the Commissioner of the NSW Rural Fire Service certify the draft Bush Fire Prone Land Map 2023.
3. place the certified Bush Fire Prone Land Map on Council's website and notify the public that the new Bush Fire Prone Land Map will need to be considered for all new development within the Local Government Area.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.233 PROPOSAL FOR SIGNAGE ADVISING CLARENCE VALLEY LGA AS NUCLEAR FREE**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Waste and Sustainability Officer, Richard Roper	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Climate Change Committee Meeting Minutes 10th November 2023 <a href="#">⇒</a>	

**SUMMARY**

At the November Climate Change Advisory Committee meeting it was resolved to recommend to Council that signage be installed at the main road entrances to the Clarence Valley LGA advising that the Clarence Valley is a 'Nuclear Free Zone'.

**OFFICER RECOMMENDATION**

That Council

1. note support the resolution from the Climate Change Advisory Committee to install signs notifying the travelling public that the Clarence Valley is a nuclear free zone due to the high cost and difficulties of installing signage on main roads leading into the Clarence Valley LGA; and
2. note the minutes of the Clarence Valley Climate Change Advisory Committee meeting of 10 November 2023.

**MOTION**

Clancy/Tiley

That Council

1. not support the recommendation from the Climate Change Advisory Committee to install signs notifying the travelling public that the Clarence Valley is a nuclear free zone due to the high cost and difficulties of installing signage on main roads leading into the Clarence Valley LGA.
2. note the minutes of the Clarence Valley Climate Change Advisory Committee meeting held on 10 November 2023.
3. add the words 'nuclear free zone' to signs at the entrance of the LGA when these are being replaced or repaired.

Voting recorded as follows

For: Clancy, Smith

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

The Motion was put and declared LOST

**COUNCIL RESOLUTION - 07.23.233**

Toms/Novak

That Council

1. **not support the recommendation from the Climate Change Advisory Committee to install signs notifying the travelling public that the Clarence Valley is a nuclear free zone due to the high cost and difficulties of installing signage on main roads leading into the Clarence Valley LGA.**
2. **note the minutes of the Clarence Valley Climate Change Advisory Committee meeting held on 10 November 2023.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.234 BROOMS HEAD RESERVE DRAFT PLAN OF MANAGEMENT**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Strategic Planner (Policy), Alex Wells	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Brooms Head Reserve Draft Plan of Management - For Council (Separate Cover) <a href="#">⇨</a>	

**SUMMARY**

A draft Brooms Head Reserve Plan of Management (PoM) has been prepared. It reflects the results of widespread community consultation and input from the Community Steering Group that was established for this specific purpose. Once Council is satisfied with the draft PoM it must be referred to the Department of Planning and Environment - Crown Lands, for approval to publicly exhibit and to accept public submissions. Depending on the outcome of this exhibition process, and in considering submissions and any consequential amendments, final PoM will be returned to Council for adoption.

**OFFICER RECOMMENDATION**

That Council:

1. endorse the draft Brooms Head Reserve Plan of Management be referred to the Department of Planning and Environment - Crown Lands, to seek approval to publicly exhibit the Plan of Management.
2. exhibit the draft Brooms Head Reserve Plan of Management for 42 days over which time Council will accept public submissions.
3. report any submissions received and the draft Brooms Head Reserve Plan of Management back to Council after the submission period has closed, for consideration of its adoption (or re-exhibition) as per the requirements of section 40 of the Local Government Act 1993.

**COUNCIL RESOLUTION**

**Tiley/Novak**

**That Council defer consideration of this matter to early 2024 to enable Councillors to conduct a site visit and meet with the Steering Committee and other interested parties, to better understand and address community issues and concerns regarding the draft POM.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**COUNCIL RESOLUTION**

**Pickering/Day**

**That Council adjourn for a 13 minute break at 5.17pm and resume the Council meeting at 5.30pm**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



**CORPORATE & COMMUNITY****ITEM 07.23.235 ITEMS FOR INFORMATION**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	General Manager	
<b>Attachments</b>	A. Ilarwill Committee Hall Meeting - July 2022 (Separate Cover) <a href="#">⇒</a> B. Ilarwill Committee Hall Meeting - August 2022 (Separate Cover) <a href="#">⇒</a> C. Ilarwill Committee Hall Meeting - November 2022 (Separate Cover) <a href="#">⇒</a> D. Ilarwill Committee Hall Meeting - May 2023 (Separate Cover) <a href="#">⇒</a> E. Ilarwill Committee Hall Meeting - November 2023 (Separate Cover) <a href="#">⇒</a> F. Wooloweyah Hall Minutes - October 2023 (Separate Cover) <a href="#">⇒</a> G. Water Efficiency Meeting Minutes - November 2023 (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

Correspondence and committee minutes are attached for noting.

**OFFICER RECOMMENDATION**

That the Items for Information as listed below be noted

- Ilarwill Committee Hall Meeting - July 2022
- Ilarwill Committee Hall Meeting - August 2022
- Ilarwill Committee Hall Meeting - November 2022
- Ilarwill Committee Hall Meeting - May 2023
- Wooloweyah Hall Minutes - October 2023
- Water Efficiency Meeting Minutes - November 2023
- Ilarwill Committee Hall Meeting - November 2023

**COUNCIL RESOLUTION - 07.23.235****Toms/Day**

**That the Items for Information as listed below be noted**

- **Ilarwill Committee Hall Meeting - July 2022**
- **Ilarwill Committee Hall Meeting - August 2022**
- **Ilarwill Committee Hall Meeting - November 2022**
- **Ilarwill Committee Hall Meeting - May 2023**
- **Wooloweyah Hall Minutes - October 2023**
- **Water Efficiency Meeting Minutes - November 2023**
- **Ilarwill Committee Hall Meeting - November 2023**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.236 POLICY REPORT**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Coordinator Corporate & Customer Experience, Lynette Burley	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Councillor Expenses and Facilities Policy V16.1 <a href="#">↔</a>	

**SUMMARY**

This report recommends action in relation to Council policies.

**OFFICER RECOMMENDATION**

That Council

1. adopt the Councillor Expenses and Facilities V16.1 as the minor change does not impact the intent of the Policy.
2. note the adoption of the following policies that received no submissions.
  - a. Data Breach Policy V1.0
  - b. Privacy Statement and Privacy Management Plan V9.0

**COUNCIL RESOLUTION - 07.23.236**

**Toms/Day**

**That Council**

1. **adopt the Councillor Expenses and Facilities V16.1 as the minor change does not impact the intent of the Policy.**
2. **note the adoption of the following policies that received no submissions.**
  - a. **Data Breach Policy V1.0**
  - b. **Privacy Statement and Privacy Management Plan V9.0**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.237 COMMITTEES REPORT**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Governance Officer, Lohrairie Souza	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

This report recommends Council note the resignation of members of one (1) s.355 Committee.

**OFFICER RECOMMENDATION**

That Council note the resignation of Ruth Dawson (by email) from the Iluka War Memorial Hall Committee, effective 5<sup>th</sup> December 2023.

**COUNCIL RESOLUTION - 07.23.237****Toms/Day**

**That Council note the resignation of Ruth Dawson (by email) from the Iluka War Memorial Hall Committee, effective 5<sup>th</sup> December 2023.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.238 2022/2023 GENERAL PURPOSE FINANCIAL STATEMENTS REFER TO AUDIT**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Statement by Councillors & Management General Purpose Financial Statements <a href="#">⇒</a> B. Statement by Councillors & Management Special Purpose Financial Statements <a href="#">⇒</a> C. General Purpose Financial Statements <a href="#">⇒</a> D. Special Purpose Financial Statements <a href="#">⇒</a> E. Special Schedules <a href="#">⇒</a>	

**SUMMARY**

Council's 2022/2023 Annual Financial Statements have been completed and are currently being audited by Council's auditor, Thomas Noble and Russell (TNR). The purpose of this report is to present the interim financial results and to implement certain statutory obligations in relation to the finalisation of the audited financial statements.

The auditor will address both the Council's Independent Audit Committee and the Councillors on 27 February 2024. At the time of writing this report the Audit Report, prepared by TNR and the Audit Office, was not available for tabling.

**OFFICER RECOMMENDATION**

That Council

1. note the update to the draft AFS being referred to audit as a result of Thomas Noble Russell's audit and the resulting impact of this update on the Indicators for the Unrestricted Current Ratio to 2.53%, the Infrastructure Renewal Ratio Fund (overall) to 80.92% (impacted by a recalculation general fund result of 108.37%) and the Infrastructure Backlog Ratio Fund (overall) to 32.46% (impacted by a recalculated general fund result of 40.49%).
2. refer the 2022/2023 Annual Financial Statements to the Auditor for audit in accordance with Section 413(1) of the Local Government Act 1993.
3. receive and note the 2022/2023 Special Schedules, which are not required to be audited.
4. providing there are no material adjustments identified during the finalisation of the Audit, authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2022/2023 Financial Statements by 29 February 2024.
5. present the signed Draft Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the next Ordinary meeting of Council in accordance with Section 419(1) of the Local Government Act 1993.

**COUNCIL RESOLUTION - 07.23.238**

**Smith/Toms**

That Council

1. **note the update to the draft AFS being referred to audit as a result of Thomas Noble Russell's audit and the resulting impact of this update on the Indicators for the Unrestricted Current Ratio to 2.53%, the Infrastructure Renewal Ratio Fund (overall) to 80.92% (impacted by a recalculation general fund result of 108.37%) and the Infrastructure Backlog Ratio Fund (overall) to 32.46% (impacted by a recalculated general fund result of 40.49%).**
2. **refer the 2022/2023 Annual Financial Statements to the Auditor for audit in accordance with Section 413(1) of the Local Government Act 1993.**
3. **receive and note the 2022/2023 Special Schedules, which are not required to be audited.**
4. **providing there are no material adjustments identified during the finalisation of the Audit, authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2022/2023 Financial Statements by 29 February 2024.**

- 
5. present the signed Draft Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the next Ordinary meeting of Council in accordance with Section 419(1) of the Local Government Act 1993.

Voting recorded as follows

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

Against: Nil

**CARRIED**

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**ITEM 07.23.239 MONTHLY FINANCE REPORT - NOVEMBER 2023**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Monthly Income & Expenditure Statements By Service - November 2023 <a href="#">⇒</a> B. Monthly Grant Application Summary - November 2023 <a href="#">⇒</a>	

**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 impact the General Fund end of year result by \$16,700. The reserve fund variations identified in this report will have nil impact on the balance of the Financial Reserves.

**OFFICER RECOMMENDATION**

That Council

1. note the monthly financial information report for November 2023 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$16,700, for inclusion in the December Quarterly Budget Review Statement to be reported in February 2024.
3. endorse the proposed variations, which have nil impact on the Financial Reserves by, to be included in the December Quarterly Budget Review Statement to be reported in February 2024.
4. note and endorse the grant applications as identified in Attachment B.

**COUNCIL RESOLUTION - 07.23.239**

**Toms/Day**

That Council

1. note the monthly financial information report for November 2023 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$16,700, for inclusion in the December Quarterly Budget Review Statement to be reported in February 2024.
3. endorse the proposed variations, which have nil impact on the Financial Reserves by, to be included in the December Quarterly Budget Review Statement to be reported in February 2024.
4. 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 07.23.240 MONTHLY INVESTMENT REPORT - NOVEMBER 2023**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Movement of Funds Between Months - November 2023 <a href="#">⇒</a>	

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**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 2023 be noted.

**COUNCIL RESOLUTION - 07.23.240**

**Toms/Day**

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

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



### ITEM 07.23.241 FURTHER EXTENSION TO OFFICE OF LOCAL GOVERNMENT FINANCIAL REPORTING REQUIREMENTS SORT

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

#### SUMMARY

This report requests Council to seek a further extension for lodgement of the 2022/2023 Annual Financial Statements to the Office of Local Government Financial Reporting Requirements. An initial extension was successfully applied for which extended the due date to 22 December 2023. However, due to further extenuating circumstances, this deadline is unable to be achieved and as such a further extension is requested. The extension request has been sent to the Audit Risk Improvement Committee (ARIC) for endorsement and is supported by Council's Auditor, Thomas Noble Russell (TNR) and the NSW Audit Office.

#### OFFICER RECOMMENDATION

That Council submit a request to the Office of Local Government seeking a further extension for lodgement of the 2022/2023 Annual Financial Statements to 29 February 2024.

#### COUNCIL RESOLUTION - 07.23.241

**Clancy/Toms**

**That Council submit a request to the Office of Local Government seeking a further extension for lodgement of the 2022/2023 Annual Financial Statements to 29 February 2024.**

**Voting recorded as follows**

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

**Against: Smith**

**CARRIED**

**ITEM 07.23.242 CLARENCE VILLAGE LIMITED V CLARENCE VALLEY COUNCIL - LAND AND ENVIRONMENT COURT CASE NO 2023/00156524 - OUTCOME OF COURT PROCEEDINGS**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Revenue Coordinator, Paula Krahe	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Judgement from Land and Environment Court (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

The purpose of this report is to advise Council of the Land Environment Court Orders issued its Chief Judge, The Honourable Justice B J Preston, and relating to Council charging Clarence Village Limited sewer charges on each separate occupation within the Sewer Access area based on the number of residential flats or separate occupation multiplied by the Sewer Residential Charge for a single connection.

**OFFICER RECOMMENDATION**

That Council

1. note the judgement made by The Honourable Justice B J Preston in the NSW Land and Environment Court (Case No 2023/00156524).
2. note the legal costs incurred by Council in relation to this matter as at 31 October, 2023 – total \$146,054.40 (ext GST) are to be paid by Clarence Village Limited.
3. note the budget variation (NIL impact on the General Fund) will be reported in the Q2 Quarterly Budget Review Statement to be tabled at the February Ordinary Meeting.

**COUNCIL RESOLUTION - 07.23.242**

**Toms/Whaites**

**That Council**

1. note the judgement made by The Honourable Justice B J Preston in the NSW Land and Environment Court (Case No 2023/00156524).
2. note the legal costs incurred by Council in relation to this matter as at 31 October, 2023 – total \$146,054.40 (ext GST) are to be paid by Clarence Village Limited.
3. note the budget variation (NIL impact on the General Fund) will be reported in the Q2 Quarterly Budget Review Statement to be tabled at the February Ordinary Meeting.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**WORKS & CIVIL****ITEM 07.23.243 ILUKA TENNIS COURT BOOKINGS**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Open Spaces & Facilities, Rachelle Passmore	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

**SUMMARY**

This report provides information regarding the management of the Iluka Tennis Courts and booking data for Yamba tennis courts.

**OFFICER RECOMMENDATION**

That Council

1. note the available data at selected Clarence Valley tennis facilities.
2. continue to install the Tennis NSW booking system at Clarence Valley tennis facilities to gather usage data and collect user fees.

**COUNCIL RESOLUTION - 07.23.243****Pickering/Toms**

That Council

1. note the available data at selected Clarence Valley tennis facilities.
2. continue to install the Tennis NSW booking system at Clarence Valley tennis facilities to gather usage data and collect user fees.
3. note that Iluka Tennis court access is due to be transferred to Club Iluka by February 2024

Voting recorded as follows

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

Against: Nil

**CARRIED**

## ITEM 07.23.244 MACLEAN COMMUNITY PRECINCT AND YAMBA COMMUNITY CENTRE & LIBRARY PROCUREMENT UPDATE

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Strategic Infrastructure, Adele McGearry	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

### SUMMARY

This report provides Council with an update on the ongoing agreements with the design consultants for both the Yamba Community Centre & Library Redevelopment project and the Maclean Community Precinct Phase 1 project, and the revised procurement methodology proposed for construction of the Maclean Community Precinct Phase 1.

### OFFICER RECOMMENDATION

That Council

1. delegates authority to the General Manager to approve appropriately deemed variations to the existing Contracts for the design services for the Maclean Community Precinct (RFT22/010 awarded to Nimbus Architecture and Heritage) and the Yamba Community Centre & Library redevelopment (RFT21/039 awarded to James Cubitt Architects) and those variations be reported to Council within the Quarterly Budget Review Statement (QBRS) once the Contract is finalised.
2. notes that the procurement for construction of the Maclean Community Precinct Phase 1 will now involve a single stage public tender.

### COUNCIL RESOLUTION - 07.23.244

**Novak/Whaites**

That Council

1. delegates authority to the General Manager to approve appropriately deemed variations to the existing Contracts for the design services for the Maclean Community Precinct (RFT22/010 awarded to Nimbus Architecture and Heritage) and the Yamba Community Centre & Library redevelopment (RFT21/039 awarded to James Cubitt Architects) and those variations be reported to Council within the Quarterly Budget Review Statement (QBRS) once the Contract is finalised.
2. notes that the procurement for construction of the Maclean Community Precinct Phase 1 will now involve a single stage public tender.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.245 DISASTER ASSISTANCE GUIDELINES AND UNRECOVERABLE COSTS INCURRED BY COUNCIL**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Coordinator Emergency Management & Resilience, Robyn Monk	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Part C.3 Disaster Assistance Guidelines <a href="#">↗</a>	

**SUMMARY**

This report provides an overview of disaster assistance measures provided under part C.3 of the NSW Disaster Assistance Guidelines (DAG) 2021 and the financial implications for Council.

**OFFICER RECOMMENDATION**

That Council

1. advise residents that the establishment of a BlazeAid base camp at Nymboida is not supported due to the cost impact on ratepayers generally.
2. note the information contained in this report when considering assistance from out of area volunteer groups under part C.3 of the NSW Disaster Assistance Guidelines 2021.

**COUNCIL RESOLUTION - 07.23.245**

**Novak/Tiley**

That Council

1. support the establishment of a BlazeAid base camp at Nymboida Camping and Canoeing centre to assist with fencing of 20 properties.
2. apply for \$50,000 under Part C.3 of the NSW Disaster Assistance Guidelines 2021 to support the costs of establishing the base camp and accommodation.
3. allocate a budget of \$45,000 for the additional costs in establishing the base camp including BlazeAid mobilisation fee, sustenance for volunteers and staff coordination costs, and reflect this variation as a deficit impact on the General Fund in the Q2, Quarterly Budget Review Statement to be tabled at the February Ordinary Meeting.

Voting recorded as follows

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

Against: Day

**CARRIED**

**ITEM 07.23.246 LOCAL TRAFFIC COMMITTEE**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Road Safety Officer, Alana Brooks	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Local Traffic Committee Minutes (Separate Cover) <a href="#">⇒</a> B. Local Traffic Committee Attachment Item 026.23 <a href="#">⇒</a> C. Local Traffic Committee Attachment Item 028.23 <a href="#">⇒</a>	

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**SUMMARY**

This report outlines the recommendations proposed by the Local Traffic Committee held on 1 November 2023.

**OFFICER RECOMMENDATION**

That Council adopts the recommendations of the Local Traffic Committee determined on 1 November 2023.

**COUNCIL RESOLUTION - 07.23.246**

**Toms/Day**

**That Council adopts the recommendations of the Local Traffic Committee determined on 1 November 2023.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.247 CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Parks & Recreation Officer, Gavin Beveridge	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Minutes - Clarence Sports Committee - 13 November 2023	

**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 13 November 2023 for consideration.

**OFFICER RECOMMENDATION**

That Council

1. receive and note the Minutes from Monday 13 November 2023 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Clarence Sports Committee that \$12,127.72 (excl GST) is allocated to the Grafton Rugby Union Club to Replace Goal Posts at Hay Street Rugby Union Fields, South Grafton.
3. endorse the recommendation by the Clarence Sports Committee that \$3,894.12 (excl GST) is allocated to the Rushforth Park Towns Club for Fencing Field 3 at Rushforth Park, South Grafton.
4. endorse the recommendation by the Lower Clarence Sports Committee that \$9,752.72 (excl GST) is allocated to the Yamba Football Club for a New PA System at Yamba Sports Complex, Yamba.
5. endorse the recommendation by the Lower Clarence Sports Committee that \$2,061.81 (excl GST) is allocated to the Maclean Show Society for Water Access Points at Maclean Showground, Maclean.
6. endorse the recommendation by the Lower Clarence Sports Committee that \$4,640.00 (excl GST) is allocated to the Big River Sailing Club for Refrigeration Units at Big River Sailing Club, Harwood.

**COUNCIL RESOLUTION - 07.23.247**

**Toms/Day**

That Council

1. receive and note the Minutes from Monday 13 November 2023 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Clarence Sports Committee that \$12,127.72 (excl GST) is allocated to the Grafton Rugby Union Club to Replace Goal Posts at Hay Street Rugby Union Fields, South Grafton.
3. endorse the recommendation by the Clarence Sports Committee that \$3,894.12 (excl GST) is allocated to the Rushforth Park Towns Club for Fencing Field 3 at Rushforth Park, South Grafton.
4. endorse the recommendation by the Lower Clarence Sports Committee that \$9,752.72 (excl GST) is allocated to the Yamba Football Club for a New PA System at Yamba Sports Complex, Yamba.
5. endorse the recommendation by the Lower Clarence Sports Committee that \$2,061.81 (excl GST) is allocated to the Maclean Show Society for Water Access Points at Maclean Showground, Maclean.
6. endorse the recommendation by the Lower Clarence Sports Committee that \$4,640.00 (excl GST) is allocated to the Big River Sailing Club for Refrigeration Units at Big River Sailing Club, Harwood.

Voting recorded as follows

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

Against: Nil

**CARRIED**



**ITEM 07.23.248 BUDGET VARIATION - GLENREAGH WATER TREATMENT PLANT**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water/Sewer Operations, Andrew Potter	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

**SUMMARY**

This report advises that a budget variation of \$145,454.54 (excl GST) is required to fund the remaining 23/24 FY hire of the water filtration equipment at the village of Glenreagh. The hired equipment is required to provide a drinking water supply that meets Council's Drinking Water Management System (DWMS) until the permanent Water Treatment Plant can be constructed. An annual operations and maintenance budget variation of \$109,090.90 (excl GST) is also required for the remainder of the 23/24 FY.

**OFFICER RECOMMENDATION**

That

1. Council note a budget variation to financial project PJ 902055 (Water Treatment Plant Operation Expenses) of \$280,000 (including GST) is to be funded from the Water Fund Reserve for the hire, operation, and maintenance of Water Filtration equipment for the Glenreagh Village
2. the variation be reflected in the Q2 Quarterly Budget Review Statement (QBR).

**COUNCIL RESOLUTION - 07.23.248**

**Toms/Day**

That

1. Council note a budget variation to financial project PJ 902055 (Water Treatment Plant Operation Expenses) of \$280,000 (including GST) is to be funded from the Water Fund Reserve for the hire, operation, and maintenance of Water Filtration equipment for the Glenreagh Village
2. the variation be reflected in the Q2 Quarterly Budget Review Statement (QBR).

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.249 ABORIGINAL COMMUNITIES SEWER AND WATER PROGRAM - MALABUGILMAH DECOMMISSION DISUSED SEWERAGE OXIDATION PONDS.**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water/Sewer Operations, Andrew Potter	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Confirmation from DPE Water of In Principle funding for Malabugilmah Oxidation Pond Decommissioning <a href="#">⇒</a>	

**SUMMARY**

This report is seeking Council's delegation to the General Manager to accept and award a single invitation tender for the decommissioning of the disused sewerage oxidation ponds at the Aboriginal community of Malabugilmah.

**OFFICER RECOMMENDATION**

That Council

1. accepts that due to the need for continuity of sewer services to the Malabugilmah community and the requirement for concurrence from the Local Aboriginal Land Council for undertaking the work, extenuating circumstances exist under Section 55 of the Local Government Act that a satisfactory result would not be achieved by inviting tenders for undertaking the disused sewerage oxidation ponds at the Aboriginal community of Malabugilmah.
2. delegate authority to the General Manager to accept the proposal from Ecotechnology Australia Pty Ltd to undertake the Malabugilmah oxidation ponds decommissioning, subject to funding for the project being approved by the Aboriginal Communities Sewer and Water Program steering committee.

**COUNCIL RESOLUTION - 07.23.249****Clancy/Pickering**

That Council

1. **accepts that due to the need for continuity of sewer services to the Malabugilmah community and the requirement for concurrence from the Local Aboriginal Land Council for undertaking the work, extenuating circumstances exist under Section 55 of the Local Government Act that a satisfactory result would not be achieved by inviting tenders for undertaking the disused sewerage oxidation ponds at the Aboriginal community of Malabugilmah.**
2. **delegate authority to the General Manager to accept the proposal from Ecotechnology Australia Pty Ltd to undertake the Malabugilmah oxidation ponds decommissioning, subject to funding for the project being approved by the Aboriginal Communities Sewer and Water Program steering committee.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.250 ULMARRA SEWER INVESTIGATION**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water Cycle, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Ulmarra Sewer Investigation Report (Separate Cover) <a href="#">⇨</a>	

**SUMMARY**

At its meeting of 26 September 2023 Council resolved to defer consideration of the Ulmarra Sewerage Investigation report pending a presentation by the independent report authors, Public Works Advisory. The investigation report has been updated to respond to questions and comments raised at the Councillor workshop of 10 October 2023.

**OFFICER RECOMMENDATION**

That Council note the updated Ulmarra Sewer Investigation report.

**COUNCIL RESOLUTION - 07.23.250**

**Pickering/Novak**

**That Council**

1. place the Ulmarra Sewerage Investigation on public exhibition for 28 days, and
2. undertake a further survey of Ulmarra property owners to determine:
  - a) whether property owners wish reticulated sewerage to proceed, and
  - b) for those who wish reticulated sewerage to proceed, how much they are prepared to contribute towards the cost of sewerage Ulmarra, noting Sewerage Investigation Charges have been levied on Lawrence and Iluka communities before sewerage became available to them, as per Council Resolution 13.002/12.
3. before undertaking the survey, conduct an in-person Q & A session for affected property owners to respond to any questions and provide information on the various options.
4. allocate remaining funds from COUNCIL RESOLUTION 07.22.219 ULMARRA SEWER SURVEY, to conduct the survey and Community Q & A session.

**Voting recorded as follows**

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

**Against: Johnstone, Novak**

**CARRIED**

**ITEM 07.23.251 SEWER MAIN REHABILITATION FY23-24 REQUEST FOR TENDER 22/61**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water/Sewer Operations, Andrew Potter	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

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**SUMMARY**

This report is seeking Council's delegation to the General Manager to accept open tenders for the Sewer Main Rehabilitation RFT 22/61.

Tender closed on 10 October and the tender evaluation process will not be completed by the December ordinary council meeting. As the next Council meeting is scheduled in February 2024 it is recommended that the General Manager be delegated authority to award the tender.

**OFFICER RECOMMENDATION**

That

1. under Section 377 of the Local Government Act, delegate to the General Manager to accept tenders for the Sewer Main Rehabilitation RFT 22/61.
2. the outcome of the tender be reported to the February 2024 ordinary meeting.

**COUNCIL RESOLUTION - 07.23.251**

**Toms/Day**

That

1. under Section 377 of the Local Government Act, delegate to the General Manager to accept tenders for the Sewer Main Rehabilitation RFT 22/61.
2. the outcome of the tender be reported to the February 2024 ordinary meeting.

Voting recorded as follows

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

Against: Nil

**CARRIED**

## ITEM 07.23.252 TENDER 22/063 - PERIOD SUPPLY CONTRACT FOR SUPPLY OF PRESSURE SEWER SYSTEMS AND ASSOCIATED SERVICES

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water Cycle, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Tender 22/63 - Tender Evaluation Committee Report (Confidential)	

### SUMMARY

Council, called Open Tenders on 26 October for a Period Supply Contract for the supply of Pressure Sewer Systems and Associated Services which closed on 20 November 2023. It is recommended that a Panel of Suppliers be established which comprises Aquatec Fluid Systems Pty Ltd and Enviro One Services, with the General Manager being given delegated authority to add Beck Water Pty Ltd to the panel of suppliers if operational experience with the offered unit indicates it is advantageous to Council.

### OFFICER RECOMMENDATION

That

1. a Panel of Suppliers be established under the contract terms and conditions of Tender 22/063.
2. the Panel of Suppliers comprise Aquatec Fluid Systems Pty Ltd and Enviro One Services & Installations Pty Ltd.
3. Council authorise the General Manager to add Beck Water Pty Ltd to the panel of suppliers if further operational experience with the offered unit indicates it is advantageous to Council.

### COUNCIL RESOLUTION - 07.23.252

**Toms/Day**

That

1. a Panel of Suppliers be established under the contract terms and conditions of Tender 22/063.
2. the Panel of Suppliers comprise Aquatec Fluid Systems Pty Ltd and Enviro One Services & Installations Pty Ltd.
3. Council authorise the General Manager to add Beck Water Pty Ltd to the panel of suppliers if further operational experience with the offered unit indicates it is advantageous to Council.

Voting recorded as follows

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

Against: Nil

**CARRIED**

### ITEM 07.23.253 DISASTER RECOVERY FUNDING ARRANGEMENTS (DRFA) - OLD GLEN INNES SLIP REMEDIATION TENDER

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Civil Services, Devin Simpson	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

#### SUMMARY

This report is seeking Council's delegation to the General Manager to accept open tenders for the restoration of landslips on Old Glen Innes Rd following the February/March 2022 floods (AGRN1012).

To meet the current requirements of the Disaster Recovery Funding Arrangements (DRFA) all Essential Public Asset Restoration Work (EPARW) submissions must be approved by TfNSW as the administering authority by 31 December 2023. To meet this timeframe, the tenders will close on 15 December which will enable the market response process within the DRFA to determine funding approval from TfNSW by the end of December.

Subject to the above process being completed a funding deed will be executed by Council in January which will enable the tender to be awarded and planning for permanent restoration works to commence.

#### OFFICER RECOMMENDATION

That Council under Section 377 of the Local Government Act, delegate authority to the General Manager to accept tenders for the landslip remediation on Old Glen Innes Road funded under the DRFA.

#### COUNCIL RESOLUTION - 07.23.253

**Toms/Day**

**That Council under Section 377 of the Local Government Act, delegate authority to the General Manager to accept tenders for the landslip remediation on Old Glen Innes Road funded under the DRFA.**

**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. 08.23.010 Former Grafton Gaol - 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*

**COUNCIL RESOLUTION**

**Tiley/Novak**

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

1. 08.23.010 Former Grafton Gaol - 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*

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 08.23.010 FORMER GRAFTON GAOL**

**Meeting** Council 19 December 2023

**Directorate** General Manager

**Prepared by** General Manager, Laura Black

**Reviewed by** General Manager, Laura Black

**Attachments** Nil

**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) (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*

**MOTION**

**Novak/Smith**

**That the confidential resolution for item 08.23.010 be made public**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**COUNCIL RESOLUTION - 08.23.010**

**Johnstone/Toms**

**That Council does not submit an Expression of Interest (EOI) to purchase Lot 3 DP1276261, known as the Historic Grafton Gaol, after considering confidential information forthcoming from Property NSW.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**9. QUESTIONS WITH NOTICE**

Nil

**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING****ITEM 10.23.003 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION CONFERENCE ATTENDANCE**

<b>Meeting</b>	Council	19 December 2023
<b>Directorate</b>	General Manager	
<b>Prepared by</b>	Corporate Support Officer, Karlie Chevalley	
<b>Reviewed by</b>	General Manager, Laura Black	
<b>Attachments</b>	Nil	

**SUMMARY**

The purpose of this report is to plan the attendance by Councillors to attend conferences being held in 2024.

**OFFICER RECOMMENDATION**

That Council approve Cr Whaites attendance of the 2024 Australian Local Government Women's Association Conference (ALGWA).

**COUNCIL RESOLUTION - 10.23.003**

**Toms/Novak**

**That Council approve Cr Whaites attendance of the 2024 Australian Local Government Women's Association Conference (ALGWA).**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**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:

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First name surname  
Mayor / Chairperson