

Ordinary Council Meeting

Minutes

Grafton - 25 July 2023 - 2:00pm



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04 CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held 27 June 2023

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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 25 July 2023 commencing at 2:00pm and closing at 3:27pm.

AFFIRMATION – Cr Toms 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 Clancy 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.

COUNCIL RESOLUTION

Tiley/Novak

That letters of condolence are sent to the families of Uncle Ron Heron and Vince Castle.

Voting recorded as follows

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

Against: Nil

CARRIED

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 (Lee Boon)

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. DISCLOSURES AND DECLARATIONS OF INTEREST

Nil

4. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Johnstone/Pickering

That the Minutes of Ordinary Meeting of Council dated 27 June 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, Whites

Against: Nil

CARRIED

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

ITEM 06.23.012 NOTICE OF MOTION LEGISLATIVE CHANGE TO ATTRIBUTE RESPONSIBILITY FOR TESTING AND MAINTENANCE OF SMOKE ALARMS

Meeting	Council	25 July 2023
Submitted by	Cr Allison Whaites	
Attachments	Nil	

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

SUMMARY

Legislative change is required to enforce responsibility for testing and maintenance of smoke alarms in relocatable accommodation developments targeting seniors.

PROPOSED MOTION

That Council

1. write to the NSW Minister for Planning, the Hon. Paul Scully to affect change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.
2. submit a motion to the 2023 Local Government Annual Conference seeking legislative change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.
3. seek the support of the Local Member, Richie Williamson, to advocate for legislative change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.

POINT OF ORDER

Toms

Cr Toms to Mayor Tiley "That is not an amendment, that is a new motion".

The Chair over ruled the point of order

AMENDMENT TO MOTION

Pickering/Smith

That the matter be deferred for further consideration at a workshop.

Voting recorded as follows

For: Clancy, Johnstone, Novak, Pickering

Against: Day, Smith, Tiley, Toms, Whaites

The Amendment to Motion was put and declared LOST

MOTION

Whaites/Novak

That Council

1. write to the NSW Minister for Planning, the Hon. Paul Scully to affect change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.
2. submit a motion to the 2023 Local Government Annual Conference seeking legislative change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.
3. seek the support of the Local Member, Richie Williamson, to advocate for legislative change as required to the Housing SEPP, the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 and/or the Local Government (Manufactured Home, Estates, Caravan, Camping Grounds and Moveable Dwellings) Regulation 2021 to ensure that relocatable home style residential development that targets seniors, places responsibility for annual testing and maintenance of smoke alarms with the complex management and not the individual unit owner.

Voting recorded as follows

For: Day, Novak, Smith, Whaites

Against: Clancy, Johnstone, Pickering, Tiley, Toms

The Motion was put and declared LOST

ITEM 06.23.013 NOTICE OF MOTION REVIEW OF CODE OF MEETING PRACTICE

Meeting	Council	25 July 2023
Submitted by	Cr Allison Whaites	
Attachments	Nil	

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

SUMMARY

This Notice of Motion calls for a review of the Code of Meeting Practice in line with workshop discussions at the commencement of term of Council.

PROPOSED MOTION

That Council

1. calls for a review of the code of meeting practice in relation to times of council business meetings.
2. options for alternative times be workshopped 1st August 2023 with a report to the August 2023 Meeting.

COUNCIL RESOLUTION - 06.23.013

Whaites/Toms

That Council

1. calls for a review of the code of meeting practice in relation to times of council business meetings.
2. options for alternative times be workshopped 1st August 2023 with a report to the August 2023 Meeting.

Voting recorded as follows

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

Against: Clancy, Day, Tiley

CARRIED

VOTE BY EXCEPTION - 07.23.113

Novak/Clancy

That the following items be adopted as recommended:

07.23.113

07.23.114

07.23.115

07.23.118

07.23.120

07.23.121

07.23.122

07.23.123

07.23.124

07.23.126

07.23.127

07.23.128

07.23.129

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS**OFFICE OF THE GENERAL MANAGER****ITEM 07.23.113 CR WHAITES - ALGWA NATIONAL CONFERENCE 2023 REPORT**

Meeting	Council	25 July 2023
Directorate	General Manager	
Attachments	Nil	

SUMMARY

I was honoured to be elected by my fellow councillors to represent the Clarence Valley Council and our Community at this year's ALGWA National Conference 2023 / Mornington Peninsula VIC.

OFFICER RECOMMENDATION

That Council note that information provided by Councillor Allison Waites after attending the ALGWA National Conference 2023.

COUNCIL RESOLUTION - 07.23.113

Novak/Clancy

That Council note that information provided by Councillor Allison Waites after attending the ALGWA National Conference 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.114 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

Meeting	Council	25 July 2023
Directorate	General Manager	
Prepared by	Internal Audit Officer, Kallet Ward	
Attachments	A. Terms of Reference 2023-2024 (Separate Cover) ⇒ B. Internal Audit Charter 2023-2024 ⇒ C. Strategic Internal Audit Plan 2022-2024 (Separate Cover) ⇒ D. Annual Internal Audit Plan 2023-2024 (Separate Cover) ⇒ E. ARIC Annual Report 2022-2023 (Separate Cover) ⇒ F. ARIC Meeting Minutes 23 June 2022 (Confidential) G. ARIC Meeting Minutes 8 December 2022 (Confidential) H. ARIC Meeting Minutes 14 February 2023 (Confidential) I. ARIC Special Meeting Minutes 27 March 2023 (Confidential) J. ARIC Meeting Minutes 4 May 2023 (Confidential)	

SUMMARY

This report requires Council to endorse key updated documents to support the operations of the Audit, Risk and Improvement Committee (ARIC). The suite of documents provides clear guidance to ARIC and ensures transparency of committee operations. The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance and external responsibilities.

OFFICER RECOMMENDATION

That Council

1. endorse the Audit Risk and Improvement Committee:
 - a. Terms of Reference 2023-2024
 - b. Internal Audit Charter 2023-2024
 - c. Strategic Internal Audit Plan 2022-2025
 - d. Annual Internal Audit Plan 2023-2024
2. note the Audit, Risk, and Improvement Committee Annual Report 2022-2023
3. note the Audit, Risk, and Improvement Committee meeting minutes for 23 June 2022, 8 December 2022 14 February 2023, 27 March 2023 and 4 May 2023.

COUNCIL RESOLUTION - 07.23.114

Novak/Clancy

That Council

1. **endorse the Audit Risk and Improvement Committee:**
 - a. **Terms of Reference 2023-2024**
 - b. **Internal Audit Charter 2023-2024**
 - c. **Strategic Internal Audit Plan 2022-2025**
 - d. **Annual Internal Audit Plan 2023-2024**
2. **note the Audit, Risk, and Improvement Committee Annual Report 2022-2023**
3. **note the Audit, Risk, and Improvement Committee meeting minutes for 23 June 2022, 8 December 2022 14 February 2023, 27 March 2023 and 4 May 2023.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.115 COUNCILLORS LISTENING TOUR

Meeting	Council	25 July 2023
Directorate	General Manager	
Attachments	Nil	

SUMMARY

Councillor Listening Tours were completed in June and early July. Note that this report also includes May locations that were not listed in the June report.

OFFICER RECOMMENDATION

That the information contained in the report be noted.

COUNCIL RESOLUTION - 07.23.115

Novak/Clancy

That the information contained in the report be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.116 CONFERENCE ATTENDANCE - 2023 NATIONAL LOCAL ROADS, TRANSPORT & INFRASTRUCTURE CONGRESS

Meeting	Council	25 July 2023
Directorate	General Manager	
Prepared by	Personal Assistant to the Mayor & Councillors, Lee Boon	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

The purpose of this report is to approve and nominate councillor(s) to attend the 2023 National Local Roads, Transport & Infrastructure Congress.

OFFICER RECOMMENDATION

That Council approve and nominate councillor(s) to attend the 2023 National Local Roads, Transport & Infrastructure Congress.

COUNCIL RESOLUTION - 07.23.116

Johnstone/Pickering

That Council approve and nominate councillor(s) to attend the 2023 National Local Roads, Transport & Infrastructure Congress.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.23.116a

Johnstone/Pickering

That Cr Pickering and Cr Whaites attend the 2023 National Local Roads, Transport & Infrastructure Congress.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.23.117 INTENTION NOT TO PROCEED WITH PP-2022-2655 TO AMEND LEP 2011 TO PERMIT AN ADDITIONAL USE (RURAL SUPPLIES) AT 4 RIVER ST, PALMERS ISLAND

Meeting	Council	25 July 2023
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Policy), Alex Wells	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. PDF May 2022 Planning Proposal REZ2021-003 Rural Supplies Palmers Island (Separate Cover) ⇒ B. REZ2021 0003 Engineering Comments 4 River Road PALMERS ISLAND April 2023 ⇒ C. Revised Bitzios TIA 24 February 2023 (Separate Cover) ⇒ D. TFNSW response to planning proposal - Palmers Island ⇒ E. Council Meeting Minutes 22 June 2021 (Separate Cover) ⇒	

SUMMARY

This planning proposal seeks a change to Council's *Clarence Valley Local Environmental Plan 2011* (LEP) to permit an additional use with consent, of the land for a Rural Supplies store at Lot 11 DP 1259162, being 4 River Street, Palmers Island.

There is a long history of correspondence between Council, the applicant and government agencies about the proposal. Council staff and Transport for NSW are concerned that the proposed Rural Supplies store would compromise the safety and operation of Yamba Road.

A suggestion to move the access around to the minor road (Yamba Street) was rejected by the proponent. The Department of Planning and Environment (DPE) require Council to advise if the proposal should proceed or not. It is recommended that Council advise DPE that the proposal does not proceed and that the DPE gateway determination be revoked.

OFFICER RECOMMENDATION

That Council write to the Department of Planning and Environment and advise of its intention not to proceed, as per (S3.35 (4) of the *Environmental Planning and Assessment Act 1979*) with the planning proposal (PP-2022-2655) to amend the *Clarence Valley Local Environmental Plan 2011* for an additional use to be permitted with consent of "Rural Supplies" to the proposed site currently zoned RU1 'Primary Production' on Lot 11 DP 1259162, 4 River Street, Palmers Island and that the gateway determination be revoked.

COUNCIL RESOLUTION - 07.23.117

Novak/Toms

That Council

1. defer Item 07.23.117 Intention Rural Supplies
2. refer the applicants new Traffic Assessment to Transport NSW and CVC Traffic Committee
3. receive a report including the recommendation from Transport NSW and CVC Traffic Committee to a Council meeting.

Voting recorded as follows

For: Novak, Pickering, Smith, Toms, Whaites

Against: Clancy, Day, Johnstone, Tiley

CARRIED

ITEM 07.23.118 CLIMATE CHANGE ADVISORY COMMITTEE - MEMBERSHIP

Meeting	Council	25 July 2023
Directorate	Environment & Planning	
Prepared by		
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. TOR - Climate Change Advisory Committee Draft ↗	

SUMMARY

This report responds to a Resolution (Item 06.23.006) of Council at its Ordinary Meeting held 23 May 2023.

OFFICER RECOMMENDATION

That Council review membership requirements for the Climate Change Advisory Committee following the 2024 Local Government election when new committees are established.

COUNCIL RESOLUTION - 07.23.118

Novak/Clancy

That Council review membership requirements for the Climate Change Advisory Committee following the 2024 Local Government election when new committees are established.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.119 COUNCIL'S USE OF SECOND GENERATION ANTICOAGULANT RODENTICIDES (SGARS) - UPDATED ADVICE

Meeting	Council	25 July 2023
Directorate	Environment & Planning	
Prepared by	Manager Environment & Regulatory Services, Scott Lenton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	Nil	

SUMMARY

This report presents information in response to a Council resolution from November 2022 seeking attention to the type of baits used for rodent control in NSW and by Clarence Valley Council due to concern about potential for secondary poisoning of birds or other native predatory animals.

OFFICER RECOMMENDATION

That Council:

1. note discontinued purchase of second generation anticoagulant rodenticide (SGAR) products and commenced purchase of first generation anticoagulant rodenticide (FGAR) products that are registered by the Australian Pesticides and Veterinary Medicines Authority for rodent management;
2. note Council's pest management contractor is proposing to adjust control of rodents to use of a FGAR bait/s; and
3. inform the community about Council's change in purchasing and operational rodent management practice to educate a wider audience about FGAR and SGAR products, their potential environmental implications, and to influence positive change in environmental management by our community and local business.

COUNCIL RESOLUTION - 07.23.119

Clancy/Pickering

That Council:

1. **note discontinued purchase of second generation anticoagulant rodenticide (SGAR) products and commenced purchase of first generation anticoagulant rodenticide (FGAR) products that are registered by the Australian Pesticides and Veterinary Medicines Authority for rodent management;**
2. **note Council's pest management contractor is proposing to adjust control of rodents to use of a FGAR bait/s; and**
3. **inform the community about Council's change in purchasing and operational rodent management practice to educate a wider audience about FGAR and SGAR products, their potential environmental implications, and to influence positive change in environmental management by our community and local business.**

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & COMMUNITY

ITEM 07.23.120 ITEMS FOR INFORMATION

Meeting	Council	25 July 2023
Directorate	General Manager	
Attachments	A. Access Committee minutes 17 June 2023 (Separate Cover) ⇒ B. Clarence Valley - Response from IPART regarding Increase in Emergency Services levy costs (Separate Cover) ⇒ C. Correspondence from the Bureau of Meteorology (Separate Cover) ⇒ D. Geographical Names Board - Elsie Crisp Memorial Park ⇒	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Access Advisory Committee Meeting Minutes: 17 June 2023
- Letter from IPART re: Emergency Services Levy
- Correspondence from the Bureau of Meteorology
- Geographical Names Board Correspondence - Elsie Crisp Memorial Park 14 July 2023

COUNCIL RESOLUTION - 07.23.120

Novak/Clancy

That the Items for Information as listed below be noted

- **Access Advisory Committee Meeting Minutes: 17 June 2023**
- **Letter from IPART re: Emergency Services Levy**
- **Correspondence from the Bureau of Meteorology**
- **Geographical Names Board Correspondence - Elsie Crisp Memorial Park 14 July 2023**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.121 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	25 July 2023
Directorate	Corporate & Community	
Prepared by	Corporate Support, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Completed Checklist (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 meeting.

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.23.121

Novak/Clancy

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.122 GOVERNANCE REPORT Q4 2022-23

Meeting	Council	25 July 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Corporate & Customer Experience, Lynette Burley	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in Q4 2022-2023 (1 April 2023 to 30 June 2023).

OFFICER RECOMMENDATION

That Council receive and note the Q4 2022-2023 Governance Report.

COUNCIL RESOLUTION - 07.23.122

Novak/Clancy

That Council receive and note the Q4 2022-2023 Governance Report.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.123 PETITION LODGED

Meeting	Council	25 July 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Corporate & Customer Experience, Lynette Burley	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Petition. Increased Sewer access charges. _ redacted [N=812] ⇒	

SUMMARY

This report asks Council to receive a petition in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a).

OFFICER RECOMMENDATION

That Council

1. note the attached petition and
2. refer the petition to the General Manager to respond to the chief petitioner within 21 days of the resolution that Council follows the best practice guidelines set out by NSW Department of Planning & Environment's Guidance on Strategic Planning Outcomes in implement sound pricing and prudent financial management in setting sewer charges in relation to water meter connections

COUNCIL RESOLUTION - 07.23.123

Novak/Clancy

That Council

1. note the attached petition and
2. refer the petition to the General Manager to respond to the chief petitioner within 21 days of the resolution that Council follows the best practice guidelines set out by NSW Department of Planning & Environment's Guidance on Strategic Planning Outcomes in implement sound pricing and prudent financial management in setting sewer charges in relation to water meter connections

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.124 MONTHLY INVESTMENT REPORT - JUNE 2023

Meeting	Council	25 July 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - June 2023 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.23.124

Novak/Clancy

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.125 COMMUNITY AND CULTURAL ADVISORY COMMITTEE

Meeting	Council	25 July 2023
Directorate	Corporate & Community	
Prepared by	Administration Officer, Avron Thompson	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. 2023 06 28_Minutes CV Community and Cultural Committee meeting ⇒	

SUMMARY

At Council's Community and Cultural Advisory Committee meeting on Wednesday 28 July 2023, recommendations were made to engage and lobby with NSW State Government about the future use of the forth unassigned area of the Old Grafton Gaol and ensure the local community is consulted in it's future use.

OFFICER RECOMMENDATION

That Council supports the intent of the recommendations made by the Community and Cultural Advisory Committee by writing to the Minister for Planning and Public Spaces, the Honourable Paul Scully, requesting the NSW Government:

1. engage with the local community regarding the future use of unassigned Lots within the Old Grafton Gaol site, to understand community expectations; and
2. provides feedback to Council on the plan for use of the unassigned Lots within the Old Grafton Gaol site.

COUNCIL RESOLUTION - 07.23.125

Novak/Smith

That Council

1. **Seek an update on the rezoning, sale and planned usage of unassigned lots of the old Grafton Gaol from the Minister of Planning and Public Spaces, the Honourable Paul Scully.**
2. **Provide a report on the update to an ordinary meeting within three months.**
3. **Seek the support of local member, Richie Williamson, in getting the information**

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.23.126 RFT22-54 GRAVEL, CRUSHED CONCRETE AND ROCK SUPPLY FOR 23/24**

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Maintenance Engineer, Daniel Smith	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Attachment - Tender Recommendation Report - RFT 2254 Gravel, Crushed Concrete and Rock Supply to CVC 20232024 (Confidential)	

SUMMARY

Tenders have been called to supply quarry products to Council for the 2023/2024 financial year including:

- Gravel (base, sub-base and resheeting quality),
- Crushed concrete (base, sub-base and select fill quality) and;
- Rock

This report is to accept the tenders received to be included on a Panel of Suppliers for use as required during the 2023/2024 financial year with the preferred supplier for each order determined by an assessment undertaken having regard to cost and program requirements applicable at the time of the order.

OFFICER RECOMMENDATION

That Council accept Tenders from:

- BD & MC Lewis Pty Ltd
- Boral Resources (Country) Pty Ltd
- KIS Quarries Pty Ltd
- McLennan Earthmoving Pty Ltd
- State Quarry Products Pty Ltd

for the supply of gravel (base, sub-base and resheeting quality), crushed concrete (base, sub-base and select fill quality) and rock supplies for the remainder of the 2023/2024 financial year.

COUNCIL RESOLUTION - 07.23.126**Novak/Clancy**

That Council accept Tenders from:

- BD & MC Lewis Pty Ltd
- Boral Resources (Country) Pty Ltd
- KIS Quarries Pty Ltd
- McLennan Earthmoving Pty Ltd
- State Quarry Products Pty Ltd

for the supply of gravel (base, sub-base and resheeting quality), crushed concrete (base, sub-base and select fill quality) and rock supplies for the remainder of the 2023/2024 financial year.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.127 LOCAL TRAFFIC COMMITTEE

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes 5.7.23 (Separate Cover) ⇒ B. 014.23 Parking Near Maclean Hospital ⇒ C. 015.23 Glenreagh Timber Festival TMP (Separate Cover) ⇒	

SUMMARY

This report lists the recommendations made at the 5 July 2023 meeting of the Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee determined on 5 July 2023 be adopted by Council.

COUNCIL RESOLUTION - 07.23.127

Novak/Clancy

That the recommendations of the Local Traffic Committee determined on 5 July 2023 be adopted by Council.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.128 PROPOSED ROAD CLOSURE OF PART SUNART STREET ROAD RESERVE, MACLEAN

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Hannah Webber	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Submisson from Landowner of Lots 29, 30 & 31 DP 5671 ⇒ B. Recommended Disposal Price (Confidential)	

SUMMARY

This report is to consider the permanent road closure of part Sunart Street Road Reserve, Maclean, and transfer ownership to the adjoining landowners. This request is made by the adjoining landowners of Lot 36 DP 793103 being 5 McIntyres Lane, Maclean and Lot 10 DP 1072077 being 10 Sunart Street, Maclean.

OFFICER RECOMMENDATION

That Council:

1. permanently close part Sunart Street Road Reserve, Maclean in line with the provisions of the *Roads Act 1993* (depicted in figure 1)
2. transfer the closed road to the adjoining landowners of Lot 36 DP 793103 and Lot 10 DP 1072077 for the recommended purchase price outlined in confidential attachment B
3. authorise the General Manger to execute all documents relating to the closure and sale to affect the above requirements
4. instruct the landowners that they are to meet all costs associated with the road closure

COUNCIL RESOLUTION - 07.23.128**Novak/Clancy**

That Council:

1. permanently close part Sunart Street Road Reserve, Maclean in line with the provisions of the *Roads Act 1993* (depicted in figure 1)
2. transfer the closed road to the adjoining landowners of Lot 36 DP 793103 and Lot 10 DP 1072077 for the recommended purchase price outlined in confidential attachment B
3. authorise the General Manger to execute all documents relating to the closure and sale to affect the above requirements
4. instruct the landowners that they are to meet all costs associated with the road closure

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.129 FLOODPLAIN RISK MANAGEMENT ADVISORY COMMITTEE

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. B Paterson - CV (Confidential)	

SUMMARY

This report seeks Council's consideration of membership of a further community representative to the Floodplain Risk Management Advisory Committee.

OFFICER RECOMMENDATION

That Council appoint Mr Bill Paterson as a community representative on the Floodplain Risk Management Advisory Committee.

COUNCIL RESOLUTION - 07.23.129

Novak/Clancy

That Council appoint Mr Bill Paterson as a community representative on the Floodplain Risk Management Advisory Committee.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.130 RFT22/41 - REGIONAL AQUATIC FACILITY (GRAFTON OLYMPIC POOL) ON CROWN LAND

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Senior Parks & Recreation Officer, Rachele Passmore	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT 22/41 Tender Evaluation Report - Regional Aquatic Facility (Confidential)	

SUMMARY

This report presents a recommendation on the Request for Tender for the construction of the Regional Aquatic Facility (Grafton Pool Redevelopment).

OFFICER RECOMMENDATION

That Council as Crown Land Manager of Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. decline to accept the tender offers for RFT22/41 Regional Aquatic Facility (Grafton Olympic Pool) as the tenders received were higher than anticipated.
2. not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those already received for this tender.
3. delegate to the General Manager or her representative to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.
4. consider the outcome of the negotiations for RFT22/41 at an extraordinary Council meeting prior to the next Council meeting.

POINT OF ORDER

Toms

Cr Toms to Cr Johnstone "Cr Johnstone is going out of his lane when there is no evidence that services are going to be cut he needs to stick to debating the item, which is a tender".

The Chair upheld the point of order.

MOTION

Smith/Clancy

That given the requirements of clause 14.1c of the code of meeting practice that Council move into closed session to consider items 07.23.130 & 07.23.131 in accordance with the Local Government Act 1993.

Voting recorded as follows

For: Clancy, Day, Johnstone, Smith

Against: Novak, Pickering, Tiley, Toms, Whaites

The Motion was put and declared LOST

COUNCIL RESOLUTION - 07.23.130

Toms/Novak

That Council as Crown Land Manager of Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

- 1. decline to accept the tender offers for RFT22/41 Regional Aquatic Facility (Grafton Olympic Pool) as the tenders received were higher than anticipated.**
- 2. not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those already received for this tender.**
- 3. delegate to the General Manager or her representative to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.**
- 4. consider the outcome of the negotiations for RFT22/41 at an extraordinary Council meeting prior to the next Council meeting.**

Voting recorded as follows

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

Against: Clancy, Johnstone, Smith

CARRIED

ITEM 07.23.131 TENDER 22/49 YAMBA COMMUNITY PRECINCT PROJECT - TENDER EVALUATION AND RECOMMENDATION

Meeting	Council	25 July 2023
Directorate	Works & Civil	
Prepared by	Project Manager, Leah Munro	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT 22/49 Tender Evaluation Report - Yamba Community Precinct Project (Confidential)	

SUMMARY

This report presents a recommendation on the Tender for the demolition and construction of Yamba Community Precinct.

OFFICER RECOMMENDATION

That Council:

1. decline to accept the tender offers for RFT 22/49 Yamba Community Precinct Project as the tenders received were higher than anticipated.
2. not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender.
3. delegate the General Manager or her representative to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.
4. consider the outcome of negotiations for RFT 22/49 at an extraordinary Council meeting prior to the next Council meeting.

COUNCIL RESOLUTION - 07.23.131

Toms/Novak

That Council:

1. **decline to accept the tender offers for RFT 22/49 Yamba Community Precinct Project as the tenders received were higher than anticipated.**
2. **not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender.**
3. **delegate the General Manager or her representative to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.**
4. **consider the outcome of negotiations for RFT 22/49 at an extraordinary Council meeting prior to the next Council meeting.**

Voting recorded as follows

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

Against: Clancy, Smith

CARRIED

7. CONFIDENTIAL BUSINESS

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 3:27pm.



CERTIFICATION OF MINUTES

I certify that the preceding 29 pages are the Minutes of the meeting of Clarence Valley Council held on 25 July 2023.

Signed by:

A handwritten signature in blue ink, appearing to read 'Ian Tiley', is written over a horizontal line. The signature is fluid and cursive.

Ian Tiley

Mayor / Chairperson