

Ordinary Council Meeting

Minutes

Maclean - 28 May 2024 - 3:00 PM



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 28 May 2024 commencing at 3:00 PM and closing at 7.01pm.

AFFIRMATION – Cr Allison Whaites 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 Debrah Novak delivered the Acknowledgement of the Traditional Custodians of the Land.

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

ANNOUNCEMENT – The General Manager delivered the Announcement.

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

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

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)

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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

Name	Item	Nature of Interest, Action and Reason
Cr Johnstone	07.24.072	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Leave the Meeting ▪ I am on the JRPP
CR TILEY	07.24.072	<ul style="list-style-type: none"> ▪ SIGNIFICANT NON-PECUNIARY – LEAVE THE MEETING ▪ MEMBER OF NRJRPP WHICH WILL DETERMINE THE APPLICATION
CR TILEY	07.24.074	<ul style="list-style-type: none"> ▪ SIGNIFICANT NON-PECUNIARY – LEAVE THE MEETING ▪ MEMBER OF NRJRPP WHICH WILL DETERMINE THE APPLICATION

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Pickering/Toms

That the Minutes of Ordinary Meeting of Council dated 23 April 2024, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION

Toms/Tiley

That the Minutes of Extraordinary Meeting of Council dated 16 May 2024, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

ITEM 06.24.006 NOTICE OF MOTION NATURAL DISASTERS IN THE CLARENCE VALLEY

Meeting	Council	28 May 2024
Submitted by	Cr Debrah Novak	
Attachments	Nil	

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

PROPOSED MOTION

That Council:

1. acknowledge the NSW Government State Disaster Mitigation Plan 2024 – 2026 is tabled and issued under the authority of the Minister for Planning and Public Spaces and the Minister for Emergency Services pursuant to the NSW Reconstruction Authority Act 2022
2. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as being in the top three LGA's in NSW with the highest flood risk in the social, economic, and natural environments.
3. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as having the highest coastal hazard and storm risk in the natural environment in NSW.
4. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as being in the top 3 LGA's in NSW with the highest cyclone risk in the social, economic, and natural environments.
5. acknowledge the NSW Planning Circular PS 24-001, (1st March 2024) Supplement PS21-006 through the NSW 2022 Flood Inquiry identifies the Northern Rivers, Clarence, Tweed and Richmond as 'High Risk' Catchments.
6. invite (ASAP) the Northern Rivers Reconstruction Authority (RA) and the NSW Parliamentary Secretary for Disaster Recovery MP Janelle Saffin to a Council workshop.
7. invite the Northern Rivers Reconstruction Authority (RA) lead Nerida Buckley to address Council in a workshop on the state legislated mandate Disaster Adaptation Plan

8. apply for funding from the Federal Governments Disaster Ready Funding (when Round 3 opens) to develop a local Clarence Valley Disaster Adaptation Plan (DAP).

MOTION

Novak/Whaites

That Council:

1. acknowledge the NSW Government State Disaster Mitigation Plan 2024 – 2026 is tabled and issued under the authority of the Minister for Planning and Public Spaces and the Minister for Emergency Services pursuant to the NSW Reconstruction Authority Act 2022
2. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as being in the top three LGA's in NSW with the highest flood risk in the social, economic, and natural environments.
3. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as having the highest coastal hazard and storm risk in the natural environment in NSW.
4. acknowledge the State Disaster Mitigation Plan identifies the Clarence Valley Local Government Area as being in the top 3 LGA's in NSW with the highest cyclone risk in the social, economic, and natural environments.
5. acknowledge the NSW Planning Circular PS 24-001, (1st March 2024) Supplement PS21-006 through the NSW 2022 Flood Inquiry identifies the Northern Rivers, Clarence, Tweed and Richmond as 'High Risk' Catchments.
6. invite (ASAP) the Northern Rivers Reconstruction Authority (RA) and the NSW Parliamentary Secretary for Disaster Recovery MP Janelle Saffin to a Council workshop.
7. invite the Northern Rivers Reconstruction Authority (RA) lead Nerida Buckley to address Council in a workshop on the state legislated mandate Disaster Adaptation Plan

Voting recorded as follows

For: Novak, Pickering, Smith, Whaites

Against: Clancy, Day, Johnstone, Tiley, Toms

The Motion was put and declared LOST

POINT OF ORDER

Novak/Toms

Cr Novak directed to Cr Toms 'I'm sorry I may not have articulated myself very well, but I'm not asking that we leave the Northern Rivers Joint Regional Organisation.'

The Chair over ruled the point of order

POINT OF ORDER

Novak/Toms

Cr Novak directed to Cr Toms "We don't have the money for the local plan, the local plan is a separate funding opportunity that can come from the Regional Reconstruction Authority'.

The Chair over ruled the point of order

ITEM 06.24.007 NOTICE OF MOTION STAFF REPORT TO CVC DESTINATION MANAGEMENT PLAN COUNCILLOR WORKSHOP

Meeting	Council	28 May 2024
Submitted by	Cr William Day	
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 NOM requires CVC staff to present a report on the details of how CVC will manage local tourism information services and marketing in the next 12 months; within the CVC tourism budget

PROPOSED MOTION

That Clarence Valley Council staff:

1. present a report to the councillor workshop scheduled to review the draft Clarence Valley Management Plan and submissions following public exhibition
2. include the following in this CVC staff report;
 - Major visitor information centre at Grafton Regional Gallery (closure, or staffing via volunteers, or location to Ferry Park)
 - Supplementary Information Centres in all main towns and villages (how to select and sign-post outlets; brochure display and distribution)
 - Valley-wide Tourist Book (production, funding and distribution)
 - Information sheets to cover villages plus items of special interest (production; funding and distribution)
 - Coach and Tour Group assistance, information and marketing
 - Farm tours and accommodation
 - CVC Tourism Brand (manage current brand or replace)
 - Festivals and Events (manage current brand or replace)
 - MyClarenceValley Marketing (use "Call-to-Action" to secure business and to track results)
 - MyClarenceValley website management and updating
 - Tracking Results and Reporting all CVC tourism activities and results (regular reporting to Council)
 - Other CVC tourism activities and issues
3. CVC Tourism activities in the next 12 months must operate within the 2024/25 budget
4. details of the 2024/25 CVC Tourism budget

COUNCIL RESOLUTION - 06.24.007

Day/Clancy

That Clarence Valley Council staff:

1. present a report to the councillor workshop scheduled to review the draft Clarence Valley Management Plan and submissions following public exhibition
2. include the following in this CVC staff report;
 - Major visitor information centre at Grafton Regional Gallery (closure, or staffing via volunteers, or location to Ferry Park)
 - Supplementary Information Centres in all main towns and villages (how to select and sign-post outlets; brochure display and distribution)
 - Valley-wide Tourist Book (production, funding and distribution)
 - Information sheets to cover villages plus items of special interest (production; funding and distribution)
 - Coach and Tour Group assistance, information and marketing
 - Farm tours and accommodation
 - CVC Tourism Brand (manage current brand or replace)
 - Festivals and Events

- MyClarenceValley Marketing (use "Call-to-Action" to secure business and to track results)
- MyClarenceValley website management and updating
- Tracking Results and Reporting all CVC tourism activities and results (regular reporting to Council)
- Other CVC tourism activities and issues
- provide details of the 2024/25 CVC Tourism budget.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 06.24.008 NOTICE OF MOTION CLARENCE VALLEY COUNCIL SUPPORT TO RETAIN THE ULMARRA TO SOUTHGATE FERRY

Meeting	Council	28 May 2024
Submitted by	Cr Steve Pickering	
Attachments	Nil	

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

SUMMARY

The Ulmarra Ferry crossing was established in the 1890s and is located 15 minutes north of Grafton. The current vessel has been in operation for 74 years. It connects the villages of Ulmarra and Southgate. Due to a reduction in patronage, Transport for NSW (TfNSW) has decided to cease operating the Ulmarra Ferry from June 10th, 2024.

PROPOSED MOTION

That Council:

1. write to Jenny Aitchison MP, Minister for Regional Transport and Roads of New South Wales, and Chris Minns, Premier of NSW, requesting a review of the decision to terminate the Ulmarra to Southgate ferry service and that assurance be given to the Clarence Valley community that the service will remain in operation.
2. write to the Local Member, Richie Williamson MP, thanking him for his support to date and request he make representation to Jenny Aitchison MP, the Minister for Regional Transport and Roads of New South Wales, requesting a review of the Transport for NSW decision to terminate the Ulmarra to Southgate ferry and that assurance be given to the Clarence Valley community that the ferry service will be retained.

COUNCIL RESOLUTION - 06.24.008

Pickering/Clancy

That Council:

1. write to Jenny Aitchison MP, Minister for Regional Transport and Roads of New South Wales, and Chris Minns, Premier of NSW, requesting a review of the decision to terminate the Ulmarra to Southgate ferry service and that assurance be given to the Clarence Valley community that the service will remain in operation.
2. write to the Local Member, Richie Williamson MP, thanking him for his support to date and request he make representation to Jenny Aitchison MP, the Minister for Regional Transport and Roads of New South Wales, requesting a review of the Transport for NSW decision to terminate the Ulmarra to Southgate ferry and that assurance be given to the Clarence Valley community that the ferry service will be retained.

Voting recorded as follows

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

Against: Nil

CARRIED

AMENDMENT TO MOTION

Novak/Smith

That Council:

1. write to Jenny Aitchison MP, Minister for Regional Transport and Roads of New South Wales, and Chris Minns, Premier of NSW, requesting a review of the decision to terminate the Ulmarra to Southgate ferry service and that assurance be given to the Clarence Valley community that the service will remain in operation.
2. write to the Local Member, Richie Williamson MP, thanking him for his support to date and request he make representation to Jenny Aitchison MP, the Minister for Regional Transport and Roads of New

South Wales, requesting a review of the Transport for NSW decision to terminate the Ulmarra to Southgate ferry and that assurance be given to the Clarence Valley community that the ferry service will be retained.

3. request consideration of options that will facilitate an alternative travel with a different ferry service

Voting recorded as follows

For: Novak, Smith, Whaites

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

The Amendment to Motion was put and declared LOST

VOTE BY EXCEPTION - 07.24.069

Toms/Tiley

That the following items be adopted as recommended:

07.24.069

07.24.070

07.24.073

07.24.077

07.24.078

07.24.080

07.24.081

07.24.082

07.24.084

07.24.088

07.24.089

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Novak left the meeting at 4:14pm.

Cr Novak returned to the meeting at 4:17pm.

7. Reports

OFFICE OF THE GENERAL MANAGER

ITEM 07.24.068 REMUNERATION FOR MAYOR, DEPUTY MAYOR AND COUNCILLORS FOR 2024/2025

Meeting	Council	28 May 2024
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

Council is advised of the Local Government Remuneration Tribunal's determination of an increase of 3.75% to mayoral and councillor fees and allowances payable for the 2024/2025 financial year, with effect from 1 July 2024.

OFFICER RECOMMENDATION

That

1. council note the determination of the Tribunal.
2. fees and allowances payable to the elected members increase by 3.75% for the 2024/2025 financial year.
3. the Deputy Mayor's allowance be \$7,354 plus 3.75% to be funded from the Mayor's allowance.

MOTION

Day/Smith

That

1. Council note the determination of the Tribunal.
2. Council does not increase the fees and allowances payable from the amount applied in 2023/2024.

Voting recorded as follows

For: Day, Novak, Smith, Tiley

Against: Clancy, Johnstone, Pickering, Toms, Whaites

The Motion was put and declared LOST

COUNCIL RESOLUTION - 07.24.068

Whaites/Toms

That

1. council note the determination of the Tribunal.
2. fees and allowances payable to the elected members increase by 3.75% for the 2024/2025 financial year.
3. the Deputy Mayor's allowance be \$7,354 plus 3.75% to be funded from the Mayor's allowance.

Voting recorded as follows

For: Clancy, Johnstone, Pickering, Toms, Whaites

Against: Day, Novak, Smith, Tiley

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.24.069 DA2021/0637 - SERVICE STATION (UNMANNED DIESEL FUEL FILLING STATION) - 160 NORTH STREET, GRAFTON

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2021-0637 - Proposed Plans ⇒ B. DA2021-0637 - Section 4 15 Assessment (Separate Cover) ⇒ C. DA2021-0637 - Submissions (Separate Cover) ⇒ D. DA2021-0637 - Submission (Confidential) E. DA2021 0637 - Noise Impact Assessment (Separate Cover) ⇒ F. DA2021-0637 - Noise Impact Assessment Peer Review ⇒ G. DA2021-0637 - Traffic Impact Assessment (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Dale Brushett
<i>Owner</i>	Brewhouse Group Pty Ltd
<i>Address</i>	160 North Street Grafton being Lot 13 DP 1120659
<i>Submissions</i>	Seven (7) submissions

Development Application DA2021/0637 proposes a service station (unmanned diesel fuel filling station at 160 North Street Grafton, being Lot 13 DP 1120659.

The proposed development was advertised and notified in accordance with Council's Community Participation Plan. A total of seven (7) submissions were received during the exhibition period, which raised concerns regarding adverse impacts to amenity due to noise and increased traffic, devaluation of property and being a hazardous development.

This application is being referred to Council due to the public interest in the matter. The matters raised in the submissions are discussed in detail in this report. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application DA2021/0637 subject to the conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.24.069

Toms/Tiley

That Council approve Development Application DA2021/0637 subject to the conditions contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.070 DA2023/0778 - PROPOSED ALTERATIONS AND ADDITIONS - 40 MAIN STREET, WOOLI

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Development Planner, Phill Pitt	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023 0778 - Proposed Plans ⇒ B. DA2023 0778 - Section 4.15 Assessment ⇒ C. DA2023 0778 - Submissions ⇒	

SUMMARY

<i>Applicant</i>	Mrs Shelly Kingston
<i>Owner</i>	Mrs Shelley Kingston
<i>Address</i>	40 Main Street, Wooli
<i>Submissions</i>	One (1) submission

Development Application DA2023/0778 seeks approval to construct and use a new second storey covered deck on the western side of the existing dwelling fronting 40 Main Street, Wooli.

This includes a request to vary the Clarence Valley Local Environmental Plan 2011 (LEP) under Clause 4.6, as the proposed height of the roof will be above the 6.5 metre maximum height limit as specified in development standard within Clause 4.3 of the *Clarence Valley Local Environmental Plan 2011*.

The purpose of the report to Council is primarily for the determination of this Clause 4.6 variation. This is consistent with the existing Council delegations for the determination of variations to the LEP that are greater than 10%.

The variation in total height from the maximum 6.5 metre height limit is 0.759 metres to the apex of the roof, which would permit a total height of 7.259 metres for the roof extension.

As Council is determining the proposed development application, the variation to side setbacks as per the requirements of the Residential Zones Development Control Plan 2011 are identified in the assessment summary below.

Remaining matters for consideration have been assessed in accordance with the requirements of section 4.15 of the *Environmental Planning and Assessment Act 1979* within the planning assessment report.

OFFICER RECOMMENDATION

That Council:

1. support a variation to Clause 4.3 Height of Buildings of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6 – Exception to Development Standards;
2. support a variation to Clause C16 Setbacks Residential Zones Development Control Plan 2011, and
3. approve Development Application DA2023/0778, subject to the draft Conditions in Schedule 1.

COUNCIL RESOLUTION - 07.24.070

Toms/Tiley

That Council:

1. support a variation to Clause 4.3 Height of Buildings of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6 – Exception to Development Standards;
2. support a variation to Clause C16 Setbacks Residential Zones Development Control Plan 2011, and
3. approve Development Application DA2023/0778, subject to the draft Conditions in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.071 DA2024/0159 - PROPOSED TELECOMMUNICATION FACILITY (20M MONOPOLE) AND RETAINING WALL - 7679 CLARENCE WAY, MALABUGILMAH

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Development Assessment Planner, Alex Clark	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2024-0159 - Proposed Plans ↔ B. DA2024-0159 - Section 4.15 Assessment Report ↔	

SUMMARY

<i>Applicant</i>	Archie Aparicio
<i>Owner</i>	Jana Ngalee Local Aboriginal Land Council
<i>Address</i>	7679 Clarence Way, Malabugilmah
<i>Submissions</i>	Nil

Development Application DA2024/0159 seeks approval to construct a telecommunications facility (20m monopole) and associated retaining wall at 7679 Clarence Way, Malabugilmah.

The applicant has submitted a request to vary the *Clarence Valley Local Environmental Plan 2011* (the LEP) under Clause 4.6 – Exceptions to Development Standards to the 9 metre maximum height limit as specified in development standard of Clause 4.3 Height of Buildings of the LEP.

The primary purpose of this report to Council is for determination of a Clause 4.6 variation, consistent with Council staff delegations, which limit determination of variations to the LEP's development standards greater than 10%.

Remaining matters for consideration have been assessed in accordance with the requirements of Section 4.15 of the *Environmental Planning and Assessment Act 1979* in **Attachment B**.

OFFICER RECOMMENDATION

That Council:

- support a variation to Clause 4.3 Height of Buildings of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6 – Exception to Development Standards; and
- approve Development Application DA2024/0159 subject to draft Conditions in Schedule 1.

COUNCIL RESOLUTION - 07.24.071

Pickering/Toms

That Council:

- support a variation to Clause 4.3 Height of Buildings of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6 – Exception to Development Standards; and
- approve Development Application DA2024/0159 subject to draft Conditions in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

Adjourn for a 5 minutes break at 4.44pm.

Cr Tiley left the meeting at 4:44pm.

Cr Johnstone left the meeting at 4:44pm.

ITEM 07.24.072 SUB2023/0001 - 284 LOT SUBDIVISION (277 LOW DENSITY RESIDENTIAL LOTS, 1 MEDIUM DENSITY RESIDENTIAL DEVELOPMENT LOT, 1 COMMERCIAL DEVELOPMENT LOT, 1 LOW DENSITY RESIDENTIAL LOT, 3 DRAINAGE RESERVE LOTS AND 1 OPEN SPACE RESERVE LOT) - 52-54 MILES STREET, YAMBA - NOTICE OF NORTHERN REGIONAL PLANNING PANEL

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. SUB2023-0001- Assessment Briefing Report (Separate Cover) ⇒ B. SUB2023-0001 - Submissions (Separate Cover) ⇒ C. SUB2023-0001 - Proposed Plans (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Garrard Building Pty Ltd
<i>Owner</i>	Kahuna No 1 Pty Ltd
<i>Address</i>	52-54 Miles Street, Yamba being
<i>Submissions</i>	330 Submissions – 228 against and 2 for.

Council received Development Application SUB2023/0001 for the subdivision of land located at No. 52-54 Miles Street, Yamba. 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 12 June 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 operational 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 Council:

- note that a public determination meeting for Development Application SUB2023/0001 will be scheduled by the Northern Regional Planning Panel on the 11 or 12 June 2024.
- note that a resolution is required should Council wish to make a submission about SUB2023/0001 to the Northern Regional Planning Panel.

POINT OF ORDER

Toms/Clancy

Cr Toms directed to Cr Clancy 'I didn't actually say we can't, I said I can't.'

The Chair over ruled the point of order

COUNCIL RESOLUTION - 07.24.072

Clancy/Day

That Council make a submission to the Northern Regional Planning Panel to not support the 284 lot subdivision being: PPSNTH-195 – [SUB2023/0001] based on the CVC officers assessment of the non-compliance issues outlined in:

- Summary of Key Matters in the Relevant EPI (p.8 of A SUB2023-0001- Assessment Briefing Report) and;**

-
2. **The unresolved issues from the Agency Referrals & Concurrence (p11 of A SUB2023-0001- Assessment Briefing Report) and;**
 3. **The non-compliance reports from the Consideration of Council Referrals from Council officers (p.12 of A SUB2023-0001- Assessment Briefing Report)**

Voting recorded as follows

For: Clancy, Day, Novak, Pickering, Smith

Against: Toms, Whaites

CARRIED

Cr Johnstone returned to the meeting at 5:14 pm.

Cr Tiley returned the meeting at 5:14 pm.

ITEM 07.24.073 SUB2024/0001 - TWO (2) LOT SUBDIVISION - 4 CAMERON CLOSE, GLENREAGH

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. SUB2024-0001 - Subdivision Plan ⇒ B. SUB2024-0001 - Land Capability Assessment ⇒ C. SUB2024-0001 - Submissions ⇒ D. SUB2024-0001 - Section 4.15 Assessment ⇒	

SUMMARY

<i>Applicant</i>	Keiley Hunter
<i>Owner</i>	Mark and Danielle Klein
<i>Address</i>	4 Cameron Close, Glenreagh being Lot 12 DP1275889
<i>Submissions</i>	Two (2) – One with 15 landowners listed as interested parties

Development Application SUB2024/0001 seeks approval for a two (2) lot subdivision upon 4 Cameron Close, Glenreagh, being Lot 12 DP1275889.

The proposed development was notified in accordance with Council’s Community Participation Plan. A total of two (2) submissions were received during the exhibition period, one with 15 landowners listed as interested parties, which raised concerns regarding an increase in density, compliance with subdivision restrictions/covenants, onsite wastewater, stormwater, devaluation of property values, visual amenity and aesthetics.

This matter is being referred to Council due to the public interest in the matter. The matters raised in the submissions are discussed in detail in this report. The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. approve Development Application SUB2024/0001 subject to the Draft Advice and Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.24.073

Toms/Tiley

That Council:

1. approve Development Application SUB2024/0001 subject to the Draft Advice and Conditions contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Tiley left the meeting at 5:14 pm.

ITEM 07.24.074 MOD2023/0104 MODIFICATION TO DA2014/0098 SHERIDANS HARD ROCK QUARRY - PROPOSED LATERAL EXTENSION TO EXISTING QUARRY

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Statement of Environmental Effects (Separate Cover) ↗ B. Section 4.55 Amendment Report (Separate Cover) ↗ C. Amended Notice of Determination DA2014-0098 by MOD2016-0035, MOD2020-0039, MOD2022-0045, MOD2022-0124, MOD2023-0082 ↗	

SUMMARY

<i>Applicant</i>	Gary Peacock for Sheridans Hard Rock Quarry Pty Ltd
<i>Owner</i>	Matsid Pty Ltd
<i>Address</i>	242 Faheys and Bulgins Road Hernani, Lot 62 and 63 in DP752807
<i>Submissions</i>	Nil

Council is in receipt of a sixth (6th) Section 4.55(2) modification application (MOD2023/0104) to modify DA2014/0098 for Sheridans Hard Rock Quarry at Hernani. MOD2023/0104 was received on 22 November 2023 for an outward lateral extension to the existing quarry extraction area (7.68 hectares) by an additional 1.96 hectares, which will bring the total quarry area to 9.64 hectares and expand the available quarry resource for extraction.

No other increases in output or activities at the quarry are proposed under the modification. In accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The modification application was notified and advertised in accordance with our Community Participation Plan, as well as notifying persons who previously made a submission, and no submissions were received.

The original Development Application for the quarry was approved by the Northern Regional Planning Panel. This modification application is not required to be reported back to the Panel (as per the panel's operational procedures). This report is submitted to Council to consider, provides an assessment of the application and a recommendation for Council consideration.

OFFICER RECOMMENDATION

That Council:

1. accept the Section 4.55(2) modification application, being MOD2023/0104, as being substantially the same development as approved under DA2014/0098; and
2. approve MOD2023/0104 subject to the Draft Modified Conditions 1 and 8 and new condition 43A contained in Schedule 1.

POINT OF ORDER

Clancy/Toms

Cr Clancy directed to Cr Toms 'The replacement trees are not of the same size, they can't be. They are saplings, saplings are very young trees.'

The Chair over ruled the point of order

COUNCIL RESOLUTION - 07.24.074

Toms/Novak

That Council:

1. accept the Section 4.55(2) modification application, being MOD2023/0104, as being substantially the same development as approved under DA2014/0098; and

2. approve MOD2023/0104 subject to the Draft Modified Conditions 1 and 8 and new condition 43A contained in Schedule 1.

Voting recorded as follows

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

Against: Clancy

CARRIED

Cr Tiley returned to the meeting at 5:23 pm.

ITEM 07.24.075 PROPOSED INTERIM FLOOD PLANNING LEVELS FOR THE LOWER CLARENCE RIVER FLOODPLAIN

Meeting	Council	28 May 2024
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Policy), Alex Wells; Manager Technical Services, Greg Mashiah; Manager Development & Land Use Planning, Murray Lane	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Redacted Submissions - Interim Flood Planning Levels (Separate Cover) ⇒ B. Submission Analysis - Interim Flood Planning Levels (Separate Cover) ⇒ C. BMT Technical Note - 2090 CC1a 1 percent AEP RCP 4.5 ⇒	

SUMMARY

Following completion of a high-level review and validation of the Lower Clarence Flood Model Update 2022 (2022 Flood Model), and with the concurrence from the then Department of Planning & Environment (DPE), at its 23 October 2023 meeting, Council resolved (Resolution 07.23.190) to publicly exhibit proposed interim Flood Planning Levels (FPLs) and to commence the process of modifying Floodplain Management Controls in Council's Development Control Plans to align with the interim FPLs. The proposed interim FPLs as exhibited is 1% AEP Climate Change 1 (RCP 4.5; 2123 Planning Horizon) scenario as the Defined Flood Event + 500mm Freeboard.

The proposed interim FPLs were publicly exhibited between 3 November 2023 and 29 January 2024. Twenty-four submissions were received. Submissions varied from questioning the accuracy and conclusions of the 2022 Flood Model, that the interim FPLs are too high and will impact on property values and building costs, to those that suggest current residential zoned land that is flood prone should not be permitted to increase fill.

Following review of these submissions and the need to balance managing flood risk, climate change assumptions and socio-economic considerations, staff commissioned BMT (Council's Flood modelling consultant) to undertake a further modelling exercise using the same model parameters as the adopted 2022 Flood Model. However, instead of using the proposed 100-year planning horizon (to 2123), this additional exercise used 2090 as an alternative planning horizon to inform the 1% AEP Climate Change 1 (RCP 4.5) flood event. 2090 is a commonly adopted planning horizon used for climate change scenarios and better aligns with average residential building life.

In consideration of the existing issues with habitable floor levels in North Grafton, whereby new development is permitted to a level of 6.4 metres under the current Development Control Plans (DCPs), a measured approach is recommended to ensure unforeseen socio-economic impacts are minimised regarding access to new housing and the local economy.

At its meeting of 25 March 2024, the Floodplain Risk Management Committee (FRMC) considered and endorsed the officer's recommendation.

The commencement of these changes is recommended once Council's DCPs are updated. Revised DCPs incorporating the interim FPLs are being prepared and will be presented at the next Ordinary Council Meeting, subject to Council resolving per the Officer Recommendation below.

OFFICER RECOMMENDATION

That Council:

1. adopt the proposed interim Flood Planning Levels (derived from Lower Clarence Flood Model Update 2022), being 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard.
2. modify Floodplain Management Controls in Council's Development Control Plans to align with the interim Flood Planning Levels, including:
 - a) controls that require all new development to have a primary habitable floor level above the 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard;

- b) controls for North Grafton to enable consideration of lower primary habitable floor levels to be built to the 1% AEP as the Defined Flood Event + 500mm freeboard where it is not practical or feasible to build to the interim Flood Planning Level;
 - c) updated controls that any development below the Flood Planning Level must be constructed from Flood Compatible Building Components, inclusive of new development in North Grafton that may be permitted to be built to the 1% AEP Flood + 500mm freeboard;
 - d) updated Objectives and Controls that permit habitable floor levels below the Flood Planning Level in limited circumstances, such as being limited to alterations and additions to existing dwellings, and rebuilding/upgrading of an existing lawful use where risk to flooding is not increased or is substantially reduced; and
 - e) reporting the draft amendments to Council for endorsement before exhibition.
3. confirms that the previous Flood Planning Levels derived from the 2013 flood model will continue to apply to existing Development Applications and those under assessment.
 4. defer the commencement of the proposed Interim Flood Planning Levels until the adoption of updated Development Control Plans to provide an opportunity for those who may have already commenced planning a building project to submit a Development Application using the current (2013 flood model) Flood Planning Levels – noting that in order to comply with its Duty of Care responsibilities under s733 of the *Local Government Act 1993*, any such applicant will be advised of the latest information and provided the opportunity to change a development application comply with the Interim Flood Planning Level.
 5. prepare a public awareness campaign on the newly adopted Interim Flood Planning Levels including how it will apply to different localities within the Local Government Area, in conjunction with public exhibition of the draft updated Development Control Plans.

POINT OF ORDER

Clancy/Toms

Cr Clancy directed to Cr Toms 'It's been stated that I don't understand it, I understand it but there are issues that have been raised about some of the input into these flood levels such as whether it's an open or closed mouth of the river such as the ocean, now that wasn't discussed.....'

The Chair over ruled the point of order.

COUNCIL RESOLUTION - 07.24.075

Clancy/Day

That Council defer the decision of this item until after a Councillor workshop.

Voting recorded as follows

For: Clancy, Day, Novak, Smith, Tiley

Against: Johnstone, Pickering, Toms, Whaites

CARRIED

FORESHADOWED MOTION

Toms

That Council:

1. adopt the proposed interim Flood Planning Levels (derived from Lower Clarence Flood Model Update 2022), being 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard.
2. modify Floodplain Management Controls in Council's Development Control Plans to align with the interim Flood Planning Levels, including:
 - a) controls that require all new development to have a primary habitable floor level above the 1% AEP 2090 Climate Change (RCP 4.5) scenario as the Defined Flood Event + 500mm Freeboard;
 - b) controls for North Grafton to enable consideration of lower primary habitable floor levels to be built to the 1% AEP as the Defined Flood Event + 500mm freeboard where it is not practical or feasible to build to the interim Flood Planning Level;
 - c) updated controls that any development below the Flood Planning Level must be constructed from Flood Compatible Building Components, inclusive of new development in North Grafton that may be permitted to be built to the 1% AEP Flood + 500mm freeboard;

-
- d) updated Objectives and Controls that permit habitable floor levels below the Flood Planning Level in limited circumstances, such as being limited to alterations and additions to existing dwellings, and rebuilding/upgrading of an existing lawful use where risk to flooding is not increased or is substantially reduced; and
 - e) reporting the draft amendments to Council for endorsement before exhibition.
3. confirms that the previous Flood Planning Levels derived from the 2013 flood model will continue to apply to existing Development Applications and those under assessment.
 4. defer the commencement of the proposed Interim Flood Planning Levels until the adoption of updated Development Control Plans to provide an opportunity for those who may have already commenced planning a building project to submit a Development Application using the current (2013 flood model) Flood Planning Levels – noting that in order to comply with its Duty of Care responsibilities under s733 of the *Local Government Act 1993*, any such applicant will be advised of the latest information and provided the opportunity to change a development application comply with the Interim Flood Planning Level.
 5. prepare a public awareness campaign on the newly adopted Interim Flood Planning Levels including how it will apply to different localities within the Local Government Area, in conjunction with public exhibition of the draft updated Development Control Plans.

CORPORATE & COMMUNITY**ITEM 07.24.076 POLICY REPORT**

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Draft Marine-Based Industry Policy V1 ⇒ B. Pressure Sewerage Policy V7.0 ⇒	

SUMMARY

This report recommends action in relation to Council Policies.

OFFICER RECOMMENDATION

That Council:

1. place the draft Marine-based Industry Policy V1.0 (Attachment (A) on exhibition and subject to there being no submissions that change the intent of the policy it be adopted.
2. note the adoption of the Pressure Sewerage Policy V7.0 with a minor change that does not impact the intent of the document.
3. note the adoption of the Competitive Neutrality Policy V5.0, which received no submissions.

COUNCIL RESOLUTION - 07.24.076**Johnstone/Pickering**

That Council:

1. place the draft Marine-based Industry Policy V1.0 (Attachment (A) on exhibition pending amendment to section 3 to be inclusive of all Traditional owners of the LGA and subject to there being no submissions that change the intent of the policy it be adopted.
2. note the adoption of the Pressure Sewerage Policy V7.0 with a minor change that does not impact the intent of the document.
3. note the adoption of the Competitive Neutrality Policy V5.0, which received no submissions.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.077 COMMITTEES REPORT

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohrairie Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report requests waiving all hire fees and reducing the bond fees for the Women's Pool Day events at Dundurrabin Community Hall in response to a request from a community member.

OFFICER RECOMMENDATION

That Council waives the hire fees and reduces the bond fees by (60%) in response to a request from a community member to host Women Pool Day events on a voluntary basis until September 2024.

COUNCIL RESOLUTION - 07.24.077**Toms/Tiley**

That Council waives the hire fees and reduces the bond fees by (60%) in response to a request from a community member to host Women Pool Day events on a voluntary basis until September 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.078 PETITIONS REPORT

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Petition Rezoning Housing Yamba CAN lodged 23 April 2024 ⇒ B. Petition Stop the Fill Yamba CAN lodged 23 April 2024 ⇒ C. E-petition Stop the Fill Yamba lodged 23 April 2024 ⇒ D. E-petition Rezoning Housing Yamba CAN lodged 17 May 2024 ⇒ E. E-petition Stop the Fill Yamba CAN lodged 17 May 2024 ⇒	

SUMMARY

This report asks Council to receive two petitions in accordance with Council's Petitions Policy V1.0 (ITEM07.22.117a).

OFFICER RECOMMENDATION

That Council

1. receive the following two petitions and refer them to the General Manager to be placed on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a)
 - a. Petition Rezoning Housing Yamba CAN lodged 23 April 2024 (Attachment A)
 - b. Petition Stop the Fill Yamba CAN lodged 23 April 2024 (Attachment B).
2. note the petition for Stop the Fill lodged on 23 April 2024 contains an electronic petition component that does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment C).
3. note on the 17 May 2024, the chief petitioner lodged the same petition for Rezoning Housing with an additional electronic petition component, which does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment D).
4. note on the 17 May 2024, the chief petitioner lodged the same petition for Stop the Fill with the electronic petition component with additional signatures, which does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment E).

COUNCIL RESOLUTION - 07.24.078

Toms/Tiley

That Council

1. receive the following two petitions and refer them to the General Manager to be placed on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a)
 - a. Petition Rezoning Housing Yamba CAN lodged 23 April 2024 (Attachment A)
 - b. Petition Stop the Fill Yamba CAN lodged 23 April 2024 (Attachment B).
2. note the petition for Stop the Fill lodged on 23 April 2024 contains an electronic petition component that does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment C).
3. note on the 17 May 2024, the chief petitioner lodged the same petition for Rezoning Housing with an additional electronic petition component, which does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment D).
4. note on the 17 May 2024, the chief petitioner lodged the same petition for Stop the Fill with the electronic petition component with additional signatures, which does not comply with section 5.2 of the Petition Policy V1.0, requiring E-petitions to have a unique identifier for email addresses (Attachment E).

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.079 ITEMS FOR INFORMATION

Meeting	Council	28 May 2024
Directorate	General Manager	
Attachments	A. Access Committee Minutes - February 2024 ⇨ B. Access Committee Minutes - April 2024 ⇨ C. ARIC Committee Meeting Minutes - February 2024 (Confidential) D. Lanitza & Kungala Community Hall Committee Minutes - April 2024 ⇨ E. Ewingar Hall Committee Meeting Minutes - April 2024 ⇨ F. Climate Change Advisory Committee Minutes - May 2024 ⇨ G. Clarence Sports Committee Minutes - May 2024 ⇨ H. Lower Clarence Sports Committee Minutes - May 2024 ⇨ I. Country Mayors Association of NSW Communique - May 2024 ⇨ J. Response to CVC from Parliamentary Secretary regarding cost shifting ⇨ K. NRJO correspondence to NSW Premier, Minister Moriarty, Minister Jackson and Minister Hoenig (Food Security and Food Production) ⇨ L. Correspondence from Minister Regional Transport and Roads regarding Ulmarra Ferry ⇨ M. NRRRA Compact partnership with NR Community Leaders and NRJO ⇨	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

- Access Committee Minutes - February 2024
- Access Committee Minutes - April 2024 (submission to draft 2024/2025 budget to be considered in June)
- ARIC Committee Meeting Minutes - February 2024
- Lanitza & Kungala Community Hall Committee Minutes - April 2024
- Ewingar Hall Committee Meeting Minutes - April 2024
- Climate Change Advisory Committee Minutes - May 2024
- Clarence Sports Committee Minutes - May 2024
- Lower Clarence Sports Committee Minutes - May 2024
- Country Mayors Association of NSW Communique - May 2024
- Response to CVC from Parliamentary Secretary regarding cost shifting
- NRJO correspondence to NSW Premier, Minister Moriarty, Minister Jackson and Minister Hoenig (Food Security and Food Production)
- Correspondence from Minister Regional Transport and Roads regarding Ulmarra Ferry
- NRRRA Compact partnership with NR Community Leaders and NRJO.

MOTION

Toms/Day

Cr Toms directed to Cr Day 'I think the Councillors question has nothing to do with the items for information before us.'

The Chair upheld the point of order

POINT OF ORDER

Toms/Day

Cr Toms directed to Cr Day 'Cr Day must have a different letter, than the minutes that are in the attachments. He is now talking about things that are not in the minutes so I'm not sure why he is bringing

this up, we've got items for information and we've got Ewingar Hall Committee Minutes from April 2024 and I haven't seen any minutes that tell us all about what he is going on about.'

The Chair upheld the point of order

COUNCIL RESOLUTION - 07.24.079**Day/Toms**

That the Items for Information as listed below be noted:

- Access Committee Minutes - February 2024
- Access Committee Minutes - April 2024 (submission to draft 2024/2025 budget to be considered in June)
- ARIC Committee Meeting Minutes - February 2024
- Lanitza & Kungala Community Hall Committee Minutes - April 2024
- Ewingar Hall Committee Meeting Minutes - April 2024
- Climate Change Advisory Committee Minutes - May 2024
- Clarence Sports Committee Minutes - May 2024
- Lower Clarence Sports Committee Minutes - May 2024
- Country Mayors Association of NSW Communique - May 2024
- Response to CVC from Parliamentary Secretary regarding cost shifting
- NRJO correspondence to NSW Premier, Minister Moriarty, Minister Jackson and Minister Hoenig (Food Security and Food Production)
- Correspondence from Minister Regional Transport and Roads regarding Ulmarra Ferry
- NRRRA Compact partnership with NR Community Leaders and NRJO.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.080 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List - Completed ⇒ B. Actions List - Outstanding ⇒ C. Rolling Checklist from 2019-2021 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.24.080**Toms/Tiley**

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 07.24.081 MONTHLY INVESTMENT REPORT - APRIL 2024

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - April 2024 ↗	

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 April 2024 be noted.

COUNCIL RESOLUTION - 07.24.081**Toms/Tiley**

That the report indicating Council's funds investment position as at 30 April 2024 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.082 MONTHLY FINANCE REPORT - APRIL 2024

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Business Accountant, Terri Simmons	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Monthly Detailed Income & Expenditure By Service - Apr 2024 ⇒ B. Monthly Grant Report - April 2024 ⇒ C. Deferred Projects ⇒	

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 \$115,501. The reserve fund variations identified in this report will increase the balance of the Financial Reserves by \$2,132,710.

OFFICER RECOMMENDATION

That Council

1. note the monthly financial information report for April 2024 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$115,501, which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report.
3. endorse the proposed variations, which increase the Financial Reserves by \$2,132,710, which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report.
4. note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.24.082**Toms/Tiley**

That Council

1. note the monthly financial information report for April 2024 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$115,501, which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report.
3. endorse the proposed variations, which increase the Financial Reserves by \$2,132,710, which will be included in the 2023/2024 General Purpose Financial Statements Refer to Audit report.
4. note and endorse the Monthly Grant Report April 2024 as identified in Attachment B.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.083 2024 CULTURAL & SPORTS TRUST FUND

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Project Officer, Lainie Edwards	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

A request for assistance from the Clarence Valley Cultural and Sports Trust Fund has been received on behalf of Shaniqua Williams, Shelera Williams and Martina Williams, who have all been selected to compete at Hockey NSW Australian U18's National Championship being held on the Gold Coast from the 3rd to 11th July 2024.

OFFICER RECOMMENDATION

That Council approve a donation from the Clarence Valley Cultural and Sports Trust Fund of \$300 each (total \$900) to Shaniqua Williams, Shelera Williams and Martina Williams, who have all been selected to compete at the Hockey NSW Australian U18's National Championship being held on the Gold Coast from the 3rd to 11th July 2024.

COUNCIL RESOLUTION - 07.24.083**Pickering/Novak**

That Council approve a donation from the Clarence Valley Cultural and Sports Trust Fund of \$300 each (total \$900) to Shaniqua Williams, Shelera Williams and Martina Williams, who have all been selected to compete at the Hockey NSW Australian U18's National Championship being held on the Gold Coast from the 3rd to 11th July 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.084 CLARENCE REGIONAL LIBRARY STRATEGIC PLAN 2024/2034

Meeting	Council	28 May 2024
Directorate	Corporate & Community	
Prepared by	Regional Librarian, Kathryn Breward	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Clarence Regional Library Strategic Plan 2024/2034 (Separate Cover) ⇒	

SUMMARY

This report recommends action in relation to the Clarence Regional Library's Strategic Plan 2023/2034.

OFFICER RECOMMENDATION

That Council note the adoption of the Clarence Regional Library Strategic Plan 2024/2034 post exhibition which received one submission that did not change the intent of the Strategic Plan.

COUNCIL RESOLUTION - 07.24.084**Toms/Tiley**

That Council note the adoption of the Clarence Regional Library Strategic Plan 2024/2034 post exhibition which received one submission that did not change the intent of the Strategic Plan.

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.24.085 CAMERON PARK, MACLEAN MASTERPLAN**

Meeting	Council	28 May 2024
Directorate	Works & Civil	
Prepared by	Team Leader Open Spaces, Andrew Auglys	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Cameron Park Masterplan Report FINAL (Separate Cover) ↗ B. Cameron Park Masterplan-OPC ↗ C. Cameron Park Public Feedback Report ↗	

SUMMARY

A Masterplan to inform future management and development of Cameron Park Maclean has been prepared and is recommended for endorsement.

OFFICER RECOMMENDATION

That Council:

1. endorse the Cameron Park, Maclean masterplan report
2. apply for suitable external funding to deliver components of the masterplan.

COUNCIL RESOLUTION - 07.24.085

Day/Toms

That Council:

1. endorse the Cameron Park, Maclean masterplan report
2. apply for suitable external funding to deliver components of the masterplan.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.086 DRAFT ACTIVE TRANSPORT STRATEGY 2024/2044

Meeting	Council	28 May 2024
Directorate	Works & Civil	
Prepared by	Road Safety Officer, Alana Brooks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Submission Responses (Separate Cover) ⇒ B. Draft Active Transport Strategy 2024/2044 (Separate Cover) ⇒	

SUMMARY

The Draft Active Transport Strategy 2024/2044 has been updated following a review of community submissions. The revised Draft Active Transport Strategy 2024/2044 is now presented to the Council for adoption.

OFFICER RECOMMENDATION

That Council:

1. note the public exhibition period submissions and responses attached to the report.
2. adopt the Draft Active Transport Strategy 2024/2044

COUNCIL RESOLUTION - 07.24.086**Pickering/Toms**

That Council:

1. note the public exhibition period submissions and responses attached to the report.
2. adopt the Draft Active Transport Strategy 2024/2044

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.087 LOCAL TRAFFIC COMMITTEE

Meeting	Council	28 May 2024
Directorate	Works & Civil	
Prepared by	Road Safety Officer, Alana Brooks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes (Separate Cover) ⇒	
	B. Local Traffic Committee Attachment Item 008.24 ⇒	

SUMMARY

This report outlines the recommendations proposed by the Local Traffic Committee on 20 May 2024.

OFFICER RECOMMENDATION

That Council adopts the recommendations of the Local Traffic Committee determined on 20 May 2024.

COUNCIL RESOLUTION - 07.24.087

Smith/Novak

That Council adopts the recommendations of the Local Traffic Committee determined on 20 May 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

Adjourn for a 5 minute break at 6.08pm.

ITEM 07.24.088 RFT 22/67 SPORTS FIELD DRAINAGE AND STORMWATER DESIGN AND CONSTRUCT

Meeting	Council	28 May 2024
Directorate	Works & Civil	
Prepared by	Project Manager, Dena Colefax	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22/67 Sports Field Drainage - Post Tender Negotiation Report (Confidential)	

SUMMARY

The tender submissions received for tender RFT22/67 Sports Field Drainage and Stormwater Design and Construct exceed the available project budget. Council sought to negotiate with tenderers who provided submissions in response to RFT22/67 to reach an agreed scope and value of works that could be completed within the available budget funding awarded to Council under the NSW Government's Sports Priority Needs Program (SPNP).

Council has been unable to successfully negotiate an acceptable outcome and staff are now pursuing an alternative procurement strategy.

OFFICER RECOMMENDATION

That Council:

1. decline to accept the negotiated offers for RFT22/67 Sports Field Drainage and Stormwater Design and Construction tender because the responses exceed the grant funding available to deliver the program of works.
2. deliver the works using alternative procurement methods consistent with Council's Sustainable Procurement Policy and Purchasing and Tendering Procedure.

COUNCIL RESOLUTION - 07.24.088

Toms/Tiley

That Council:

1. **decline to accept the negotiated offers for RFT22/67 Sports Field Drainage and Stormwater Design and Construction tender because the responses exceed the grant funding available to deliver the program of works.**
2. **deliver the works using alternative procurement methods consistent with Council's Sustainable Procurement Policy and Purchasing and Tendering Procedure.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.089 RFT 22/68 FRAMES BRIDGE REPLACEMENT

Meeting	Council	28 May 2024
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), Dean Gregory	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22-68 Frames Bridge Tender Recommendation Report (Confidential)	

SUMMARY

Clarence Valley Council has sought tenders from suitability skilled and experienced contractors for the replacement of Frames Bridge over Punchbowl Creek, near Punchbowl Road, including demolition of the existing bridge and new road approaches. The existing bridge was damaged during the February 2022 flood event. The project is fully funded by the NSW Government under an approved EPAR funding agreement.

OFFICER RECOMMENDATION

That Council accept the tender from SEE Civil Pty Ltd for RFT22-68 Frames Bridge Replacement at a cost of \$949,128.69 (GST inclusive) to be funded from Transport for NSW from the NSW Natural Disaster Essential Public Asset Restoration program.

COUNCIL RESOLUTION - 07.24.089**Toms/Tiley**

That Council accept the tender from SEE Civil Pty Ltd for RFT22-68 Frames Bridge Replacement at a cost of \$949,128.69 (GST inclusive) to be funded from Transport for NSW from the NSW Natural Disaster Essential Public Asset Restoration program.

Voting recorded as follows

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

Against: Nil

CARRIED

8. CONFIDENTIAL BUSINESS**OFFICER RECOMMENDATION**

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

1. 08.24.001 Missing Grant Funds - 10A(2) (e) *The report contains information that would, if disclosed, prejudice the maintenance of law*
2. 08.24.002 Ewingar Community Hall Committee - S355 committee - 10A(2) (a) *The report contains information on personnel matters concerning particular individuals (other than Councillors), 10A(2) (e) The report contains information that would, if disclosed, prejudice the maintenance of law and 10A(2) (i) The report contains alleged contraventions of any code of conduct requirements applicable under section 440*

COUNCIL RESOLUTION

Toms/Novak

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

1. **08.24.001 Missing Grant Funds - 10A(2) (e)** **The report contains information that would, if disclosed, prejudice the maintenance of law**
2. **08.24.002 Ewingar Community Hall Committee - S355 committee - 10A(2) (a)** **The report contains information on personnel matters concerning particular individuals (other than Councillors), 10A(2) (e) The report contains information that would, if disclosed, prejudice the maintenance of law and 10A(2) (i) The report contains alleged contraventions of any code of conduct requirements applicable under section 440**

3.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 08.24.001 NOTICE OF MOTION
MISSING GRANT FUNDS**

Meeting Council 28 May 2024

Submitted by Cr William Day

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) (e) The report contains information that would, if disclosed, prejudice the maintenance of law

COUNCIL RESOLUTION- 08.24.001

Johnstone/Toms

That council note that the grant money erroneously sent to a non council bank account by NSW government agencies has now been received in full by Clarence Valley Council.

Voting recorded as follows

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

Against: Day

CARRIED

ITEM 08.24.002 EWINGAR COMMUNITY HALL COMMITTEE - S355 COMMITTEE

Meeting	Council	28 May 2024
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Directorate	General Manager
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Prepared by	General Manager, Laura Black
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Reviewed by	General Manager, Laura Black
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Attachments	Nil
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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) (a) The report contains information on personnel matters concerning particular individuals (other than Councillors)

10A(2) (e) The report contains information that would, if disclosed, prejudice the maintenance of law

10A(2) (i) The report contains alleged contraventions of any code of conduct requirements applicable under section 440

COUNCIL RESOLUTION - 08.24.002**NOVAK/CLANCY****THAT COUNCIL**

- 1. ADVISES THE EWINGAR COMMUNITY HALL COMMITTEE IN WRITING, OF BREACHES OF THE CONSTITUTION AND COMMITTEE HANDBOOK.**
- 2. STAFF DO A FACE TO FACE MEETING WITH THE COMMITTEE**

VOTING RECORDED AS FOLLOWS

FOR: CLANCY, DAY, JOHNSTONE, NOVAK, PICKERING, SMITH, TILEY, TOMS, WHAITES

AGAINST: NIL

CARRIED**9. QUESTIONS WITH NOTICE**

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING**11. CLOSE OF ORDINARY MEETING**

There being no further business the Council Meeting closed at 7.01pm.



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VALLEY COUNCIL

CERTIFICATION OF MINUTES

I certify that the preceding 39 pages are the Minutes of the meeting of Clarence Valley Council held on 28 May 2024.

Signed by:

Peter Johnstone
Mayor / Chairperson
Date signed: