

# Extraordinary Council Meeting

## Minutes

Maclean - 24 February 2023 - 9:00 AM





# AGENDA

Page

## 01 OPENING OF EXTRAORDINARY MEETING

- Affirmation/Prayer
- Acknowledgement of Country
- Announcement – Recording of Meeting
- Statement of Ethical Obligations

## 02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

## 03 DISCLOSURES AND DECLARATIONS OF INTEREST

## 05 MAYORAL MINUTES

Nil

## 07 REPORTS

### OFFICE OF THE GENERAL MANAGER

Nil

### ENVIRONMENT & PLANNING

Nil

### CORPORATE & GOVERNANCE

07.23.001 Further Extension to Office of Local Government Financial Reporting Requirements Sought 3

### WORKS & CIVIL

Nil

## 08 CONFIDENTIAL BUSINESS

08.23.001 Proposed Dwelling, 5 Carrington Street Palmers Island - Consideration of Revised Proposed Development - Land and Environment Court S34AA Conciliation Conference and Hearing (Class 1 Appeal of DA2021/0303, LEC Case No. 2022/00390330) 4

## 10 CLOSE OF EXTRAORDINARY MEETING

**1. OPENING OF EXTRAORDINARY MEETING**

**MINUTES of the EXTRAORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 24 February 2023 commencing at 9:00 AM and closing at 9:14 AM.**

**AFFIRMATION** – Cr Steve Pickering 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 Greg 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.

**ANNOUNCEMENT** – The General Manager delivered the Announcement.

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

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

**STATEMENT OF ETHICAL OBLIGATIONS - The General Manager delivered the Announcement.**

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

**PRESENT**

General Manager (Laura Black), Director Corporate & Governance (Alex Moar), Director Works & Civil (Jamie Fleeting), Director Environment & Planning (Adam Cameron) and Minutes Secretary (Lee Boon & Michelle West) were in attendance. Cr Ian Tiley, Cr Allison Whaites, Cr Greg Clancy, Cr Bill Day, Cr Jeff Smith, Cr Debrah Novak, Cr Karen Toms and Cr Steve Pickering

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

**Day/Clancy**

**That leave of absence be granted for Cr Peter Johnstone.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**3. DISCLOSURES AND DECLARATIONS OF INTEREST**

Nil

**5. MAYORAL MINUTES**

Nil

**7. REPORTS****OFFICE OF THE GENERAL MANAGER**

NIL

**ENVIRONMENT & PLANNING**

NIL

**CORPORATE & GOVERNANCE****ITEM 07.23.001 FURTHER EXTENSION TO OFFICE OF LOCAL GOVERNMENT FINANCIAL REPORTING REQUIREMENTS SOUGHT**

<b>MEETING</b>	EXTRAORDINARY COUNCIL	24 FEBRUARY 2023
<b>DIRECTORATE</b>	CORPORATE & COMMUNITY	
<b>PREPARED BY</b>	MANAGER FINANCE & SYSTEMS, KATE MAGINNITY	
<b>REVIEWED BY</b>	DIRECTOR - CORPORATE & COMMUNITY, ALEX MOAR	
<b>ATTACHMENTS</b>	NIL	

**SUMMARY**

THIS REPORT REQUESTS COUNCIL TO SEEK A FURTHER EXTENSION FOR LODGEMENT OF THE 2021/2022 ANNUAL FINANCIAL STATEMENTS TO THE OFFICE OF LOCAL GOVERNMENT FINANCIAL REPORTING REQUIREMENTS FOLLOWING THE FLOODS AND COMPOUNDING RESOURCING CHALLENGES OF 2022. AN INITIAL EXTENSION WAS SUCCESSFULLY APPLIED FOR, WHICH EXTENDED THE DUE DATE TO 31 DECEMBER 2022, AND A SECOND EXTENSION SUCCESSFULLY APPLIED FOR, WHICH EXTENDED THE DUE DATE TO 28 FEBRUARY 2023. HOWEVER, DUE TO CONTINUING EXTENUATING CIRCUMSTANCES, THIS DEADLINE IS UNABLE TO BE ACHIEVED AND AS SUCH A FURTHER EXTENSION IS REQUESTED. THE EXTENSION REQUEST HAS BEEN SENT TO THE AUDIT RISK IMPROVEMENT COMMITTEE (ARIC) FOR ENDORSEMENT AND IS SUPPORTED BY COUNCIL'S AUDITOR, THOMAS NOBLE RUSSELL (TNR).

**OFFICER RECOMMENDATION**

THAT COUNCIL SUBMIT A REQUEST TO THE OFFICE OF LOCAL GOVERNMENT SEEKING A FURTHER EXTENSION FOR LODGEMENT OF THE 2021/2022 ANNUAL FINANCIAL STATEMENTS TO 31 MARCH 2023.

**COUNCIL RESOLUTION - 07.23.001****TOMS/NOVAK**

**THAT COUNCIL SUBMIT A REQUEST TO THE OFFICE OF LOCAL GOVERNMENT SEEKING A FURTHER EXTENSION FOR LODGEMENT OF THE 2021/2022 ANNUAL FINANCIAL STATEMENTS TO 31 MARCH 2023.**

**VOTING RECORDED AS FOLLOWS**

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

**AGAINST: NIL**

**CARRIED**

**WORKS & CIVIL**

NIL

**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. 08.23.001 Proposed Dwelling, 5 Carrington Street Palmers Island - Consideration of Revised Proposed Development - Land and Environment Court S34AA Conciliation Conference and Hearing (Class 1 Appeal of DA2021/0303, LEC Case No. 2022/00390330) - 10A(2) (g) *The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

**COUNCIL RESOLUTION**

**Pickering/Novak**

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

1. 08.23.001 Proposed Dwelling, 5 Carrington Street Palmers Island - Consideration of Revised Proposed Development - Land and Environment Court S34AA Conciliation Conference and Hearing (Class 1 Appeal of DA2021/0303, LEC Case No. 2022/00390330) - 10A(2) (g) *The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 08.23.001 PROPOSED DWELLING, 5 CARRINGTON STREET PALMERS ISLAND - CONSIDERATION OF REVISED PROPOSED DEVELOPMENT - LAND AND ENVIRONMENT COURT S34AA CONCILIATION CONFERENCE AND HEARING (CLASS 1 APPEAL OF DA2021/0303, LEC CASE NO. 2022/00390330)**

<b>Meeting</b>	Extraordinary Council	24 February 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Manager Development & Land Use Planning, Murray Lane	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	<ul style="list-style-type: none"> <li>A. Revision I Plans (Confidential)</li> <li>B. Statement of Facts and Contentions filed (Confidential)</li> <li>C. Revision K Plans (Confidential)</li> <li>D. Joint Expert Planning Report filed (Confidential)</li> <li>E. Joint Expert Coastal Engineering Report filed (Confidential)</li> <li>F. Submission (Separate Cover) (Confidential)</li> <li>G. Prospects Advice (Confidential)</li> <li>H. Draft Conditions of Consent (Revision K) (Confidential)</li> </ul>	

**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) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

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**COUNCIL RESOLUTION****Toms/Novak****That Council move out of closed session and resume Extraordinary Council Meeting.****Voting recorded as follows****For: Tiley, Whaites, Clancy, Day, Smith, Novak, Toms, Pickering****Against: Nil****CARRIED****COUNCIL RESOLUTION - 08.23.001a****Toms/Novak****That the resolution for Item 08.23.001, made in Confidential Business, be retained as confidential until such time as the Land Environment Court Conciliatory Hearing is complete.****Voting recorded as follows****For: Tiley, Whaites, Clancy, Day, Smith, Novak, Toms, Pickering****Against: Nil****CARRIED**

## 10. Close of Ordinary Meeting

There being no further business the Extraordinary Meeting closed at 9:14am