

# Ordinary Council Meeting

## Minutes

**Maclean - 22 August 2023 - 2:00pm**





# AGENDA

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**1. OPENING OF ORDINARY MEETING**

**MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 22 August 2023 commencing at 2:00pm and closing at x.yy am/pm .**

**PRAYER** – Cr Johnstone delivered the Prayer.

**ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND** – Cr Day delivered the Acknowledgement of the Traditional Custodians of the Land.

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

**COUNCIL RESOLUTION**

**Tiley**

**That a letter of condolence is sent to the family of John Dickenson.**

**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 & 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 Toms	07.23.138	<ul style="list-style-type: none"> <li>Non-Significant Non-Pecuniary – Remain in the Meeting</li> <li>Jenny Seeto, an owner of one of the affected properties , provides optometry services to me.</li> </ul>
Cr Clancy	08.23.006	<ul style="list-style-type: none"> <li>Pecuniary – Leave the Meeting</li> <li>I have engaged a solicitor to represent me in responding to a code of conduct allegation.</li> </ul>

**4. CONFIRMATION OF MINUTES****COUNCIL RESOLUTION****Whaites/Toms**

That the Minutes of Ordinary Meeting of Council dated 25 July 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

**CARRIED****COUNCIL RESOLUTION****Whaites/Toms**

That the Minutes of Extraordinary Meeting of Council dated 18 August 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**5. MAYORAL MINUTES****ITEM 05.23.008 MAYORAL MINUTE  
SUPPORT FOR COUNTRY MAYOR'S ASSOCIATION SUBMISSIONS TO NSW  
GOVERNMENT - CRITICAL PRIORITIES FOR REGIONAL AND RURAL  
COMMUNITIES - SEPTEMBER 2023 NSW GOVERNMENT FIRST BUDGET**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Cr Ian Tiley	
<b>Attachments</b>	Nil	

**SUMMARY**

The CMA and the above priorities are very worthy of the strong support of the Council by way of a supporting submission, through State Parliamentary representative Richie Williamson. Councillors and/or senior staff may wish to add other issues, preferably of major concern, to this recommended submission.

**PROPOSED MOTION**

That Council support the submission of the Country Mayor's Association to the NSW Government, through its State Parliamentary Representative, Richie Williamson, advocating for support for critical priorities for regional and rural communities, and include in Council's submission, any other issues of relevance and significance.

**COUNCIL RESOLUTION - 05.23.008**

Tiley

**That Council support the submission of the Country Mayor's Association to the NSW Government, through its State Parliamentary Representative, Richie Williamson, advocating for support for critical priorities for regional and rural communities, and include in Council's submission, any other issues of relevance and significance.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 05.23.009 MAYORAL MINUTE  
REGIONAL ROAD RECLASSIFICATION - ARMIDALE ROAD**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Cr Ian Tiley	
<b>Attachments</b>	A. Regional Road Transfer and Road Classification Review <a href="#">⇒</a> B. Regional Road Program - Update for Councils <a href="#">⇒</a>	

**SUMMARY**

Staff have raised concerns with Council in relation to the status of the agreed regional road transfer process of Armidale Road to Transport for NSW (TfNSW). It is understood that negotiation around the implementation of the transfer process has been placed on hold and subject to further consideration by the current State Government.

**PROPOSED MOTION**

That Council

1. write to the Honourable Minister Jennifer Aitchison MP seeking a timely decision regarding the transfer of management of Armidale to Transport for NSW (TfNSW).
2. seek the support of the Member for Clarence, Richie Williamson MP for a timely resolution of this matter.

**COUNCIL RESOLUTION - 05.23.009**

Tiley

That Council

1. write to the Honourable Minister Jennifer Aitchison MP seeking a timely decision regarding the transfer of management of Armidale to Transport for NSW (TfNSW).
2. seek the support of the Member for Clarence, Richie Williamson MP for a timely resolution of this matter.

Voting recorded as follows

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

Against: Nil

**CARRIED**



# **ITEM 05.23.010 MAYORAL MINUTE INCREASE IN STATE GOVERNMENT PENSIONER RATE REBATE TO ELEGIBLE PENSIONERS**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Cr Ian Tiley	
<b>Attachments</b>	Nil	

## **SUMMARY**

The Clarence LGA is a favoured destination for retirees, many of whom are eligible pensioners who face each year increasing council rate burdens. As the number of pensioner rate assessments increase year on year this creates an ever increasing financial burden on the pensioner ratepayers and also the Council. It is considered timely to make representations to the State Government to redress this situation.

## **PROPOSED MOTION**

That Council make representations to the NSW Government, through Clarence State Parliamentary Representative Richie Williamson for an increase in State Government Pensioner Rate Rebate to eligible pensioners to reflect CPI increases since the rebate amounts were established, and to provide annual CPI increases in future years.

## **COUNCIL RESOLUTION - 05.23.010**

Tiley

### **That Council**

1. make representations to the NSW Government, through Clarence State Parliamentary Representative Richie Williamson for an increase in State Government Pensioner Rate Rebate to eligible pensioners to reflect CPI increases since the rebate amounts were established, and to provide annual CPI increases in future years.
2. submit a motion to the 2023 LGNSW Annual Conference to support an increase in State Government Pensioner Rate Rebate to eligible pensioners to reflect CPI increases since the rebate amounts were established, and to provide annual CPI increases in future years.

### **Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**ITEM 05.23.011 MAYORAL MINUTE  
NSW CONSTITUTIONAL PROTECTION FROM PRIVATISATION OF REGIONAL  
WATER UTILITIES**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Cr Ian Tiley	
<b>Attachments</b>	Nil	

**SUMMARY**

Retention of Councils water utility assets in its ownership for the community is a vitally important matter, as is having the protection of the Constitution Act to safeguard such assets for the people who contributed to their establishment, from the whims of future governments of the day. One has only to recall the loss of the people's electricity assets in the 1990's, where the government took over those assets and then privatised them.

It is an important matter to protect our community owned water utility assets. I urge the Council to adopt the Recommendations in this Minute.

**PROPOSED MOTION**

That Council

1. support CMA representations to the NSW State Government to ensure that Regional Water Utilities are retained in public ownership and included in the Constitution Amendment Bill.
2. seek the support of Member for Clarence Hon. Richie Williamson on this matter.

**COUNCIL RESOLUTION - 05.23.011**

Tiley

That Council

1. support CMA representations to the NSW State Government to ensure that Regional Water Utilities are retained in public ownership and included in the Constitution Amendment Bill.
2. seek the support of Member for Clarence Hon. Richie Williamson on this matter.
3. submit a motion to the 2023 LGNSW Annual Conference to support retention of regional water. facilities in public ownership

Voting recorded as follows

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

Against: Nil

**CARRIED**

**6. NOTICES OF MOTION****ITEM 06.23.014 NOTICE OF MOTION  
REQUEST TO WAIVE FEE FOR TEMPORARY LICENCE TO USE CWA WILLIAM  
AGAR MEMORIAL PARK TO SEARCH FOR YAMBA PUBLIC SCHOOL TIME  
CAPSULE**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Councillor, Karen Toms	
<b>Attachments</b>	Nil	

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

**SUMMARY**

I propose that the following report and notice of motion be submitted to Council.

**PROPOSED MOTION**

That Council waive the hire fee for the temporary licence for activity on CWA William Agar Memorial Park Lot 1 DP 1117350 on Friday 25<sup>Th</sup> August 2023 for the community search of the Yamba public school missing time capsule.

**COUNCIL RESOLUTION - 06.23.014**

**Toms/Novak**

**That Council waive the hire fee for the temporary licence for activity on CWA William Agar Memorial Park Lot 1 DP 1117350 on Friday 25<sup>Th</sup> August 2023 for the community search of the Yamba public school missing time capsule.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**VOTE BY EXCEPTION - 07.23.134****Clancy/Toms****That the following items be adopted as recommended:****07.23.134****07.23.136****07.23.141****07.23.142****07.23.144****07.23.145****07.23.151****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 07.23.132 PROPOSED CHANGE TO TIMING OF ORDINARY MEETINGS

Meeting	Council	22 August 2023
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

### SUMMARY

This report seeks Council's consideration of a change to the Code of Meeting Practice to commence Ordinary Meetings at 3pm on the fourth Tuesday of the month, alternating between Grafton and Maclean.

### OFFICER RECOMMENDATION

That section 3.1 of the Code of Meeting Practice be amended to reflect: Ordinary meeting of the council will be held each month on the fourth Tuesday, commencing at 3.00pm, except the month of January and December. The venue for the meetings of the Ordinary Council Meetings will rotate between Grafton and Maclean.

### COUNCIL RESOLUTION - 07.23.132

Whaites/Novak

That section 3.1 of the Code of Meeting Practice be amended to reflect: Ordinary meeting of the council will be held each month on the fourth Tuesday, commencing at 3.00pm, except the month of January and December. The venue for the meetings of the Ordinary Council Meetings will rotate between Grafton and Maclean.

Voting recorded as follows

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

Against: Clancy

**CARRIED**

## ENVIRONMENT &amp; PLANNING

**ITEM 07.23.133 DA2022/0885 - ARTISAN FOOD AND DRINK INDUSTRY (BREWERY, DISTILLERY AND COFFEE ROASTERY) - 160 NORTH STREET, GRAFTON**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner (Systems), Carmen Landers	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2022-0885 - Plans <a href="#">⇒</a> B. DA2022-0885 - Concept Car Park Landscaping Plan (Separate Cover) <a href="#">⇒</a> C. DA2022-0885 - General Terms of Approval - DPE Water (Separate Cover) <a href="#">⇒</a> D. DA2022-0885 - Transport for NSW Comments (Separate Cover) <a href="#">⇒</a> E. DA2022-0885 - NSW Police Referral (Confidential) F. DA2022-0885 - Noise Assessment Report (Separate Cover) <a href="#">⇒</a> G. DA2022-0885 - Light Spill Assessment Report (Separate Cover) <a href="#">⇒</a> H. DA2022-0885 - Traffic Impact Assessment (Separate Cover) <a href="#">⇒</a> I. DA2022-0885 - Socio-Economic Impact Assessment (Separate Cover) <a href="#">⇒</a> J. DA2022-0885 - Economic Impact Peer Review (Separate Cover) <a href="#">⇒</a> K. DA2022-0885 - Odour Management Report (Separate Cover) <a href="#">⇒</a> L. DA2022-0885 - Statement of Heritage Impact (Separate Cover) <a href="#">⇒</a> M. DA2022-0885 - Statement of Heritage Impact - Addendum (Separate Cover) <a href="#">⇒</a> N. DA2022-0885 - Statement of Environmental Effects (Separate Cover) <a href="#">⇒</a> O. DA2022-0885 - Submissions (Separate Cover) <a href="#">⇒</a> P. DA2022-0885 - Section 4 15 Assessment <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Rick Firth C/- Brewhouse Group Pty Ltd
<i>Owner</i>	Brewhouse Group Pty Ltd
<i>Address</i>	160 North Street, Grafton (being Lot 13 DP1120659)
<i>Submissions</i>	Yes – 34 (33 in support and 1 objecting) plus a petition containing 325 signatures

Development Application DA2022/0885 seeks approval for an Artisan Food and Drink Premises comprising a craft brewery, distillery and coffee roastery at 160 North Street, Grafton being Lot 13 DP1120659.

The proposed development was advertised and notified in accordance with the Community Participation Plan. A total of 34 submissions (33 in support and 1 objecting) plus a petition containing 325 signatures (in support) were received during assessment of the application.

The application is referred to Council for determination due to the public interest in the proposal. The report provides an assessment of the application and a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That Council approve Development Application DA2022/0885 subject to the draft Advices and Conditions contained in Schedule 1.

That Council adjourn for a 10 minute break at 2:28pm.

The Council meeting resumed at 2: Voting recorded as follows

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

Against: Nil

CARRIED 39pm.

**MOTION**

Pickering/Novak

That Council approve Development Application DA2022/0885 subject to the draft Advices and Conditions contained in Schedule 1.

# ITEM 07.23.134 DA2023/0262 - REDEVELOPMENT OF RECREATION FACILITY OUTDOOR (GRAFTON ROWING CLUB CLUBHOUSE), BOATSHED AND ANCILLARY CAFÉ, INCLUDING DEMOLITION OF A HERITAGE ITEM

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner, Jessica Summerhayes	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2023 0262 Plans <a href="#">⇒</a> B. DA2023 0626 NRPP Briefing Report (Separate Cover) <a href="#">⇒</a> C. DA2023 0262 Statement of Environmental Effects (Separate Cover) <a href="#">⇒</a>	

## SUMMARY

<i>Applicant</i>	Grafton Rowing Club c/- Complete Urban
<i>Owner</i>	Crown Lands NSW (Council as Land Manager)
<i>Address</i>	Lot 7001 DP 1054597 being Reserve 85477 - 2A Prince Street Grafton
<i>Submissions</i>	Nil.

Council received Development Application DA2023/0262 for redevelopment of a Recreation Facility (Indoor) for the Grafton Rowing Club Clubhouse including demolition of a heritage item at 2A Prince Street Grafton, on 22 May 2023. The development application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority.

The purpose of this report is to advise Council that the development application will be scheduled by the Panel for determination on 26 and 27 September 2023, subject to receiving additional information requested. If the additional information requested is submitted and an external peer review of the Assessment Report cannot be conducted before the September Panel dates, the matter will be referred to the Panel's October meeting.

An elected Council may make a submission on a Development Application to be determined by the Panel up to seven (7) days before the Panel meeting and may speak to this submission at the public determination meeting.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel Operation Procedures and the Panel determination date, the Council assessment report is not provided as part of this report.

## OFFICER RECOMMENDATION

That the Items for Information as listed below be noted:

1. A public determination meeting for DA2023/0300 may be scheduled by the Northern Regional Planning Panel on the 26 and 27 September 2023, subject to additional information being submitted and an external peer review of the Assessment Report being conducted.
2. A Council Resolution is required should Council wish to make a submission about DA2023/0262 to the Northern Regional Planning Panel.

## COUNCIL RESOLUTION - 07.23.134

### Clancy/Toms

That the Items for Information as listed below be noted:

1. A public determination meeting for DA2023/0300 may be scheduled by the Northern Regional Planning Panel on the 26 and 27 September 2023, subject to additional information being submitted and an external peer review of the Assessment Report being conducted.
2. A Council Resolution is required should Council wish to make a submission about DA2023/0262 to the Northern Regional Planning Panel.

Voting recorded as follows

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



**Against: Nil**

**CARRIED**

**ITEM 07.23.135 DA2023/0300 - MACLEAN COMMUNITY CENTRE REDEVELOPMENT - NOTICE OF NORTHERN REGIONAL PLANNING PANEL HEARING**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner, Maya Dougherty	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2023 0300 Submissions (Redacted) 48 River Street MACLEAN <a href="#">⇒</a> B. DA2023 0300 NRPP Briefing Report 48 River Street MACLEAN (Separate Cover) <a href="#">⇒</a> C. DA2023 0300 Statement of environmental effects 48 River Street MACLEAN (Separate Cover) <a href="#">⇒</a> D. DA2023 0300 Architectural Plans 48 River Street MACLEAN (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Think Planners
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	48 River Street, Maclean Lot 1 DP 667217 Lot 8 DP 758631 Lot 9 DP 758631 Lot 1 DP 821976 Lot 10 DP 813746
<i>Submissions</i>	8 submissions – 3 against and 4 in support, 1 in support with concerns

Council received Development Application DA2023/0300 for demolition of the existing Maclean Civic Hall and the redevelopment of a Community Centre at 48 River Street, Maclean on 18 May 2023. 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 on 26 or 27 September 2023. An elected Council may make a submission on a Development Application to be determined by the Panel up to seven days before the Panel meeting and may speak to this submission at the public determination meeting.

Due to the scheduling of Council's Ordinary Meetings, the Regional Planning Panel Operation Procedures and the Panel determination date, the Council assessment report is not provided as part of this report.

**OFFICER RECOMMENDATION**

That the Items for Information as listed below be noted:

1. a public determination meeting for DA2023/0300 will be scheduled by the Northern Regional Planning Panel on the 26 or 27 September.
2. a Council Resolution is required should Council wish to make a submission about DA2022/0300 to the Northern Regional Planning Panel.

**COUNCIL RESOLUTION - 07.23.135**

**Novak/Toms**

**That Council**

1. note public determination meeting for DA2023/0300 will be scheduled by the Northern Regional Planning Panel on the 26 or 27 September.
2. support the development application.

**Voting recorded as follows**

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

**CARRIED**

## ITEM 07.23.136 PLANNING PROPOSAL (REZ2023/0002) TO RECLASSIFY LAND CONSISTING WATER INFRASTRUCTURE AT LAWRENCE AND NYMBOIDA TO OPERATIONAL AND TO REZONE THE LAND AT LAWRENCE TO SP2 INFRASTRUCTURE

Meeting	Council	22 August 2023
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. REZ2023/0002 - Draft Planning Proposal <a href="#">⇒</a>	

### SUMMARY

This report seeks Council endorsement to submit planning proposal (REZ2023/0002) (**Attachment A**) to the Department of Planning and Environment for Gateway determination. The purpose being to reclassify five (5) land parcels consisting of water supply infrastructure located at Lawrence and Nymboida to 'operational' land, and to rezone two (2) land parcels at Lawrence from R2 Low Density Residential to SP2 Infrastructure to enable more efficient operational management, works and improvements of Council's water supply assets.

### OFFICER RECOMMENDATION

That Council:

- endorse planning proposal REZ2023/0002 (**Attachment A**) to amend Schedule 4 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) to reclassify the following land parcels from 'community' to 'operational' land:
  - Lot 21 DP1269753 located at 66 High Street, Lawrence;
  - Lot 102 DP1277848 located at 1 Power Station Road, Nymboida;
  - Lots 7, 17 and 63 DP752836 located at 107 Glens Creek Road, Nymboida; and
  - To rezone Lot 21 DP1269753 and Lot 1 DP567494 located at 66 High Street, Lawrence from R2 Low Density Residential to SP2 Infrastructure.
- delegate authority to the General Manager to:
  - Edit and finalise the Planning Proposal as required;
  - Execute all documentation associated with the local plan making functions;
  - Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination; and
  - Seek to be the local plan-making authority.
- in the event that a Gateway determination is issued, publicly exhibit the planning proposal and engage an independent consultant to undertake a public hearing in accordance with legislative requirements, notifying Council's intention to reclassify the five (5) land parcels.
- subject to no submissions or objections being received that require further consideration by Council:
  - Finalise the CVLEP to reclassify the five (5) land parcels as 'operational' land; and
  - Finalise the CVLEP to rezone the two (2) land parcels to SP2 Infrastructure.
- note that if submissions are received that require further consideration of Council, this will be reported to the next available Council meeting after submissions close.

### COUNCIL RESOLUTION - 07.23.136

#### Clancy/Toms

That Council:

- endorse planning proposal REZ2023/0002 (**Attachment A**) to amend Schedule 4 of the *Clarence Valley Local Environmental Plan 2011* (CVLEP) to reclassify the following land parcels from 'community' to 'operational' land:
  - Lot 21 DP1269753 located at 66 High Street, Lawrence;
  - Lot 102 DP1277848 located at 1 Power Station Road, Nymboida;
  - Lots 7, 17 and 63 DP752836 located at 107 Glens Creek Road, Nymboida; and
  - To rezone Lot 21 DP1269753 and Lot 1 DP567494 located at 66 High Street, Lawrence from R2 Low Density Residential to SP2 Infrastructure.
- delegate authority to the General Manager to:
  - Edit and finalise the Planning Proposal as required;

- (b) Execute all documentation associated with the local plan making functions;
  - (c) Submit the planning proposal to the Department of Planning and Environment seeking a Gateway determination; and
  - (d) Seek to be the local plan-making authority.
3. in the event that a Gateway determination is issued, publicly exhibit the planning proposal and engage an independent consultant to undertake a public hearing in accordance with legislative requirements, notifying Council's intention to reclassify the five (5) land parcels.
4. subject to no submissions or objections being received that require further consideration by Council:
- (a) Finalise the CVLEP to reclassify the five (5) land parcels as 'operational' land; and
  - (b) Finalise the CVLEP to rezone the two (2) land parcels to SP2 Infrastructure.
5. note that if submissions are received that require further consideration of Council, this will be reported to the next available Council meeting after submissions close.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.137 REDISCOVER GRAFTON - PRINCE STREET ACTIVATION TRIAL**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner, Maya Dougherty	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Rediscover Grafton Trails Map <a href="#">⇒</a> B. Survey Report (Separate Cover) <a href="#">⇒</a> C. Feedback from Businesses July 2023 <a href="#">⇒</a> D. Rediscover Grafton Place Audit (Separate Cover) <a href="#">⇒</a> E. Letter of support - Jacaranda Committee <a href="#">⇒</a>	

**SUMMARY**

The [Rediscover Grafton](#) project was fully funded by a grant from the NSW government, as part of the successful Streets as Shared Spaces program. It is an economic recovery initiative to bring more people to main streets and to support local businesses. This collaborative project has involved a wide range of businesses, community organisations and sections of Council. It is now fully implemented, with art, heritage, storytelling, lighting, wider footpaths, planter boxes, landscaping, raised pedestrian crossings and front to kerb parking in Prince Street. The Prince Street Marketta, projection art, and a wide range of events and activities have attracted thousands of people and reinvigorated conversations about Grafton's CBD and place making initiatives.

The interventions were part of a trial to test ideas that may become permanent in the street, and to demonstrate what kinds of improvements could be made in the Grafton CBD and other initiatives that could work across the valley. The changes have largely been well received by the local business owners and the community (refer to **Attachment B** - Survey report, **Attachment C** – Feedback from Businesses; **Attachment D** - Rediscover Grafton Place Audit and **Attachment E** – letter of support from the Jacaranda Committee) and has gained positive attention from the State Government. Given the largely positive feedback, it is proposed to retain the changes, with a further review in 12 months time. Some minor improvements to the car parking spaces in response to community and business feedback are proposed, particularly disabled car parking spaces. This feedback and lessons learned from the trial will also inform the future design for the redevelopment of Prince Street.

**OFFICER RECOMMENDATION**

That Council:

1. retain the various changes made to Prince Street as part of the Rediscover Grafton project, with a further review in 12 months time and minor changes to maintain safety and amenity.
2. increase the length of the disabled parking spaces, through relocating planter boxes, line marking, and wheel stops, and prohibit parking in the areas where parking is not permitted adjacent to disabled spaces.
3. allocate \$30,000 to Council's Open Spaces budget for general maintenance of the changes in Prince Street and watering of planter boxes and that this variation be reflected in the Q1 2023/2024 Quarterly Budget Review Statement.
4. continue to pursue grant funding opportunities to progress the Grafton Precinct Plan.
5. receive a report by August 2024 to assess the status and consider continuation of the Rediscover Grafton trail.

**COUNCIL RESOLUTION - 07.23.137**

Pickering/Novak

That Council:

1. retain the various changes made to Prince Street as part of the Rediscover Grafton project, with a further review in 12 months time and minor changes to maintain safety and amenity.

2. increase the length of the disabled parking spaces, through relocating planter boxes, line marking, and wheel stops, and prohibit parking in the areas where parking is not permitted adjacent to disabled spaces.
3. allocate \$30,000 to Council's Open Spaces budget for general maintenance of the changes in Prince Street and watering of planter boxes and that this variation be reflected in the Q1 2023/2024 Quarterly Budget Review Statement.
4. continue to pursue grant funding opportunities to progress the Grafton Precinct Plan.
5. receive a report by August 2024 to assess the status and consider continuation of the Rediscover Grafton trail.
6. note the feedback provided by residents, visitors, business owners and councils Access Advisory Committee and incorporate this feedback into any future planning.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.138 FACADE STABILISATION AND RESTORATION 239-245 RIVER STREET, MACLEAN**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Strategic Planner, Deborah Wray	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Emergency Order ➡	

**SUMMARY**

<i>Applicant</i>	Ed Munday
<i>Owner</i>	Clarence Cane Growers Assoc Inc [No 239], Chimera P/L [No 241], The Owners (x5) in SP63193 [No 243] and Mr BR Felton [No 245]).
<i>Address</i>	239-245 River Street, Maclean
<i>Submissions</i>	e-mail from Ed Munday dated 25.07.2023

A request has been received on behalf of the owners of the building to waive the Construction Zone fees and potential Development Application fee associated with the urgent stabilisation and reconstruction of the façade at 239, 241, 243 and 245 River Street, Maclean.

**OFFICER RECOMMENDATION**

That Council:

1. note the request received from the applicant to waive all fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean.
2. not waive all fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean.
3. note the applicant has submitted an application for the 2023/2024 Local Heritage Grant Fund program.

**MOTION**

Smith/Novak

That Council:

1. note the request received from the applicant to waive all fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean.
2. not waive all fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean.
3. note the applicant has submitted an application for the 2023/2024 Local Heritage Grant Fund program.

Voting recorded as follows

For: Day, Novak, Tiley, Whaites

Against: Clancy, Johnstone, Pickering, Smith, Toms

The Motion was put and declared LOST

**COUNCIL RESOLUTION - 07.23.138**

Toms/Johnstone

That Council:

1. note the request received from the applicant to waive all fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean.
2. waive fees associated with the repair of the historic building façade located at 239, 241, 243 and 245 River Street, Maclean, in relation to hoarding and carpark to the value of \$10,509.24.
3. note the applicant has submitted an application for the 2023/2024 Local Heritage Grant Fund program.



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

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# ITEM 07.23.139 MOTION FROM CLIMATE CHANGE COMMITTEE FOR ISSUES TO BE RAISED AT THE 2023 LOCAL GOVERNMENT CONFERENCE

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Waste and Sustainability Officer, Richard Roper	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Climate Change Advisory Committee Meeting Minutes 28th July 2023 (Separate Cover) <a href="#">🔗</a>	

## SUMMARY

Council's Climate Change Advisory Committee meeting was held on Friday 28 July 2023 and at that meeting the Committee resolved to request Council to submit a motion to the 2023 Local Government Conference to seek action by the NSW Government to progress carbon offsetting for new developments and requiring manufacturers of building products to declare the amount of carbon generated in manufacture of such products. This report provides the officers consideration and recommendation on these matters as well as a copy of the meeting minutes.

## OFFICER RECOMMENDATION

That Council:

1. submit the following motion to the 2023 NSW Local Government Conference:  
That Local Government NSW lobby the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to require:
  - (a) New development to offset carbon emissions associated with construction and related development activity through a financial contribution or other suitable means; and
  - (b) Manufacturers of new building products sold in NSW to declare the level of carbon emissions generated to make the product, to enable consumers to make informed decisions about the carbon footprint of new building works, including renovations.
2. note the minutes of the Climate Change Advisory Committee meeting held on 28 July 2023.

## MOTION

Clancy/Pickering

That Council:

1. submit the following motion to the 2023 NSW Local Government Conference:  
That Local Government NSW lobby the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to require:
  - (a) New development to offset carbon emissions associated with construction and related development activity through a financial contribution or other suitable means; and
  - (b) Manufacturers of new building products sold in NSW to declare the level of carbon emissions generated to make the product, to enable consumers to make informed decisions about the carbon footprint of new building works, including renovations.
2. note the minutes of the Climate Change Advisory Committee meeting held on 28 July 2023.

## AMENDMENT TO MOTION

Toms/Day

That Council:

1. submit the following motion to the 2023 NSW Local Government Conference:

That Local Government NSW lobby the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to require:

- (a) Manufacturers of new building products sold in NSW to declare the level of carbon emissions generated to make the product, to enable consumers to make informed decisions about the carbon footprint of new building works, including renovations.

- 2. note the minutes of the Climate Change Advisory Committee meeting held on 28 July 2023.

Voting recorded as follows

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

Against: Clancy, Smith, Tiley

The Amendment to Motion was put and declared CARRIED. The amendment became the substantive motion.

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**COUNCIL RESOLUTION - 07.23.139****Clancy/Pickering**

**That Council:**

- 1. submit the following motion to the 2023 NSW Local Government Conference:**

**That Local Government NSW lobby the NSW Government to prepare a policy and associated legislation or other regulatory mechanism/s to require:**

- (a) Manufacturers of new building products sold in NSW to declare the level of carbon emissions generated to make the product, to enable consumers to make informed decisions about the carbon footprint of new building works, including renovations.**

- 2. note the minutes of the Climate Change Advisory Committee meeting held on 28 July 2023.**

Voting recorded as follows

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

Against: Johnstone, Tiley, Toms

**CARRIED**

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**CORPORATE & COMMUNITY****ITEM 07.23.140 DELIVERY PROGRAM 2022/2023 PROGRESS REPORT JANUARY-JUNE 2023**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Director Corporate & Community, Alex Moar	
<b>Reviewed by</b>	General Manager, Laura Black	
<b>Attachments</b>	Nil	

**SUMMARY**

The Delivery Program 2022/2025 progress report outlines the progress of the strategies of the Delivery Program as outlined in the Integrated Planning and Reporting (IP&R) Handbook for Local Councils in NSW September 2021, Office of Local Government (OLG).

**OFFICER RECOMMENDATION**

That Council note the Delivery Program 2022/2025 Progress Report for January-June 2023

**COUNCIL RESOLUTION - 07.23.140**

**Novak/Johnstone**

**That Council note the Delivery Program 2022/2025 Progress Report for January-June 2023**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.141 POLICY REPORT**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Coordinator Corporate & Customer Experience, Lynette Burley	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Draft Councillor Expenses and Facilities Policy V16.0 <a href="#">⇒</a> B. Draft Public Interest Disclosure Policy V2.0 <a href="#">⇒</a>	

**SUMMARY**

This report recommends action in relation to Council policies.

**OFFICER RECOMMENDATION**

That Council

1. adopt the Councillor Expenses and Facilities Policy V16.0 (Attachment A)
2. rescind the Voluntary House Raising Policy.
3. place the Public Interest Disclosure Policy V2.0 on exhibition and, subject to there being no submissions that change the intent of the policy, that it be adopted (Attachment B)
4. note the adoption of the Media Policy V1.0 as the one submission received did not alter the policy.
5. note the adoption of the following policies as no submissions were received:
  - a. Recycled Water Policy V5.0
  - b. Water Quality Management Policy V5.0
  - c. Footpath and Cycleway Maintenance Policy V5.0
  - d. Cultural Sports Trust Fund Policy V7.0

**COUNCIL RESOLUTION - 07.23.141****Clancy/Toms**

That Council

1. adopt the Councillor Expenses and Facilities Policy V16.0 (Attachment A)
2. rescind the Voluntary House Raising Policy.
3. place the Public Interest Disclosure Policy V2.0 on exhibition and, subject to there being no submissions that change the intent of the policy, that it be adopted (Attachment B)
4. note the adoption of the Media Policy V1.0 as the one submission received did not alter the policy.
5. note the adoption of the following policies as no submissions were received:
  - a. Recycled Water Policy V5.0
  - b. Water Quality Management Policy V5.0
  - c. Footpath and Cycleway Maintenance Policy V5.0
  - d. Cultural Sports Trust Fund Policy V7.0

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.142 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Corporate Support, Michelle West	
<b>Reviewed by</b>	General Manager, Laura Black	
<b>Attachments</b>	A. Actions List - Outstanding <a href="#">⇒</a> B. Actions List - Completed <a href="#">⇒</a> C. Rolling Checklist from 2019-2021 <a href="#">⇒</a>	

**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 - 07.23.142**

**Clancy/Toms**

**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 07.23.143 ITEMS FOR INFORMATION**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	General Manager	
<b>Attachments</b>	A. Access Advisory Committee Meeting Minutes 23 July 2023 <a href="#">⇒</a> B. Saleyards Advisory Committee Minutes 25 May 2023 <a href="#">⇒</a> C. Advice of Rushforth Road Water Treatment Plant SSWP Risk Prioritisation Update <a href="#">⇒</a> D. ARIC Meeting Minutes 3 August 2023 (Confidential) E. NRPP Response <a href="#">⇒</a>	

**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 23 July 2023
- Saleyards Advisory Committee Minutes 25 May 2023
- Correspondence from Department of Planning and Environment: Safe & Secure Water Program (SSWP) Risk prioritisation advice notification for Rushforth Rd Water Quality Risk 2050
- ARIC Meeting Minutes 3 August 2023 (Confidential)
- NRPP correspondence responding to Council request

**COUNCIL RESOLUTION - 07.23.143**

**Pickering/Johnstone**

That the Items for Information as listed below be noted

- Access Advisory Committee Meeting Minutes 23 July 2023
- Saleyards Advisory Committee Minutes 25 May 2023
- Correspondence from Department of Planning and Environment: Safe & Secure Water Program (SSWP) Risk prioritisation advice notification for Rushforth Rd Water Quality Risk 2050
- ARIC Meeting Minutes 3 August 2023 (Confidential)
- NRPP correspondence responding to Council request

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.23.144 MONTHLY INVESTMENT REPORT - JULY 2023**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Movement of Funds Between Months - July 2023 <a href="#">⇒</a>	

**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 31 July 2023 be noted.

**COUNCIL RESOLUTION - 07.23.144**

**Clancy/Toms**

That the report indicating Council's funds investment position as at 31 July 2023 be noted.

Voting recorded as follows

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

Against: Nil

**CARRIED**



**ITEM 07.23.145 MONTHLY FINANCE REPORT - JULY 2023**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Financial Accountant, Nick Harvey	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Monthly Income & Expenditure Statements By Service - July 2023 <a href="#">⇒</a> B. Monthly Grant Application Summary - July 2023 <a href="#">⇒</a>	

**SUMMARY**

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

Budget variations identified in this report impact the General Fund end of year result by \$60,000. There is no impact to the balance of the Financial Reserves.

**OFFICER RECOMMENDATION**

That Council:

1. note the monthly financial information report for July 2023 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$60,000, for inclusion in the September Quarterly Budget Review Statement to be reported in October 2023.
3. note and endorse the grant applications as identified in Attachment B.

**COUNCIL RESOLUTION - 07.23.145**

**Clancy/Toms**

**That Council:**

1. note the monthly financial information report for July 2023 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$60,000, for inclusion in the September Quarterly Budget Review Statement to be reported in October 2023.
3. note and endorse the grant applications as identified in Attachment B.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**ITEM 07.23.146 DISABILITY INCLUSION ACTION PLAN 2023/2026**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Community Projects Officer, Erin Brady	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

This report recommends Council place the Disability Inclusion Action Plan 2023/2026 on public exhibition.

**OFFICER RECOMMENDATION**

That Council place the Disability Inclusion Action Plan 2023/2026 on public exhibition and subject to there being no submissions that change the intent of the plan, it be adopted.

**COUNCIL RESOLUTION - 07.23.146**

**Toms/Whaites**

**That Council place the Disability Inclusion Action Plan 2023/2026 on public exhibition and subject to there being no submissions that change the intent of the plan, it be adopted.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.147 CRIME PREVENTION STRATEGY 2023 - 2026**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Community Projects Officer (Safe Communities), Andrea Nikas	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

This report recommends Council place the Crime Prevention Strategy 2023-2026 on public exhibition. .

**OFFICER RECOMMENDATION**

That Council place the Crime Prevention Strategy 2023-2026 on public exhibition and subject to there being no submissions that change the intent of the strategy, it be adopted.

**COUNCIL RESOLUTION - 07.23.147**

**Pickering/Novak**

**That Council place the Crime Prevention Strategy 2023-2026 on public exhibition and subject to there being no submissions that change the intent of the strategy, it be adopted.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.23.148 CULTURAL & SPORTS TRUST FUND 2023**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Project Officer, Lainie Edwards	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

Requests for assistance from the Clarence Valley Cultural and Sports Trust fund have been received on behalf of Milla Stephenson.

**OFFICER RECOMMENDATION**

That Council approve donations from the Clarence Valley Cultural and Sports Trust Fund for \$300 to assist Milla Stephenson, who has been selected in the 2023 Hockey NSW Under 13's Australian Hockey Championships being held at Newcastle International Hockey Centre, 332 Turton Rd Broadmeadow 2305, between the 22nd September 2023 and 29th September 2023.

**COUNCIL RESOLUTION - 07.23.148****Pickering/Novak**

**That Council approve donations from the Clarence Valley Cultural and Sports Trust Fund for \$300 to assist Milla Stephenson, who has been selected in the 2023 Hockey NSW Under 13's Australian Hockey Championships being held at Newcastle International Hockey Centre, 332 Turton Rd Broadmeadow 2305, between the 22nd September 2023 and 29th September 2023.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**WORKS & CIVIL****ITEM 07.23.149 DRAINAGE RESET FUNDING PROGRAM**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Water Cycle, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Clarence Valley Structural Mitigation Works Review Prioritisation List <a href="#">↗</a>	

**SUMMARY**

On 27 July councils were requested to lodge Expressions of Interest (EoI) to participate in the \$5 million “drainage reset” program (announced on 5 February), which is a short-term intervention designed to improve drainage channels directly impacted by the February/March 2022 floods and reduce the impact of future flood events. Following lodgement of an EoI Councils will be required to nominate projects for consideration by 25 August. Funding under the program is competitive, and projects will be delivered by the Soil Conservation Service (SCS). It is recommended that Council nominate six projects for consideration.

**OFFICER RECOMMENDATION**

That Council nominate the following projects for the “Drainage Reset” program:

1. Taloumbi Ring Drain
2. Narho Creek Crossing
3. Headwall sealing works at Edwards Creek, Harwood Drains and other locations
4. Reedy Creek
5. Marshes Drain
6. Rural drain silt and vegetation removal

**COUNCIL RESOLUTION - 07.23.149**

**Novak/Toms**

**That Council**

**1. In no particular order, nominate the following projects for the “Drainage Reset” program:**

- I. Taloumbi Ring Drain**
- II. Narho Creek Crossing**
- III. Headwall sealing works at Edwards Creek, Harwood Drains and other locations**
- IV. Reedy Creek**
- V. Marshes Drain**
- VI. Rural drain silt and vegetation removal**

**2. Make representation to the Minister for Agriculture, the Hon. Tara Moriarty MP, seeking confirmation for the timing of the implementation of the recommendations of the floodplain agricultural drainage review that informs the drainage reset program.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

## ITEM 07.23.150 ENCROACHMENT OF PRIVATE WATER RECREATION STRUCTURES ONTO COUNCIL DRAINAGE RESERVES BY ADJOINING LANDOWNERS

Meeting	Council	22 August 2023
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Complaints Received from Yamba Water Recreation Structure Owners ➡ B. Legal Advice - Yamba Water Recreation Structures (Confidential) C. Quotes - Pontoon Removal and Legal Fees (Confidential)	

### SUMMARY

This report considers mitigation of risk associated with the encroachment of privately owned water recreation structures onto Council owned drainage reserves by adjoining landowners who have refused to enter into tenure agreements to validate the occupation of their private structures on Council public land.

### OFFICER RECOMMENDATION

That Council:

1. advise in writing, the owners of water recreation structures who have not completed renewal of their tenure agreements, that a *Notice of intention to issue an Order* to remove the water recreation structure encroaching onto the adjoining Council drainage reserve will be issued if non-compliance with Council's *Erection and Tenure of a Water Recreation Structure on Council owned Waterways Protocol*, continues beyond 28 days from the date of the letter.
2. on completion of the 28 days, issue the *Notice of intention to issue an Order* to remove the water recreation structure encroaching onto the adjoining Council drainage reserve to owners who have failed to comply with Council's *Erection and Tenure of a Water Recreation Structure on Council owned Waterways Protocol* by completing renewal of their tenure agreement within the specified period of time.
3. issue an *Order* to remove the water recreation structure that is encroaching onto the adjoining Council drainage reserve within a specified period to owners who have not complied with the previous *Notice of intention to issue an Order* within the specified period of the Notice.
4. remove the water recreation structures that are encroaching onto the adjoining Council drainage reserve where owners have failed to comply with the requirements advise in writing, the *Notice of intention to issue an Order* or the *Order* detailed in the staged approach of recommendations 1 – 3.
5. delegate authority to the General Manager to execute all documentation required to put in effect the above recommendations.

### COUNCIL RESOLUTION - 07.23.150

Day/Clancy

That Council defer for consideration at a Councillor workshop.

Voting recorded as follows

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

Against: Whaites

**CARRIED**

**ITEM 07.23.151 LOCAL TRAFFIC COMMITTEE**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Support Officer (Operations), Julie Wilks	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Local Traffic Committee Minutes 10.8.23 (Separate Cover) <a href="#">⇒</a> B. 016.23 Yamba Twilight Markets Application (Separate Cover) <a href="#">⇒</a> C. 017.23 Eat Street Yamba Application (Separate Cover) <a href="#">⇒</a> D. 018.23 Yamba Triathlon Traffic Summary (Separate Cover) <a href="#">⇒</a> E. 019.23 Architectural Plans (Separate Cover) <a href="#">⇒</a> F. 019.23 Traffic Impact Investigation (Separate Cover) <a href="#">⇒</a> G. 020.23 Bitzios Traffic Impact Assessment (Separate Cover) <a href="#">⇒</a> H. 020.23 Council's Development Engineering Team's Evaluation (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

This report lists the recommendations made at the 10 August 2023 meeting of the Local Traffic Committee.

**OFFICER RECOMMENDATION**

That the recommendations of the Local Traffic Committee determined on 10 August 2023 be adopted by Council.

**COUNCIL RESOLUTION - 07.23.151**

**Clancy/Toms**

**That the recommendations of the Local Traffic Committee determined on 10 August 2023 be adopted by Council.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**7. CONFIDENTIAL BUSINESS****OFFICER RECOMMENDATION**

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

1. 08.23.006 Reimbursement sought under Councillor Expenses and Facilities Policy - 10B (1(a)(b)) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2) -  
 (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and  
 (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret--unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

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

1. 08.23.006 Reimbursement sought under Councillor Expenses and Facilities Policy - 10B (1(a)(b)) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2) -  
 (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and  
 (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret--unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

**ITEM 08.23.006 REIMBURSEMENT SOUGHT UNDER COUNCILLOR EXPENSES AND FACILITIES POLICY**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Director Corporate & Community, Alex Moar	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Councillor Request (Confidential)	
<b>CONFIDENTIAL</b>	<p>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</p> <p>10B (1(a)(b)) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2) -            (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and            (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret--unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.</p>	

**MOTION**

**Johnstone/Toms**

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

**Voting recorded as follows**



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

**CARRIED**

Cr Clancy left the meeting at 4:01 pm.

Cr Clancy returned to the meeting at 4:04 pm.

**COUNCIL RESOLUTION - 08.23.006**

**Toms/Pickering**

**That Council approve reimbursement of up to \$2,500 in legal costs incurred subject to the conditions detailed in the body of the report.**

**Voting recorded as follows**

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

**Against:** Whaites

**CARRIED**

**9. QUESTIONS WITH NOTICE**

**ITEM 09.23.002 QUESTIONS WITH NOTICE**

<b>Meeting</b>	Council	22 August 2023
<b>Submitted by</b>	Cr Jeff Smith	
<b>Attachments</b>	Nil	

**PROPOSED QUESTION**

Council Resolutions 07.22.290 and 07.23.002.

What steps were taken to progress "Option B" Yamba Community Precinct between 13<sup>th</sup> December 2022 (07.22.290) and 28<sup>th</sup> February 2023 (07.23.002)?

**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING****ITEM 10.23.001 DEBT REVIEW UPDATE**

<b>Meeting</b>	Council	22 August 2023
<b>Directorate</b>	General Manager	
<b>Prepared by</b>	Manager Finance & Systems, Kate Maginnity	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. DRAFT Debt Review Update (Confidential)	

**SUMMARY**

This report returns to Council a Debt Review update conducted in response to Item 07.23.098, which called for a review of Council's borrowing capacity.

**OFFICER RECOMMENDATION**

That Council note the current borrowing capacity position of \$143m at the Consolidated Fund level and \$88.2m for the General Fund.

**COUNCIL RESOLUTION**

**Toms/Whaites**

That the late item of business 10.23.001 Debt Review Update be accepted.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**COUNCIL RESOLUTION - 10.23.001**

**Toms/Smith**

That Council note the current borrowing capacity position of \$143m at the Consolidated Fund level and \$88.2m for the General Fund.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**11. CLOSE OF ORDINARY MEETING**

There being no further business the Council Meeting closed at 4:05pm.



## **CERTIFICATION OF MINUTES**

I certify that the preceding xxx pages are the Minutes of the meeting of Clarence Valley Council held on meeting date.

Signed by:

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First name surname  
Mayor / Chairperson