

Extraordinary Council Meeting

Minutes

Maclean - 1 March 2024 - 2:00 PM



AGENDA

Page

01 OPENING OF EXTRAORDINARY MEETING

- Affirmation/Prayer
- Acknowledgement of Country
- Announcement – Recording of Meeting

02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

03 DISCLOSURES AND DECLARATIONS OF INTEREST

05 MAYORAL MINUTES

Nil

06 NOTICE OF MOTIONS

06.24.004 Resolution 07.24.004 - Delegation of Authority - General Manager

3

07 REPORTS

OFFICE OF THE GENERAL MANAGER

Nil

ENVIRONMENT & PLANNING

Nil

CORPORATE & COMMUNITY

Nil

WORKS & CIVIL

Nil

08 CONFIDENTIAL BUSINESS

09 LATE ITEMS OF BUSINESS AND MATTERS ARISING

10 CLOSE OF EXTRAORDINARY MEETING

1. OPENING OF EXTRAORDINARY MEETING

MINUTES of the EXTRAORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 1 March 2024 commencing at 2:00 pm and closing at 2.42pm.

PRAYER – Cr Karen Toms delivered the Prayer.

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

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

ANNOUNCEMENT – The General Manager delivered the Announcement.

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

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

COUNCIL RESOLUTION**Day/Pickering**

That Council approve Councillor Greg Clancy & Councillor Jeff Smith attend by audio-visual link under section 5.23 of the Code of Meeting Practice for Extraordinary Council Meeting held on 1st March 2024.

Voting recorded as follows

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

Against: Nil

CARRIED**PRESENT**

Cr Peter Johnstone, Cr Greg Clancy, Cr Bill Day, Cr Jeff Smith, Cr Debrah Novak, Cr Karen Toms and Cr Steve Pickering

General Manager (Laura Black) and Minutes Secretary (Michelle West & Janelle Hale).

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Cr Allison Whaites, Cr Ian Tiley, Director – Corporate & Governance (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting)

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

Name	Item	Nature of Interest, Action and Reason
Laura Black – General Manager	06.24.004	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ I am the incumbent in the role subject to the Delegations apply to

5. MAYORAL MINUTES

Nil

6. NOTICE OF MOTION

**ITEM 06.24.004 RESCISSION MOTION
RESOLUTION 07.24.004 - DELEGATION OF AUTHORITY - GENERAL MANAGER**

Meeting	Extraordinary Council	1 March 2024
Submitted by	Cr Greg Clancy; Cr William Day; Cr Peter Johnstone	
Attachments	Nil	

To the General Manager, Clarence Valley Council, we, the undersigned, propose that the following rescission motion be submitted to Council.

PROPOSED RESCISSION MOTION

That Council rescind Council's resolution 07.24.004 - Delegation of Authority – General Manager.

COUNCIL RESOLUTION - 06.24.004

Day/Toms

That Council rescind Council's resolution 07.24.004 - Delegation of Authority – General Manager.

Voting recorded as follows

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

Against: Nil

CARRIED

MOTION

Day/Clancy

That Council discuss the delegations of Authority of the General Manager at a Councillors workshop.

Voting recorded as follows

For: Day, Smith, Clancy

Against: Johnstone, Novak, Toms, Pickering

The Motion was put and declared LOST

COUNCIL RESOLUTION - 06.24.004a

Pickering/Toms

That

- 1. Council delegates to the General Manager all of the delegable powers, duties, functions and authorities of the Council:**
 - (a) except those unable to be delegated as specified in section 377 of the *Local Government Act 1993*, and**
 - (b) subject to the limitations specified in numbered paragraph 2 below.**
- 2. The Council's delegation to the General Manager is subject to the following limitations:**
 - (a) All functions delegated to the General Manager must be exercised in accordance with the applicable statutory requirements, as well as any resolution or policy adopted by the Council from time to time.**
 - (b) The General Manager's authority to enter leases and licences is limited to those that have an annual rental of \$50,000 or less (GST inclusive) and have not been objected to as part of a public exhibition process.**
 - (c) The General Manager does not have authority to determine development applications, applications to modify a development consent and applications for a complying development certificate in the following circumstances:**

- (i) Applications that involve the variation of a development standard and that variation exceeds 10% of the maximum set by the standard.
- (ii) Where a submission by way of an objection to the application has been submitted to Council during the public notification period, unless in the General Manager's opinion, the objection:
 - (A) is unreasonable, or
 - (B) can be satisfied by the imposition of a condition of consent.
- (iii) The development does not comply with any adopted Council policy (including a development control plan) unless, in the General Manager's opinion compliance with the policy is unreasonable and unnecessary in the circumstances.
- (iv) Any section 4.55 modification application (other than a modification application made pursuant to section 4.55(1) of the EP&A Act to correct a minor error, misdescription or miscalculation) concerning a determination previously made by the Council.

3. This delegation shall remain in force until specifically altered or revoked by subsequent resolution of the Council.

Voting recorded as follows

For: Smith, Novak, Toms, Pickering

Against: Johnstone, Clancy, Day

CARRIED

7. REPORTS

OFFICE OF THE GENERAL MANAGER

Nil

ENVIRONMENT & PLANNING

Nil

CORPORATE & COMMUNITY

Nil

WORKS & CIVIL

Nil

8. CONFIDENTIAL BUSINESS

Nil

9. LATE ITEMS OF BUSINESS AND MATTERS ARISING

Nil

10. CLOSE OF ORDINARY MEETING

There being no further business the Extraordinary Meeting closed at 2.42pm