

# Ordinary Council Meeting

## Minutes

Maclean - 23 July 2024 - 3:00 PM





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Nil

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## 1. OPENING OF ORDINARY MEETING

**MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 23 July 2024 commencing at 3:00 PM and closing at 6.56pm.**

**PRAYER** – Cr Karen Toms delivered the Prayer.

**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.

## 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	07.24.117	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> <li>▪ I am on the NRPP</li> </ul>
Cr Johnstone	07.24.118	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> <li>▪ I am on the NRPP</li> </ul>
Cr Johnstone	07.24.120	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> <li>▪ I am on the NRPP</li> </ul>
Cr Smith	07.24.134	<ul style="list-style-type: none"> <li>▪ Non-Significant Non-Pecuniary – Remain in the Meeting</li> <li>▪ Member of Grafton Jacaranda Festival</li> </ul>
Cr Novak	07.24.119	<ul style="list-style-type: none"> <li>▪ Non-Significant Non-Pecuniary – Remain in the Meeting</li> <li>▪ Direct Neighbour</li> </ul>
Cr Novak	07.24.138	<ul style="list-style-type: none"> <li>▪ Non-Significant Non-Pecuniary – Remain in the Meeting</li> <li>▪ A patron of the Grafton Pony Club</li> </ul>
Cr Tiley	07.24.117	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> </ul>

		<ul style="list-style-type: none"> <li>▪ Member of the NRPP which will determine the DA</li> </ul>
Cr Tiley	07.24.118	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> <li>▪ Member of the NRPP which will determine the DA</li> </ul>
Cr Tiley	07.24.120	<ul style="list-style-type: none"> <li>▪ Significant Non-Pecuniary – Leave the Meeting</li> <li>▪ Member of the NRPP which will determine the DA</li> </ul>

#### 4. CONFIRMATION OF MINUTES

##### COUNCIL RESOLUTION

###### Pickering/Toms

That the Minutes of Ordinary Meeting of Council dated 25 June 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

##### ITEM 05.24.006 MAYORAL MINUTE NSW GOVERNMENT LEVY ON BURIALS AND CREMATIONS

Meeting	Council	23 July 2024
Submitted by	Cr Peter Johnstone	
Attachments	Nil	

##### SUMMARY

NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations, and ash interments.

##### PROPOSED MOTION

That Council:

1. note that the NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations and ash interments.
2. write to the NSW Premier and Minister for Lands and Property asking that they urgently reverse their decision to impose a new tax on all burials and cremations.

##### COUNCIL RESOLUTION - 05.24.006

###### Johnstone

That Council:

1. note that the NSW Government has announced a new cost shift onto Council and our community, by imposing a new tax on burials, cremations and ash interments.
2. write to the NSW Premier and Minister for Lands and Property asking that they urgently reverse their decision to impose a new tax on all burials and cremations.

Voting recorded as follows

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

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Against: Nil

CARRIED

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**COUNCIL RESOLUTION**

**Toms/Day**

**That the order of Business be changed to discuss item 07.24.120 after item 07.24.118.**

**Voting recorded as follows**

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

**Against: Nil**

CARRIED

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**6. NOTICES OF MOTION**

Nil

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**VOTE BY EXCEPTION - 07.24.115**

**Tiley/Pickering**

**That the following items be adopted as recommended:**

**07.24.115**

**07.24.119**

**07.24.124**

**07.24.125**

**07.24.126**

**07.24.130**

**07.24.131**

**07.24.132**

**07.24.134**

**07.24.137**

**07.24.138**

**07.24.139**

**07.24.140**

**07.24.141**

**07.24.142**

**Voting recorded as follows**

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

**Against: Nil**

CARRIED

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**7. REPORTS****OFFICE OF THE GENERAL MANAGER****ITEM 07.24.115 CR JOHNSTONE - CONFERENCE REPORT**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	General Manager	
<b>Attachments</b>	Nil	

**SUMMARY**

Cr Johnstone attended the 2024 Regional Forum, ALGA Conference and Australian Councils of Local Government conference held in Canberra from the 2<sup>nd</sup> to 5<sup>th</sup> July.

**OFFICER RECOMMENDATION**

That Council note the information provided by Councillor Peter Johnstone after attending the 2024 Regional Forum & ALGA Conference.

**COUNCIL RESOLUTION - 07.24.115****Tiley/Pickering**

**That Council note the information provided by Councillor Peter Johnstone after attending the 2024 Regional Forum & ALGA Conference.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



## ENVIRONMENT &amp; PLANNING

**ITEM 07.24.116 DA2023/0552 - MULTI-DWELLING HOUSING (14 UNITS) AND SWIMMING POOLS - 1 MULGI STREET, YAMBA**

<b>Meeting</b>	Council	23 July 2024
<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. DA2023-0552 - Plans (Separate Cover) <a href="#">⇒</a> B. DA2023-0552 - Planning Assessment Report (Separate Cover) <a href="#">⇒</a> C. DA2023-0552 - Stormwater Management Plan (Separate Cover) <a href="#">⇒</a> D. DA2023-0552 - Flood Risk Impact and Management Plan (Separate Cover) <a href="#">⇒</a> E. DA2023-0552 - Arboricultural Impact Assessment (Separate Cover) <a href="#">⇒</a> F. DA2023-0552 - Submissions (Separate Cover) <a href="#">⇒</a> G. DA2023-0552 - Landscape Plans (Separate Cover) <a href="#">⇒</a> H. DA2023-0552 - Shadow Diagrams <a href="#">⇒</a> I. DA2023-0552 - Waste Management Plan (Separate Cover) <a href="#">⇒</a> J. DA2023-0552 - Civil Engineering Plans <a href="#">⇒</a> K. DA2023-0552 - Consultant Advice Note Afflux Maps <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	A Sutherland C/- Done Family Settlement
<i>Owner</i>	Project In Yamba Pty Ltd
<i>Address</i>	1 Mulgi Street, Yamba being Lot 70 DP751395
<i>Submissions</i>	Nine (9) objections

Development Application DA2023/0552 seeks approval for a multi dwelling housing unit development (14 units) and swimming pools upon 1 Mulgi Street, Yamba being Lot 70 DP751395.

The proposed development was advertised and notified in accordance with Council's Community Participation Plan. A total of nine (9) submissions were received during the exhibition period which raised concerns regarding flooding, stormwater, landscaping, parking, solar access, visual privacy and noise impacts. The matters are discussed in detail in the key issues section of this report.

The assessment and reporting of this application were undertaken in collaboration with the Planning Delivery Unit of the NSW Department of Planning, Housing and Infrastructure (DPHI), as part of the NSW Regional Housing Flying Squad (RHFS) program. The program aims to assist with the development assessment of certain residential developments for councils in regional areas who are experiencing high amounts of development applications. The report recommended approval subject to the imposition of conditions of consent.

The application is referred to Council for determination due to the public interest in the proposal and the applicant seeking a number of variations to the Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011. The report provides an assessment of the application and a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1.

**COUNCIL RESOLUTION - 07.24.116**

Toms/Whaites

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1.
3. that a condition be included that the 7 trees removed be replaced by 7 trees of local provenance.

Voting recorded as follows

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

Against: Tiley

**CARRIED**

**MOTION**

Clancy/Day

That Council:

1. refuse the proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. refuse Development Application DA2023/0552 based on non compliance with the DCP and impact on the environment.

Voting recorded as follows

For: Clancy, Smith

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

The Motion was put and declared LOST

**POINT OF ORDER**

Clancy/Toms

Clancy directed to Toms 'I think that's going too far. We are Councillors, we have a responsibility to assess the information and make a decision, I just don't think that was an appropriate comment about Councillors.'

The Chair overruled the point of order

**FORESHADOWED MOTION 1 BECAME THE MOTION**

Toms/Whaites

That Council:

4. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
5. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1

**AMENDMENT 1 TO MOTION**

Clancy/Novak

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule
3. that a condition be included that the 7 trees removed be replaced by 21 trees and the landscaping be carried out by appropriate local species.

Voting recorded as follows

For: Clancy

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

The Amendment to Motion was put and declared LOST

### **AMENDMENT 2 TO MOTION**

Day/Clancy

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule
3. that a condition be included that the 7 trees removed be replaced by 7 trees of local provenance.

### **AMENDMENT TO AMENDMENT**

Pickering/Novak

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1.
3. that a condition be included that the 7 trees removed be replaced by 7 trees of local provenance if available.

Voting recorded as follows

For: Clancy, Day, Novak, Pickering

Against: Johnstone, Smith, Tiley, Toms, Whaites

The Amendment to Motion was put and declared LOST

### **SUBSTANTIVE MOTION**

Day/Clancy

That Council:

1. support proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule
3. that a condition be included that the 7 trees removed be replaced by 7 trees of local provenance.

Voting recorded as follows

For: Clancy, Day, Novak, Pickering, Smith

Against: Johnstone, Tiley, Toms, Whaites

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

### **FORESHADOWED MOTION 2.**

Tiley

That Council:

1. refuse the proposed variations to the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
2. approve Development Application DA2023/0552 subject to the Condition contained in Schedule 1, subject to full compliance to the DCP

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**COUNCIL RESOLUTION**

**Smith/Whaites**

**That Council adjourn for a 5 minute break at 4.05pm. Resume at 4.10pm**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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Cr Tiley left the meeting at 4:07 pm.

Cr Johnstone left the meeting at 4:07 pm.

**ITEM 07.24.117 DA2023/0580 EXTRACTIVE INDUSTRY (PROPOSED CONTINUATION OF USE AND EXPANSION OF EXISTING QUARRY)**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Development Planner, Patrick Ridgway	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. PPSNTH-260 Assessment briefing report (Separate Cover) <a href="#">⇒</a> B. EIS DA2023-0580 Quarry 9720 Armidale Road TYRINGHAM NSW 2453 (1) (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	Gary Peacock (Outline Planning Consultants Pty Ltd)
<i>Owner</i>	Abby Lee Richards and Toby John Sheridan
<i>Address</i>	9720 Armidale Road Tyringham NSW 2453, being Lot 31 DP 1203488
<i>Submissions</i>	Nil

Council received Development Application DA2023/0580 for continuation of use and expansion of an existing small quarry known as Faheys Pit at 9720 Armidale Road Tyringham NSW 2453, being Lot 31 DP 1203488 9720.

It is proposed that extraction be increased to up to 150,000 tonnes per annum and expand the quarry footprint to an area of 4.1 hectares. The application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for the application.

The purpose of this report is to advise Council that the development application will be scheduled by the Panel for determination in August 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 (dated 9 February 2024) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests during the assessment of the application.

**OFFICER RECOMMENDATION**

That Council:

- note that a public determination meeting for Development Application DA2023/0580 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0580 to the Northern Regional Planning Panel.

**COUNCIL RESOLUTION - 07.24.117**

**Novak/Toms**

**That Council:**

- note that a public determination meeting for Development Application DA2023/0580 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and**
- note that a resolution is required should Council wish to make a submission about DA2023/0580 to the Northern Regional Planning Panel.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.118 DA2023/0759 - 290 LOT SUBDIVISION AND CHILDCARE CENTRE - JAMES CREEK ROAD, JAMES CREEK - NOTICE OF NORTHERN REGIONAL PLANNING PANEL**

<b>Meeting</b>	Council	23 July 2024
<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. DA2023-0759 - NRPP Briefing Report - January 2024 (Separate Cover) <a href="#">⇒</a> B. DA2023-0759 - Submissions (Separate Cover) <a href="#">⇒</a>	

## SUMMARY

<i>Applicant</i>	Peter Bell C/- The Trustee for MPD Investments Unit Trust
<i>Owner</i>	Kahuna No 1 Pty Ltd
<i>Address</i>	James Creek Road, James Creek being Lot 104 DP751388
<i>Submissions</i>	94 Submissions

Council received Development Application DA2023/0759 for the subdivision of land located upon Lot 104 DP751388, James Creek Road, James Creek. 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 in August 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 (dated January 2024) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues contained in the briefing report have been the subject of additional information requests and changes to the proposed development during the assessment of the application.

## OFFICER RECOMMENDATION

That Council:

- note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 11 or 12 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0759 to the Northern Regional Planning Panel.

## COUNCIL RESOLUTION 07.24.118

**Toms/Novak**

That Council:

- note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0759 to the Northern Regional Planning Panel.
- advise the NRPP that we are not in favour of the development application on a number of grounds including;
  - Inconsistency with rezoning assurances
  - Insufficient buffers and impacts on agricultural activities
  - Increased density and urban design/irreversible over development
  - Stormwater impacts
  - Traffic and access to childcare centre
  - Services and infrastructure
  - Environment/Biodiversity
  - Lack of green space (less than 1%)

- No play area for children
- Bio basins dangerous for children
- Single entry/exit for vehicles
- 300 vehicles per hours accessing site
- Non compliance with DCP
- Negative impacts on wildlife
- Suburban development/not village style
- No public transport to this site

Voting recorded as follows

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

Against: Toms

**CARRIED**

## **MOTION**

Toms/Novak

That Council:

1. note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
2. note that a resolution is required should Council wish to make a submission about DA2023/0759 to the Northern Regional Planning Panel.

## **AMENDMENT TO MOTION**

Day/Clancy

That Council:

1. note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
2. note that a resolution is required should Council wish to make a submission about DA2023/0759 to the Northern Regional Planning Panel.
3. advise the NRPP that we are not in favour of the development application on a number of grounds including;
  - inconsistency with rezoning assurances
  - insufficient buffers and impacts on agricultural activities
  - increased density and urban design/irreversible over development
  - stormwater impacts
  - Traffic and access to childcare centre
  - Services and infrastructure
  - Environment/Biodiversity
  - Lack of green space (less than 1%)
  - No play area for children
  - Bio basins dangerous for children
  - Single entry/exit for vehicles
  - 300 vehicles per hours accessing site
  - Non compliance with DCP
  - Negative impacts on wildlife
  - Suburban development/not village style
  - No public transport to this site

Voting recorded as follows

For: Clancy, Day, Pickering, Smith

Against: Novak, Toms, Whaites

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

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## **FORESHADOWED MOTION 1.**

Clancy

That Council:

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1. note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August; and
  2. Council planning staff not involved in the current DA process prepare a submission opposing the DA on the grounds of extensive community concern evidenced by the 94 submissions which covered stormwater, the lack of a master plan, density causing overdevelopment, lack of green space, traffic issues such as a single entry and egress point, lack of public transport, impact on the character of the locality, no flood free access and the impact on wildlife.
  3. forward the submission within 7 days of the final planning report being submitted to the NRPP.
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**FORESHADOWED MOTION 2.**

Novak

That Council hold an Extraordinary Council Meeting in August 2024 prior to the NRPP meeting to consider planning assessment report for Development Application DA2023/0759.

**ITEM 07.24.120 DA2023/0241 216 DWELLING MANUFACTURED HOME ESTATE AND COMMUNAL FACILITIES - 120 CARRS DRIVE, YAMBA**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Senior Development Planner, Patrick Ridgway	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2023/0241 - Panel Assessment Briefing Report (Separate Cover) <a href="#">⇒</a> B. DA2023/0241 - Redacted Submissions (Separate Cover) <a href="#">⇒</a> C. DA2023/0241 - Statement of Environmental Effects (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

<i>Applicant</i>	The Trustee for Yamba Land Trust
<i>Owner</i>	Clifton Yamba Land Pty Ltd & The Trustee for Yamba Land Trust
<i>Address</i>	120 Carrs Drive YAMBA NSW 2464, being Lot 2 DP 733507 & Lot 32 DP 1280863
<i>Submissions</i>	89 submissions

Council received Development Application DA2023/0241 for a 216 dwelling site Manufactured Home Estate (MHE) and communal facilities located at 120 Carrs Drive Yamba on 18 April 2023. This development application (DA) 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 may be scheduled by the Panel for determination on 20 or 21 August 2024 following a Panel briefing scheduled for 24 July 2024. Council will be notified when the application is called for public determination meeting by the Panel.

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. If held later in September this will be during the 'caretaker' period for the Council elections.

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 (dated 17 July 2023) to the Panel is attached to this report for information purposes (**Attachment A**). Of note, the briefing report is not a final assessment report. The issues raised in the briefing report and those requested through additional information requests have not yet been addressed by the applicant through the DA process.

**OFFICER RECOMMENDATION**

That Council:

- note that a public determination meeting for Development Application DA2023/0241 will likely be scheduled by the Northern Regional Planning Panel on the 20 or 21 August 2024; and
- note that a resolution is required should Council wish to make a submission about DA2023/0241 to the Northern Regional Planning Panel.

**COUNCIL RESOLUTION - 07.24.120**

**Clancy/Day**

**That Council:**

- note that a public determination meeting for Development Application DA2023/0759 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August; and**
- make a submission not supporting the DA on the grounds of extensive community concern evidenced by the 89 submissions which covered stormwater, the lack of a master plan, lack of parkland, floodplain development issues, the impact on wildlife & biodiversity, flood evacuation, inadequate assessment of climate change impacts, impacts on St James School and other concerns.**
- forward the submission within 7 days of the final planning report being submitted to the NRPP.**

Voting recorded as follows

For: Clancy, Day, Novak, Pickering, Smith

Against: Toms, Whaites

**CARRIED**

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**COUNCIL RESOLUTION - 07.24.120a**

Clancy/Pickering

That item 07.24.120 be recommitted to correct the reference to the DA number.

Voting recorded as follows

For: Clancy, Day, Novak, Pickering, Smith

Against: Toms, Whaites

**CARRIED**

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**COUNCIL RESOLUTION - 07.24.120b**

Clancy/Day

That Council:

- 1 note that a public determination meeting for Development Application DA2023/0241 will be scheduled by the Northern Regional Planning Panel on the 20 or 21 August; and
- 2 make a submission not supporting the DA on the grounds of extensive community concern evidenced by the 89 submissions which covered stormwater, the lack of a master plan, lack of parkland, floodplain development issues, the impact on wildlife & biodiversity, flood evacuation, inadequate assessment of climate change impacts, impacts on St James School and other concerns.
- 3 forward the submission within 7 days of the final planning report being submitted to the NRPP.

Voting recorded as follows

For: Clancy, Day, Novak, Pickering, Smith

Against: Toms, Whaites

**CARRIED**

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Cr Johnstone returned to the meeting at 5:12 pm.

Cr Tiley returned to the meeting at 5:12 pm.

### ITEM 07.24.119 DA2023/0354 - DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF RESIDENTIAL FLAT BUILDING (3 DWELLINGS) - 27 CLARENCE STREET, YAMBA

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner (Systems), Carmen Landers; Development Assessment Planner, Alex Clark	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. DA2023 0354 - Plans (Separate Cover) B. DA2023 0354 - Section 4.15 Assessment (Separate Cover) C. DA2023 0354 - Submissions D. DA2023 0354 - Concept Landscape Plans (Separate Cover)	

#### SUMMARY

<i>Applicant</i>	Jake Storey C/- Cremorne Enterprises Pty Ltd
<i>Owner</i>	Cremorne Enterprises Pty Ltd
<i>Address</i>	27 Clarence Street, Yamba, being Lot 2 DP7820
<i>Submissions</i>	Three (3) objections

Development Application DA2023/0354 seeks approval for a residential flat building (3 dwellings) with associated car parking on 27 Clarence Street, Yamba.

The proposed development was advertised and notified in accordance with Council's Community Participation Plan. A total of three (3) submissions were received during the exhibition period raising concerns regarding amenity impacts from roof top balcony, privacy, overshadowing, landscaping, parking and setbacks. The matters are discussed in detail in the key issues section of this report.

The application is referred to Council for determination due to the public interest in the proposal and the applicant seeking a number of variations to the Clarence Valley Residential Zones Development Control Plan 2011 (the DCP). The report provides an assessment of the application and a recommendation for Council's consideration.

#### OFFICER RECOMMENDATION

That Council:

1. support proposed variations to the Residential Zones Development Control Plan 2011; and
2. approve Development Applicant DA2023/0354 subject to draft Conditions in Schedule 1.

#### COUNCIL RESOLUTION - 07.24.119

**Tiley/Pickering**

**That Council:**

1. support proposed variations to the Residential Zones Development Control Plan 2011; and
2. approve Development Applicant DA2023/0354 subject to draft Conditions in Schedule 1.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

## ITEM 07.24.121 DEVELOPMENT CONTROL PLAN AMENDMENTS FOR INCLUSION OF THE INTERIM FLOOD PLANNING LEVELS

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner, Sarah Sozou	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	<p>A. All DCPs Dictionary FPL amendments (Separate Cover) <a href="#">⇒</a></p> <p>B. Residential Zones DCP FPL amendments - Part D, Part R and Part V (Separate Cover) <a href="#">⇒</a></p> <p>C. Business Zones DCP FPL amendments - Part D, Part N &amp; Part Q (Separate Cover) <a href="#">⇒</a></p> <p>D. Industrial Zones DCP FPL amendments - Part D (Separate Cover) <a href="#">⇒</a></p> <p>E. Rural Zones DCP FPL amendments - Part D &amp; Part O (Separate Cover) <a href="#">⇒</a></p> <p>F. E &amp; Other Zones DCP FPL amendments - Part D &amp; Part N (Separate Cover) <a href="#">⇒</a></p>	

### SUMMARY

At its meeting of 25 June 2024, Council resolved (Resolution 07.24.093) to adopt the proposed interim Flood Planning Levels (FPLs) for the Lower Clarence River Floodplain, from Mountain View, upstream of Grafton, to the ocean at Yamba/Illuka.

This report addresses items of the Council resolution and seeks endorsement of the proposed amendments of all the Clarence Valley Development Control Plans (the DCPs) to address the adopted interim FPLs for the Lower Clarence River Floodplain. Amendments to the Wooli Village and Glenreagh Village Parts in applicable DCPs also require updates to the flood controls and mapping for those localities.

If endorsed, the DCPs will be placed on public exhibition in accordance with the Community Participation Plan. If any submissions require further consideration of Council, a report will be prepared to consider submissions and any resultant changes prior to final adoption of the amended DCPs.

### OFFICER RECOMMENDATION

That Council:

- endorse the proposed amendments to all the Clarence Valley Development Control Plans (DCPs) for inclusion of the adopted Flood Planning Levels as detailed in the attachments, being:
  - amending the shared Dictionary attached to all DCPs;
  - amending Part D: Floodplain Management Controls, Part R: Glenreagh Village Controls, and Part V: Wooli Village Controls of the Residential Zones Development Control Plan 2011;
  - amending Part D: Floodplain Management Controls, Part N: Glenreagh Village Controls, and Part Q: Wooli Village Controls of the Business Zones Development Control Plan 2011;
  - amending Part D: Floodplain Management Controls of the Industrial Zones Development Control Plan 2011;
  - amending Part D: Floodplain Management Controls, and Part O: Controls for Precincts Close to Glenreagh Village of the Rural Zones Development Control Plan 2011;
  - amending Part D: Floodplain Management Controls and Part N: Wooli Village Controls of the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and
  - inserting Flood Planning Area (FPA) maps as an Appendix to all the above DCPs;
- place the amendments to the DCPs on public exhibition in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulation 2000, and Council's Community Participation Plan for a minimum of 28 days;
- endorse finalisation of DCP amendments subject to no submissions being received that require further consideration by Council; and
- note that if submissions are received that require further consideration of Council, this matter will be reported to the next available Council meeting after submissions close.

**COUNCIL RESOLUTION - 07.24.121**

**Novak/Pickering**

**That Council:**

- 1. endorse the proposed amendments to all the Clarence Valley Development Control Plans (DCPs) for inclusion of the adopted Flood Planning Levels as detailed in the attachments, being:
  - a) amending the shared Dictionary attached to all DCPs;**
  - b) amending Part D: Floodplain Management Controls, Part R: Glenreagh Village Controls, and Part V: Woolli Village Controls of the Residential Zones Development Control Plan 2011;**
  - c) amending Part D: Floodplain Management Controls, Part N: Glenreagh Village Controls, and Part Q: Woolli Village Controls of the Business Zones Development Control Plan 2011;**
  - d) amending Part D: Floodplain Management Controls of the Industrial Zones Development Control Plan 2011;**
  - e) amending Part D: Floodplain Management Controls, and Part O: Controls for Precincts Close to Glenreagh Village of the Rural Zones Development Control Plan 2011;**
  - f) amending Part D: Floodplain Management Controls and Part N: Woolli Village Controls of the Environmental Protection, Recreation and Special Use Zones Development Control Plan 2011; and**
  - g) inserting Flood Planning Area (FPA) maps as an Appendix to all the above DCPs;****
- 2. place the amendments to the DCPs on public exhibition in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and Regulation 2000, and Council's Community Participation Plan for a minimum of 28 days;**
- 3. endorse finalisation of DCP amendments subject to no submissions being received that require further consideration by Council; and**
- 4. note that if submissions are received that require further consideration of Council, this matter will be reported to the next available Council meeting after submissions close.**

**Voting recorded as follows**

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

**Against: Clancy**

**CARRIED**

**ITEM 07.24.122 AMENDED DRAFT LOCAL HOUSING STRATEGY - FOR RE-EXHIBITION**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Strategic Planner, Jasmine Oakes	
<b>Reviewed by</b>	Director Environment & Planning, Adam Cameron	
<b>Attachments</b>	A. Amended Draft Local Housing Strategy - For Re-Exhibition (Separate Cover) <a href="#">⇒</a> B. Submissions Analysis (Separate Cover) <a href="#">⇒</a> C. NSW Government Agency Submissions (Separate Cover) <a href="#">⇒</a> D. Written Community Submissions (Separate Cover) <a href="#">⇒</a> E. Community Proformas <a href="#">⇒</a>	

**SUMMARY**

This report seeks endorsement for the amended draft Local Housing Strategy (LHS) (**Attachment A**) to be re-exhibited to allow the community the opportunity to review changes made in response to submissions, prior to adopting a final LHS.

This report details the recommended changes to the draft LHS in response to community submissions and NSW Government agency recommendations. It provides a summary of the key concerns raised by the community regarding the draft LHS and draft Affordable Housing Policy (AHP) while the documents were on public exhibition from 27 October to 22 December 2023.

When adopted, the final LHS will recommend actions to implement priorities of the North Coast Regional Plan 2041 and Council's local planning and policy framework. It will assist Council to plan for housing based on the four housing pillars: supply, diversity, affordability and resilience. It aims to encourage appropriate infill development within our existing centres to provide diverse housing types close to services. It also identifies land suitable for greenfield development away from areas prone to natural hazards or land with high environmental and agricultural value to meet the housing needs of our community over the next 20 years.

There are no proposed changes to the draft AHP in response to submissions. Consequently, there is no requirement to re-exhibit the AHP. This will be submitted to Council for consideration for adoption along with the final LHS.

**OFFICER RECOMMENDATION**

That Council:

1. endorse the amended draft Local Housing Strategy (**Attachment A**) to be placed on public exhibition for a minimum six (6) weeks, in accordance with Council's Community Participation Plan;
2. note the Officer comments and the recommended changes to the draft Local Housing Strategy in response to community and agency submissions (**Attachment B**);
3. note that during the exhibition period of the draft Local Housing Strategy:
  - a. seven (7) submissions were received from NSW Government Agencies and one (1) submission was received from a non-government organisation (**Attachment C**);
  - b. 873 community submissions were received from the community during the public exhibition period of the draft Local Housing Strategy:
    - i. 370 written submissions (**Attachment D**)
    - ii. 503 proformas (example of each at **Attachment E**); and
4. note that all submissions received and recommended changes to the amended draft Local Housing Strategy will be reported back to Council for endorsement following the re-exhibition period.



**COUNCIL RESOLUTION - 07.24.122**

**Toms/Tiley**

**That Council:**

1. place the amended draft Local Housing Strategy (Attachment A) on public exhibition for a minimum six (6) weeks, in accordance with Council's Community Participation Plan;
2. include 4 River Street Palmers Island in the Draft Housing Strategy for exhibition
3. note the Officer comments and the recommended changes to the draft Local Housing Strategy in response to community and agency submissions (Attachment B);
4. note that during the exhibition period of the draft Local Housing Strategy:
  - a. seven (7) submissions were received from NSW Government Agencies and one (1) submission was received from a non-government organisation (Attachment C);
  - b. 873 community submissions were received from the community during the public exhibition period of the draft Local Housing Strategy:
    - i. 370 written submissions (Attachment D)
    - ii. 503 proformas (example of each at Attachment E); and
5. note that all submissions received and recommended changes to the amended draft Local Housing Strategy will be reported back to Council for endorsement following the re-exhibition period.

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**CORPORATE & COMMUNITY****ITEM 07.24.123 CENTRAL BUSINESS DISTRICT CHRISTMAS DECORATIONS**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	General Manager, Laura Black	
<b>Reviewed by</b>	General Manager, Laura Black	
<b>Attachments</b>	Nil	

**SUMMARY**

A review of records has found that Council did not actively consider allocation of funding for CBD Christmas decorations in preparation of the 2024/2025 Operational Plan as was intended by Item 06.23.018 in December 2023. The report requests Council formalise a decision in regard to funding Christmas decorations.

**OFFICER RECOMMENDATION**

That Council does not fund Christmas decorations in CBDs across the Clarence Valley in addition to the occasional fairy lights currently installed.

**POINT OF ORDER**

Novak/Toms

Cr Novak directed to Cr Toms 'My understanding is that Council have supplied Christmas decorations before and have a stack of them sitting somewhere in Council.'

Cr Johnstone directed to Cr Novak 'That is not really a point of order.'

**MOTION**

Novak/Smith

That Council defer this matter until the Ordinary Council Meeting in August.

Voting recorded as follows

For: Nil

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

The Motion was put and declared LOST

**COUNCIL RESOLUTION - 07.24.123**

Tiley/Toms

**That Council does not fund Christmas decorations in CBDs across the Clarence Valley in addition to the occasional fairy lights currently installed.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.124 DELIVERY PROGRAM 2023/2024 PROGRESS REPORT JANUARY-JUNE 2024**

<b>Meeting</b>	Council	23 July 2024
<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	

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**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 2024.

**COUNCIL RESOLUTION - 07.24.124**

**Tiley/Pickering**

**That Council note the Delivery Program 2022/2025 Progress Report for January-June 2024.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.125 GOVERNANCE REPORT Q4 2023/2024**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Governance Officer, Lohrairie Souza	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Disclosure of Interest Commencement <a href="#">⇒</a> B. Disclosure of Interest Updates <a href="#">⇒</a>	

**SUMMARY**

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in Q4 2023/2024 (1 April 2024 to 30 June 2024).

**OFFICER RECOMMENDATION**

That Council:

1. note the Governance Report Q4 2023/2024.
2. approve the publication of the Q4 2023/2024 Disclosures of Interest on the Council's website.

**COUNCIL RESOLUTION - 07.24.125**

**Tiley/Pickering**

That Council:

1. note the Governance Report Q4 2023/2024.
2. approve the publication of the Q4 2023/2024 Disclosures of Interest on the Council's website.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.126 POLICY REPORT**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Governance Officer, Lohrairie Souza	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	A. Name of Parks Reserves and Facilities Policy V4.0 <a href="#">↗</a>	

**SUMMARY**

This report recommends action in relation to Council Policies.

**OFFICER RECOMMENDATION**

That Council adopt the Naming of Parks, Reserves and Facilities Policy V4.0 noting one submission and some minor name and word changes that did not change the intent of the policy

**COUNCIL RESOLUTION - 07.24.126****Tiley/Pickering**

**That Council adopt the Naming of Parks, Reserves and Facilities Policy V4.0 noting one submission and some minor name and word changes that did not change the intent of the policy**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.127 ADVISORY COMMITTEES**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Governance Officer, Lohrairie Souza	
<b>Reviewed by</b>	Director Corporate & Community, Alex Moar	
<b>Attachments</b>	Nil	

**SUMMARY**

In line with the Council's report with the recommendations for establishing Council's Advisory Committee, each group of newly elected Councillors determines the Advisory Committees they wish to operate. To this end, all committees are disbanded during the caretaker period prior to the election of a new Council.

**OFFICER RECOMMENDATION**

That Council:

1. disbands all Advisory Committees (identified in the body of the report) and extends sincere appreciation to all committee members for their valuable contributions and dedication.
2. notes that the newly elected Council will consider the establishment of appropriate Advisory Committees in the upcoming term.

**COUNCIL RESOLUTION - 07.24.127****Pickering/Toms**

That Council:

1. **disbands all Advisory Committees (identified in the body of the report) and extends sincere appreciation to all committee members for their valuable contributions and dedication.**
2. **notes that the newly elected Council will consider the establishment of appropriate Advisory Committees in the upcoming term.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.128 ITEMS FOR INFORMATION**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	General Manager	
<b>Attachments</b>	A. Clarence Valley Community and Cultural Committee Meeting Minutes - May 2024 <a href="#">⇒</a> B. Correspondence from The Hon Jenny Aitchison MP - Shirley Adams Way <a href="#">⇒</a> C. Community Recognition Statement - Ulmarra Riverside and Village Precinct <a href="#">⇒</a> D. Correspondence from Richie Williamson MP - Maclean Fisheries Office Land Swap Matter <a href="#">⇒</a> E. Correspondence from Richie Williamson MP - Former Gorman's Restaurant <a href="#">⇒</a> F. June 2024 Loan Funding Strategy <a href="#">⇒</a>	

**SUMMARY**

Correspondence and committee minutes are attached for noting

**OFFICER RECOMMENDATION**

That the Items for Information as listed below be noted

- Clarence Valley Community and Cultural Committee Meeting Minutes - May 2024
- Correspondence from The Hon Jenny Aitchison MP - Shirley Adams Way
- Community Recognition Statement - Ulmarra Riverside and Village Precinct
- Correspondence from Richie Williamson MP - Maclean Fisheries Office Land Swap Matter
- Correspondence from Richie Williamson MP - Former Gorman's Restaurant
- June 2024 Loan Funding Strategy

**COUNCIL RESOLUTION - 07.24.128**

**Smith/Novak**

**That Council:**

1. **note the following items for information**
  - **Clarence Valley Community and Cultural Committee Meeting Minutes - May 2024**
  - **Correspondence from The Hon Jenny Aitchison MP - Shirley Adams Way**
  - **Community Recognition Statement - Ulmarra Riverside and Village Precinct**
  - **Correspondence from Richie Williamson MP - Maclean Fisheries Office Land Swap Matter**
  - **Correspondence from Richie Williamson MP - Former Gorman's Restaurant**
  - **June 2024 Loan Funding Strategy**
2. **follow up the advice provided by Local State MP Richie Williamson in relation to the Maclean Fisheries Office Land Swap Matter with the NSW Minister for Lands and Property and his department and report back to a future meeting.**

**Voting recorded as follows**

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

**Against: Smith**

**CARRIED**



**ITEM 07.24.129 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Corporate & Community	
<b>Prepared by</b>	Corporate Support Officer, Michelle West	
<b>Reviewed by</b>	General Manager, Laura Black	
<b>Attachments</b>	A. Actions Checklist - Completed <a href="#">⇒</a> B. Actions Checklist - Outstanding <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 - 07.24.129****Toms/Whaites**

**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: Johnstone, Novak, Pickering, Tiley, Toms, Whaites**

**Against: Clancy, Day, Smith**

**CARRIED****AMENDMENT TO MOTION**

## Day/Clancy

That Council:

1. note the schedule of actions on Council resolutions and those resolutions marked as complete be removed from the rolling checklist
2. check the validity of the comments in the attachments to the Business Paper that legal action has been taken by a YambaCAN executive member and then Council issue an apology to YambaCAN and correct the business papers if the comments are not accurate.

**Voting recorded as follows**

**For: Clancy, Day, Smith, Tiley**

**Against: Johnstone, Novak, Pickering, Toms, Whaites**

The Amendment to Motion was put and declared LOST

**ITEM 07.24.130 MONTHLY INVESTMENT REPORT - JUNE 2024**

<b>Meeting</b>	Council	23 July 2024
<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 - June 2024 <a href="#">⇒</a>	

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**SUMMARY**

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

**OFFICER RECOMMENDATION**

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

**COUNCIL RESOLUTION - 07.24.130**

**Tiley/Pickering**

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

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**WORKS & CIVIL****ITEM 07.24.131 YAMBA COMMUNITY PRECINCT - PROJECT UPDATE**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Strategic Infrastructure, Adele McGear	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

**SUMMARY**

The report provides an update on the status of the Yamba Community Precinct project.

**OFFICER RECOMMENDATION**

That Council receive and note the project status of the Yamba Community Precinct project.

**COUNCIL RESOLUTION - 07.24.131****Tiley/Pickering**

That Council receive and note the project status of the Yamba Community Precinct project.

**Voting recorded as follows**

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

**Against:** Nil

**CARRIED**

**ITEM 07.24.132 REGIONAL AQUATIC FACILITY - PROJECT UPDATE**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Open Spaces & Facilities, Rachele Passmore	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	Nil	

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**SUMMARY**

The report provides an update on the status of the Regional Aquatic Facility project.

**OFFICER RECOMMENDATION**

That Council receive and note the project status of the Regional Aquatic Facility.

**COUNCIL RESOLUTION - 07.24.132**

**Tiley/Pickering**

**That Council receive and note the project status of the Regional Aquatic Facility.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.133 MEMORANDUM OF UNDERSTANDING BETWEEN CLARENCE VALLEY COUNCIL AND GRAFTON, MACLEAN AND YAMBA RSL SUB BRANCHES**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Open Spaces & Facilities, Rachele Passmore	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Clarence Valley War Memorials MOU - Draft <a href="#">⇨</a> B. Clarence Valley War Memorials Register - July 2024 <a href="#">⇨</a>	

**SUMMARY**

Council has been approached by the RSL sub-branches of Grafton, Maclean and Yamba with a view to entering a Memorandum of Understanding (MOU) for the ongoing preservation and maintenance of the war memorials, which are located on land owned/managed by Clarence Valley Council. The MOU is operational in nature and is reported to Council in order to highlight the working positive partnership between Council and the sub-branches.

**OFFICER RECOMMENDATION**

That Council note:

1. that Council owned land and various parcels of Crown Land that are managed by Council as Crown land managers (CLM) are maintained in accordance with Council's current strategies, plans and reports.
2. land managed by Council (as per dot point 1) that contain War Memorials/Cenotaphs is undertaken through a Memorandum of Understanding (MOU) as detailed in this report.

**COUNCIL RESOLUTION - 07.24.133****Pickering/Tiley**

That Council note:

1. that Council owned land and various parcels of Crown Land that are managed by Council as Crown land managers (CLM) are maintained in accordance with Council's current strategies, plans and reports.
2. land managed by Council (as per dot point 1) that contain War Memorials/Cenotaphs is undertaken through a Memorandum of Understanding (MOU) as detailed in this report.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.134 ALCOHOL PROHIBITED AREA TEMPORARY REVOCATION - JACARANDA FESTIVAL**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Coordinator Open Spaces Operations, Robin McLennan	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Draft Program Jacaranda Festival 2024 <a href="#">⇒</a>	

**SUMMARY**

Jacaranda Festival is planned to run from Friday 18 October to Sunday 3 November 2024. The festival consists of events that permit the sale and consumption of alcohol within Market Square, See Park and Memorial Park, Grafton. Market Square, See Park and Memorial Park are an alcohol prohibited area and approval of the sale and consumption of alcohol within the park requires a temporary revocation of the alcohol prohibited area. This report seeks Council's endorsement for the temporary revocation of the alcohol prohibited area in Market Square, See Park and Memorial Park, Grafton.

**OFFICER RECOMMENDATION**

That Council revoke the alcohol prohibition area at Market Square, See Park and Memorial Park for the 2024 Jacaranda Festival from Friday 18 October 2024 to Sunday 3 November 2024.

**COUNCIL RESOLUTION - 07.24.134**

**Tiley/Pickering**

**That Council revoke the alcohol prohibition area at Market Square, See Park and Memorial Park for the 2024 Jacaranda Festival from Friday 18 October 2024 to Sunday 3 November 2024.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.135 REGIONAL WATER SUPPLY - BULK WATER SUPPLY AGREEMENT WITH CITY OF COFFS HARBOUR**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Technical Services, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Regional Water Supply Agreement (Separate Cover) <a href="#">⇒</a>	

**SUMMARY**

The current Bulk Water Supply agreement between Clarence Valley Council (CVC) and City of Coffs Harbour (CCH) dates from February 2004. There have been significant changes since that time including the amalgamation which formed CVC and the acquisition of Essential Energy bulk water headworks in 2021.

In March 2023, CVC resolved to negotiate with CCH regarding a revised Bulk Water agreement and established an advisory committee with representatives from both councils having oversight of the agreement. An agreement acceptable to staff from both councils has been finalised and is being reported to each councils with a recommendation for endorsement.

**OFFICER RECOMMENDATION**

That Council:

1. endorses the Bulk Water Supply Agreement (July 2024) between Clarence Valley Council and City of Coffs Harbour, and
2. affix Council's Seal to the Bulk Water Supply Agreement (July 2024) in accordance with the Affixing Council Seal Policy.

**COUNCIL RESOLUTION - 07.24.135****Pickering/Toms**

That Council:

1. endorses the Bulk Water Supply Agreement (July 2024) between Clarence Valley Council and City of Coffs Harbour, and
2. affix Council's Seal to the Bulk Water Supply Agreement (July 2024) in accordance with the Affixing Council Seal Policy.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.136 ULMARRA SEWERAGE INVESTIGATION - COMMUNITY FEEDBACK AND SURVEY**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Technical Services, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Ulmarra Sewerage Investigation - Submissions (Separate Cover) <a href="#">⇒</a> B. DCCEEW Advice re prioritisation and funding <a href="#">⇒</a> C. Updated Long Term Financial Plan Modelling including Ulmarra Sewerage <a href="#">⇒</a>	

**SUMMARY**

At its meeting of 19 December 2023 Council resolved to place the Ulmarra Sewer Investigation on public exhibition for 28 days, to undertake a further survey of Ulmarra property owners to determine whether they wish reticulated sewerage to proceed and, for those who wish reticulated sewerage to proceed, how much they would be prepared to contribute to the cost.

**OFFICER RECOMMENDATION**

That Council:

1. notes the submissions received in response to the Ulmarra Sewerage Investigation and the Ulmarra property owner survey responses.
2. does not proceed with sewerage Ulmarra.

**COUNCIL RESOLUTION - 07.24.136**

**Pickering/Whaites**

That Council:

1. notes the submissions received in response to the Ulmarra Sewerage Investigation Report showed five (5) submissions support proceeding with sewerage Ulmarra, six (6) submissions oppose sewerage Ulmarra and one (1) submission raised various concerns without indicating a position.
2. notes the submissions received in response to the Ulmarra Sewerage property owner survey showed 23.7% of property owners oppose sewerage Ulmarra and 28.4% were in favour of sewerage Ulmarra.
3. notes the survey results do not show overwhelming support for sewerage Ulmarra.
4. does not proceed with sewerage Ulmarra.

Voting recorded as follows

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

Against: Nil

**CARRIED**



### ITEM 07.24.137 CONNECTION OF PROPERTY 114396 (SCHWONBERG STREET TOWNSEND) TO THE RETICULATED SEWERAGE SYSTEM

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Technical Services, Greg Mashiah	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Request from developer's consultant <a href="#">⇒</a>	

#### SUMMARY

At its meeting of 28 September 2021, Council approved REZ2020/0004 to enable an additional use of land at Lot 2 DP 634170, Schwonberg Street, Townsend for the purposes of a highway service centre subject to development consent (Resolution 6b.21.069).

The Council report noted that services “*can be extended to service the development*” (emphasis added). The property is outside of the defined sewer service areas as specified through the Sewer Development Servicing Plan (DSP) and therefore under the *Sewer and Water Connection policy* cannot currently connect to reticulated sewerage. It is recommended that Council vary the Sewer and Water Connection Policy and permit Property 114396 to connect to sewer.

#### OFFICER RECOMMENDATION

That property 114396 (Lot 2 DP634170), Schwonberg Street, Townsend, be permitted to connect to Council’s reticulated sewerage system on the basis that the additional landuse approved under REZ2020/004 clearly intended that this property be serviced by reticulated sewerage.

#### COUNCIL RESOLUTION - 07.24.137

##### Tiley/Pickering

That property 114396 (Lot 2 DP634170), Schwonberg Street, Townsend, be permitted to connect to Council’s reticulated sewerage system on the basis that the additional landuse approved under REZ2020/004 clearly intended that this property be serviced by reticulated sewerage.

##### Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.138 EOI 22/83 LICENCE FOR THE PURPOSE OF GRAZING - HAWTHORNE RODEO PARK, SOUTH GRAFTON**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Property Officer, Tyler Marsh	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. EOI 22/83 Hawthorne Rodeo Park Grazing Licence - Tender Recommendation Report (Confidential) B. EOI 22/83 Licence for the Purpose of Grazing - Submissions (Confidential)	

**SUMMARY**

This report seeks the approval of Council to award a five (5) year grazing licence for Hawthorne Rodeo Park (Crown reserve D540034) in Minden Street, South Grafton to Grafton Pony Club after completion of an open Expression of Interest process (EOI).

**OFFICER RECOMMENDATION**

That Council accepts the proposal from Grafton Pony Club for Licence to occupy the Hawthorne Rodeo Park located on Crown Reserve (D540034) at Hawthorne Rodeo Park, Minden Street South Grafton (Lot 1 DP724243) for five (5) years starting at an annual fee of \$4,500 (incl GST).

**COUNCIL RESOLUTION - 07.24.138**

**Tiley/Pickering**

**That Council accepts the proposal from Grafton Pony Club for Licence to occupy the Hawthorne Rodeo Park located on Crown Reserve (D540034) at Hawthorne Rodeo Park, Minden Street South Grafton (Lot 1 DP724243) for five (5) years starting at an annual fee of \$4,500 (incl GST).**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.139 RFT 22/92 GRAVEL, CRUSHED CONCRETE AND ROCK SUPPLY 2024/2025**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Manager Civil Services, Devin Simpson	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. RFT22-92 Gravel Crushed Concrete and Rock Supply Tender Recommendation Report (Confidential)	

**SUMMARY**

Tenders have been called to supply quarry products to Council for the 2024/2025 financial year including:

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

This report recommends that Council accept the tenders received for inclusion on a Panel of Suppliers for use and supply of quarry products as required during the 2024/2025 financial year.

**OFFICER RECOMMENDATION**

That Council accept the Tenders from:

- BD & MC Lewis Pty Ltd
- Mororo Quarry Pty Ltd
- Boral Resources Country Pty Limited
- KIS Quarries Pty Ltd
- McLennan Earthmoving Pty Ltd
- Coffs Coast Quarries Pty Ltd
- Mt Zion Quarry
- Quarry Material Solutions Pty Ltd
- R & M Earthmoving Pty Ltd
- State Quarry Products Pty Ltd

for the supply of gravel (base, sub-base and resheeting quality), crushed concrete (base, sub-base and select fill quality) and rock supplies for the 2024-2026 financial years, with the preferred supplier for each order determined by an assessment undertaken having consideration of works scheduling and cost at the time of placing an order.

**COUNCIL RESOLUTION - 07.24.139****Tiley/Pickering**

That Council accept the Tenders from:

- **BD & MC Lewis Pty Ltd**
- **Mororo Quarry Pty Ltd**
- **Boral Resources Country Pty Limited**
- **KIS Quarries Pty Ltd**
- **McLennan Earthmoving Pty Ltd**
- **Coffs Coast Quarries Pty Ltd**
- **Mt Zion Quarry**
- **Quarry Material Solutions Pty Ltd**
- **R & M Earthmoving Pty Ltd**
- **State Quarry Products Pty Ltd**

**for the supply of gravel (base, sub-base and resheeting quality), crushed concrete (base, sub-base and select fill quality) and rock supplies for the 2024-2026 financial years, with the preferred supplier for each order determined by an assessment undertaken having consideration of works scheduling and cost at the time of placing an order.**

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**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**ITEM 07.24.140 RFT 22/82 DESIGN AND CONSTRUCTION OF BLUFF BRIDGE**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Project Coordinator (Fixing Country Bridges), Dean Gregory	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. RFT22-82 Bluff Bridge Replacement - Tender Recommendation Report (Confidential)	

**SUMMARY**

Clarence Valley Council has sought tenders from suitability skilled and experienced contractors to carry out the detailed design and construction of a new Bluff Bridge and associated road approaches on the Orara Way at Lanitza. The project is funded by the NSW Government's Fixing Country Bridges program and the Australian Government's Bridges Renewal Program.

**OFFICER RECOMMENDATION**

That Council:

1. accepts the tender from Silverstrand Developments Pty Ltd for RFT22-82 Design and Construction of Bluff Bridge at a cost of \$10,395,630.30 (GST inclusive) to be funded by the NSW Government's Fixing Country Bridges (FCB) Program and the Australian Government's Bridges Renewal Program (BRP).- PJ 206356.
2. issue the contract (letter of award) pending completion of the cultural heritage assessment currently being conducted.

**COUNCIL RESOLUTION - 07.24.140****Tiley/Pickering**

That Council:

1. **accepts the tender from Silverstrand Developments Pty Ltd for RFT22-82 Design and Construction of Bluff Bridge at a cost of \$10,395,630.30 (GST inclusive) to be funded by the NSW Government's Fixing Country Bridges (FCB) Program and the Australian Government's Bridges Renewal Program (BRP).- PJ 206356.**
2. **issue the contract (letter of award) pending completion of the cultural heritage assessment currently being conducted.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.24.141 RFT 22/89 EWINGAR RFS SLAB AND SHED**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Project Manager, Stewart Mackie	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. RFT22/89 Ewingar RFS Shed and Slab Tender Recommendation Report (Confidential)	

**SUMMARY**

Council has sought tenders from suitably skilled contractors for the supply and construction of the external shed structure and the supporting concrete slab for the new Ewingar RFS shed. The project is funded by the Bushfire Local Economic Recovery (BLER) funding program co-funded by the Australian and NSW governments.

**OFFICER RECOMMENDATION**

That council accept the tender from Sinclair Five Building Pty Ltd for RFT22/89 Ewingar RFS Slab and Shed construction at a cost of \$311,609 (GST inclusive) to be funded by the BLER fund.

**COUNCIL RESOLUTION - 07.24.141**

**Tiley/Pickering**

**That council accept the tender from Sinclair Five Building Pty Ltd for RFT22/89 Ewingar RFS Slab and Shed construction at a cost of \$311,609 (GST inclusive) to be funded by the BLER fund.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.24.142 RFT 22-84 PROVISION OF STREET SWEEPING SERVICES**

<b>Meeting</b>	Council	23 July 2024
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Senior Maintenance Engineer, Chris Dear	
<b>Reviewed by</b>	Director Works & Civil, Jamie Fleeting	
<b>Attachments</b>	A. Supply of Street Sweeping Services Tender Recommendation Report (Confidential)	

**SUMMARY**

In May 2024 tenders were invited from suitably qualified and experienced contractors to conduct provision of street sweeping services on Council's kerb and gutter sealed road network. This report recommends the engagement of Specialised Pavement Services Pty Ltd for the contracted 3-year term.

**OFFICER RECOMMENDATION**

That Council:

1. accept the tender rates from Specialised Pavement Services Pty Ltd under tender RFT 22/84 for the provision of street sweeping services for the period of 21st August 2024 to 22nd August 2027 being supplied at an initial annual lump sum cost of \$139,540.50 (GST inclusive)
2. delegate to the General Manager, approval of the annual rise and fall of the lump sum amount and schedule of rates in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

**COUNCIL RESOLUTION - 07.24.142****Tiley/Pickering**

That Council:

1. accept the tender rates from Specialised Pavement Services Pty Ltd under tender RFT 22/84 for the provision of street sweeping services for the period of 21st August 2024 to 22nd August 2027 being supplied at an initial annual lump sum cost of \$139,540.50 (GST inclusive)
2. delegate to the General Manager, approval of the annual rise and fall of the lump sum amount and schedule of rates in accordance with the annual increase or decrease in the Consumer Price Index (Sydney All Groups) (CPI).

Voting recorded as follows

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

Against: Nil

**CARRIED**

**7. CONFIDENTIAL BUSINESS**

**9. QUESTIONS WITH NOTICE**

Nil

**10. LATE ITEMS OF BUSINESS AND MATTERS ARISING**

**11. CLOSE OF ORDINARY MEETING**

There being no further business the Council Meeting closed at 6.56pm





## 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

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