

Ordinary Council Meeting

Minutes

Maclean - 28 February 2023 - 2:00pm



AGENDA

Page

01 OPENING OF ORDINARY MEETING

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

02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

03 DISCLOSURES AND DECLARATIONS OF INTEREST

04 CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held 13 December 2022

05 MAYORAL MINUTES

Nil

06 NOTICE OF MOTIONS

- | | | |
|-----------|--|---|
| 06.23.001 | Clarence Valley Council Reconciliation Action Plan for Conditional Endorsement from Reconciliation Australia | 5 |
|-----------|--|---|

07 REPORTS

OFFICE OF THE GENERAL MANAGER

- | | | |
|-----------|--|----|
| 07.23.002 | Yamba Community Precinct Project - New Information | 7 |
| 07.23.003 | Items for Information | 10 |

ENVIRONMENT & PLANNING

- | | | |
|-----------|--|----|
| 07.23.004 | Advice in Response to Notice of Motion on Rezoning Lands on West Yamba Floodplain | 11 |
| 07.23.005 | Renewal and review of Alcohol Free Zones | 12 |
| 07.23.006 | Modification of DA2014/0098 - Importation, storing, blending and sales of Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM) | 13 |
| 07.23.007 | For Information Report - Notification of Northern Regional Planning Panel Meeting to Determine DA2022/0237 Demolition of Existing Community Centre | 15 |
| 07.23.008 | Draft Green Infrastructure Strategy - For Exhibition | 17 |

CORPORATE & GOVERNANCE

- | | | |
|-----------|---|----|
| 07.23.009 | Delivery Program 2022/2023 Progress Report July-December 2022 | 18 |
| 07.23.010 | 2022/2023 special events sponsorship round 2 | 19 |
| 07.23.011 | Nomination of host/chair for Aboriginal Community Round Table meetings and engagement schedule update | 20 |
| 07.23.012 | Policy Report | 22 |
| 07.23.013 | 2024 Election: Appointment of NSW Electoral Commission | 23 |
| 07.23.014 | Q2 2022/2023 Governance Report | 24 |
| 07.23.015 | Petitions Lodged | 25 |

07.23.016	Paperless rates promotion - Rates Giveaway 2023/2024	26
07.23.017	Clarence Village Limited Request for Exemption from Water Supply Special Rates and Sewerage Special Rates	27
07.23.018	Monthly Investment Report - December 2022	28
07.23.019	2022/2023 Quarterly Budget Review Statement - December 2022	29
07.23.020	Monthly Investment Report - January 2023	30
07.23.021	Cultural & Sports Trust Fund	31
07.23.022	Council Meeting Checklist - Update on Actions Taken	32

WORKS & CIVIL

07.23.023	Coutts Crossing EPA Licence Requirements and Clarenza STP Sludge Lagoon Renewal Tender	33
07.23.024	Rushforth Road Water Treatment Plan Masterplan	34
07.23.025	Regional Aquatic Centre on Crown Land - Project Update	35
07.23.026	RFT22-35 Brooms Head Holiday Park Packaged Sewage Treatment Plant Upgrade Tender (On Crown Land)	37
07.23.027	RFT22-36 Maclean Showground Arena Lighting Upgrade (On Crown Land)	38
07.23.028	Smart Energy Park - Mid Scale Solar Farm and Landfill Gas to Energy Project	39

08 CONFIDENTIAL BUSINESS

09 QUESTIONS WITH NOTICE

Nil

10 LATE ITEMS OF BUSINESS AND MATTERS ARISING

11 CLOSE OF ORDINARY MEETING

1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 28 February 2023 commencing at 2:00pm and closing at 4:23 PM.

AFFIRMATION – Cr Pickering delivered the Affirmation.

We, the Councillors of the Clarence Valley declare that we will undertake the duties of the office of Councillor in the best interests of our community and faithfully and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

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

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

ANNOUNCEMENT – The General Manager delivered the Announcement.

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

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

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

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

PRESENT

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 Environment & Planning (Adam Cameron), Director Corporate & Community (Alex Moar), Director Works & Civil (Jamie Fleeting), and Minutes Secretary (Lee Boon & Angela Glynn) were in attendance.

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 Smith	07.23.017	<ul style="list-style-type: none"> Non-Significant Non-Pecuniary – Remain in the Meeting Director of Private company providing affordable housing in Grafton.
Cr Pickering	07.23.015	<ul style="list-style-type: none"> Non-Significant Non-Pecuniary – Remain in the Meeting <p>Local resident and shop owner</p>
Cr Novak	07.23.012	<ul style="list-style-type: none"> Pecuniary – Leave the Meeting Licensee of 3x Farmers Markets

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Toms/Whaites

That the Minutes of Ordinary Meeting of Council dated 13 December 2022, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION

Toms/Tiley

That letters of condolence be sent to the family of the late Margret McKenna.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION

Tiley/Novak

That letters of condolence be sent to the family of the late Connie de Dassel.

Voting recorded as follows

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

Against: Nil

CARRIED

Mayor addressed the Council to apologise for his disclosure of confidential information on radio.

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

ITEM 06.23.001	NOTICE OF MOTION CLARENCE VALLEY COUNCIL RECONCILIATION ACTION PLAN FOR CONDITIONAL ENDORSEMENT FROM RECONCILIATION AUSTRALIA
-----------------------	--

Meeting	Council	28 February 2023
Submitted by	Cr Steve Pickering	
Attachments	Nil	

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

SUMMARY

The draft Clarence Valley Council Reconciliation Action Plan (RAP) originally came before Council at the April 2022 Ordinary Council Meeting where it was deferred to a Councillor Workshop and forwarded to the newly formed Clarence Valley Aboriginal Consultative Committee for review and endorsement. The Clarence Valley Aboriginal Consultative Committee has now been disbanded without endorsing the RAP. The intent of this motion is to allow the RAP to be endorsed by Reconciliation Australia thereby strengthening our relationships with our First Nations communities, showing leadership in embracing and respecting diversity in our community, ensuring the inclusion of the aspirations of our First Nations people in our planning and decision making and creating equality of opportunity for all in our community.

PROPOSED MOTION

That Council:

1. Commence the process of accreditation by submitting the Reconciliation Action Plan to Reconciliation Australia for their initial feedback and endorsement.
2. Note that endorsing the submission to Reconciliation Australia incurs a fee of \$1500, which is an ongoing annual fee.
3. Allocate required funds from the existing Community Culture and Industry project.
4. Once endorsed by Reconciliation Australia, return the Reconciliation Action Plan to Council for endorsement.

COUNCIL RESOLUTION - 06.23.001

Pickering/Toms

That Council:

1. Commence the process of accreditation by submitting the Reconciliation Action Plan to Reconciliation Australia for their initial feedback and endorsement.
2. Note that endorsing the submission to Reconciliation Australia incurs a fee of \$1500, which is an ongoing annual fee.
3. Allocate required funds from the existing Community Culture and Industry project.
4. Once endorsed by Reconciliation Australia, send the RAP for community consultation and seek feedback from the First Nations Aboriginal Community Roundtable meetings before returning the Reconciliation Action Plan to Council for endorsement.

Voting recorded as follows

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

Against: Nil

CARRIED

VOTE BY EXCEPTION - 07.23.003**Whaites/Novak****That the following items be adopted as recommended:****07.23.003****07.23.005****07.23.007****07.23.009****07.23.010****07.23.013****07.23.014****07.23.016****07.23.018****07.23.020****07.23.022****07.23.023****07.23.024****07.23.026****07.23.027****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 07.23.002 YAMBA COMMUNITY PRECINCT PROJECT - NEW INFORMATION		
Meeting	Council	28 February 2023
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	A. Department advice regarding BLER funds ⇒ B. Yamba Community Precinct Survey response report ⇒ C. Yamba Precinct Project community feedback ⇒	

SUMMARY

This report provides an update on the response to Council's request of the State Government to reallocate Bushfire Local Economic Recovery (BLER) funds to the Regional Aquatic Centre (Item 07.22.244). The request was based on available information that funds for the Treelands Drive Community Centre project could not be expended within the grant funding timeframe (of June 2024) and the advice of the Department of Regional NSW at the time. The report also considers rescission of the December 2022 resolution to investigate option to change the scope of the Treelands Drive Community Centre (TDCC) project as a result of new information being available.

OFFICER RECOMMENDATION

That Council rescind part of its resolution of December 2022 (Item 07.22.290) to,

1. Investigate a contract variation with the current design contract for the detailed design of Option B.
2. Allocate expenditure to date in design of Yamba Community Precinct (Option A) totalling \$728,818 to the General Fund as a deficit.

And consider the following Officer Recommendation:

That Council:

1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project;
2. Endorse the proposed funding strategy identified in the Budget/Financial section of the report, with confirmation to be reported at the time of awarding the contract.
3. Retain ownership of the Wooli Street Hall and consider possible uses on completion of the Treelands Drive Community Centre project.
4. Invite the following shortlisted contractors to submit tenders for construction of the Yamba Community Precinct project:
 - a. Bennet Construction.
 - b. Alder Construction.
 - c. Hinds Construction.
 - d. BARPA Construction Services

POINT OF ORDER

Clancy

Cr Clancy stated this motion is not legal. Under the Code of Meeting Practise 17.2 and the Local Government Act 372 this motion does not comply with the Act or the Policy.

The Chair overruled the point of order

MOTION OF DISSENT

Clancy

I dissent to your decision because I would argue there is no new information available.

Voting recorded as follows

For: Clancy, Johnstone, Smith

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

The Motion of Dissent was put and declared LOST

POINT OF ORDER

Toms

Cr Toms states not sure if it's the right time to put it up as it is foreshadowed.

The Chair over ruled the point of order.

MOTION

Clancy

That under section 10.25 of the Code of Meeting Practise, the motion be put.

Voting recorded as follows

For: Clancy, Johnstone, Smith

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

The Motion was put and declared LOST

POINT OF ORDER

Toms

Cr Toms states We're not talking about the Maclean Community precinct.

The Chair overruled the point of order

COUNCIL RESOLUTION - 07.23.002

Toms/Pickering

That Council rescind part of its resolution of December 2022 (Item 07.22.290) to,

- 1. Investigate a contract variation with the current design contract for the detailed design of Option B.**
- 2. Allocate expenditure to date in design of Yamba Community Precinct (Option A) totalling \$728,818 to the General Fund as a deficit.**

And consider the following Officer Recommendation:

That Council:

- 1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project;**
- 2. Endorse the proposed funding strategy identified in the Budget/Financial section of the report, with confirmation to be reported at the time of awarding the contract.**
- 3. Retain ownership of the Wooli Street Hall and consider possible uses on completion of the Treelands Drive Community Centre project.**

-
4. Invite the following shortlisted contractors to submit tenders for construction of the Yamba Community Precinct project:
- a. Bennet Construction.
 - b. Alder Construction.
 - c. Hinds Construction.
 - d. BARPA Construction Services

Voting recorded as follows

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

Against: Clancy, Johnstone, Smith

CARRIED

ITEM 07.23.003 ITEMS FOR INFORMATION

Meeting	Council	28 February 2023
Directorate	General Manager	
Attachments	A. Letter in Response to CVC Submission to Forest Management Plans ⇒ B. Saleyards Advisory Committee Meeting Minutes 14 November 2022 ⇒ C. Access Advisory Committee Meeting Minutes 16 November 2022 ⇒ D. Access Advisory Committee Meeting Minutes 14 December 2022 (Separate Cover) ⇒ E. Lanitza_Kungala 355 Committee Meeting Minutes 8 January 2023 ⇒ F. Oyster Cove Committee Meeting Minutes 6 February 2023 ⇒	

SUMMARY

Correspondence and committee minutes attached are for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Letter from Forestry Corporation of NSW – Response to Submission to Forest Management Plans for Softwood Plantations and Coastal Hardwood Forests: 17 February 2023
- Saleyards Advisory Committee Meeting Minutes: 14 November 2022
- Access Advisory Committee Meeting Minutes: 16 November 2022
- Access Advisory Committee Meeting Minutes: 14 December 2022
- Lanitza/Kungala 355 Committee Meeting Minutes: 8 January 2023
- Oyster Cove Committee Meeting Minutes: 6 February 2023

COUNCIL RESOLUTION - 07.23.003

Whaites/Novak

That the Items for Information as listed below be noted

- Letter from Forestry Corporation of NSW – Response to Submission to Forest Management Plans for Softwood Plantations and Coastal Hardwood Forests: 17 February 2023
- Saleyards Advisory Committee Meeting Minutes: 14 November 2022
- Access Advisory Committee Meeting Minutes: 16 November 2022
- Access Advisory Committee Meeting Minutes: 14 December 2022
- Lanitza/Kungala 355 Committee Meeting Minutes: 8 January 2023
- Oyster Cove Committee Meeting Minutes: 6 February 2023

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.23.004 ADVICE IN RESPONSE TO NOTICE OF MOTION ON REZONING LANDS ON WEST YAMBA FLOODPLAIN

Meeting	Council	28 February 2023
Directorate	General Manager	
Attachments	A. Advice to Council - West Yamba ↗	

SUMMARY

Council staff have sought advice in response to Council resolution (Item: 06.22.013) made on 13 December 2022 about the following questions.

1. Whether compensation becomes liable when and if the NSW Planning Minister was to rezone vacant lands that have not had DA approval for development on the Yamba floodplain (WYURA) from R1 General Residential to RU2 Rural landscape and C2 Environmental Conservation zonings at Council's request;
2. Whether compensation becomes liable if land previously approved for the importation of fill was to be similarly rezoned; and
3. Whether there are any other legal implications of such an action.

The advice is provided as a confidential attachment (**Attachment A**) for further consideration.

OFFICER RECOMMENDATION

That the advice responding to Item 06.22.013 be noted.

COUNCIL RESOLUTION - 07.23.004

Clancy/Johnstone

That the advice responding to Item 06.22.013 be noted and a workshop conducted prior to the March Council Meeting.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.005 RENEWAL AND REVIEW OF ALCOHOL FREE ZONES

Meeting	Council	28 February 2023
Directorate	Environment & Planning	
Prepared by	Manager Environment & Regulatory Services, Scott Lenton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Attachment A - AFZ and APA Fact Sheet ⇒ B. Attachment B - Alcohol Free Zones in CVLGA ⇒	

SUMMARY**OFFICER RECOMMENDATION**

That Council:

1. Adopt AFZs for areas of Grafton, South Grafton, Maclean, Yamba and Iluka, plus an event-based AFZ in the vicinity of the Grafton Racecourse for the July Racing Carnival, in accordance with the maps provided in the Attachments to this report effective until 30 June 2024;
2. Complete a review of the AFZs in the 2023/2024 financial year in accordance with the NSW Office of Local Government Guidelines with the review to consider the relationship with established Alcohol Prohibited Areas and include, but not be limited to, consultation with NSW Police, Clarence Valley Liquor Accords, holders of liquor licences, local Aboriginal organisations, Chambers of Commerce (or similar) and the community;
3. Delegate authority for Council staff to grant approval or authorisation for consumption of alcohol in association with footpath dining sites within the AFZs provided appropriate checks for risk to the public and nearby amenity are completed and relevant management controls applied; and
4. Seek public comment to establish a new Alcohol Prohibited Area at Lot 7022 DP93040, Through Street, South Grafton and if there is no objection take action to implement that designation.

COUNCIL RESOLUTION - 07.23.005

Whaites/Novak

That Council:

1. Adopt AFZs for areas of Grafton, South Grafton, Maclean, Yamba and Iluka, plus an event-based AFZ in the vicinity of the Grafton Racecourse for the July Racing Carnival, in accordance with the maps provided in the Attachments to this report effective until 30 June 2024;
2. Complete a review of the AFZs in the 2023/2024 financial year in accordance with the NSW Office of Local Government Guidelines with the review to consider the relationship with established Alcohol Prohibited Areas and include, but not be limited to, consultation with NSW Police, Clarence Valley Liquor Accords, holders of liquor licences, local Aboriginal organisations, Chambers of Commerce (or similar) and the community;
3. Delegate authority for Council staff to grant approval or authorisation for consumption of alcohol in association with footpath dining sites within the AFZs provided appropriate checks for risk to the public and nearby amenity are completed and relevant management controls applied; and
4. Seek public comment to establish a new Alcohol Prohibited Area at Lot 7022 DP93040, Through Street, South Grafton and if there is no objection take action to implement that designation.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.006 MODIFICATION OF DA2014/0098 - IMPORTATION, STORING, BLENDING AND SALES OF VIRGIN EXCAVATED NATURAL MATERIAL (VENM), EXCAVATED NATURAL MATERIAL (ENM)

Meeting	Council	28 February 2023
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. MOD2022-0124 - Statement of Environmental Effects (Separate Cover) ⇒ B. MOD2022-0124 - S.4.55 Assessment Report.docx ⇒ C. MOD2022-0124 - EPA Referral Response ⇒ D. MOD2022-0124 - TfNSW Response.pdf ⇒ E. MOD2022-0124 - Amended Notice of Determination DA2014-0098 (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Gary Peacock C/- Sheridans Hard Rock Quarry
<i>Owner</i>	Matsid Pty Ltd
<i>Address</i>	242 Faheys & Bulgins Road, Hernani NSW 2453 Lot 62 DP752807 & Lot 63 DP752807
<i>Submissions</i>	Nil

Council is in receipt of a fourth Section 4.55(2) modification application (MOD2022/0124) to DA2014/0098 for Sheridans Hard Rock Quarry at Hernani. MOD2022/0124 was received on 16 November 2022 for the importation, storing, and sales of Virgin Excavated Natural Material (VENM), Excavated Natural Material (ENM), and reclaimed asphalt pavement from road works and infrastructure projects.

The proposed modification seeks consent to allow importation and stockpiling of this material up to 20,000 tonnes at any one time. It is intended to blend these imported products with existing quarry products produced at the quarry. The blended product is intended for beneficial re-use in road works. No other increases in output or activity are proposed.

In accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*, it is submitted that the modified development is considered to be substantially the same as the approved development and will have a satisfactory (and minor) environmental impact.

The modification application was notified and advertised in accordance with our Community Participation Plan. No submissions were received.

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

OFFICER RECOMMENDATION

That Council:

1. Accept the Section 4.55(2) modification application, being MOD2022/0124, as being substantially the same development as approved under DA2014/0098.
2. Approve MOD2022/0124 subject to the Draft Modified Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.23.006

Pickering/Toms

That Council:

1. Accept the Section 4.55(2) modification application, being MOD2022/0124, as being substantially the same development as approved under DA2014/0098.
2. Approve MOD2022/0124 subject to the Draft Modified Conditions contained in Schedule 1, subject to new condition 45 being amended to:

Compliance with the conditions and advice of the NSW Environmental Protection Authority as contained in the General Terms of Approval, dated 1 February 2023, consisting of 4 pages and as attached to this Notice of Determination. No importation of waste material is to occur until an Environmental Protection Authority License by the NSW Environmental Protection Authority has been issued for the site. The quarry operator is to comply with the licence at all times

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.007 FOR INFORMATION REPORT - NOTIFICATION OF NORTHERN REGIONAL PLANNING PANEL MEETING TO DETERMINE DA2022/0237 DEMOLITION OF EXISTING COMMUNITY CENTRE

Meeting	Council	28 February 2023
Directorate	General Manager	
Attachments	A. DA2022-0237 Redacted Copy of Submissions 24 Treelands Drive Yamba (Separate Cover) ⇒ B. DA2022-0237 For Information Report Addendum ⇒ C. DA2022-0237 Statement of Environmental Effects 24 Treelands Drive Yamba (Separate Cover) ⇒ D. DA2022-0237 Full Set Architectural Drawings 24 Treelands Drive Yamba (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	A. Fletcher & Associates Pty Ltd
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	24 Treelands Drive, Yamba NSW 2464 being Lot 3 DP 1203064 and Lot 22 DP 1245921
<i>Submissions</i>	Twenty-two (22) submissions, comprising 20 objections and 2 submissions in support

DA2022/0152 was lodged on 6 April 2022 for demolition of the existing community facility, construction of new Community Facility, car parking and associated landscaping at 24 Treelands Drive, Yamba. The development application is Regionally Significant Development and has been referred to the Northern Regional Planning Panel (the Panel) as the determining authority for this application.

The purpose of this report is to advise Councillors that the development application will be scheduled by the Panel for determination on 14 or 15 March 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 Operational Procedures and the Panel determination date, the Council assessment report is not provided as part of this report.

OFFICER RECOMMENDATION

That Council:

1. Note that a public determination meeting for DA2022/0237 will be scheduled by the Northern Regional Planning Panel on the 14 or 15 March 2023.
2. Note that a Council Resolution is required should Council wish to make a submission about DA2022/0152 to the Northern Regional Planning Panel.

KEY ISSUES

Regionally Significant Development

The application is being referred to the Panel as the development is '*regionally significant development*', pursuant to Section 2.19(1) and Clause (3)(b) of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposed development has a capital investment value over \$5 million and Council is the owner of the land.

Considerations about making a submission

The application was advertised and placed on public exhibition from 5 April 2022 until 22 April 2022 in accordance with the Clarence Valley Council Community Participation Plan 2020. Twenty-two (22) submissions were received, comprising 20 objections and two (2) submissions in support of the proposal. The submissions are provided as **Attachment A**.

The issues raised in the submissions will be addressed in full in the assessment report to the Panel for consideration in the determination of the application.

The assessment of this development application by Council's assessing officer will also be peer reviewed by an independent third party (consultant planning firm) to ensure objectivity.

The assessment report must be uploaded between 7 and 14 days before Panel's determination meeting on the Sydney and Regional Planning Panel's web page <https://pp.planningportal.nsw.gov.au/planning-panel/community-centre-1>.

COUNCIL RESOLUTION - 07.23.007

Whaites/Novak

That Council:

- 1. Note that a public determination meeting for DA2022/0237 will be scheduled by the Northern Regional Planning Panel on the 14 or 15 March 2023.**
- 2. Note that a Council Resolution is required should Council wish to make a submission about DA2022/0152 to the Northern Regional Planning Panel.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.008 DRAFT GREEN INFRASTRUCTURE STRATEGY - FOR EXHIBITION

Meeting	Council	28 February 2023
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Draft Clarence Valley Green Infrastructure Strategy - February 2023 (Separate Cover) ↗	

SUMMARY

This report seeks Council endorsement to publicly exhibit the draft Green Infrastructure Strategy (draft Strategy) (**Attachment A**). The draft Strategy supports and implements the priorities of the North Coast Regional Plan 2041 and our Local Strategic Planning Statement, as well as Council's Community Strategic Plan and Delivery Program.

The proposed Strategy will form part of an overall growth management strategy for the Clarence Valley, along side the Employment Lands Strategy (June 2022), Rural Lands Strategy (June 2022) and Housing Strategy (currently being developed) to inform decision making for land use planning, development applications and resource allocation over the next 20 years.

Once finalised, the draft Strategy will assist Council to achieve better environmentally sustainable development outcomes within our current and future urban areas, and aiming to improve liveability by creating safer, greener and more connected sustainable communities.

OFFICER RECOMMENDATION

That Council:

1. Endorse the draft Green Infrastructure Strategy (Attachment A) for public exhibition and associated community consultation and engagement for a minimum of 6 weeks;
2. Delegate authority to the General Manager to make any minor amendments to the draft Green Infrastructure Strategy for publishing purposes prior to public exhibition;
3. Note that consultation with Council's Biodiversity Advisory Committee will be undertaken to inform the draft Green Infrastructure Strategy during the exhibition period; and
4. Note that all submissions received and recommended changes to the draft Green Infrastructure Strategy, and supporting information, will be reported to Council following the exhibition period.

COUNCIL RESOLUTION - 07.23.008

Smith/Novak

That Council:

1. Endorse the draft Green Infrastructure Strategy (Attachment A) for public exhibition and associated community consultation and engagement for a minimum of 6 weeks;
2. Delegate authority to the General Manager to make any minor amendments to the draft Green Infrastructure Strategy for publishing purposes prior to public exhibition;
3. Note that consultation with Council's Biodiversity Advisory Committee will be undertaken to inform the draft Green Infrastructure Strategy during the exhibition period; and
4. Note that all submissions received and recommended changes to the draft Green Infrastructure Strategy, and supporting information, will be reported to Council following the exhibition period.

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & GOVERNANCE**ITEM 07.23.009 DELIVERY PROGRAM 2022/2023 PROGRESS REPORT JULY-DECEMBER 2022**

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Director - Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

Delivery Program 2022/2025 Progress report outlining the progress if the organisation against the activities 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 July-December 2022.

COUNCIL RESOLUTION - 07.23.009

Whaites/Novak

That Council note the Delivery Program 2022/2025 Progress Report for July-December 2022.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.010 2022/2023 SPECIAL EVENTS SPONSORSHIP ROUND 2

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Round 2 Special Events Sponsorship 2022/2023 ⇒ B. Round 2 Special Events Sponsorship 2022/2023 ROI calculations ⇒	

SUMMARY

This report presents a summary of submissions received under Round Two of the Special Events Sponsorship 2022/2023 program, the criteria applied in the assessment of the applications and recommendations for the allocation of funding.

OFFICER RECOMMENDATION

That Council endorse the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$29,000 and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

COUNCIL RESOLUTION - 07.23.010

Whaites/Novak

That Council endorse the recommendations for the provision of funding to applicants as listed in the attached schedule to the value of \$29,000 and authorise the processing of these sponsorships in accord with the adopted Event Sponsorship Policy.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.011 NOMINATION OF HOST/CHAIR FOR ABORIGINAL COMMUNITY ROUND TABLE MEETINGS AND ENGAGEMENT SCHEDULE UPDATE

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. First Nations Engagement Framework Schedule ↗	

SUMMARY

Council Resolution 07.22.227 resolved the implementation of a new Aboriginal Engagement Framework. This report details the proposed dates of the respective meetings requested in the resolution and now seeks Council's nominations for the host/chair for the respective meetings.

OFFICER RECOMMENDATION

That Council:

1. Nominate a Councillor as host/chair for the Aboriginal community round table meetings to be conducted in:
 - a. Yamba
 - b. Maclean
 - c. Grafton.
2. Nominate a Councillor as chair to support the Baryulgil Square/Malabugilmah (Jane Nagalee) LALC for the twice-yearly meeting.
3. Nominate the Mayor to chair the meeting of the elected body and Local Aboriginal Land Councils and Traditional Owners Aboriginal Corporations

COUNCIL RESOLUTION - 07.23.011

Toms/Novak

That Council:

1. **Nominate a Councillor as host/chair for the Aboriginal community round table meetings to be conducted in:**
 - a. Yamba
 - b. Maclean
 - c. Grafton.
2. **Nominate a Councillor as chair to support the Baryulgil Square/Malabugilmah (Jana Ngalee) LALC for the twice-yearly meeting.**
3. **Nominate the Mayor to chair the meeting of the elected body and Local Aboriginal Land Councils and Traditional Owners Aboriginal Corporations**

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.23.011a

Toms/Novak

That Council:

1. **Nominate the below Councillors as host/chair for the Aboriginal community round table meetings to be conducted in:**
 - a. Yamba – Cr Toms
 - b. Maclean – Cr Novak/ Cr Pickering
 - c. Grafton – Cr Johnstone/ Cr Clancy
2. **Nominate Cr Pickering with Cr Novak as chair to support the Baryulgil Square/Malabugilmah (Jana Ngalee) LALC for the twice-yearly meeting.**

3. Nominate the Mayor to chair the meeting of the elected body and Local Aboriginal Land Councils and Traditional Owners Aboriginal Corporations

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.012 POLICY REPORT

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Complaint Management Policy V6.0 [DRAFT] ↗ B. Market Policy V5.0 [DRAFT] + Attachments A-G ↗ C. Risk Management Signage at Recreational Facilities Policy V5.0 [DRAFT] ↗ D. Indigenous Signage V5.0 [DRAFT] ↗	

SUMMARY

This report asks that Council place five (5) revised Council policies on exhibition and, subject to there being no submissions that change the intent of the policies, that they be adopted.

OFFICER RECOMMENDATION

That Council:

1. Place the following policies on exhibition and subject to there being no submissions that change the intent of the policies that they be adopted:
 - a. Complaint Management Policy V6.0 (Attachment A)
 - b. Markets Policy V5.0 (Attachment B; including Attachments A-G)
 - c. Risk Management Signage at Recreational Facilities Policy V5.0 (Attachment C)
 - d. Indigenous Signage Policy V5.0 (Attachment D).

Cr Novak left the meeting at 3:14 pm.

COUNCIL RESOLUTION - 07.23.012**Johnstone/Pickering**

That Council place the Markets Policy V5.0 (Attachment B; including Attachments A-G) on exhibition and subject to there being no submissions that change the intent of the policy it be adopted.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Novak returned to the meeting at 3:15 pm.

COUNCIL RESOLUTION - 07.23.012a**Day/Pickering**

1. That Council place the Risk Management Signage at Recreational Facilities Policy V5.0 (Attachment C) on exhibition and subject to there being no submissions that change the intent of the policies that they be adopted.
2. That Council place the Indigenous Signage Policy V5.0 (Attachment D) and the Complaint Management Policy V6.0 (Attachment A) on public exhibition and return them to Council with feedback after consideration at a workshop.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.013 2024 ELECTION: APPOINTMENT OF NSW ELECTORAL COMMISSION

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. OLG Circular 22-35-Attachment ⇒ B. LGE24 Council Estimate_Clarence Valley Council ⇒	

SUMMARY

This report asks that Council appoints the NSW Electoral Commission (NSWEC) to administer the 2024 local government election with model resolution as outlined in the NSW Office of Local Government (OLG) Circular 22-23 (Attachment A)

OFFICER RECOMMENDATION

That Council enter into an arrangement with the NSWEC to administer the Council's September 2024 election.

COUNCIL RESOLUTION - 07.23.013

Whaites/Novak

That Council enter into an arrangement with the NSWEC to administer the Council's September 2024 election.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.014 Q2 2022/2023 GOVERNANCE REPORT

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Q2 2022/2023 Updated Disclosures of interest ⇒	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosures of Interests returns and insurance claims for Q2 2022/2023 (1 October 2022 to 31 December 2022).

OFFICER RECOMMENDATION

That Council:

1. Note the Q2 2022/2023 Governance Report.
2. Approves the publication of the Q2 updated Disclosures of Interest on Council's website.

COUNCIL RESOLUTION - 07.23.014

Whaites/Novak

That Council:

1. Note the Q2 2022/2023 Governance Report.
2. Approves the publication of the Q2 updated Disclosures of Interest on Council's website.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.015 PETITIONS LODGED

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Petition Lodgement Form. Oppose reclassification Wooli St_Redacted ⇒ B. Petition Yamba Community Land_Redacted ⇒ C. Petition Lodgement Form. Council Works at Ulmarra Riverside_Redacted ⇒ D. Petition. Council Works at Ulmarra Riverside Village Precinct Plan_Redacted ⇒ E. Petition Lodgement Form. TDCC_Redacted ⇒ F. Petition. TDCC. _Combined_Redacted ⇒	

SUMMARY

This report asks Council to receive three (3) petitions in accordance with Council's Petitions Policy V1.0 (ITEM07.22.117a).

OFFICER RECOMMENDATION

That Council receive the following three (3) petitions and refer them to the General Manager for action accordingly, inclusive of placing them on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a):

- a. Oppose any reclassification of the Wooli Street Hall, Library and adjacent Parkland site
- b. Oppose Council Works Ulmarra Riverside Village Precinct
- c. Yamba Treelands Drive Community Centre (TDCC): Expanded, not demolished

COUNCIL RESOLUTION - 07.23.015

Pickering/Novak

That Council:

1. Receive the following three (3) petitions and refer them to the General Manager for action accordingly, inclusive of placing them on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a):
 - a. Oppose any reclassification of the Wooli Street Hall, Library and adjacent Parkland site
 - b. Oppose Council Works Ulmarra Riverside Village Precinct
 - c. Yamba Treelands Drive Community Centre (TDCC): Expanded, not demolished.
2. Refer item 1.b (above) to a Councillor Workshop session.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.016 PAPERLESS RATES PROMOTION - RATES GIVEAWAY 2023/2024

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Revenue Coordinator, Paula Krahe	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

Following the success of previous Rates Giveaways, Council is requested to consider the implementation of a Rates Giveaway promotion to increase the electronic rates distribution further.

OFFICER RECOMMENDATION

That Council:

1. Approve an allocation of up to \$1,500 as an incentive prize for ratepayers who register to receive rates notices electronically.
2. The allocation of up to \$1,500 be applied to the Ordinary Residential Rate only.

COUNCIL RESOLUTION - 07.23.016

Whaites/Novak

That Council:

1. Approve an allocation of up to \$1,500 as an incentive prize for ratepayers who register to receive rates notices electronically.
2. The allocation of up to \$1,500 be applied to the Ordinary Residential Rate only.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.017 CLARENCE VILLAGE LIMITED REQUEST FOR EXEMPTION FROM WATER SUPPLY SPECIAL RATES AND SEWERAGE SPECIAL RATES

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Revenue Coordinator, Paula Krahe	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report requests Council's consideration of Clarence Valley Limited's request that Council approve an exemption from the payment of water supply special rates and sewerage special rates. Preliminary advice has been sought and Council is requested to reaffirm its position using the appropriate instrument, being Sec 556 (1)(h) of the Local Government Act.

OFFICER RECOMMENDATION

That Council under Sec 556 (1)(h) of the Local Government Act, not approve an exemption for water or sewer supply special rates levied in 2022/2023 for Clarence Village Limited.

COUNCIL RESOLUTION - 07.23.017

Toms/Novak

That this item be deferred for negotiation between the parties.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.018 MONTHLY INVESTMENT REPORT - DECEMBER 2022

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - Dec 2022 ⇒	

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 December 2022 be noted.

COUNCIL RESOLUTION - 07.23.018

Whaites/Novak

That the report indicating Council's funds investment position as at 31 December 2022 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.019 2022/2023 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2022

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Quarterly Budget Income Statement By Fund - December 2022 (Separate Cover) ⇒ B. Quarterly Budget Income & Expenditure Statements by Service - December 2022 (Separate Cover) ⇒ C. Statement of Restricted Cash Reserve Funds - December 2022 ⇒ D. Quarterly Contracts and Other Expenses - December 2022 ⇒ E. Monthly Grant Application Summary - December 2022 ⇒	

SUMMARY

This report presents to Council the December 2022 Quarterly Budget Review Statement (QBRs) for the period 1 October 2022 to 31 December 2022.

Budget adjustments for the quarter ended 31 December 2022 (subject to council resolution) result in no impact on the General Fund impact leaving the current year projected budget result as a \$96,052 deficit.

The reserve funding variations identified in this report will decrease the reserve funds by a further \$938,974, resulting in a current year projected reserve funds movement of \$21,498,877.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to December 2022.
2. Approve the General Fund variations detailed in this report, which result in no movement on the projected General Fund budget deficit of \$96,052 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$938,974, which results in a projected decrease in the External and Internal Reserves Funds of \$21,498,877.
4. Note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

COUNCIL RESOLUTION - 07.23.019

Toms/Whaites

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to December 2022.
2. Approve the General Fund variations detailed in this report, which result in no movement on the projected General Fund budget deficit of \$96,052 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$938,974, which results in a projected decrease in the External and Internal Reserves Funds of \$21,498,877.
4. Note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.020 MONTHLY INVESTMENT REPORT - JANUARY 2023

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - Jan 2023 ⇒	

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 January 2023 be noted.

COUNCIL RESOLUTION - 07.23.020

Whaites/Novak

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.021 CULTURAL & SPORTS TRUST FUND

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Community Projects Officer (Community Grants), Sammy Lovejoy	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

Requests for assistance from the Clarence Valley Cultural and Sports Trust fund have been received on behalf of Zayden Third and Shanae Crispin.

OFFICER RECOMMENDATION

That Council approve donations from the Clarence Valley Cultural and Sports Trust Fund:

1. \$300 to assist Zayden Third, who has been selected to represent NSW at the 2023 Australian National Hockey Championships in Darwin from 15-21 April 2023; and
2. \$300 to assist Shanae Crispin, who has been selected to represent NSW at the 2023 Australian National Hockey Championships in Darwin from 15-21 April 2023.

COUNCIL RESOLUTION - 07.23.021

Pickering/Novak

That Council approve donations from the Clarence Valley Cultural and Sports Trust Fund:

1. \$300 to assist Zayden Third, who has been selected to represent NSW at the 2023 Australian National Hockey Championships in Darwin from 15-21 April 2023; and
2. \$300 to assist Shanae Crispin, who has been selected to represent NSW at the 2023 Australian National Hockey Championships in Darwin from 15-21 April 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.022 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	28 February 2023
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Karlie Chevalley	
Reviewed by	General Manager, Laura Black	
Attachments	A. Outstanding Checklist (Separate Cover) ⇒ B. Rolling Checklist from 2019-2021 (Separate Cover) ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.23.022

Whaites/Novak

That the schedule of actions taken 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

WORKS & CIVIL**ITEM 07.23.023 COUTTS CROSSING EPA LICENCE REQUIREMENTS AND CLARENZA STP
SLUDGE LAGOON RENEWAL TENDER**

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report is seeking Council's delegation to the General Manager to accept open tenders for the Coutts Crossing EPA Licence Requirements and Clarenza Sewage Treatment Plant (STP) Sludge Lagoon Renewal. The two projects are combined as a single tender with separable portions. To minimise cost risk from inflation it is proposed the Tender have a 30-day validity period, which is insufficient for the Tender to be reported to Council.

OFFICER RECOMMENDATION

That Council:

1. Under Section 377 of the Local Government Act, Council delegate the General Manager to accept tenders for the Coutts Crossing EPA Licence Requirements and Clarenza Sewage Treatment Plant Sludge Lagoon Renewal.
2. The tender outcome be reported to the May Ordinary Meeting.

COUNCIL RESOLUTION - 07.23.023

Whaites/Novak

That Council:

1. Under Section 377 of the Local Government Act, Council delegate the General Manager to accept tenders for the Coutts Crossing EPA Licence Requirements and Clarenza Sewage Treatment Plant Sludge Lagoon Renewal.
2. The tender outcome be reported to the May Ordinary Meeting.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.024 RUSHFORTH ROAD WATER TREATMENT PLAN MASTERPLAN

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Rushforth Road Water Treatment Plant Masterplan Executive Summary ⇒	

SUMMARY

Consultant Beca H2O has prepared a masterplan for the Rushforth Road Water Treatment Plant (RRWTP) site. The masterplan includes the replacement of the existing 32ML reservoir, which is included in the 2022/23 Operational Plan, and for future construction of filtration.

The aim of the Masterplan was to allow replacement of the 32ML without impacting future construction of a filtration plant. The emergency flocculation works approved by Council in December 2022 have also been located so they can continue to operate without impacting filtration plant construction. It is recommended that Council progress the Masterplan by commencing the planning approval process for a future filtration plant at Rushforth Road Water Treatment Plant.

OFFICER RECOMMENDATION

That Council:

1. Notes the Rushforth Road Water Treatment Plant Masterplan.
2. Commence the planning approval process for future construction of a filtration plant by calling open tenders to undertake an Environmental Impact Statement.

COUNCIL RESOLUTION - 07.23.024

Whaites/Novak

That Council:

1. Notes the Rushforth Road Water Treatment Plant Masterplan.
2. Commence the planning approval process for future construction of a filtration plant by calling open tenders to undertake an Environmental Impact Statement.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.025 REGIONAL AQUATIC CENTRE ON CROWN LAND - PROJECT UPDATE

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Tender Recommendation Report - EOI 22/37 Redevelopment of the Grafton Olympic Pool (Regional Aquatic Centre) (Confidential) B. Dive Pool Consultancy Report ⇒ C. Regional Aquatic Centre - Funding Strategy (Confidential)	

SUMMARY

This report provides an update on the procurement and funding strategy for the upgrade of the Regional Aquatic Centre (Grafton Pool Redevelopment) Project.

OFFICER RECOMMENDATION

That Council:

1. Remove the dive pool from the scope of the Regional Aquatic Centre basis of safety and construction/operational cost savings.
2. Allocate the next phase of funding from the Local Roads and Community Infrastructure Program (LRCIP) Phase 4 (\$2,051,366) to the upgrade of the Regional Aquatic Centre.
3. Endorse the funding strategy as outlined in the confidential attachment.
4. Receive a report following the outcome of the *Community Assets Program* grant application and reaffirm in principle support for funding Stage 2 of the project.

COUNCIL RESOLUTION - 07.23.025

Toms/Whaites

That Council:

1. Remove the dive pool from the scope of the Regional Aquatic Centre basis of safety and construction/operational cost savings.
2. Allocate the next phase of funding from the Local Roads and Community Infrastructure Program (LRCIP) Phase 4 (\$2,051,366) to the upgrade of the Regional Aquatic Centre.
3. Endorse the funding strategy as outlined in the confidential attachment.
4. Receive a report following the outcome of the *Community Assets Program* grant application and reaffirm in principle support for funding Stage 2 of the project.

Voting recorded as follows

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

Against: Clancy, Johnstone, Smith

CARRIED

POINT OF ORDER

Toms

The speaker (Cr Johnstone) is using a figure of \$17 million of loan borrowing that was from a previous meeting and does not corollate to the confidential funding strategy that we have before us.

The Chair upheld the point of order but allowed Cr Johnstone to continue.

POINT OF ORDER

Toms

Councillor should only be speaking on the amendment point 5.

The Chair over ruled the point of order but advised Cr Johnstone to stay on topic.

AMENDMENT TO MOTION

Johnstone/Smith

That Council:

1. Remove the dive pool from the scope of the Regional Aquatic Centre basis of safety and construction/operational cost savings.
2. Allocate the next phase of funding from the Local Roads and Community Infrastructure Program (LRCIP) Phase 4 (\$2,051,366) to the upgrade of the Regional Aquatic Centre.
3. Endorse the funding strategy as outlined in the confidential attachment.
4. Receive a report following the outcome of the *Community Assets Program* grant application and reaffirm in principle support for funding Stage 2 of the project.
5. Note that a special rate variation may be required to fund loan repayment costs should further grant funding not be secured for the second stage of the Regional Aquatic Centre.

Voting recorded as follows

For: Johnstone, Smith

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

The Amendment to Motion was put and declared LOST

ITEM 07.23.026 RFT22-35 BROOMS HEAD HOLIDAY PARK PACKAGED SEWAGE TREATMENT PLANT UPGRADE TENDER (ON CROWN LAND)

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. RFT22-35 Brooms Head Holiday Park Packaged Sewage Treatment Plant Tender Recommendation Report (Confidential)	

SUMMARY

This report responds to Item 7.22.293 from the December Ordinary meeting being the tender for the upgrade of the Brooms Head Holiday Park packaged treatment plant.

OFFICER RECOMMENDATION

That Council as Crown Land Manager note the tender awarded under delegation by the General Manager to Coffs Harbour Plumbing at a cost of \$1,711,886 (Incl GST) for the upgrade of the packaged treatment plant at Brooms Head Holiday Park.

COUNCIL RESOLUTION - 07.23.026

Whaites/Novak

That Council as Crown Land Manager note the tender awarded under delegation by the General Manager to Coffs Harbour Plumbing at a cost of \$1,711,886 (Incl GST) for the upgrade of the packaged treatment plant at Brooms Head Holiday Park.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.027 RFT22-36 MACLEAN SHOWGROUND ARENA LIGHTING UPGRADE (ON CROWN LAND)

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report presents the outcome of the tender for the arena lighting at Maclean Showground. No tenders were received, and it is recommended to review the scope of the works outlined in the tender and to retender the work.

OFFICER RECOMMENDATION

That Council:

1. Note that no tenders were received for the lighting of the Maclean Showground arena under RFT22-36.
2. Note the scope of the works for the arena lighting at Maclean Showground will be revised in accordance with the detail in the report.
3. Call fresh tenders for the Maclean Showground arena lighting inclusive of the revised scope
4. Under S377 of the Local Government Act, delegate to the General Manager to accept tenders for the Maclean Showground arena lighting.
5. Note that the outcome of the tender will be reported to the Ordinary Meeting of Council.

COUNCIL RESOLUTION - 07.23.027

Whaites/Novak

That Council:

1. Note that no tenders were received for the lighting of the Maclean Showground arena under RFT22-36.
2. Note the scope of the works for the arena lighting at Maclean Showground will be revised in accordance with the detail in the report.
3. Call fresh tenders for the Maclean Showground arena lighting inclusive of the revised scope
4. Under S377 of the Local Government Act, delegate to the General Manager to accept tenders for the Maclean Showground arena lighting.
5. Note that the outcome of the tender will be reported to the Ordinary Meeting of Council.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.028 SMART ENERGY PARK - MID SCALE SOLAR FARM AND LANDFILL GAS TO ENERGY PROJECT

Meeting	Council	28 February 2023
Directorate	Works & Civil	
Prepared by	Waste & Sustainability Coordinator, Ken Wilson	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Grafton Landfill Smart Energy Park Feasibility (Confidential)	

SUMMARY

A detailed feasibility study has been completed into the viability of the proposal to develop a mid scale solar farm and a landfill gas to energy plant on land at the Grafton Regional Landfill & Resource Recovery Facility. This report presents the key findings of the investigation and recommends proceeding to the next stage of the project.

OFFICER RECOMMENDATION

That Council:

1. engage consultants to:
 - a. Prepare a detailed design and Review of Environmental Factors (REF) for a solar farm located at the Grafton Regional Landfill.
 - b. Prepare a detailed procurement and business model analysis for item (a) above and the Gas to Energy plant detailed in this report
2. Report the findings of item 1(b) back to Council to inform a decision on how to proceed with the project.

COUNCIL RESOLUTION - 07.23.028

Clancy/Johnstone

That Council:

1. engage consultants to:
 - a. Prepare a detailed design and Review of Environmental Factors (REF) for a solar farm located at the Grafton Regional Landfill.
 - b. Prepare a detailed procurement and business model analysis for item (a) above and the Gas to Energy plant detailed in this report
2. Report the findings of item 1(b) back to Council to inform a decision on how to proceed with the project.

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 4:23 PM.



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:

First name surname
Mayor / Chairperson