

Ordinary Council Meeting

Minutes

Maclean - 18 April 2023 - 2:00pm



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 18 April 2023 commencing at 2:00pm and closing at 4:02pm.

AFFIRMATION – Cr Day 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 Johnstone 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 Practise, 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 – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Lee Boon)

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 Tiley	06.23.004	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Leave the Meeting ▪ On JRPP. Given NoM included Miles St, Yamba
Cr Johnstone	06.23.004	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Leave the Meeting ▪ On the JRPP and this matter may form a conflict in future DAS
Cr Toms	08.23.004	<ul style="list-style-type: none"> ▪ Pecuniary – Leave the Meeting ▪ Director of JKT & Sons P/L Contact Manager, Iluka Riverside Holiday Park.

4. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

Pickering/Smith

That the Minutes of Ordinary Meeting of Council dated 28 March 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

5. MAYORAL MINUTES

ITEM 05.23.001	MAYORAL MINUTE	
	REGIONAL INFRASTRUCTURE RECOVERY PROGRAM	

Meeting	Council	18 April 2023
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The objective of this Minute is to support the Australia Local Government Association in its lobbying of the Commonwealth Government to establish a Regional Infrastructure Recovery Program to better protect regional infrastructure against disasters.

PROPOSED MOTION

That Council support the Australian Local Government Association in its bid for a billion dollar disaster fund by making representations to the Prime Minister Hon Anthony Albanese and the Minister for Infrastructure, Transport, Regional Development and Local Government, and including the Member for Page, Hon Kevin Hogan.

COUNCIL RESOLUTION - 05.23.001

Tiley

That Council support the Australian Local Government Association in its bid for a billion dollar disaster fund by making representations to the Prime Minister, Hon Anthony Albanese and the Minister for Infrastructure, Transport, Regional Development and Local Government, with the Member for Page, Hon Kevin Hogan.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.23.002 MAYORAL MINUTE
MACLEAN HOSPITAL REDEVELOPMENT SELECT COMMITTEE**

Meeting	Council	18 April 2023
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The Mayoral Minute seeks Council note and support the formation of an external and independent committee to progress the redevelopment of Maclean Hospital.

PROPOSED MOTION

That Council note and support the formation of a select steering Committee to progress the redevelopment of Maclean Hospital.

COUNCIL RESOLUTION - 05.23.002

Tiley

That Council note and support the formation of a select steering Committee to progress the redevelopment of Maclean Hospital.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Tiley & Johnstone left at 2.08pm

Under s6.1 of the Code of Meeting Practice, the Deputy Chair become the chair in the Mayor's absence.

6. NOTICES OF MOTION

ITEM 06.23.004 NOTICE OF MOTION REZONING LANDS ON WEST YAMBA FLOODPLAIN		
Meeting	Council	18 April 2023
Submitted by	Cr Greg Clancy	
Attachments	Nil	

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

SUMMARY

Approved development of the Yamba floodplain under the provisions of the West Yamba Urban Release Area (WYURA) planning approval has resulted in large amounts of fill being transported to the site, particularly along Gardeners Road, Yamba Road and Carrs Drive. The constant truck movements (1 every 10 minutes), has caused great consternation among a number of Yamba residents. The large amount of fill would appear to be exacerbating localized flooding around the Carrs Drive roundabout and the area surrounding it. There is also concern that the large amount of fill is affecting, and will increasingly affect, the drainage of the area, adversely affecting low lying residences and the environment.

PROPOSED MOTION

That Council:

1. note the legal advice tabled at the February Ordinary Council Meeting that compensation would not be payable in the event that the Department of Planning and Environment, on the recommendation of Council, was to approve a rezoning of lands in the West Yamba Urban Release Area (WYURA) from residential R1 to C2 or a mix of C2 and RU2 depending on the results of the planning study;
2. prepare a planning proposal for submission to the Department of Planning and Environment requesting that the vacant land, which do not have development approvals for subdivision, in the West Yamba Urban Release Area (WYURA) be rezoned from Residential (R1) to Conservation (C2) zoning or a mix of Conservation (C2) and Rural (RU2) based on the impacts of further development on the environment and the risk to human life and property from future flooding.

POINT OF ORDER

Novak

Cr Novak to Cr Clancy – Claimed interruption.

The Chair overruled the point of order

POINT OF ORDER

Novak

Cr Novak to Cr Clancy – Claimed Cr made statement that cannot be proved.

The Chair upheld the point of order

POINT OF ORDER

Novak

Cr Novak to Cr Clancy – Refuted Cr's claim that staff are in disagreement.

The Chair upheld the point of order

MOTION

Clancy/Smith

That Council:

1. note the legal advice tabled at the February Ordinary Council Meeting that compensation would not be payable in the event that the Department of Planning and Environment, on the recommendation of Council, was to approve a rezoning of lands in the West Yamba Urban Release Area (WYURA) from residential R1 to C2 or a mix of C2 and RU2 depending on the results of the planning study;
2. prepare a planning proposal for submission to the Department of Planning and Environment requesting that the vacant land, which do not have development approvals for subdivision, in the West Yamba Urban Release Area (WYURA) be rezoned from Residential (R1) to Conservation (C2) zoning or a mix of Conservation (C2) and Rural (RU2) based on the impacts of further development on the environment and the risk to human life and property from future flooding.

Voting recorded as follows

For: Clancy, Smith

Against: Day, Novak, Pickering, Toms, Whaites

The Motion was put and declared LOST

FORESHADOWED MOTION

Day/Pickering

That Council:

1. make a submission to the NSW Premier, Hon Chris Minns and NSW Minister for Planning and Public Spaces, Hon Paul Scully, copying in the Member for Clarence, Richie Williamson MLA, seeking a commitment that the NSW government will support and indemnify Council in the event of litigation occurring, should Clarence Valley Council seek rezoning of the of the West Yamba Urban Release Area, based on the impacts of further development on the environment and the risk to human life and property from future flooding.
2. share this submission with the NRJO and seek their support.

Voting recorded as follows

For: Day, Pickering, Smith

Against: Clancy, Novak, Toms, Whaites

The Foreshadowed Motion was put and declared LOST

That Council adjourn for a 10 minute break at 3:08pm.

Cr Tiley & Johnstone returned to the meeting

The Council meeting resumed at 3:14pm.

VOTE BY EXCEPTION - 07.23.047

Novak/Whaites

That the following items be adopted as recommended:

07.23.047

07.23.051

07.23.053

07.23.054

07.23.055

07.23.056

07.23.058

07.23.060

07.23.061

07.23.062

07.23.063

07.23.064

07.23.065

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 07.23.047 GRAFTON AIRSPACE DEVELOPMENT**

Meeting	Council	18 April 2023
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	A. Confidential Proposal (Confidential)	

SUMMARY

The report seeks Council's consideration of entering an Option Agreement for investigation of development of airspace over part of Lot 21 DP1115455, which is the carpark adjoining the Grafton Regional Library in Pound Street Grafton.

OFFICER RECOMMENDATION

That Council write to Regional Rural Developments declining their offer to enter an Option Agreement and their proposal included as a Confidential Attachment, over part of Lot 21 DP1115455.

COUNCIL RESOLUTION - 07.23.047**Novak/Whaites**

That Council write to Regional Rural Developments declining their offer to enter an Option Agreement and their proposal included as a Confidential Attachment, over part of Lot 21 DP1115455.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.048 INTEGRATED PLANNING AND REPORTING FRAMEWORK 2023/2024

Meeting	Council	18 April 2023
Directorate	General Manager	
Prepared by	Manager Finance & Systems, Kate Maginness	
Attachments	Nil	

SUMMARY

Each year Council prepares a draft Operational Plan and accompanying documentation under the Integrated Planning and Reporting Framework (IP&R), which is enacted under the Local Government Act 1993 and supported by the Integrated Planning and Reporting Guidelines issued by the Office of Local Government.

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspirations identified by the community in the Community Plan, Clarence 2032. The accompanying documentation also includes an annual budget and the resourcing strategy and revenue policy including fees and charges. It is proposed the draft documentation be placed on public exhibition and public comment be invited for consideration prior adoption in June 2023.

OFFICER RECOMMENDATION

That Council:

1. the following draft IP&R documentation be endorsed for public exhibition until close of business on Monday 29 May 2023:
 - a) the 2023/2024 Operational Plan
 - b) the Resourcing Strategy incorporating:
 - the Long Term Financial Plan (2023/2024 to 2032/2033)
 - the Workforce Management Strategy (2023 – 2027)
 - the Asset Management Strategy (2023/2024 – 2032/2033)
2. the 2023/2024 Fees and Charges be endorsed for public exhibition until close of business on Monday 29th of May 2023
3. members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
4. following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

COUNCIL RESOLUTION - 07.23.048

Novak/Clancy

That Council:

1. endorse the following draft IP&R documentation for public exhibition until close of business on Monday 29 May 2023:
 - a) the 2023/2024 Operational Plan
 - b) the Resourcing Strategy incorporating:
 - the Long Term Financial Plan (2023/2024 to 2032/2033)
 - the Workforce Management Strategy (2023 – 2027)
 - the Asset Management Strategy (2023/2024 – 2032/2033)
2. endorse the 2023/2024 Fees and Charges be endorsed for public exhibition until close of business on Monday 29th of May 2023.
3. note the Rateable Jetty Minimum Rate has now been set at \$65, not \$45 as included in the body of the report.
4. invite members of the public to make written submissions with regard to the draft documentation, while it is on public exhibition.
5. consider the draft documents as amended as a result of consideration of public submissions in a report to the June Ordinary Meeting of Council following the period of public exhibition.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.049 BULK RAW WATER SUPPLY AGREEMENT WITH COFFS HARBOUR CITY COUNCIL

Meeting	Council	18 April 2023
Directorate	General Manager	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Correspondence between CVC and CHCC re Dispute (Confidential) B. Draft Revised Bulk Water Supply Agreement (Confidential) C. Marsdens advice in regard to exercising regional water supply functions (Confidential)	

SUMMARY

At its meeting on Tuesday 13th of December 2022 Council resolved (Resolution 08.22.009) to enter into dispute resolution procedures with Coffs Harbour City Council regarding the bulk water supply agreement. Following correspondence between the two Councils it is considered that the issues in dispute have been concluded and that an updated bulk water supply agreement can be progressed. At its meeting on Tuesday 28th of March 2023, Council deferred the matter to enable discussions between Clarence Valley and Coffs Harbour City Councils. The discussion has resulted in inclusion of recommendations 3-6.

OFFICER RECOMMENDATION

That Council:

1. note the issues raised with Coffs Harbour City Council in accordance with the dispute resolution procedures of the Bulk Raw Water Supply Agreement are considered to have been concluded.
2. note the advice from Marsdens Law Group that a formal agreement with Coffs Harbour City Council is the most appropriate governance arrangement for the Regional Water Supply, and
3. establish a Bulk Raw Water Supply Agreement Advisory Committee (supported by two staff with technical expertise/responsibility for water supply functions), the membership of which includes the Mayor and a councillor nominated by the Council.
4. invite Coffs Harbour City Council to nominate its Mayor, an elected member and two staff with technical expertise/responsibility for water supply functions to join the Bulk Raw Water Supply Agreement Advisory Committee.
5. note that the Bulk Raw Water Supply Agreement Advisory Committee has a sunset clause that intends its dissolution by 30th of June 2023.
6. note that the sole purpose of the Bulk Raw Water Supply Agreement Advisory Committee is to consider the draft Bulk Water Supply Agreement inclusions in a timely manner that supports a recommendation being made to each Council on the final agreement for endorsement by July 2023.

COUNCIL RESOLUTION - 07.23.049

Pickering/Novak

That Council:

1. **note the issues raised with Coffs Harbour City Council in accordance with the dispute resolution procedures of the Bulk Raw Water Supply Agreement are considered to have been concluded.**
2. **note the advice from Marsdens Law Group that a formal agreement with Coffs Harbour City Council is the most appropriate governance arrangement for the Regional Water Supply, and**
3. **establish a Bulk Raw Water Supply Agreement Advisory Committee (supported by two staff with technical expertise/responsibility for water supply functions), the membership of which includes the Mayor and a councillor nominated by the Council.**
4. **invite Coffs Harbour City Council to nominate its Mayor, an elected member and two staff with technical expertise/responsibility for water supply functions to join the Bulk Raw Water Supply Agreement Advisory Committee.**
5. **note that the Bulk Raw Water Supply Agreement Advisory Committee has a sunset clause that intends its dissolution by 30th of June 2023.**

6. note that the sole purpose of the Bulk Raw Water Supply Agreement Advisory Committee is to consider the draft Bulk Water Supply Agreement inclusions in a timely manner that supports a recommendation being made to each Council on the final agreement for endorsement by July 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.23.049a

Pickering/Toms

That council nominate Councillor Pickering to be on the Bulk Raw Water Supply Agreement Advisory Committee.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING**ITEM 07.23.050 SUB2021/0045 - SIX (6) LOT SUBDIVISION - 181 CARRS DRIVE, YAMBA**

Meeting	Council	18 April 2023
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Development Services, James Hamilton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. SUB2021 0045 Proposed Plans ⇒ B. SUB2021 0045 Submissions ⇒ C. SUB2021 0045 Biodiversity Development Assessment Report (Separate Cover) ⇒ D. SUB2021 0045 Section 4 15 Assessment ⇒ E. SUB2021 0045 RFS General Terms of Approval ⇒ F. SUB2021 0045 Flood Impact Assessment (Separate Cover) ⇒ G. SUB2021 0045 Bushfire report (Separate Cover) ⇒ H. SUB2021 0045 On-Site Effluent Suitability Assessment (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Wassa Consulting & Building Design
<i>Owner</i>	Sharon Nancy Shankland and Gavin Barry Shankland
<i>Address</i>	181 Carrs Drive, Yamba (being Lot 1 DP 558571)
<i>Submissions</i>	Yes – Nine (9) in opposition

Development Application SUB2021/0045 seeks approval for a six (6) large lot subdivision of 181 Carrs Drive, Yamba being Lot 1 DP 558571. The lot sizes range from between 5,000m² to 7,855m². The application includes construction of a road to service the lots.

The subject land is zoned R5 Large Lot Residential and C2 Environmental Protection under the *Clarence Valley Local Environmental Plan 2011* (the LEP). The proposed subdivision is permissible with consent in the in the R5 zone with a minimum lot size of 5,000m². On balance the proposed subdivision is consistent with the relevant objectives and complies with the standards of the LEP and Residential Zones Development Control Plan (the DCP).

The proposed development was advertised and notified in accordance with the Community Participation Plan. Nine (9) submissions were received during the exhibition period which raised concerns regarding the environmental impacts, stormwater, flooding and servicing the development. The matters raised are discussed in detail in the Key Issues section of this report.

The report provides an assessment of the application and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council approve Development Application SUB2021/0045 subject to the draft Advices and Conditions contained within Schedule 1.

POINT OF ORDER

Clancy

Cr Toms - Concern raised about the Cr having a closed mind before inspection

Cr Clancy - Point of Order called with no explanation

The Chair ruled no point of order

COUNCIL RESOLUTION - 07.23.050

Clancy/Johnstone

That council refuse Development Application SUB2021/0045 for the following reasons covered by Section 4.15 of the Environmental, Planning and Assessment Act 1979:

- a) The land being a wetland (Swamp Forest of Swamp Oak) making it unsuitable for the proposed development;**
- b) The nine submissions raised major concerns about the potential for flooding, impacts of stormwater runoff and clearing of natural vegetation.**
- c) The likely impacts of the development on the natural environment;**
- d) Impact on areas of C2 zoning for some infrastructure.**

Voting recorded as follows

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

Against: Novak, Toms, Whaites

CARRIED

ITEM 07.23.051 COFFS HARBOUR CITY COUNCIL WASTE DISPOSAL ENQUIRY

Meeting	Council	18 April 2023
Directorate	Environment & Planning	
Prepared by	Waste & Sustainability Coordinator, Ken Wilson	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Proposal from Coffs Harbour City Council ⇨ B. Bellingen Shire Mayoral Minute ⇨ C. GeoLink Planning Advice ⇨	

SUMMARY

Coffs Harbour City Council (CHCC) is seeking to engage Clarence Valley Council (CVC) to accept mixed solid waste from Coffs Harbour for disposal at the Grafton Regional Landfill. This report addresses the issues raised by the proposal.

OFFICER RECOMMENDATION

That Council defer any decision on the request by Coffs Harbour City Council (CHCC) to accept solid waste at the Grafton Regional Landfill from CHCC until the outcome of the meetings proposed by Bellingen Shire Council for a regional waste solution are known.

COUNCIL RESOLUTION - 07.23.051**Novak/Whaites**

That Council defer any decision on the request by Coffs Harbour City Council (CHCC) to accept solid waste at the Grafton Regional Landfill from CHCC until the outcome of the meetings proposed by Bellingen Shire Council for a regional waste solution are known.

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & COMMUNITY**ITEM 07.23.052 POLICY REPORT**

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Conflict of Interest - Development Applications (DAs) Policy V1.0 [Draft] ↔ B. Election Candidate Campaign Signage Policy V1.0 + Online Form [Draft] ↔ C. Roads Policy V4.0 [Draft] ↔ D. Roadside Memorials Policy V4.0 [Draft] ↔	

SUMMARY

This report asks that Council place two (2) new policies and two (2) 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. Conflicts of Interest: Development Applications (DAs) Policy V1.0 (Attachment A)
 - b. Election Candidate Campaign Signage Policy V1.0 (Attachment B)
 - c. Roads Policy V4.0 (Attachment C)
 - d. Roadside Memorials Policy V4.0 (Attachment D)

POINT OF ORDER

Toms

Cr Toms to Cr Johnstone – Corrected the Cr's comment regarding her debate.

The Chair did not rule on the point of order however Councillor reworded his comment.

COUNCIL RESOLUTION - 07.23.052

Johnstone/Day

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. Conflicts of Interest: Development Applications (DAs) Policy V1.0 (Attachment A)
 - b. Roads Policy V4.0 (Attachment C)
 - c. Roadside Memorials Policy V4.0 (Attachment D)
2. defer the Election Candidate Campaign Signage Policy V1.0 (Attachment B) for discussion at a future councillor workshop.

Voting recorded as follows

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

Against: Toms

CARRIED

ITEM 07.23.053 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Personal Assistant to the Mayor & Councillors, Lee Boon	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List - Outstanding (Separate Cover) ⇒ B. Actions List - Completed (Separate Cover) ⇒ C. 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 - 07.23.053**Novak/Whaites**

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

ITEM 07.23.054 ITEMS FOR INFORMATION

Meeting	Council	18 April 2023
Directorate	General Manager	
Attachments	A. Access Advisory Committee Meeting Minutes 15 March 2023 ↗	

SUMMARY

Committee minutes attached are for noting.

OFFICER RECOMMENDATION

That the Item for Information below be noted:

- Access Advisory Committee Meeting Minutes: 15 March 2023

COUNCIL RESOLUTION - 07.23.054

Novak/Whaites

That the Item for Information below be noted:

- Access Advisory Committee Meeting Minutes: 15 March 2023

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.055 MONTHLY INVESTMENT REPORT - MARCH 2023

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - Mar 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 March 2023 be noted.

COUNCIL RESOLUTION - 07.23.055

Novak/Whaites

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.056 2022/2023 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2023

Meeting	Council	18 April 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 - March 2023 ⇨ B. Quarterly Budget Income & Expenditure Statements by Service - March 2023 ⇨ C. Statement of Restricted Cash Reserve Funds - March 2023 ⇨ D. Quarterly Contracts and Other Expenses March 2023 ⇨ E. Monthly Grant Application Summary - March 2023 ⇨	

SUMMARY

This report presents to Council the March 2023 Quarterly Budget Review Statement (QBR) for the period 1 January 2023 to 31 March 2023.

Budget adjustments for the quarter ended 31 March 2023 (subject to council resolution) result in no impact on the General Fund impact leaving the current year projected budget result as a \$153,948 surplus.

The reserve funding variations identified in this report will increase the reserve funds by a \$250,000, resulting in a current year projected reserve funds movement of \$21,248,877.

OFFICER RECOMMENDATION

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to March 2023.
2. approve the General Fund variations detailed in this report, which result in a \$250,000 movement on the projected General Fund budget resulting in a surplus of \$153,948 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in decreasing the projected decrease in the External and Internal Reserves Funds to \$21,248,877.
4. note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

COUNCIL RESOLUTION - 07.23.056**Novak/Whaites**

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to March 2023.
2. approve the General Fund variations detailed in this report, which result in a \$250,000 movement on the projected General Fund budget resulting in a surplus of \$153,948 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in decreasing the projected decrease in the External and Internal Reserves Funds to \$21,248,877.
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 07.23.057 2021/22 AUDITED FINANCIAL STATEMENTS

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Annual Financial Statements 2021/2022 ↗	

SUMMARY

This report presents Council's consolidated Audited 2021/2022 Annual Financial Statements to the public in accordance with Section 419 (1) of the Local Government Act (LGA).

OFFICER RECOMMENDATION

That Council receive and note the Audited 2021/2022 Annual Financial Statements.

COUNCIL RESOLUTION - 07.23.057

Johnstone/Novak

That Council receive and note the Audited 2021/2022 Annual Financial Statements.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.058 IMPROVING ACCESS TO PRIMARY CARE IN RURAL AND REMOTE AREAS (S19(2) EXEMPTIONS) INITIATIVE

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Coordinator Community Engagement, Kath Arndell	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments		

SUMMARY

The Funding Officer – Revenue & Finance Northern New South Wales (NNSW) Local Health District (LHD) is currently consulting with key stakeholders to seek support for their application to the Commonwealth for the Improving Access to Primary Care in Rural and Remote Areas (s19(2) Exemptions) Initiative. With a range of anticipated community wellbeing outcomes, this application demonstrates clear community benefits to the lower Clarence community of Maclean and its surrounds and an opportunity for elected members to engage in the health space.

OFFICER RECOMMENDATION

That Council support the NNSW LHD in their application to the Commonwealth for the Improving Access to Primary Care in Rural and Remote Areas (s19(2) Exemptions) Initiative.

COUNCIL RESOLUTION - 07.23.058

Novak/Whaites

That Council support the NNSW LHD in their application to the Commonwealth for the Improving Access to Primary Care in Rural and Remote Areas (s19(2) Exemptions) Initiative.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.059 TROVE FUNDING UPDATE

Meeting	Council	18 April 2023
Directorate	Corporate & Community	
Prepared by	Regional Librarian, Kathryn Breward	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

On 3rd of April 2023, The Federal Government announced funding for Trove for the next 4 years. The commitment is to provide \$33 million over the next 4 years with \$9.2 million ongoing and indexed from July 2027.

OFFICER RECOMMENDATION

That Council note the announcement from the Federal Government of their ongoing commitment to fund the Trove national database with a sustainable funding model for the continuation of free access and upgrade of the digital archive systems of Trove.

COUNCIL RESOLUTION - 07.23.059**Pickering/Toms**

That Council note the announcement from the Federal Government of their ongoing commitment to fund the Trove national database with a sustainable funding model for the continuation of free access and upgrade of the digital archive systems of Trove.

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL

ITEM 07.23.060 PROPOSED ACQUISITION OF EASEMENT OVER LOT 2 DP 218287 FOR THE PURPOSE OF STORMWATER PUMP STATION

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Proposed Compensation Amount for the Proposed Easement Acquisition Over Part Lot 2 DP218287 for the Purpose of Stormwater Pump Station (Confidential)	

SUMMARY

This report considers the proposed acquisition of easement over part Lot 2 DP 218287, being 15A River Street, Maclean, for the purpose of rationalising the existing stormwater pump station occupying this site.

OFFICER RECOMMENDATION

That Council:

1. proceed with the acquisition by agreement of the proposed easement over the land described as part Lot 1 DP 218287 located at 15A River Street, Maclean, depicted by black hatching on Figure1, for the purpose of rationalising the stormwater pump station situated at this location in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. endorse the compensation amount set out in the confidential attachment.
3. delegate authority to the General Manager to execute documents relating to the acquisition.

COUNCIL RESOLUTION - 07.23.060

Novak/Whaites

That Council:

1. proceed with the acquisition by agreement of the proposed easement over the land described as part Lot 1 DP 218287 located at 15A River Street, Maclean, depicted by black hatching on Figure1, for the purpose of rationalising the stormwater pump station situated at this location in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. endorse the compensation amount set out in the confidential attachment.
3. delegate authority to the General Manager to execute documents relating to the acquisition.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.061 PROPOSED ROAD CLOSURE OF PART WATTERS ROAD RESERVE, RUSHFORTH

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Hannah Webber	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Recommended Disposal Price of Road Reserve Adjoining Lot 9 DP 1136612 (Confidential)	

SUMMARY

This report is to consider the permanent road closure of part Watters Road reserve, Rushforth, and transfer ownership to the adjoining landowner. The request is made by the adjoining landowner of Lot 9 DP 1136612 being 148 Watters Road, Rushforth.

OFFICER RECOMMENDATION

That Council:

1. permanently close part of Watters Road reserve, Rushforth, inline with the provisions of the *Roads Act 1993* (refer figure 1)
2. transfer the closed road to the adjoining landowners of Lot 9 DP 1136612 for the recommended purchase price outlined in confidential attachment A.
3. authorise the General Manager to execute all documents relating to the closure and sale to affect the above requirements
4. instruct the landowners that they are to meet all costs associated with the road closure.

COUNCIL RESOLUTION - 07.23.061

Novak/Whaites

That Council:

1. permanently close part of Watters Road reserve, Rushforth, inline with the provisions of the *Roads Act 1993* (refer figure 1)
2. transfer the closed road to the adjoining landowners of Lot 9 DP 1136612 for the recommended purchase price outlined in confidential attachment A.
3. authorise the General Manager to execute all documents relating to the closure and sale to affect the above requirements
4. instruct the landowners that they are to meet all costs associated with the road closure.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.062 LOCAL TRAFFIC COMMITTEE

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	<ul style="list-style-type: none"> A. Item 08.23 Yamba Cycle Club Report ⇒ B. Item 09.23 Grafton Cycle Club Report ⇒ C. 008.23 YCC Event Management Plan (Separate Cover) ⇒ D. 008.23 YCC TMP Big River Way (Separate Cover) ⇒ E. 008.23 YCC TMP James Creek (Separate Cover) ⇒ F. 008.23 YCC TMP Woodford Island (Separate Cover) ⇒ G. 008.23 YCC TMP Yamba Criterium (Separate Cover) ⇒ H. 009.23 GCC Event Management Plan (Separate Cover) ⇒ I. 009.23 GCC TMP Glenugie (Separate Cover) ⇒ 	

SUMMARY

This report lists the recommendations made by the Local Traffic Committee on the 6 April 2023 via email circulation, be adopted by Council.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee determined on 6 April 2023 via email circulation, be adopted by Council.

COUNCIL RESOLUTION - 07.23.062**Novak/Whaites**

That the recommendations of the Local Traffic Committee determined on 6 April 2023 via email circulation, be adopted by Council.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.063 RUSHFORTH ROAD WATER TREATMENT PLANT - TENDER SHORTLIST FOR RESERVOIR RENEWAL AND CHLORINE CONTACT TANK

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Tender Evaluation Report for Eol 22-45 (Design Develop and Construct new Rushforth Road Reservoir and Chlorine Contact Tank) (Confidential)	

SUMMARY

On behalf of Council, consultants Beca H2O called Expressions of Interest to shortlist potential “design, develop and construct” tenderers for a new reservoir and chlorine contact tank at Rushforth Road Water Treatment Plant. The Evaluation Panel recommends that three potential tenderers be shortlisted to proceed to an Early Tendering Involvement process.

OFFICER RECOMMENDATION

That Council notes the three shortlisted potential tenderers for the “Design, Development and Construction” of a new Reservoir and Chlorine Contact Tank at Rushforth Road Water Treatment Plant are Advanced Concrete Engineering, Leed Engineering and Pensar Construction Group.

COUNCIL RESOLUTION - 07.23.063

Novak/Whaites

That Council notes the three shortlisted potential tenderers for the “Design, Development and Construction” of a new Reservoir and Chlorine Contact Tank at Rushforth Road Water Treatment Plant are Advanced Concrete Engineering, Leed Engineering and Pensar Construction Group.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.064 RFT22/31 SEWER MAIN REHABILITATION

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Tender Evaluation Panel report for Tender 22/31 (Confidential) B. Tender 22/31 - Interflow confirmation regarding rates, terms and conditions (Confidential)	

SUMMARY

At its meeting of 25 October 2022 Council resolved to award Tender 22/31 in the amount of \$1,390,942.36 (ex GST) to Wilmot Civil Pty Ltd t/as Wilmot Pipelining (Resolution 07.22.242).

On 28 February 2023 Wilmot Civil appointed voluntary administrators, with Council being advised of the administrator appointment on 10 March 2023. Since that time the administrators have indicated that they expected to confirm continuation of the Contract, but no formal commitment has been received. Accordingly, the administrators were advised that if no formal advice was received by COB on Thursday 6 April, the contract would be terminated. No advice was received from the administrators by the nominated time.

Interflow Pty Ltd (Interflow), which also submitted a tender, has confirmed that it is prepared to deliver the works at the same rates, terms and conditions as submitted in their original tender. It is considered the Interflow tender is now the most advantageous option to Council and it is therefore recommended that Contract 22/31 be awarded to Interflow.

OFFICER RECOMMENDATION

That Council:

- notes Contract 22/31 with Wilmot Civil Pty Ltd t/as Wilmot Pipeline has been terminated under Clause 17 of the contract for Contractor insolvency and default.
- awards Tender RFT22/031 Sewer Mains Rehabilitation to Interflow Pty Ltd using the provided Schedule of Rate price to a maximum value of \$1,375,000 (including GST), to be funded from Financial Project 910016 (Sewer Rehabilitation Relining).
- notes due to the late award of the tender to Interflow Pty Ltd it is unlikely the works will be completed in the 2022/23 Financial Year and that the balance of unspent funds will need to be carried forward to 2023/2024.

COUNCIL RESOLUTION - 07.23.064

Novak/Whaites

That Council:

- notes Contract 22/31 with Wilmot Civil Pty Ltd t/as Wilmot Pipeline has been terminated under Clause 17 of the contract for Contractor insolvency and default.
- awards Tender RFT22/031 Sewer Mains Rehabilitation to Interflow Pty Ltd using the provided Schedule of Rate price to a maximum value of \$1,375,000 (including GST), to be funded from Financial Project 910016 (Sewer Rehabilitation Relining).
- notes due to the late award of the tender to Interflow Pty Ltd it is unlikely the works will be completed in the 2022/23 Financial Year and that the balance of unspent funds will need to be carried forward to 2023/2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.065 RFT22/43 DOG PARK CONSTRUCTION CORCORAN PARK ON CROWN LAND

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Senior Parks & Recreation Officer, Rachele Passmore	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Tender Recommendation Report (RFT22/43) (Confidential)	

SUMMARY

Council received Bushfire Local Economic Recovery Funding (BLERF) to regenerate and remediate the former landfill site as well as the construction of a dog park at Corcoran Park, Grafton. Council is the Crown Land Manager of Corcoran Park (Reserve 93708) and the owner of Property No 108812. A tender was issued for the construction of the dog park and associated infrastructure however is recommended to not accept tenders as those received were beyond the project budget and to negotiate on scope with one of the tenderers.

OFFICER RECOMMENDATION

That Council;

1. decline to accept the tender offers for RFT 22/43 Dog Park Construction Corcoran Park Public as the tenders received were higher than anticipated and greater than the project budget allocation.
2. not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender.
3. delegate the General Manager to enter negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.
4. delegate the General Manager to negotiate, execute, and administer the contract relating to the tender.
5. receive a report following the outcome of the negotiations once complete.

COUNCIL RESOLUTION - 07.23.065

Novak/Whaites

That Council;

1. **decline to accept the tender offers for RFT 22/43 Dog Park Construction Corcoran Park Public as the tenders received were higher than anticipated and greater than the project budget allocation.**
2. **not invite fresh tenders, as it is considered that inviting fresh tenders would not attract additional suitable vendors over and above those that have responded to this tender.**
3. **delegate the General Manager to enter negotiations with any person with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender.**
4. **delegate the General Manager to negotiate, execute, and administer the contract relating to the tender.**
5. **receive a report following the outcome of the negotiations once complete.**

Voting recorded as follows

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

Against: Nil

CARRIED

7. CONFIDENTIAL BUSINESS**OFFICER RECOMMENDATION**

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

1. 08.23.004 OSF - Clarence Coast Holiday Parks Management Contracts - 10A(2) (c) *The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business*

COUNCIL RESOLUTION

Johnstone/Clancy

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

1. **08.23.004 OSF - Clarence Coast Holiday Parks Management Contracts - 10A(2) (c) *The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business***

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Toms left the Chamber at 3:53pm

ITEM 08.23.004 OSF - CLARENCE COAST HOLIDAY PARKS MANAGEMENT CONTRACTS

Meeting	Council	18 April 2023
Directorate	Works & Civil	
Prepared by	Coordinator Holiday Parks, Maryanne Bristow	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	Nil	
CONFIDENTIAL	<i>The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section 10A(2) (c) The report contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business</i>	

COUNCIL RESOLUTION

Clancy/Whaites

That the resolution made in confidence be made public.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Toms returned at 3:58pm

COUNCIL RESOLUTION 08.23.004

Novak/Day

That Council, as Crown Land Manager of the five Clarence Coast Holiday Parks,

- 1. defer the tender process for a management contract for the Minnie Water and Wooli Holiday Park at the expiration of the current contract due 31 July 2023.**
- 2. seek to negotiate an agreement with the existing park management contractors Jarrah Management Pty Ltd for the management and operation of Minnie Water and Wooli Holiday Park for a period of 12 months from 1 August 2023 to 31 July 2024.**
- 3. note that the existing budgets for Wooli Holiday Park of \$110,000 (GST exclusive) and Minnie Water Holiday Park \$200,000 (GST exclusive) PJ996780 will be utilised to fund the management and operation at the parks.**
- 4. defer the tender process for a management contract for the Calypso Yamba Holiday Park at the termination of current contract, due 7 July 2023.**
- 5. directly administer the management and operations of the Calypso Yamba Holiday Park from 8 July 2023 to 7 July 2024.**
- 6. note that the existing budget for Calypso Yamba Holiday Park of \$560,000 (GST exclusive) PJ996780 will be utilised to fund the management and operation at the parks.**

Voting recorded as follows

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

Against: Nil

CARRIED

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 4.02pm



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