

Ordinary Council Meeting

Minutes

Grafton - 23 April 2024 - 3:00 PM



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Nil

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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 23 April 2024 commencing at 3:00 PM and closing at 4:54 PM.

AFFIRMATION – Cr Bill 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 Peter 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.

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 (Janelle Hale)

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
Adam Cameron – Director Environment & Planning	07.24.052	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Remain in the Meeting ▪ Property is affected by one of the planning proposals

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

That the Minutes of Ordinary Meeting of Council dated 26 March 2024, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED**COUNCIL RESOLUTION****Toms/Pickering**

That the Minutes of Extraordinary Meeting of Council dated 4 April 2024, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED**5. MAYORAL MINUTES**

Nil

6. NOTICES OF MOTION

Nil

VOTE BY EXCEPTION - 07.24.048**Clancy/Tiley**

That the following items be adopted as recommended:

07.24.048**07.24.052****07.24.054****07.24.055****07.24.056****07.24.057****07.24.059****07.24.062****07.24.065****07.24.066**

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS

OFFICE OF THE GENERAL MANAGER

Nil

ENVIRONMENT & PLANNING

ITEM 07.24.048 DA2023/0787 - USE OF EXISTING DWELLING FOR A DUAL OCCUPANCY - 1019 RUSHFORTH ROAD, ELLAND

Meeting	Council	23 April 2024
Directorate	Environment & Planning	
Prepared by	Development Planner, Maya Dougherty	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. DA2023-0787 - Proposed Plans ⇒ B. DA2023-0787 - Section 4 15 Assessment ⇒	

SUMMARY

<i>Applicant</i>	Steven Wiblen
<i>Owner</i>	Steven Wiblen
<i>Address</i>	1019 Rushforth Road, Elland
<i>Submissions</i>	0

Development Application DA2023/0787 seeks approval to use the existing dwelling for a dual occupancy. This includes a request to vary the *Clarence Valley Local Environmental Plan 2011* (LEP) under Clause 4.6 as the existing dwelling is greater than 100 metres from the approved dwelling under construction.

The proposed use was notified in accordance with the Community Participations Plan and no submissions were received.

The application is referred to Council for determination as Council officers do not have delegation to determine LEP variations greater than 10%.

OFFICER RECOMMENDATION

That Council:

1. support a variation to Clause 4.2D of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6, and
2. approve Development Application DA2023/0787 subject to the draft Conditions in Attachment C.

COUNCIL RESOLUTION - 07.24.048**Clancy/Tiley**

That Council:

1. support a variation to Clause 4.2D of the *Clarence Valley Local Environmental Plan 2011* under Clause 4.6, and
2. approve Development Application DA2023/0787 subject to the draft Conditions in Attachment C.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.049 MOD2023/0122 - SECTION 4.55(2) MODIFICATION APPLICATION TO MODIFY DA2014/0024 TO ALTER THE APPROVED QUARRY OPERATIONS, MOUNT ZION QUARRY, BOUNDARY CREEK FOREST ROAD, NYMBOIDA

Meeting	Council	23 April 2024
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	<p>A. Amended Notice of Determination MOD2015-0008 of DA2014-0024 (Separate Cover) ↗</p> <p>B. MOD2023-0122 Statement of environmental effects Boundary Creek Road NYMBOIDA NSW 2460 (Separate Cover) ↗</p> <p>C. EPA correspondence - IDA Modification Response Mt. Zion Quarry ↗</p> <p>D. Section 4.55 Assessment Report (Separate Cover) ↗</p>	

SUMMARY

<i>Applicant</i>	Gary Peacock, Outline Planning Consultants Pty Ltd
<i>Owner</i>	Robert Cartmill
<i>Address</i>	Boundary Creek Road Nymboida Lot 48, 50 DP752839 and Lot 50 DP46031
<i>Submissions</i>	Nil

Council is in receipt of a second Section 4.55(2) modification application (MOD2023/0122) to modify DA2014/0024 Mount Zion Quarry (Operated by Greensill Bros P/L), which has a staged approval under two separate approvals; DA2014/0024 and DA2017/0177 over two separate extractive areas on the property (Area 1 and Area 2). This application seeks approval to allow the ongoing temporary use of the floor of quarry Area 1 for stockpiling and other quarry uses to enable the establishment of a workable quarry floor within Area 2, and to remove the ongoing noise monitoring requirements that are considered unnecessary.

The modification application was notified and advertised in accordance with Council's Community Participation Plan, as well as notifying persons who previously made a submission and no submissions were received.

The original approval for the quarry was approved by the Joint Regional Planning Panel. This modification application is not required to be reported back to the Planning Panel (as per the panel's operational procedures). This report 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 MOD2023/0122, as being substantially the same development as approved under DA2014/0024.
2. approve MOD2023/0122 subject to the Draft Modified Conditions 2, 61 & 65 and new condition 78 contained in Schedule 1.

COUNCIL RESOLUTION - 07.24.049**Toms/Pickering****That Council:**

1. accept the Section 4.55(2) modification application, being MOD2023/0122, as being substantially the same development as approved under DA2014/0024.
2. approve MOD2023/0122 subject to the Draft Modified Conditions 2, 61 and 65 and new condition 78 contained in Schedule 1, noting Condition 65 should read:
65. Road traffic noise shall be evaluated within one year of commencement of quarry operations ~~and ten years of commencement of quarry operations~~ and shall compare the road traffic noise levels as if the project had not proceeded (the 'no build option'). This report must be provided to Council within 60 days of the completion of year one ~~and year ten~~.

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

ITEM 07.24.050 GRAFTON CATHEDRAL LIGHTING

Meeting	Council	23 April 2024
Directorate	Environment & Planning	
Prepared by	Senior Waste and Sustainability Officer, Richard Roper	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Cathedral Lighting Attachments - Letter from Cathedral, Electricity Accounts and Documents relating to past history ↗	

SUMMARY

At Council's Climate Change Committee meeting on the 27 October 2022 the issue was raised why Council is funding the outdoor lighting of the Grafton Cathedral, or Christ Church Cathedral, Grafton (71 Fitzroy Street, Grafton) and whether this is appropriate for Council to continue to fund this activity from an economic and climate change perspective. This report explores the history of this funding arrangement and recommends a path forward.

OFFICER RECOMMENDATION

That Council:

1. note the Climate Change Advisory Committee recommendation and cease funding of electricity for outdoor lighting at the Christ Church Cathedral, Grafton;
2. advise the electricity retailer to cancel the CVC electricity accounts relating to the outdoor electricity use at the Christ Church Cathedral; and
3. advise the owners of the Christ Church Cathedral of Council's resolution.

MOTION

Clancy/Day

That Council:

1. note the Climate Change Advisory Committee recommendation and cease funding of electricity for outdoor lighting at the Christ Church Cathedral, Grafton;
2. advise the electricity retailer to cancel the CVC electricity accounts relating to the outdoor electricity use at the Christ Church Cathedral; and
3. advise the owners of the Christ Church Cathedral of Council's resolution and advise that Council grants may be available for this purpose.

Voting recorded as follows

For: Clancy

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

The Motion was put and declared LOST

FORESHADOWED MOTION - WITHDRAWN

Novak/Day

That Council:

1. note the Climate Change Advisory Committee recommendation
2. review the lighting arrangements with the Christ Church Cathedral

ITEM 07.24.051 BROOMS HEAD RESERVE DRAFT PLAN OF MANAGEMENT

Meeting	Council	23 April 2024
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Policy), Alex Wells	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. 1995 Brooms Head Reserve Plan of Management (Separate Cover) ⇒	

SUMMARY

This report details the implications of the resolution made by Council at its February 2024 meeting (Council resolution 07.24.003) regarding developing a new Plan of Management for the Brooms Head Reserve. This report also details the process and timeline to implement the resolution made by Council.

OFFICER RECOMMENDATION

That Council:

1. note the estimated time and additional cost estimate to prepare a new draft Brooms Head Reserve Plan of Management.
2. note the need to engage both a planning consultant and a facilitator specialising in conflict resolution given the polarisation within the community regarding future management of the Reserve.
3. allocate \$100,000 from the Crown Maintenance Reserve (RA70010) to prepare a new draft Brooms Head Reserve Plan of Management and include the activity in the 2024/2025 Operational Plan.

COUNCIL RESOLUTION - 07.24.051

Novak/Tiley

That Council

1. **continue with preparing the Draft PoM in accordance with the resolution in February 2024.**
2. **allocates funds to a maximum of \$40,000.00 from the Crown Maintenance Reserve (RA70010) to complete this PoM for the engagement of a planning consultant only, (this does not include the appointment of a conflict resolution consultant).**
3. **note that the Terms of Reference for the PoM does not include, or relate to, the 2017 Concept Design Report for Brooms Head Holiday Park**

Voting recorded as follows

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

Against: Pickering, Toms

CARRIED

FORESHADOWED MOTION

Pickering

That Council:

1. note the estimated time and additional cost estimate to prepare a new draft Brooms Head Reserve Plan of Management.
2. note the need to engage both a planning consultant and a facilitator specialising in conflict resolution given the polarisation within the community regarding future management of the Reserve.
3. allocate \$100,000 from the Crown Maintenance Reserve (RA70010) to prepare a new draft Brooms Head Reserve Plan of Management and include the activity in the 2024/2025 Operational Plan.

ITEM 07.24.052 CLARENCE VALLEY LOCAL ENVIRONMENTAL PLAN 2011 - HOUSEKEEPING AMENDMENT 2023-24

Meeting	Council	23 April 2024
Directorate	Environment & Planning	
Prepared by	Manager Development & Land Use Planning, Murray Lane	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. LEP Housekeeping Amendment 2023 Planning Proposal (Separate Cover) ⇒ B. Govt Submissions Housekeeping LEP Amendment 2024 ⇒ C. Private Submission Grafton Golf Course ⇒	

SUMMARY

Council resolved on 26 September 2023 to prepare a Housekeeping Amendment Planning Proposal (PP) (Council reference REZ2023/0001) to amend Clarence Valley Local Environmental Plan 2011 (CVLEP) to correct and update a range of minor errors, anomalies and heritage updates in the provisions and maps in CVLEP.

The advertised CVLEP Housekeeping Amendment 2023 contained fifteen matters. A description and justification of the advertised proposed amendments to CVLEP is outlined in Table A.

The updated Planning Proposal is being returned for Council's final approval to enable finalisation of the legal process to amend the CVLEP.

OFFICER RECOMMENDATION

That Council as the Planning Proposal authority:

1. adopt the Planning Proposal for CVLEP Housekeeping Amendments 2023 REZ2023/0001 detailed at Attachment A, as amended after public exhibition.
2. advise the Department of Planning and Environment that it will use its local plan-making delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the plan.

COUNCIL RESOLUTION - 07.24.052

Clancy/Tiley

That Council as the Planning Proposal authority:

1. **adopt the Planning Proposal for CVLEP Housekeeping Amendments 2023 REZ2023/0001 detailed at Attachment A, as amended after public exhibition.**
2. **advise the Department of Planning and Environment that it will use its local plan-making delegations under Section 3.36 of the *Environmental Planning and Assessment Act 1979* to finalise the plan.**

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & COMMUNITY**ITEM 07.24.053 INTEGRATED PLANNING AND REPORTING FRAMEWORK 2024/2025**

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Manager Finance & Systems, Kate Maginnity	
Reviewed by	Director Corporate & Community, Alex Moar	
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 2024.

OFFICER RECOMMENDATION

That Council:

1. endorse the following draft IP&R documentation for public exhibition until close of business on Monday 3 June 2024:
 - a) the 2024/2025 Operational Plan including revenue policy, capital works program and budget
 - b) the Resourcing Strategy incorporating:
 - the Long Term Financial Plan (2024/2025 to 2033/2034)
 - the Workforce Management Strategy (2024 – 2028)
 - the Asset Management Strategy (2024/2025 – 2033/2034)
2. endorse the 2024/2025 Fees and Charges for public exhibition until close of business on Monday 3 June 2024.
3. note in line with the IP&R guidelines, community feedback will be collated, reviewed and updates made as required and will be returned to Council in June for consideration for adoption.

COUNCIL RESOLUTION - 07.24.053**Toms/Pickering**

That Council:

1. endorse the following draft IP&R documentation for public exhibition until close of business on Monday 3 June 2024:
 - a) the 2024/2025 Operational Plan including revenue policy, capital works program and budget
 - b) the Resourcing Strategy incorporating:
 - the Long Term Financial Plan (2024/2025 to 2033/2034)
 - the Workforce Management Strategy (2024 – 2028)
 - the Asset Management Strategy (2024/2025 – 2033/2034)
2. endorse the 2024/2025 Fees and Charges for public exhibition until close of business on Monday 3 June 2024.
3. note in line with the IP&R guidelines, community feedback will be collated, reviewed and updates made as required and will be returned to Council in June for consideration for adoption.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.054 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List - Completed ⇒ B. Actions List - Outstanding ⇒ C. Rolling Checklist from 2019-2021 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.24.054

Clancy/Tiley

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.055 ITEMS FOR INFORMATION

Meeting	Council	23 April 2024
Directorate	General Manager	
Attachments	A. Wooloweyah Parks & Reserves Management Committee - 4 February 2024 ⇒ B. Saleyards Advisory Committee Minutes - 8 February 2024 ⇒ C. Wooloweyah Parks & Reserves Management Committee - 5 March 2024 ⇒ D. Flood Risk Management Committee Minutes - 21 Mar 2024 ⇒ E. Clarence Valley Coast and Estuary Management Committee – 25 March 2024 ⇒ F. Advice from Reconstruction Authority that no CVC projects were included in Tranche 1 of the Drainage Reset program ⇒ G. Ritchie Williamson response to NRJO re MEMS report ⇒ H. DCCEEW response to NRJO re MEMS report ⇒ I. Janelle Saffin Response to NRJO re MEMS Report ⇒	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Wooloweyah Parks & Reserves Management Committee - 4 February 2024
- Saleyards Advisory Committee Minutes - 8 February 2024
- Wooloweyah Parks & Reserves Management Committee - 5 March 2024
- Flood Risk Management Committee Minutes - 21 Mar 2024
- Clarence Valley Coast and Estuary Management Committee - 25 March 2024
- Advice from Reconstruction Authority that no CVC projects were included in Tranche 1 of the Drainage Reset program
- Ritchie Williamson response to NRJO re MEMS report
- DCCEEW response to NRJO re MEMS report
- Janelle Saffin Response to NRJO re MEMS Report

COUNCIL RESOLUTION - 07.24.055

Clancy/Tiley

That the Items for Information as listed below be noted

- Wooloweyah Parks & Reserves Management Committee - 4 February 2024
- Saleyards Advisory Committee Minutes - 8 February 2024
- Wooloweyah Parks & Reserves Management Committee - 5 March 2024
- Flood Risk Management Committee Minutes - 21 Mar 2024
- Clarence Valley Coast and Estuary Management Committee - 25 March 2024
- Advice from Reconstruction Authority that no CVC projects were included in Tranche 1 of the Drainage Reset program
- Ritchie Williamson response to NRJO re MEMS report
- DCCEEW response to NRJO re MEMS report
- Janelle Saffin Response to NRJO re MEMS Report

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.056 POLICY REPORT

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Stormwater System Maintenance V2.0 ↗	

SUMMARY

This report recommends action in relation to Council policies.

OFFICER RECOMMENDATION

That Council note the adoption of the following policies post exhibition

- a. Modern Slavery Prevention Policy V1.0 which received no submissions:
- b. Stormwater System Maintenance Policy V2.0 which received one submission that did not change the intent of the policy

COUNCIL RESOLUTION - 07.24.056

Clancy/Tiley

That Council note the adoption of the following policies post exhibition

- a. Modern Slavery Prevention Policy V1.0 which received no submissions:**
- b. Stormwater System Maintenance Policy V2.0 which received one submission that did not change the intent of the policy**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.057 COMMITTEES REPORT

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report recommends the handover of the bank account/monies of Dundurrabin Community Hall to the Council and recommends the waiver of hire fees and reduction of the bond fees for the Dundurrabin Community Hall in response to a request from a community member to host a Visible Mending Workshop.

OFFICER RECOMMENDATION

That Council waive the hire fees and reduces the bond fees by (60%) in response to a request from a community member to host a Visible Mending Workshop on a voluntary basis until September 2024.

COUNCIL RESOLUTION - 07.24.057

Clancy/Tiley

That Council waive the hire fees and reduces the bond fees by (60%) in response to a request from a community member to host a Visible Mending Workshop on a voluntary basis until September 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.058 GOVERNANCE REPORT Q3 2023/2024

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohrairie Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Disclosure of Interest ↗	

SUMMARY

This report summarises the status of legal proceedings, Government Information (Public Access) applications, Disclosures of Interest returns, and insurance claims for Q3 2023/2024 (1 January 2024 to 31 March 2024).

OFFICER RECOMMENDATION

That Council:

1. note the Governance Report Q3 2023/2024.
2. approve the publication of the updated Disclosures of Interest on the Council's website.

COUNCIL RESOLUTION - 07.24.058**Johnstone/Whaites**

That Council:

1. note the Governance Report Q3 2023/2024.
2. approve the publication of the updated Disclosures of Interest on the Council's website.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.059 MONTHLY INVESTMENT REPORT - MARCH 2024

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - March 2024 ⇒	

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 2024 be noted.

COUNCIL RESOLUTION - 07.24.059

Clancy/Tiley

That the report indicating Council's funds investment position as at 31 March 2024 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.060 2023/2024 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Business Accountant, Terri Simmons	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Quarterly Budget Income Statement by Fund ⇒ B. Quarterly Budget Review Service Summary ⇒ C. Quarterly Summary of Restrictions ⇒ D. Quarterly Contracts and Other Expenses March 2024 ⇒ E. Monthly Grant Application Summary Report - March 2024 ⇒	

SUMMARY

This report presents to Council the March 2024 Quarterly Budget Review Statement (QBRS) for the period 1 January 2024 to 31 March 2024.

Budget adjustments for the quarter ended 31 March 2024 (subject to council resolution) result in positive General Fund impact increasing the current year projected budget result as a \$141,622 surplus.

The reserve funding variations identified in this report will increase the reserve funds by a further \$1,103,189 resulting in a current year projected reserve funds movement of \$21,006,448.

OFFICER RECOMMENDATION

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to March 2024.
2. approve the General Fund variations detailed in this report, which result in a positive \$78,450 movement on the projected General Fund budget resulting in a surplus of \$141,622 for the year.
3. approve the variations for the Financial Reserves as detailed in this report of \$1,103,189 which results in increasing the projected decrease in the External and Internal Reserves Funds to \$21,006,448.
4. note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

COUNCIL RESOLUTION - 07.24.060

Toms/Novak

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to March 2024.
2. approve the General Fund variations detailed in this report, which result in a positive \$78,450 movement on the projected General Fund budget resulting in a surplus of \$141,622 for the year.
3. approve the variations for the Financial Reserves as detailed in this report of \$1,103,189 which results in increasing the projected decrease in the External and Internal Reserves Funds to \$21,006,448.
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 07.24.061 CLARENCE VALLEY DESTINATION MANAGEMENT PLAN

Meeting	Council	23 April 2024
Directorate	Corporate & Community	
Prepared by	Acting Industry Engagement Officer, Katee Blizzard	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

The Clarence Valley Destination Management Plan (CV DMP) has been drafted to provide a common vision, strategic directions, and practical steps to sustainably develop and manage the Clarence Valley Visitor Economy between 2024 and 2030. The next step in this progress is to get community feedback via public exhibition.

OFFICER RECOMMENDATION

That Council endorse the Clarence Valley Destination Management Plan for public exhibition from Friday 26 April to 5 June 2024 and be returned to Council for review and adoption.

COUNCIL RESOLUTION - 07.24.061

Day/Smith

That Council

- 1. endorse the Clarence Valley Destination Management Plan for public exhibition from Friday 26 April to 6 June 2024.**
- 2. as soon as possible following this exhibition, hold a councillor workshop for council to review the plan and submissions received during the exhibition period.**
- 3. receive at this workshop a 12 to 24 month plan outlining the funding and processes regarding Clarence Valley Tourism activities and options.**

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL

ITEM 07.24.062 PROPOSED LAND ACQUISITION FOR THE PURPOSE OF BLUFF BRIDGE REPLACEMENT PROJECT

Meeting	Council	23 April 2024
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report considers the proposed acquisition of land required to facilitate the replacement of Bluff Bridge on the Orara Way, Kremnos.

OFFICER RECOMMENDATION

That Council:

1. proceed with the compulsory acquisition of Crown Land, depicted in orange on Figure 1, for the purpose of road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. proceed with acquisition of part of Privately owned Lot 16 DP 632591, depicted red on Figure 1, by negotiation. Should a negotiated outcome be unable to be reached within six (6) months from commencement, proceed with acquisition by compulsory process in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. delegate authority to the General Manager to execute all documents relating to this matter.

COUNCIL RESOLUTION - 07.24.062

Clancy/Tiley

That Council:

1. proceed with the compulsory acquisition of Crown Land, depicted in orange on Figure 1, for the purpose of road in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
2. proceed with acquisition of part of Privately owned Lot 16 DP 632591, depicted red on Figure 1, by negotiation. Should a negotiated outcome be unable to be reached within six (6) months from commencement, proceed with acquisition by compulsory process in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*.
3. delegate authority to the General Manager to execute all documents relating to this matter.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.063 REGIONAL AQUATIC FACILITY - PROJECT UPDATE

Meeting	Council	23 April 2024
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Rachelle Passmore	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.24.063

Whaites/Novak

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.064 YAMBA COMMUNITY PRECINCT - PROJECT UPDATE

Meeting	Council	23 April 2024
Directorate	Works & Civil	
Prepared by	Manager Strategic Infrastructure, Adele McGeary	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.24.064

Pickering/Novak

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.065 PROJECT AND CONTRACT MANAGEMENT OF RUSHFORTH ROAD WATER TREATMENT PLANT 16ML RESERVOIR AND CHLORINE CONTACT TANK CONTRACT

Meeting	Council	23 April 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Beca H2O Project Management Proposal (Confidential)	

SUMMARY

The report considers engaging Consultants Beca Hunter H2O for project and contract management of the construction phase of the “design and construct” contract for the Rushforth Road Water Treatment Plant (RRWTP) site, in accordance with the upper limit fee proposal provided.

Beca Hunter H2O has to date prepared the masterplan and reference design for the 16ML reservoir and Chlorine Contact tank “design and construct” tender. As the proposed engagement value exceeds the amount specified in the Local Government Act for calling of tenders, the proposal for a single invitation engagement of Beca Hunter H2O needs to be reported to Council.

OFFICER RECOMMENDATION

That Council:

- notes that due to the specific site knowledge Beca Hunter H2O has gained by preparing both the Rushforth Road Water Treatment Plant Master Plan and the Reference Design for the “design and construct” tender, their project management of the tender procurement phase (including participation in the Early Tendering Involvement process) and the small field of specialist water infrastructure project managers, extenuating circumstances exist under Section 55(i) of the Local Government Act in that a satisfactory result would not be achieved by inviting tenders for undertaking contract and project management of the 16ML Reservoir and Chlorine Contact Tank “design and construct” contract.
- accepts the upper limit fee proposal from Beca Hunter H2O (Hunter H2O Holdings Pty Ltd) to undertake project and contract management of the Rushforth Road 16ML Reservoir and Chlorine Contact Tank Contract for the amount of \$1,560,265.30 (including GST), to be funded from Financial Project 950571 (Scope & Design Rushforth Road 32ML replacement reservoir).

COUNCIL RESOLUTION - 07.24.065

Clancy/Tiley

That Council:

- notes that due to the specific site knowledge Beca Hunter H2O has gained by preparing both the Rushforth Road Water Treatment Plant Master Plan and the Reference Design for the “design and construct” tender, their project management of the tender procurement phase (including participation in the Early Tendering Involvement process) and the small field of specialist water infrastructure project managers, extenuating circumstances exist under Section 55(i) of the Local Government Act in that a satisfactory result would not be achieved by inviting tenders for undertaking contract and project management of the 16ML Reservoir and Chlorine Contact Tank “design and construct” contract.
- accepts the upper limit fee proposal from Beca Hunter H2O (Hunter H2O Holdings Pty Ltd) to undertake project and contract management of the Rushforth Road 16ML Reservoir and Chlorine Contact Tank Contract for the amount of \$1,560,265.30 (including GST), to be funded from Financial Project 950571 (Scope & Design Rushforth Road 32ML replacement reservoir).

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.066 RFT22/050 DESIGN AND CONSTRUCT TENDER FOR RUSHFORTH ROAD WATER TREATMENT PLANT 16ML RESERVOIR AND CHLORINE CONTACT TANK

Meeting	Council	23 April 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Tender Evaluation Report - RFT22/050 (Design and Construct Tender for Rushforth Road Water Treatment Plant 16ML reservoir and Chlorine Contact Tank) (Confidential)	

SUMMARY

On behalf of Council, consultants Beca H2O called selected “design, develop and construct” tenderers, opening on Thursday 14 December 2023 for a new reservoir and chlorine contact tank at Rushforth Road Water Treatment Plant (RRWTP). Tenders closed on Thursday 22 February 2024 and two tenders (plus one alternative) were received. Tenders were evaluated by a panel comprising Beca H2O and Council staff. The Tender Evaluation Panel considers the Tender from Pensar Construction Group Pty Ltd (“Pensar”) is the most advantageous to Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That, subject to a satisfactory financial assessment, Council accept the tender from Pensar Construction Group Pty Ltd for RFT 23/050 “*Rushforth Road WTP Reservoir Upgrade*” in the amount of \$19,011,098.02 (including GST) to be funded from PJ950571 (Scope and Design Rushforth 32ML Replacement Reservoir).

COUNCIL RESOLUTION - 07.24.066

Clancy/Tiley

That, subject to a satisfactory financial assessment, Council accept the tender from Pensar Construction Group Pty Ltd for RFT 23/050 “*Rushforth Road WTP Reservoir Upgrade*” in the amount of \$19,011,098.02 (including GST) to be funded from PJ950571 (Scope and Design Rushforth 32ML Replacement Reservoir).

Voting recorded as follows

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

Against: Nil

CARRIED

8. 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 4:54pm.



CERTIFICATION OF MINUTES

I certify that the preceding 29 pages are the Minutes of the meeting of Clarence Valley Council held on 23 April 2024.

Signed by:

Peter Johnstone

Mayor / Chairperson