

Ordinary Council Meeting

Minutes

Maclean - 26 March 2024 - 3:00 PM



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 26 March 2024 commencing at 3:00 PM and closing at 6:40 PM.

AFFIRMATION – Cr Debrah Novak 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 Karen Toms 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 233A of the Act and section 3.23 of the Code of Meeting Practice, of their oath or affirmation and obligations to disclose and appropriately manage conflicts of interest.

COUNCIL RESOLUTION

Novak/Toms

That Council approve Councillor Greg Clancy and Councillor Allison Whaites attend by audio-visual link under section 5.23 of the Code of Meeting Practice for Ordinary Council Meeting held on 26th March 2024

Voting recorded as follows

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

Against: Nil

CARRIED

PRESENT

Cr Greg Clancy, Cr Bill Day, Cr Peter Johnstone, Cr Debrah Novak, Cr Steve Pickering, Cr Jeff Smith, Cr Ian Tiley, Cr Karen Toms and Cr Allison Whaites
General Manager (Laura Black), Director – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Michelle West & 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
CR TOMS	07.24.042	<ul style="list-style-type: none"> ▪ PECUNIARY – LEAVE THE MEETING ▪ DIRECTOR OF JKT & SONS P/L.
CR WHAITES	07.24.042	<ul style="list-style-type: none"> ▪ PECUNIARY – LEAVE THE MEETING ▪ POTENTIALLY PURCHASING A HOUSE FROM ONE OF THE HOLIDAY OPERATOR AND EX EMPLOYEE OF ALLISON WHAITES ESTATE AGENT
CR PICKERING	07.24.031	<ul style="list-style-type: none"> ▪ NON-SIGNIFICANT NON-PECUNIARY – REMAIN IN THE MEETING ▪ I HAVE A STRA ON MY PROPERTY

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION****Tiley/Pickering**

That the Minutes of Ordinary Meeting of Council dated 27 February 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****Novak/Toms**

That the Minutes of Extraordinary Meeting of Council dated 1 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**LATE ITEMS OF BUSINESS****COUNCIL RESOLUTION****Toms/Pickering**

That the late item of business 10.24.001 Aboriginal Communities Water & Sewer Program - Baryulgil STP Upgrades – Major Works be accepted.

Voting recorded as follows

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

Against: Nil

CARRIED

5. MAYORAL MINUTES

**ITEM 05.24.005 MAYORAL MINUTE
IPART INQUIRY INTO DAM SAFETY LEVY**

Meeting	Council	26 March 2024
Submitted by	Cr Peter Johnstone	
Attachments	A. Dam Safety NSW correspondence re IPART appointment ⇒ B. IPART Advice of consultation on Dam Safety Levy ⇒ C. Report 6c.20.179 to the November 2020 meeting ⇒ D. June 2021 Response to Council submission ⇒	

SUMMARY

On 19 January 2024 Dam Safety NSW advised Council (refer **Attachment A**) that the government has commissioned the Independent Pricing and Regulatory Tribunal (IPART) to recommend a clear, cost-effective methodology for the dam safety levy, emphasising the financial sustainability and efficiency of Dams Safety NSW.

PROPOSED MOTION

That Council make a submission to the IPART Dam Safety Levy Issues Paper reiterating the issues raised in its previous (November 2020) submission.

COUNCIL RESOLUTION - 05.24.005

Johnstone

That Council make a submission to the IPART Dam Safety Levy Issues Paper reiterating the issues raised in its previous (November 2020) submission.

Voting recorded as follows

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

Against: Nil

CARRIED

6. NOTICES OF MOTION**ITEM 06.24.005 NOTICE OF MOTION
QUESTION REGARDING STAFF TURNOVER**

Meeting	Council	26 March 2024
Submitted by	Cr Debrah Novak	
Attachments	Nil	

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

SUMMARY

Section 3.14 of the Code of Meeting Practice allows councillors to request information about the performance or operations of the council.

PROPOSED MOTION

That Council informs community how Clarence Valley Council staff turnover rates in recent years compare to those of other councils.

POINT OF ORDER

Novak/Day

Cr Novak directed to Cr Day 'Cr Day is speculating, that's actually what I'm not doing'.

The Chair over ruled the point of order

POINT OF ORDER

Novak/Clancy

Cr Novak directed to Cr Clancy 'Can you ask Cr Clancy to stay on point please, rather than divert'.

The Chair over ruled the point of order

COUNCIL RESOLUTION - 06.24.005

Novak/Toms

That Council informs community how Clarence Valley Council staff turnover rates in recent years compare to those of other councils.

Voting recorded as follows

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

Against: Clancy, Day, Tiley

CARRIED

FORESHADOWED MOTION

Day

That Council takes no further action in this matter until the ARIC report is received.

VOTE BY EXCEPTION - 07.24.028

Novak/Pickering

That the following items be adopted as recommended:

07.24.028

07.24.029

07.24.031

07.24.036

07.24.037

07.24.039

07.24.045

07.24.046

07.24.047

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS**OFFICE OF THE GENERAL MANAGER****ITEM 07.24.026 MACLEAN COURT HOUSE**

Meeting	Council	26 March 2024
Directorate	General Manager	
Prepared by	General Manager, Laura Black	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

This report tables notes from the meeting held between in the General Manager and the Attorney General's Department's Director Hunter North and Site Manager Coffs Hub regarding reduced hours at Maclean Court House.

OFFICER RECOMMENDATION

That Council note the report.

COUNCIL RESOLUTION - 07.24.026

Novak/Tiley

That Council

1. note the report.
2. makes direct representations to the NSW Attorney General, seeking support of the Member for Clarence, Hon Richie Williamson, objecting most strongly to the service hours reductions at Maclean Court House, and the Mayor seek to meet the Minister to convey these concerns.

Voting recorded as follows

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

Against: Clancy, Toms, Whaites

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.24.027 MOD2023/0082 - MODIFICATION TO DA2014/0098 SHERIDANS HARD ROCK QUARRY - APPROVAL TO RELOCATE OFFICE BUILDINGS, AMEND OFFICE HOURS AND INSTALL A WEIGHBRIDGE

Meeting	Council	26 March 2024
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. S.4.55 Assessment Report (Separate Cover) ⇒ B. Plans Showing Proposed Office and Amenities ⇒ C. Statement of Environmental Effects (Separate Cover) ⇒ D. EPA Modification Comments CNR-59531 ⇒ E. Amended Notice of Determination DA2014-0098 by MOD2016-0035 + MOD2020-0039 + MOD2022-0045 + MOD2022-0124	

SUMMARY

<i>Applicant</i>	Gary Peacock, Outline Planning Consultants Pty Ltd
<i>Owner</i>	Matsid Pty Ltd
<i>Address</i>	242 Faheys and Bulgins Road Hernani, Lot 62 and 63 in DP752807
<i>Submissions</i>	Nil

Council is in receipt of a fifth Section 4.55(2) modification application (MOD2023/0082) to modify DA2014/0098 for Sheridans Hard Rock Quarry at Hernani. MOD2023/0083 was received on 16 August 2023 to relocate office buildings, amend office hours and install a weighbridge.

At its February meeting, Council resolved to defer consideration of MOD2023/0082 to the following meeting to allow staff to contact the applicant regarding the conditions. Comments regarding this are provided in the issues section of this report.

The installation of the weighbridge has been required by the NSW Environmental Protection Authority's (EPA) Environmental Protection Licence. Council's records do not show that the existing fuel storage tanks, office and amenities buildings have obtained development approval in the past, however these buildings can be considered ancillary to the quarry operations and conditioned accordingly in the modification application.

No other increases in output or activities at the quarry are proposed under the modification. In accordance with Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act), it is submitted that the modified development is 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, 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 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 MOD2023/0082, as being substantially the same development as approved under DA2014/0098.
2. approve MOD2023/0082 subject to the Draft Modified Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.24.027

Pickering/Toms

That Council:

- 1. accept the Section 4.55(2) modification application, being MOD2023/0082, as being substantially the same development as approved under DA2014/0098.**
- 2. approve MOD2023/0082 subject to the Draft Modified Conditions contained in Schedule 1.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.028 PUBLIC HEARING REPORT - PLANNING PROPOSAL REZ2023/0002 TO RECLASSIFY LAND CONSISTING WATER INFRASTRUCTURE AT NYMBOIDA AND LAWRENCE TO OPERATIONAL LAND

Meeting	Council	26 March 2024
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Public Hearing Report - REZ2023-0002 (Separate Cover) ↗ B. Planning Proposal - REZ2023-0002 (Separate Cover) ↗	

SUMMARY

This report provides a summary of a verbal submission and responses by Council staff made at a public hearing regarding the reclassification of five (5) land parcels consisting of water supply infrastructure located at Nymboida and Lawrence to 'operational'; and recommendation for the development of a Management Plan to guide future management and maintenance of the Nymboida Power Station site.

The Public Hearing Report provides a full record of the submission, which is included as **Attachment A**. The Planning Proposal provides further detail regarding the reclassification, which is included as **Attachment B**.

OFFICER RECOMMENDATION

That Council:

1. note one (1) verbal submission was received during the public hearing, which did not object to the reclassification of the five (5) land parcels to 'operational' land, as detailed within the Public Hearing Report (**Attachment A**).
2. note that the draft 2024/2025 Operational Plan will include a project for the preparation of a Management Plan for the Nymboida Power Station site (Lot 102 DP1277848).
3. finalise the amendment to the *Clarence Valley Local Environmental Plan 2011* to:
 - (a) Reclassify the following five (5) land parcels as 'operational' land:
 - (i) Lot 21 DP1269753 located at 66 High Street, Lawrence;
 - (ii) Lot 102 DP1277848 located at 1 Power Station Road, Nymboida; and
 - (iii) Lots 7, 17 and 63 DP752836 located at 107 Glens Creek Road, Nymboida;
 - (b) Rezone Lot 21 DP1269753 and Lot 1 DP567494 located at 66 High Street, Lawrence from R2 Low Density Residential to SP2 Infrastructure.

COUNCIL RESOLUTION - 07.24.028

Novak/Pickering

That Council:

1. note one (1) verbal submission was received during the public hearing, which did not object to the reclassification of the five (5) land parcels to 'operational' land, as detailed within the Public Hearing Report (**Attachment A**).
2. note that the draft 2024/2025 Operational Plan will include a project for the preparation of a Management Plan for the Nymboida Power Station site (Lot 102 DP1277848).
3. finalise the amendment to the *Clarence Valley Local Environmental Plan 2011* to:
 - (a) Reclassify the following five (5) land parcels as 'operational' land:
 - (i) Lot 21 DP1269753 located at 66 High Street, Lawrence;
 - (ii) Lot 102 DP1277848 located at 1 Power Station Road, Nymboida; and
 - (iii) Lots 7, 17 and 63 DP752836 located at 107 Glens Creek Road, Nymboida;
 - (b) Rezone Lot 21 DP1269753 and Lot 1 DP567494 located at 66 High Street, Lawrence from R2 Low Density Residential to SP2 Infrastructure.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.029 PUBLIC HEARING REPORT - PLANNING PROPOSAL REZ2023/0003 TO RECLASSIFY LOT 1 AND 2 DP1270948, LOCATED 300 POWELL STREET TO 'OPERATIONAL' LAND

Meeting	Council	26 March 2024
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Public Hearing Report - REZ2023-0003 ⇒ B. Planning Proposal - REZ2023-0003 ⇒	

SUMMARY

This report provides a summary of a verbal submission made at a public hearing regarding the reclassification of Lot 1 and 2 DP1270948 located at 300 Powell Street, Grafton to “operational” land. The reclassification when finalised will enable consolidation of Lot 1 and 2 DP1270948 with the adjoining Lot 21 DP712604 to rectify the encroachment of the sports complex building and transfer ownership to the Police Citizens Youth Club (PCYC) that currently manage the facility.

The Public Hearing Report provides a full record of the submission, which is included as **Attachment A**. The Planning Proposal provides further detail regarding the reclassification, which is included as **Attachment B**.

OFFICER RECOMMENDATION

That Council:

- note one (1) verbal submission was received from the secretary of the Grafton Ghosts Football Club during the public hearing, who did not object to the reclassification of Lot 1 and 2 DP1270948 located at 300 Powell Street, Grafton to “operational” land.
- finalise the amendment to the *Clarence Valley Local Environmental Plan 2011* to reclassify Lot 1 and 2 DP1270948 as ‘operational’ land to facilitate the consolidation of Lots 1 and 2 DP1270948 with Lot 21 DP712604 as previously resolved (refer Item 07.22.279).

COUNCIL RESOLUTION - 07.24.029

Novak/Pickering

That Council:

- note one (1) verbal submission was received from the secretary of the Grafton Ghosts Football Club during the public hearing, who did not object to the reclassification of Lot 1 and 2 DP1270948 located at 300 Powell Street, Grafton to “operational” land.
- finalise the amendment to the *Clarence Valley Local Environmental Plan 2011* to reclassify Lot 1 and 2 DP1270948 as ‘operational’ land to facilitate the consolidation of Lots 1 and 2 DP1270948 with Lot 21 DP712604 as previously resolved (refer Item 07.22.279).

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.030 REMOVAL OF THE FORMER GORMAN'S RESTAURANT ON HICKEY ISLAND, YAMBA

Meeting	Council	26 March 2024
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Public Land/Native Title), Dr Danny Parkin	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Location of Former Gormans Restaurant, Hickey Island, Yamba ⇒ B. EPA Order - Gormans Restaurant, Swell 77 Pty Ltd (Confidential)	

SUMMARY

This report outlines the current situation in regard to the removal of the former Gorman's Restaurant on Hickey Island, Yamba (**Attachment A**).

OFFICER RECOMMENDATION

That Council:

1. write to the Member for Clarence, the Hon. Ritchie Williamson MP seeking his support and advocacy of the State Government for a process to allow the demolition and removal of the former Gorman's restaurant on Hickey Island.
2. write to the Minister for Lands and Property, the Hon. Steve Kamper MP requesting that the State government engage with the Yaegl Traditional Owners Aboriginal Corporation RNTBC and their legal representatives to agree on a process to resolve the current need to demolish the former Gorman's Restaurant for public health and safety reasons and to secure long-term legal access for Swell 77 to access their property.

POINT OF ORDER

Toms/Tiley

Cr Toms directed to Cr Tiley 'We don't have a Development Application. Cr Tiley wasn't at the Briefing so he doesn't know that.'

The Chair upheld the point of order

POINT OF ORDER

Tiley/Toms

Cr Tiley directed to Cr Toms 'The debate is closed'.

The Chair upheld the point of order

POINT OF ORDER

Clancy/Toms

Cr Clancy directed to Cr Toms 'It was a term of phrase and if I offended anyone I apologise. It wasn't meant to imply it'.

The Chair upheld the point of order

MOTION

Tiley/Day

That Council note that the Yamba Traditional Owners Aboriginal Corporation RNTBC have already had Indigenous Land Use Agreement discussions with the owner in relation to access for the re-development of the Gorman's old restaurant site.

Voting recorded as follows

For: Day, Smith, Tiley, Clancy

Against: Johnstone, Novak, Pickering, Toms, Whaites

The Motion was put and declared LOST

COUNCIL RESOLUTION

Toms/Whaites

That Council:

- 1. write to the Member for Clarence, the Hon. Richie Williamson MP seeking his support and advocacy of the State Government for a process to allow the demolition and removal of the former Gorman's restaurant on Hickey Island.**
- 2. write to the Minister for Lands and Property, the Hon. Steve Kamper MP requesting that the State government engage with the Yaegl Traditional Owners Aboriginal Corporation RNTBC and their legal representatives to agree on a process to resolve the current need to demolish the former Gorman's Restaurant for public health and safety reasons and to secure long-term legal access for Swell 77 Pty Ltd to access their property**
- 3. note the correspondence from the Yaegl Traditional Owners that indicates ILUA discussions have commenced with Swell 77 Pty Ltd.**

Voting recorded as follows

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

Against: Clancy, Day, Tiley

CARRIED

COUNCIL RESOLUTION

Pickering/Novak

That Council adjourn for a 10 minute break at 4.51pm. Resume meeting at 5.00pm

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.031 SUBMISSION REGARDING NSW GOVERNMENT'S SHORT-TERM RENTAL ACCOMMODATION (STRA) FRAMEWORK

Meeting	Council	26 March 2024
Directorate	Environment & Planning	
Prepared by	Manager Development & Land Use Planning, Murray Lane	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Submission - Review of Short term rental accommodation STRA ↗ B. STRA Review Frequently Asked Questions - NSW DPHI ↗ C. Discussion Paper on STRA - NSW DPHI (Separate Cover) ↗	

SUMMARY

The NSW Government has commenced a review of the Short-Term Rental Accommodation (STRA) planning and regulatory framework which commenced on 1 November 2021, with a stated aim of reviewing the existing framework in context of increasing housing affordability pressures and the impact that STRA has on long-term rental accommodation, whilst seeking to balance any proposed changes with benefits of STRA related to local economies.

The NSW Government has released a discussion paper and is seeking feedback but has not yet proposed any draft changes to the current STRA framework.

Council previously adopted for inclusion of 180-day limit for non-hosted STRA dwellings located within the R2 Low Density Residential zoned land within our coastal towns and villages. Accordingly, it is considered appropriate for Council to make a formal submission to inform any proposed policy changes.

OFFICER RECOMMENDATION

That Council make a submission to the NSW Government in response to the initial stage of a review into the Short Term Rental Accommodation planning and regulatory framework, as included as **Attachment A**.

COUNCIL RESOLUTION - 07.24.031

Novak/Pickering

That Council make a submission to the NSW Government in response to the initial stage of a review into the Short Term Rental Accommodation planning and regulatory framework, as included as Attachment A.

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & COMMUNITY**ITEM 07.24.032 OUTCOME FROM THE CIVIL AND ADMINISTRATION TRIBUNAL (NCAT) NSW
YAMBA CAN INC VERSES CLARENCE VALLEY COUNCIL**

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

Outcome from the Civil and Administration Tribunal (NCAT) NSW Yamba CAN Inc verses Clarence Valley Council [2024] NSWCATAD 66 hearing on 28 February 2024.

OFFICER RECOMMENDATION

That Council note the decision made by Senior Member M Riordan on 11 March 2024 was to affirm the decision made by Council after the hearing on the 28 February 2024 of Yamba CAN Inc verses Clarence Valley Council [2024] NSWCATAD 66 at the Civil and Administration Tribunal NSW.

POINT OF ORDER

Toms/Day

Cr Toms directed to Cr Day 'It also needs to be about the matter before us'.

The Chair over ruled the point of order

COUNCIL RESOLUTION - 07.24.032

Toms/Novak

That Council note the decision made by Senior Member M Riordan on 11 March 2024 was to affirm the decision made by Council after the hearing on the 28 February 2024 of Yamba CAN Inc verses Clarence Valley Council [2024] NSWCATAD 66 at the Civil and Administration Tribunal NSW.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.033 2022/2023 ANNUAL REPORT UPDATE MARCH 2024

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

This report asks that Council endorses the updated 2022/2023 Annual Report that contains audited financial data and that it is placed on Council's website, and that the URL for the updated 2022/2023 Annual Report be sent to the Office of Local Government

OFFICER RECOMMENDATION

That Council:

1. endorse the updated 2022/2023 Annual Report that includes relevant financial data
2. endorse the updated 2022/2023 Annual Report is made available to the community on Council's website
3. endorse the URL link to the updated 2022/2023 be sent to the Office of Local Government (OLG) in order that the Minister for Local Government be advised of its availability.
4. note the update of the Annual Financial Statements and Auditors report 2022/2023 on the website

COUNCIL RESOLUTION - 07.24.033

Tiley/Day

That Council:

1. endorse the updated 2022/2023 Annual Report that includes relevant financial data
2. endorse the updated 2022/2023 Annual Report is made available to the community on Council's website
3. endorse the URL link to the updated 2022/2023 be sent to the Office of Local Government (OLG) in order that the Minister for Local Government be advised of its availability.
4. note the update of the Annual Financial Statements and Auditors report 2022/2023 on the website

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.034 POLICY REPORT

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads V2.0 ⇒ B. Competitive Neutrality Policy V5.0 ⇒ C. Credit Card Use Policy V5.0 ⇒ D. Sundry Debtors Recovery Policy V2.0 ⇒	

SUMMARY

This report recommends action in relation to Council policies.

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. Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads (Attachment A)
 - b. Competitive Neutrality Policy V5.0 draft (Attachment B)
 - c. Credit Card Use policy V5.0 draft (Attachment C)
 - d. Sundry Debtors Recovery Policy V2.0 draft (Attachment D)

COUNCIL RESOLUTION - 07.24.034

Johnstone/Toms

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. **Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads (Attachment A)**
 - b. **Competitive Neutrality Policy V5.0 draft (Attachment B)**
 - c. **Credit Card Use policy V5.0 draft (Attachment C)**
 - d. **Sundry Debtors Recovery Policy V2.0 draft (Attachment D)**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.035 ITEMS FOR INFORMATION

Meeting	Council	26 March 2024
Directorate	General Manager	
Attachments	A. Access Committee Minutes - October 2023 ⇒ B. Access Committee Minutes - November 2023 ⇒ C. ARIC Meeting Minutes - December 2023 (Confidential) D. Coaldale Barretts Creek Hall Committee- January 2024 ⇒ E. Climate Change Advisory Committee Minutes - February 2024 ⇒ F. Water Efficiency Working Group Draft Minutes - March 2024 ⇒ G. Correspondence from Ryan Park MP - GBH Redevelopment ⇒ H. Correspondence from Kevin Hogan MP - Flood Recovery ⇒	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Access Committee Minutes - October 2023
- Access Committee Minutes - November 2023
- ARIC Meeting Minutes - December 2023
- Coaldale Barretts Creek Hall Committee - January 2024
- Climate Change Advisory Committee Minutes - February 2024
- Water Efficiency Working Group Draft Minutes - March 2024
- Correspondence from Ryan Park MP - GBH Redevelopment
- Correspondence from Kevin Hogan MP - Flood Recovery

COUNCIL RESOLUTION - 07.24.035**Pickering/Toms**

That the Items for Information as listed below be noted

- Access Committee Minutes - October 2023
- Access Committee Minutes - November 2023
- ARIC Meeting Minutes - December 2023
- Coaldale Barretts Creek Hall Committee - January 2024
- Climate Change Advisory Committee Minutes - February 2024
- Water Efficiency Working Group Draft Minutes - March 2024
- Correspondence from Ryan Park MP - GBH Redevelopment
- Correspondence from Kevin Hogan MP - Flood Recovery

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.036 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	26 March 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 - 07.24.036**Novak/Pickering**

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 07.24.037 MONTHLY INVESTMENT REPORT - FEBRUARY 2024

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - February ⇒	

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 29 February 2024 be noted.

COUNCIL RESOLUTION - 07.24.037

Novak/Pickering

That the report indicating Council's funds investment position as at 29 February 2024 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.038 2023/2024 PROPOSED LOAN BORROWINGS

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report seeks Council's approval for new loan borrowings of \$24.720 million for the General Fund to finalise funding for the construction of the Regional Aquatic Facility (\$19.747 million) and Yamba Community Centre (\$4.973 million) and associated works to be completed over 2023/2024 and 2024/2025.

OFFICER RECOMMENDATION

That Council:

1. authorise the General Manager to accept the most cost-effective loan for the General Fund borrowings based on the following loan terms:
 - a. 15 years principal and interest; or
 - b. 20 years principal and interest; or
 - c. 5 years interest only, refinanced at end of term to 20 years principal and interest
2. affix Council's Seal to the loan agreement in accordance with the Affixing Council Seal Policy.

COUNCIL RESOLUTION - 07.24.038

Day/Tiley

That Council

1. **authorise the General Manager to negotiate the most cost-effective loan for the General Fund borrowings based on the following loan terms:**
 - a. **15 years principal and interest; or**
 - b. **20 years principal and interest; or**
 - c. **5 years interest only, refinanced at the end of term to 20 years principal and interest**
2. **hold an extraordinary meeting to consider responses to loan negotiations when they are received, before accepting the loan borrowings.**
3. **note that a resolution to affix the Council's Seal to the loan agreement in accordance with the Affixing Council Seal Policy will be required at the extraordinary meeting.**

Voting recorded as follows

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

Against: Clancy, Toms, Whaites

CARRIED

FORESHADOWED MOTION

Toms

That Council:

1. authorise the General Manager to accept the most cost-effective loan for the General Fund borrowings based on the following loan terms:
 - a. 15 years principal and interest; or
 - b. 20 years principal and interest; or
 - c. 5 years interest only, refinanced at end of term to 20 years principal and interest
2. affix Council's Seal to the loan agreement in accordance with the Affixing Council Seal Policy.

ITEM 07.24.039 MONTHLY FINANCE REPORT - FEBRUARY 2024

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Business Accountant, Terri Simmons	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Monthly Detailed Income & Expenditure By Service - February 2024 ⇒ B. Monthly Grant Report - February 2024 ⇒	

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all funds and provide advance notice of potential budget variations. This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements.

Budget variations identified in this report do not impact the General Fund end of year result. The reserve fund variations identified in this report will increase the balance of the Financial Reserves by \$1,633,356.

OFFICER RECOMMENDATION

That Council

1. note the monthly financial information report for February 2024 attached to this report.
2. endorse the proposed General Fund variations as set out in this report, for inclusion in the March Quarterly Budget Review Statement to be reported in April 2024.
3. endorse the proposed variations, which increase the Financial Reserves by \$1,633,356, to be included in the March Quarterly Budget Review Statement to be reported in April 2024.
4. note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.24.039**Novak/Pickering**

That Council

1. note the monthly financial information report for February 2024 attached to this report.
2. endorse the proposed General Fund variations as set out in this report, for inclusion in the March Quarterly Budget Review Statement to be reported in April 2024.
3. endorse the proposed variations, which increase the Financial Reserves by \$1,633,356, to be included in the March Quarterly Budget Review Statement to be reported in April 2024.
4. note and endorse the grant applications as identified in Attachment B.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.040 ADOPTION OF THE LAWRENCE COMMUNITY ECONOMIC DEVELOPMENT PLAN

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Acting Industry Engagement Officer, Katee Blizzard	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

The Lawrence Community Economic Development Plan (LCEDP) was out for public exhibition and a summary of the submissions are noted in the report.

OFFICER RECOMMENDATION

That Council

1. note the feedback to the Lawrence Community Economic Development Plan.
2. adopt the Lawrence Community Economic Development Plan.

COUNCIL RESOLUTION - 07.24.040**Pickering/Toms**

That Council

1. note the feedback to the Lawrence Community Economic Development Plan.
2. adopt the Lawrence Community Economic Development Plan.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.041 DA FEES - YAEGL LOCAL ABORIGINAL LANDS COUNCIL

Meeting	Council	26 March 2024
Directorate	Corporate & Community	
Prepared by	Project Officer, Lainie Edwards	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

Yaegl LALC has requested a donation towards the DA/CC fees to construct a shed for storage space for use by the Yaegl LALC.

OFFICER RECOMMENDATION

That Council donate \$770.51 toward the total fee of \$2568.38, in accordance with Clause 8.1.2 of the CVC Donations Policy.

MOTION

Tiley/Day

That Council vary its Donations Policy and donate the full DA Fee of \$2568.38 in respect of the Yaegl DA for storage shed for use by Yaegl LALC.

AMENDMENT TO MOTION

Toms/Novak

That Council

1. vary its Donations Policy and donate the full DA Fee of \$2568.38 in respect of the Yaegl DA for storage shed for use by Yaegl LALC.
2. review its Donation Policy at the next operational Plan 2024/2025.

Voting recorded as follows

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

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

COUNCIL RESOLUTION - 07.24.041

Tiley/Day

That Council

3. vary its Donations Policy and donate the full DA Fee of \$2568.38 in respect of the Yaegl DA for storage shed for use by Yaegl LALC.
4. review its Donation Policy at the next operational Plan 2024/2025.

Voting recorded as follows

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

CARRIED

Cr Whaites left the meeting at 5.56 pm.

Cr Toms left the meeting at 5.56 pm.

WORKS & CIVIL**ITEM 07.24.042 HOLIDAY PARK CONTRACT RENEWAL ALIGNMENT**

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Coordinator Holiday Parks, James Burrell	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

Clarence Valley Council currently operates five (5) Holiday Parks within the Clarence Valley. Four of these Parks are under a contractual agreement and have various renewal dates. The purpose of this report and recommendation is to align the dates of the four (4) Holiday Parks.

OFFICER RECOMMENDATION

That Council endorse that Iluka Riverside, Brooms Head, Minnie Water and Wooli Holiday Parks have their contractual agreement renewal dates aligned to July 2026.

COUNCIL RESOLUTION - 07.24.042**Pickering/Novak**

That Council endorse that Iluka Riverside, Brooms Head, Minnie Water and Wooli Holiday Parks have their contractual agreement renewal dates aligned to July 2026.

Voting recorded as follows

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

Against: Nil

CARRIED

Adjourn for a 5 minute break at 6.05 pm. Resume meeting at 6.10pm

Cr Toms returned to the meeting at 6.06pm.

Cr Whaites returned to the meeting at 6.07 pm.

ITEM 07.24.043 OPEN COAST COASTAL MANAGEMENT PROGRAM - STAGE 3

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Senior Coast & Estuary Officer, Uriah Makings; Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Open Coast Coastal Management Program Stage 3 Report (Separate Cover) ⇒	

SUMMARY

Council currently manages its coastline via numerous management plans that are of varying relevance and legal status. Under the *Coastal Management Act 2016*, existing certified Coastal Zone Management Plans expired on 31 December 2023. Council is required to have a certified Coastal Management Program (CMP) to seek financial assistance under the State Government's Coast and Estuary Program for implementing coastal management works. When certified, CMPs will be valid for ten (10) years.

Council has engaged consultants Hydrosphere Consulting to prepare Stages 2 to 4 of the Open Coast CMP. It is recommended that Council notes the Stage 3 (Options Identification and Evaluation) report, makes the report publicly available, publicly exhibit the report for 3 weeks and proceeds to Stage 4 of the CMP. The Stage 3 report was considered by the Coast and Estuary Management Committee (CEMC) at its meeting on 25 March 2024.

OFFICER RECOMMENDATION

That Council:

1. notes the Open Coast Coastal Management Program Stage 3 Report,
2. makes the Open Coast Coastal Management Program Stage 3 Report publicly available on Council's website and the Clarence Conversations project pages,
3. publicly exhibit the Open Coast Coastal Management Program Stage 3 Report for 3 weeks,
4. proceed with the Open Coast Coastal Management Program Stage 4.

COUNCIL RESOLUTION - 07.24.043**Pickering/Toms**

That Council:

1. notes the Open Coast Coastal Management Program Stage 3 Report,
2. makes the Open Coast Coastal Management Program Stage 3 Report publicly available on Council's website and the Clarence Conversations project pages,
3. publicly exhibit the Open Coast Coastal Management Program Stage 3 Report for 3 weeks,
4. proceed with the Open Coast Coastal Management Program Stage 4.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.044 MARINE ESTATE MANAGEMENT STRATEGY - COASTAL FLOODPLAIN DRAINAGE PROJECT

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Manager Technical Services, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Northern Rivers Joint Organisation of Councils response to MEMS report ⇒ B. NSW Canegrowers Response to MEMS report ⇒	

SUMMARY

Council resolved at its August 2023 meeting to make representation to the Minister for Agriculture seeking confirmation for timing of implementation of the recommendations contained in the Northern Rivers Agricultural Drainage review ("Culleton report"). On 20 December 2023 the NSW Government released the Culleton report, and concurrently released the Marine Estate Management Authority (MEMS) Coastal Floodplain Drainage Project Options Report ("MEMS report").

The MEMS report makes no reference to the recommendations of the Culleton report, and NSW Government agencies are only undertaking consultation on the MEMS report. Councils across the Northern Rivers have significant concerns with the recommendations in the MEMS report, and the Northern Rivers Joint Organisations of Councils (NRJO) has submitted a response to the MEMS report on behalf of its members requesting that consultation not proceed on the MEMS report and that consultation be undertaken on the Culleton Report

OFFICER RECOMMENDATION

That Council:

1. notes the submission from the Northern Rivers Joint Organisation of Councils requesting that consultation on the Marine Estate Management Authority's Coastal Floodplain Drainage Project Options Report cease and instead consultation be undertaken on the Northern Rivers Agricultural Drainage Review.
2. notes the submission from the NSW Canegrowers Cooperative to NSW Government agencies on the Marine Estate Management Authority's Coastal Floodplain Drainage Project Options Report.
3. makes a submission to the Coastal Floodplain Drainage Project Options Report:
 - a. expressing disappointment that the findings and recommendations of the Northern Rivers Agricultural Drainage Review have not been considered in the Options Report,
 - b. requesting consultation on the Coastal Floodplain Drainage Project Options Report cease as it did not consider the Northern Rivers Agricultural Drainage Review, and
 - c. requesting that in accordance with previous Council resolution 07.23.149 of 22 August 2023, the recommendations of the Northern Rivers Agricultural Drainage Review be implemented.

COUNCIL RESOLUTION - 07.24.044

Toms/Novak

That Council:

1. notes the submission from the Northern Rivers Joint Organisation of Councils requesting that consultation on the Marine Estate Management Authority's Coastal Floodplain Drainage Project Options Report cease and instead consultation be undertaken on the Northern Rivers Agricultural Drainage Review.
2. notes the submission from the NSW Canegrowers Cooperative to NSW Government agencies on the Marine Estate Management Authority's Coastal Floodplain Drainage Project Options Report.
3. makes a submission to the Coastal Floodplain Drainage Project Options Report:
 - a. expressing disappointment that the findings and recommendations of the Northern Rivers Agricultural Drainage Review have not been considered in the Options Report,
 - b. requesting that in accordance with previous Council resolution 07.23.149 of 22 August 2023, the recommendations of the Northern Rivers Agricultural Drainage Review be implemented.

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

FORESHADOWED MOTION

Clancy

Defer item 07.24.044 to a workshop to allow a representative of the Marine Estate Management Authority to address Councillors, relevant council staff and the members of the Coast & Estuary Committee and the Floodplain Risk Management Committee.

ITEM 07.24.045 RFT 22/77 ILLARWILL HALL ALTERATIONS AND ADDITIONS

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Project Management Officer, Ellie Young	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22-77 Illarwill Hall Alterations and Additions - Tender Recommendation Report (Confidential)	

SUMMARY

The report presents the outcome of Tender that was called for the construction of alterations and additions at Illarwill Community Hall, located at 40 Clarence Street Illarwill. The Tender Evaluation Committee (TEC) considers, having regards to all the circumstances, that the tender from Ben McLennan Pty Ltd is the most advantageous for Council and recommends that this tender be accepted and seeks Council's endorsement to award the contract.

OFFICER RECOMMENDATION

That Council accept the tender from Ben McLennan Constructions Pty Ltd for RFT22/77 (Alterations and additions to the Illarwill Community Hall (Lot 10, DP 246486) at a cost of \$506,610 (GST inclusive) to be funded from Community Halls - Bushfire Recovery Black Summer Project FP 570352.

COUNCIL RESOLUTION - 07.24.045**Novak/Pickering**

That Council accept the tender from Ben McLennan Constructions Pty Ltd for RFT22/77 (Alterations and additions to the Illarwill Community Hall (Lot 10, DP 246486) at a cost of \$506,610 (GST inclusive) to be funded from Community Halls - Bushfire Recovery Black Summer Project FP 570352.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.046 RFT 22/58 MACLEAN 4.5ML ROOF REPLACEMENT

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Senior Engineer Officer, Jacob Fischer	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT 22/58 Maclean Reservoir Roof Replacement (Confidential)	

SUMMARY

Council called tenders for the replacement of the Maclean 4.5 Mega Litre (ML) water reservoir roof that closed on the 22 February 2024. Three complying tenders were received. The Tender Evaluation Committee (TEC) considers, having regards to all the circumstances, that the tender from Wicks and Parker Pty Ltd is the most advantageous for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That Council accept the tender from Wicks & Parker Engineering Pty Ltd for RFT22/58 (Maclean 4.5 ML Roof Replacement) at a cost of \$329,413.25 (Incl GST) to be funded from FP905232 (Maclean 4.5ML Roof Replacement).

COUNCIL RESOLUTION - 07.24.046**Novak/Pickering**

That Council accept the tender from Wicks & Parker Engineering Pty Ltd for RFT22/58 (Maclean 4.5 ML Roof Replacement) at a cost of \$329,413.25 (Incl GST) to be funded from FP905232 (Maclean 4.5ML Roof Replacement).

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.047 RFT 22/67 SPORTS FIELD DRAINAGE AND STORMWATER DESIGN AND CONSTRUCT

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Project Manager, Dena Colefax	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. RFT22/67 Sports Field Drainage and Stormwater - Tender Recommendation Report (Confidential)	

SUMMARY

Council secured funding under the NSW Government's Sports Priority Needs Program (SPNP) for upgrades to the field drainage and stormwater design at the following locations:

- Rushforth Park
- Barnier Park
- Yamba Sports Complex, Rugby League field
- Hawthorne Park Arena One

These projects are intended to improve the flood resilience of these active recreation facilities.

OFFICER RECOMMENDATION

That Council:

1. decline to accept the tender offers for RFT22/67 Sports Field Drainage and Stormwater Design and Construction tender because the responses exceeded the grant funding available to deliver the program of works.
2. not invite fresh tenders because the time to undertake another tender process on a modified scope will not be able to be undertaken in the grant delivery timeframe.
3. delegate to the General Manager to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender, noting the project scope will be adjusted to ensure the grant funding is not exceeded.
4. in order to meet the grant delivery timeframe delegate to the General Manager the authority to enter any contract as negotiated for delivery of works so as not to cause further delay to program delivery, subject to the total cost of the engagement not exceeding the available grant funding.
5. the outcome of the tender process be reported back to Council.

COUNCIL RESOLUTION - 07.24.047**Novak/Pickering**

That Council:

1. **decline to accept the tender offers for RFT22/67 Sports Field Drainage and Stormwater Design and Construction tender because the responses exceeded the grant funding available to deliver the program of works.**
2. **not invite fresh tenders because the time to undertake another tender process on a modified scope will not be able to be undertaken in the grant delivery timeframe.**
3. **delegate to the General Manager to enter into negotiations with one or more of the tenderers with a view to entering into a contract on terms that are appropriate in relation to the subject matter of the tender, noting the project scope will be adjusted to ensure the grant funding is not exceeded.**
4. **in order to meet the grant delivery timeframe delegate to the General Manager the authority to enter any contract as negotiated for delivery of works so as not to cause further delay to program delivery, subject to the total cost of the engagement not exceeding the available grant funding.**
5. **the outcome of the tender process be reported back to Council.**

Voting recorded as follows

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

Against: Nil

CARRIED

7. CONFIDENTIAL BUSINESS

Nil

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING**ITEM 10.24.001 ABORIGINAL COMMUNITIES WATER & SEWER PROGRAM - BARYULGIL STP UPGRADES – MAJOR WORKS**

Meeting	Council	26 March 2024
Directorate	Works & Civil	
Prepared by	Water & Sewer Engineer, Cliff Dredge	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Baryulgil STP Upgrades - Major Works ⇨ B. 22425.1 Baryulgil STP UPgrades - Major Works ⇨	

SUMMARY

Council has received a proposal from Ecotechnology Australia Pty Ltd (Ecoteam) for the Baryulgil Sewer Treatment Plant (STP) Upgrades – Major Works, for the sum of \$309,197.2 (Including GST). This report is seeking Council approval to award the proposal to Ecoteam based on a single proposal.

OFFICER RECOMMENDATION

That Council accept the proposal for Project 22425.1 Baryulgil STP Upgrades – Major Works as detailed in Attachment A to be funded by the Aboriginal Communities Sewer and Water Program steering committee part of Department Planning and Environment – Water (DPE – Water).

COUNCIL RESOLUTION - 10.24.001

Novak/Toms

That Council accept the proposal for Project 22425.1 Baryulgil STP Upgrades – Major Works as detailed in Attachment A to be funded by the Aboriginal Communities Sewer and Water Program steering committee part of Department Planning and Environment – Water (DPE – Water).

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION**Toms/Whaites**

That Council consider under section 9.3.a of the code of meeting practice a late item of business in relation to a petition to retain the Ulmarra Ferry.

Voting recorded as follows

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

Against: Nil

CARRIED**COUNCIL RESOLUTION****Pickering/Novak**

That council:

1. make the save the Ulmarra Ferry petition available at Grafton and Maclean Clarence Valley Council Customer Service counters for signing by concerned members of the community.
2. promote the petitions availability through a media release and social media posts.

Voting recorded as follows

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

Against: Nil

CARRIED**11. CLOSE OF ORDINARY MEETING**

There being no further business the Council Meeting closed at 6.40pm.



CERTIFICATION OF MINUTES

I certify that the preceding 34 pages are the Minutes of the meeting of Clarence Valley Council held on 26 March 2024.

Signed by:

A handwritten signature in blue ink, appearing to be 'P. Johnstone', is written above a horizontal line.

Peter Johnstone

Mayor / Chairperson