

Ordinary Council Meeting

Minutes

Grafton - 27 February 2024 - 3:00 PM



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 27 February 2024 commencing at 3:00pm and closing at 7.00pm.

PRAYER – Cr Jeff Smith delivered the Prayer.

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

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

ANNOUNCEMENT – The General Manager delivered the Announcement.

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

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

PRESENT

Cr Greg Clancy, Cr Bill Day, Cr Peter Johnstone, Cr Debrah Novak, Cr Steve Pickering, Cr Jeff Smith, Cr Ian Tiley, Cr Karen Toms and Cr Allison Whaites
General Manager (Laura Black), Director – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Michelle West & 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
Laura Black - General Manager	06.24.003	<ul style="list-style-type: none"> ▪ Pecuniary – Leave the Meeting ▪ The NOM relates to my performance assessment and remuneration
LAURA BLACK – GENERAL MANAGER	07.24.004	<ul style="list-style-type: none"> ▪ PECUNIARY – LEAVE THE MEETING ▪ I AM THE INCUMBENT IN THE ROLE SUBJECT TO THE DELEGATION REPORT

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Toms/Tiley

That the Minutes of Ordinary Meeting of Council dated 19 December 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, Whaites

Against: Nil

CARRIED

COUNCIL RESOLUTION**Whaites/Novak**

That the Minutes of Extraordinary Meeting of Council dated 15 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

5. MAYORAL MINUTES**ITEM 05.24.002 MAYORAL MINUTE
COST SHIFTING ONTO LOCAL GOVERNMENT**

Meeting	Council	27 February 2024
Submitted by	Cr Peter Johnstone	
Attachments	Nil	

SUMMARY

The pressure on councils to continue to provide services of appropriate standard to our communities is now extraordinary.

With councils having to fund this ongoing subsidy for the State Government each and every year it means our communities get less or go without. They go without better roads, they go without better parks, they go without important community services that only councils provide, and they and their ratepayers are effectively paying hidden taxes to other levels of government.

PROPOSED MOTION

That Council

1. receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year.
2. a copy of the cost shifting report be placed on Council's website so that our communities can access it.
3. write to the Premier, the NSW Treasurer and the NSW Minister for Local Government urgently seeking these costs be addressed through a combination of regulatory reform, budgetary provision and appropriate funding by the State.

COUNCIL RESOLUTION - 05.24.002

Johnstone

That Council

1. receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year.
2. a copy of the cost shifting report be placed on Council's website so that our communities can access it.
3. write to the Premier, the NSW Treasurer and the NSW Minister for Local Government urgently seeking these costs be addressed through a combination of regulatory reform, budgetary provision and appropriate funding by the State.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.24.003 MAYORAL MINUTE
CONFERENCE ATTENDANCE - NATIONAL GENERAL ASSEMBLY 2024**

Meeting	Council	27 February 2024
Submitted by	Cr Peter Johnstone	
Attachments	Nil	

SUMMARY

The purpose of this report is to approve Councillor Peter Johnstone to attend the 2024 National General Assembly Conference.

PROPOSED MOTION

That Council approve Councillor Peter Johnstone to attend the 2024 National General Assembly Conference.

COUNCIL RESOLUTION - 05.24.003

Johnstone

That Council approve Councillor Peter Johnstone to attend the 2024 National General Assembly Conference.

Voting recorded as follows

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

Against: Day

CARRIED

**ITEM 05.24.004 MAYORAL MINUTE
COUNCIL TO SEEK STATE GOVERNMENT SUPPORT FOR THE UPGRADE AND
RECLASSIFICATION OF EIGHT MILE LANE, GLENUGIE.**

Meeting	Council	27 February 2024
Submitted by	Cr Peter Johnstone	
Attachments	A. Access to and from Motorway from Grafton - August 2018 OCM report. ↔ B. Road reclassification submission - August 2020 OCM report. ↔	

SUMMARY

Since the opening of the M1 Motorway (between Glenugie and Tyndale), the primary function of the section of Eight Mile Lane between the M1 and Big River Way is that it forms a critical link between the State Road network that connects major capital cities and regional centres to Grafton. If upgraded and re-classified, this section of Eight Mile Lane would serve as part of the state road network providing a safe, efficient and flood resilient link for heavy vehicles accessing the main industrial area located in South Grafton and the Grafton area in general.

Council has been advocating for the upgrade (and reclassification) of Eight Mile Lane for several years, refer **Attachment A** and **Attachment B**. The section of Eight Mile Lane from the Glenugie interchange is a nominal 2km in length, however its upgrade would facilitate a vital link for Heavy Vehicles (HV) including B-Doubles that would connect two (2) State Roads being the M1 and Big River Way.

PROPOSED MOTION

That Council

1. write to the Hon. Jenny Aitchison MP Minister for Regional Transport and Roads requesting the status of the Eight Mile Lane upgrade (from the M1 motorway/interchange) to facilitate B-Double Standard access from the M1 motorway to Big River Way (State Classified Roads) including associated intersections.
2. request that this section of Eight Mile Lane (approx. 2km) be prioritised for reclassification from a Regional to a State Road.
3. write to the Local Member for Clarence Richie Williamson MP seeking to reaffirm his support for points 1 and 2.

COUNCIL RESOLUTION - 05.24.004

Johnstone

That Council

1. **write to the Hon. Jenny Aitchison MP Minister for Regional Transport and Roads requesting the status of the Eight Mile Lane upgrade (from the M1 motorway/interchange) to facilitate B-Double Standard access from the M1 motorway to Big River Way (State Classified Roads) including associated intersections.**
2. **request that this section of Eight Mile Lane (approx. 2km) be prioritised for reclassification from a Regional to a State Road.**
3. **write to the Local Member for Clarence Richie Williamson MP seeking to reaffirm his support for points 1 and 2.**

Voting recorded as follows

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

Against: Clancy

CARRIED

6. NOTICES OF MOTION

ITEM 06.24.001 NOTICE OF MOTION CLARENCE VALLEY COUNCIL ACCESS COMMITTEE REQUEST FOR ACCESSIBLE BEACH AUDIT
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Meeting	Council	27 February 2024
Submitted by	Cr Karen Toms	
Attachments	Nil	

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

SUMMARY

Members of council's Access Committee are eager to advance improvement to accessibility at several Clarence Valley Beaches where possible, and seek support to engage Accessible Beaches Australia to guide Clarence Valley Council through the journey to deliver the following ACTION from our Disability Inclusion Action Plan 2023-26 (DIAP) Plan and deliver accessible beach access at Clarence Valley Beaches.

PROPOSED MOTION

That Council

- engage Accessible Beaches Australia, a registered charity and a leading authority on beach access, to conduct an accessible beach audit on Main Beach Yamba, Main Beach Minnie Water and Turners Beach to assist in progressing council's delivery of accessible beaches.
- report back the audit findings and recommendations to Council's Access Advisory Committee and Council's Ordinary Council meeting on or before 27 May 2024.
- fund the project from the current year General Fund and endorse the variation of up to \$15,000 to be reported in the Q3 Quarterly Budget Review Statement to the April Ordinary Meeting.

POINT OF ORDER

Toms/Tiley

Cr Toms directed to Cr Tiley "I think Cr Clancy [sic] has misrepresented me, I don't understand it normally comes the Council, what does he mean by that?"

The Chair over ruled the point of order

POINT OF ORDER

Clancy/Toms

Cr Clancy directed to Cr Toms "We haven't suggested that we think... What Cr Toms is saying is verballing us. We have not". "Yes, we have been misrepresented and we haven't decided yet whether we are support this or not, she is presuming that we won't and we may well and if she keeps talking like that well maybe we won't".

The Chair over ruled the point of order.

POINT OF ORDER

Tiley/Toms

Cr Tiley directed to Cr Toms "I'm being misrepresented, I was using the colloquial expression that if you know the rules, the rules-generic".

The Chair over ruled the point of order.

COUNCIL RESOLUTION - 06.24.001

Toms/Novak

That Council

- 1. engage Accessible Beaches Australia, a registered charity and a leading authority on beach access, to conduct an accessible beach audit on Main Beach Yamba, Main Beach Minnie Water and Turners Beach to assist in progressing council's delivery of accessible beaches.**
- 2. report back the audit findings and recommendations to Council's Access Advisory Committee and Council's Ordinary Council meeting on or before 27 May 2024.**
- 3. fund the project from the current year General Fund and endorse the variation of up to \$15,000 to be reported in the Q3 Quarterly Budget Review Statement to the April Ordinary Meeting.**

Voting recorded as follows

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

Against: Tiley

CARRIED

ITEM 06.24.002 NOTICE OF MOTION QUESTIONS WITH NOTICE - YAMBACAN

Meeting	Council	27 February 2024
Submitted by	Cr Karen Toms	
Attachments	Nil	

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

SUMMARY

Councillors receive a large volume of email from YambaCan executive members in excess of any other individual correspondent, much of which has related to the Yamba Community Centre Precinct project. Noting that staff introduced the Yamba Community Precinct to the current Council on 5 January 2022.

To better understand the volume, my question with notice relates to a report about the Council resources applied to managing the expectations of YambaCan members.

PROPOSED MOTION

That the General Manager advise, by way of a report the

1. allocation of resources required to respond to GIPAs submitted by YambaCan since January 2022.
2. allocation of resources required to respond to RFI (Request for Information) submitted by YambaCan since January 2022.
3. any cost implications of delays to delivering the Yamba Community Precinct project since January 2022.

POINT OF ORDER

Toms/Tiley

Cr Toms directed to Cr Tiley "That's not acceptable to say that about Councillors and it's not true".

The Chair over ruled the point of order

COUNCIL RESOLUTION - 06.24.002

Toms/Novak

That the General Manager advise, by way of a report the

1. allocation of resources required to respond to GIPAs submitted by YambaCan since January 2022.
2. allocation of resources required to respond to RFI (Request for Information) submitted by YambaCan since January 2022.
3. any cost implications of delays to delivering the Yamba Community Precinct project since January 2022.

Voting recorded as follows

For: Johnstone, Novak, Pickering, Toms, Whaites

Against: Clancy, Day, Smith, Tiley

CARRIED

FORESHADOWED MOTION

Tiley

That Council

1. formally resolve to withdraw threatened legal action against Yamba CAN
2. ascertain legal costs incurred by Yamba CAN and then consider contributing to those costs

Cr Johnstone directed to Cr Tiley "Cr Tiley there is no legal action by Council and so I am going to rule that motion out of order, I'm afraid".

The General Manager left the meeting at 4.18pm

**ITEM 06.24.003 RESCISSION MOTION
RESOLUTION 05.24.001 MAYORAL MINUTE PERFORMANCE MANAGEMENT OF
THE GENERAL MANAGER**

Meeting	Council	27 February 2024
Submitted by	Cr Greg Clancy	
Attachments	Nil	

To the General Manager, Clarence Valley Council, we, the undersigned, propose that the following rescission motion be submitted to Council.

SUMMARY

We the undersigned give notice of rescission of Council's resolution 05.24.001 and propose to move the following motion if a rescission motion is granted.

PROPOSED RESCISSION MOTION

That Council

1. does not accept the Annual Performance Management report from the Performance Management Review Panel.
2. does not endorse the recommendation from the Performance Management Review Panel to award the General Manager a 2% performance pay rise under paragraph 8.3 of the standard contract of employment for General Managers of Local Councils in New South Wales.

MOTION

Day/Clancy

That Council

1. does not accept the Annual Performance Management report from the Performance Management Review Panel.
2. does not endorse the recommendation from the Performance Management Review Panel to award the General Manager a 2% performance pay rise under paragraph 8.3 of the standard contract of employment for General Managers of Local Councils in New South Wales.

Voting recorded as follows

For: Clancy, Day, Smith, Tiley

Against: Johnstone, Novak, Pickering, Toms, Whaites

The Motion was put and declared LOST

POINT OF DISORDER

Clancy/Toms

Cr Clancy directed to Cr Toms "To call me a liar publicly is not acceptable in this chamber".

The Chair upheld the point of order

POINT OF DISORDER

Clancy/Toms

Cr Clancy directed to Cr Toms "The code of conduct that was mentioned, there was no ones name mentioned and I take offence that the confidentiality of that has been breached".

The Chair upheld the point of order

POINT OF ORDER

Smith/Toms

Cr Smith directed to Cr Toms "There's the assumption there that 4 and I'm assuming Cr Toms is referring to myself that we've been against the General Manager from day one".

The Chair over ruled the point of order

POINT OF ORDER

Toms/Clancy

Cr Toms directed to Cr Clancy "I'm sorry but Cr Clancy has gone way off the actual motion and now he's talking about himself and what's happened. Can we get back to the..".

The Chair over ruled the point of order

POINT OF ORDER

Clancy/Pickering

Cr Clancy directed to Cr Pickering "I left that meeting because I wasn't happy with the process" .

The Chair over ruled the point of order

POINT OF ORDER

Novak/Day

Cr Novak directed to Cr Day "I didn't say that they didn't make a submission, I said they were asked to make a submission".

The Chair upheld the point of order

COUNCIL RESOLUTION

Day/Tiley

That Council adjourn for a 10 minute break at 4.55pm. Resume meeting at 5.05pm

Voting recorded as follows

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

Against: Nil

CARRIED

The General Manager returned to the meeting at 4.57pm

VOTE BY EXCEPTION - 07.24.005

Pickering/Clancy

That the following items be adopted as recommended:

07.24.005

07.24.006

07.24.007

07.24.009

07.24.010

07.24.011

07.24.012

07.24.013

07.24.014

07.24.015

07.24.018

07.24.023

07.24.024

07.24.025

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 07.24.001 MOD2023/0064 - MODIFICATION TO DA2020/0474 AND DA2021/0184 - MANUFACTURED HOMES ESTATE - 54 ILUKA ROAD, WOOMBAH**

Meeting	Council	27 February 2024
Directorate	Environment & Planning	
Prepared by	Development Planner (Systems), Carmen Landers	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. MOD2023-0064 - Proposed Amended Site Plan 1 ⇨ B. MOD2023-0064 - Section 4.55 Amendment Report ⇨ C. DA2020-0474 - Notice of Determination - Stage 1 (Separate Cover) ⇨ D. DA2020-0474 - Approved Plans - Stage 1 ⇨ E. DA2021-0184 - Notice of Determination - Stage 2 and 3 (Separate Cover) ⇨ F. DA2021-0184 - Approved Plans - Stage 2 and 3 ⇨ G. MOD2023-0064 Combined Submissions (Separate Cover) ⇨	

SUMMARY

<i>Applicant</i>	The Trustee for Woombah Discretionary Trust
<i>Owner</i>	Woombah Holdings Pty Ltd
<i>Address</i>	54 Iluka Road, Woombah (being Lot 61 DP802939)
<i>Submissions</i>	Yes – 12 submissions all objecting to the proposal

Council has received a Modification Application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*. Modification Application MOD2023/0064 seeks to amend DA2020/0474 (Convert Caravan Park to Manufactured Home Estate – Stage 1 being 58 home sites and 1 caretaker's residence) and DA2021/0184 being Stages 2 and 3 of the Manufactured Home Estate (57 additional home sites) as follows:

- Amend Stage 1 of the development to allow the transitioning of the existing caravan park to a manufactured home estate in seven (7) sub-stages;
- Increase the number of the dwelling sites in Stage 1 from 58 to 60 dwellings;
- Decrease the number of dwellings sites in Stage 3 from 19 to 17 dwellings; and
- Alter the location of part of the southern access road to within five (5) metres of the southern boundary to avoid relocation or damage to existing Telstra pits which will enable the retention of approximately 20 trees.

The application was exhibited in accordance with the Community Participation Plan and a total of 12 submissions were received during assessment of the application.

The application is referred to Council for determination in accordance with Council staff delegations and due to the public interest. This report provides an assessment of the application, a summary of the matters raised in the submissions and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council

1. accept the Section 4.55(2) modification application MOD2023/0064 to be substantially the same development as originally approved.
2. approve Modification Application MOD2023/0064 subject to the draft amendments to the conditions of development consent issued under DA2020/0474 and DA2021/0184.
3. not approve an increase in dwelling lot size for Sites 69, 70 and 101.

COUNCIL RESOLUTION - 07.24.001

Pickering/Toms

That Council

- 1. accept the Section 4.55(2) modification application MOD2023/0064 to be substantially the same development as originally approved.**
- 2. approve Modification Application MOD2023/0064 subject to the draft amendments to the conditions of development consent issued under DA2020/0474 and DA2021/0184.**
- 3. not approve an increase in dwelling lot size for Sites 69, 70 and 101.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.002 MOD2023/0082 - MODIFICATION TO DA2014/0098 SHERIDANS HARD ROCK QUARRY - APPROVAL TO RELOCATE OFFICE BUILDINGS, AMEND OFFICE HOURS AND INSTALL A WEIGHBRIDGE

Meeting	Council	27 February 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 (Separate Cover) ⇒	

SUMMARY

<i>Applicant</i>	Gary Peacock, Outline Planning Consultants Pty Ltd
<i>Owner</i>	Matsid Pty Ltd
<i>Address</i>	315 Donellans Road Hernani NSW 2453
<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.

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.

MOTION

Clancy/Toms

Cr Clancy directed Cr Toms "Point of relevance here, I think it's...".

The Chair over ruled the point of order

COUNCIL RESOLUTION - 07.24.002

Pickering/Day

That Council defer consideration of MOD2023/0082 to the following meeting to allow staff to contact the applicant regarding the conditions.

Voting recorded as follows

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

Against: Toms, Whaites

CARRIED

ITEM 07.24.003 BROOMS HEAD RESERVE DRAFT PLAN OF MANAGEMENT

Meeting	Council	27 February 2024
Directorate	Environment & Planning	
Prepared by	Acting Coordinator Strategic Planner, Alex Wells	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Brooms Head Reserve Draft Plan of Management - For Council ⇒ B. 1993 Brooms Head Reserve Management Plan and 1995 Brooms Head Reserve Plan of Management – Completed Actions ⇒ C. Brooms Head Reserve PoM Steering Group Members Submission and Responses ⇒ D. Site Plan Contents Page - Draft ⇒	

SUMMARY

A draft Brooms Head Reserve Plan of Management (PoM) has been prepared for Crown Reserve R65975. It is a statutory responsibility for Council to have a PoM in place. The draft PoM reflects the results of widespread community consultation. Much of this consultation has shown polarised views among the broader community who use the Reserve.

Once Council is satisfied with the draft PoM it must be referred to the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces (Crown Lands) for approval to publicly exhibit and to accept public submissions.

As a result of the diverse community views and in response to some of the Community Steering Group's concerns about the lack of detail in the draft PoM, it is proposed to prepare a 'Site Plan' for the reserve while the PoM is being reviewed by Crown Lands. Depending on the outcome of this process, and in considering public submissions and any consequential amendments, a revised version of the draft PoM will be returned to Council for consideration.

OFFICER RECOMMENDATION

That Council:

1. endorse the draft Brooms Head Reserve Plan of Management for Crown Reserve R65975 to be referred to the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces, to seek approval to publicly exhibit the Plan of Management.
2. prepare a detailed Site Plan for the Brooms Head Reserve while the Plan of Management is being reviewed by the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces.
3. bring a draft Site Plan for the Brooms Head Reserve before Council for endorsement prior to public exhibition.
4. once approval has been obtained from the Department of Planning, Housing and Infrastructure – Crown Lands and Public Spaces, exhibit the draft Brooms Head Reserve Plan of Management and the Site Plan concurrently, for 42 days, over which time Council will accept public submissions.
5. report any submissions received and the draft Brooms Head Reserve Plan of Management and site plan, back to Council after the submission period has closed, for consideration of its adoption (or re-exhibition) as per the requirements of section 40 of the Local Government Act 1993.

MOTION

Tiley/Novak

1. That council not endorse this draft PoM for forwarding to the Department of Planning, Housing and Infrastructure (DPH&I-Crown Lands)
2. That Council amend the current 1998 PoM to incorporate the relevant up to date legislation and PoM guidelines template currently in draft PoM, and to include the required detailed information as outlined in the "Revised PoM guidelines January 2024" and the "Coastal Crown Guidelines October 2023"
3. That the Yaegl Traditional Owners Aboriginal Corporation (YTOAC) be invited to provide advice to Council for inclusion in the PoM on the components, details and other matters that are important to the Corporation.
4. That Council conduct further consultation with the steering Group Committee in the above preparation of the amended PoM
5. That Council does not prepare a detailed Site Plan (Masterplan or Development Plan) until the amended PoM is adopted.

COUNCIL RESOLUTION - 07.24.003

Tiley/Novak

1. That council not endorse this draft PoM for forwarding to the Department of Planning, Housing and Infrastructure (DPH&I-Crown Lands)
2. That Council amend the current 1998 PoM to incorporate the relevant up to date legislation and PoM guidelines template currently in draft PoM, and to include the required detailed information as outlined in the "Revised PoM guidelines January 2024" and the "Coastal Crown Guidelines October 2023"
3. That the Yaegl Traditional Owners Aboriginal Corporation (YTOAC) be invited to provide advice to Council for inclusion in the PoM on the components, details and other matters that are important to the Corporation.
4. That Council conduct further consultation with the steering Group Committee in the above preparation of the amended PoM
5. That Council does not prepare a detailed Site Plan (Masterplan or Development Plan) until the amended PoM is adopted.

Voting recorded as follows

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

Against: Johnstone, Toms, Whaites

CARRIED**COUNCIL RESOLUTION**

Day/Novak

That a late item of correspondence from Crown Lands relating to this item be tabled.

Voting recorded as follows

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

Against: Nil

CARRIED**FORESHADOWED MOTION**

Toms

That this matter be deferred until March 2024 meeting to consider the late item of business from Jessie Hayne dated September 30, 2021

The General Manager left the meeting 6.01pm

CORPORATE & COMMUNITY**ITEM 07.24.004 DELEGATION OF AUTHORITY - GENERAL MANAGER**

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	A. Delegation of Authority General Manager 2021 ↗	

SUMMARY

Under section 380 of the Local Government Act 1993 Council was required to review delegations of authority to the General Manager within the first 12 months of its term. This was overlooked. The advice received in January from OLG is that while not confirming within the first 12 months does not affect operations, the matter should be considered at the next available Ordinary Meeting.

OFFICER RECOMMENDATION

That Council confirm the delegations of authority to the General Manager, noting a significant review undertaken by Sparke Helmore governance legal services.

COUNCIL RESOLUTION - 07.24.004

Tiley/Clancy

- 1. That, in compliance with Section 380 of the Local Government Act 1993, Council hereby delegates to the General Manager the powers presently exercised, excluding those which, under Section 377 of the Government Act may not be delegated.**
- 2. That in accordance with Section 381 of the Act, Council endorse the exercise of functions conferred or imposed on council employees under other Acts.**

Voting recorded as follows

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

Against: Novak, Toms, Whaites

CARRIED

FORESHADOWED MOTION

Toms

That Council confirm the delegations of authority to the General Manager, noting a significant review undertaken by Sparke Helmore governance legal services.

Adjourn for a 10 minute recess at 6.10pm. Resume the meeting at 6.20pm.
The General Manager returned to the meeting at 6.34pm.

ITEM 07.24.005 2022/2025 DELIVERY PROGRAM PROGRESS REPORT FOR JULY-DECEMBER 2023

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

The report for July – December 2023 outlines progress by the organisation against the activities of the 2022/2025 Delivery Program as outlined in the Integrated Planning and Reporting (IP&R) Handbook for Local Councils in NSW September 2021, Office of Local Government (OLG).

OFFICER RECOMMENDATION

That Council note the 2022/2025 Delivery Program Progress Report for July-December 2023.

COUNCIL RESOLUTION - 07.24.005**Pickering/Clancy**

That Council note the 2022/2025 Delivery Program Progress Report for July-December 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.006 POLICY REPORT

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohrairie Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Stormwater Systems Maintenance Policy V2.0 ⇒ B. Stock on Roads Policy V7.0 ⇒ C. Pressure Sewerage Policy V7.0 ⇒ D. Modern Slavery Prevention Policy V1.0 ⇒	

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. Stormwater System Maintenance Policy V2.0 (Attachment A)
 - b. Stocks on Roads Policy V7.0 (Attachment B)
 - c. Pressure Sewerage Policy V7.0 (Attachment C)
 - d. Modern Slavery Prevention Policy V1.0 (Attachment D)
2. note the adoption of the following policies that received no submissions.
 - a. Debt Recovery – Ordinary Rates and Annual Charges Policy V5.0
 - b. Debt Recovery – Water Billing Policy V5.0

COUNCIL RESOLUTION - 07.24.006

Pickering/Clancy

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. Stormwater System Maintenance Policy V2.0 (Attachment A)
 - b. Stocks on Roads Policy V7.0 (Attachment B)
 - c. Pressure Sewerage Policy V7.0 (Attachment C)
 - d. Modern Slavery Prevention Policy V1.0 (Attachment D)
2. note the adoption of the following policies that received no submissions.
 - a. Debt Recovery – Ordinary Rates and Annual Charges Policy V5.0
 - b. Debt Recovery – Water Billing Policy V5.0

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.007 GOVERNANCE REPORT Q2 2023/2024

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. IPC Recommendations - Council compliance with open access obligations ⇒ B. Disclosure of Interest - Designated persons (Separate Cover) ⇒ C. Disclosure of Interest - Councillors (Separate Cover) ⇒ D. Code of Conduct Complaints report to OLG ⇒	

SUMMARY

This report summarises the status of legal proceedings, Government Information (Public Access) applications and obligations, code of conduct complaints statistics, new and/or updated Disclosures of Interests returns, and insurance claims for Q2 2023/2024 (1 October 2023 to 31 December 2023).

OFFICER RECOMMENDATION

That Council

1. note the Governance Report Q2 2023/2024.
2. approve the publication of the updated Disclosures of Interest on the Council's website.

COUNCIL RESOLUTION - 07.24.007**Pickering/Clancy**

That Council

1. note the Governance Report Q2 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 07.24.008 COMMITTEES REPORT

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohrairie Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Dundurrabin Community Hall Committee Review (Confidential)	

SUMMARY

This report recommends that Council formally disband the Dundurrabin Community Hall Committee effective immediately.

OFFICER RECOMMENDATION

That Council formally disbands the Dundurrabin Community Hall Committee after consideration of information provided in the confidential attachment, with Council maintaining community access to the hall directly.

COUNCIL RESOLUTION - 07.24.008**Novak/Clancy**

That Council formally disbands the Dundurrabin Community Hall Committee after consideration of information provided in the confidential attachment, with Council maintaining community access to the hall directly.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.009 ITEMS FOR INFORMATION

Meeting	Council	27 February 2024
Directorate	General Manager	
Attachments	<ul style="list-style-type: none"> A. Coaldale Barretts Creek Hall Committee - 20 January 2024 ⇒ B. Clarence Sports Committee Minutes - 5 February 2024 ⇒ C. Correspondence from the Hon Jenny Aitchison MP - Naming of Shirley Adams Way ⇒ D. Correspondence from Hugh McDermott MP - Maclean Court House Operating Hours ⇒ E. Correspondence from the Hon David Harris MP and the Hon Ron Hoenig MP - Veterans Employment Program ⇒ F. Correspondence from the Hon Yasmin Catley MP - Crime in Regional, Rural and Remote NSW ⇒ G. Correspondence from the Hon Jenny Aitchison MP - Armidale Road, Clarence Valley ⇒ 	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Coaldale Barretts Creek Hall Committee - 20 January 2024
- Clarence Sports Committee Minutes - 5 February 2024
- Correspondence from the Hon Jenny Aitchison MP - Naming of Shirley Adams Way
- Correspondence from Hugh McDermott MP - Maclean Court House Operating Hours
- Correspondence from the Hon David Harris MP and the Hon Ron Hoenig MP - Veterans Employment Program
- Correspondence from the Hon Yasmin Catley MP - Crime in Regional, Rural and Remote NSW
- Correspondence from the Hon Jenny Aitchison MP - Armidale Road, South Grafton

COUNCIL RESOLUTION - 07.24.009**Pickering/Clancy**

That the Items for Information as listed below be noted

- Coaldale Barretts Creek Hall Committee - 20 January 2024
- Clarence Sports Committee Minutes - 5 February 2024
- Correspondence from the Hon Jenny Aitchison MP - Naming of Shirley Adams Way
- Correspondence from Hugh McDermott MP - Maclean Court House Operating Hours
- Correspondence from the Hon David Harris MP and the Hon Ron Hoenig MP - Veterans Employment Program
- Correspondence from the Hon Yasmin Catley MP - Crime in Regional, Rural and Remote NSW
- Correspondence from the Hon Jenny Aitchison MP - Armidale Road, South Grafton

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.010 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List - Outstanding ⇒ B. Actions List - Completed ⇒ 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 - 07.24.010**Pickering/Clancy**

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 07.24.011 MONTHLY INVESTMENT REPORT - DECEMBER 2023

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - December 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 December 2023 be noted.

COUNCIL RESOLUTION - 07.24.011**Pickering/Clancy**

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.012 MONTHLY INVESTMENT REPORT - JANUARY 2024

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - January 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 January 2024 be noted.

COUNCIL RESOLUTION - 07.24.012**Pickering/Clancy**

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.013 2022/2023 AUDITED FINANCIAL STATEMENTS

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Statement by Councillors & Management General Purpose Financial Statements ⇒ B. Statement by Councillors & Management Special Purpose Financial Statements ⇒ C. General Purpose Financial Statements ⇒ D. Special Purpose Financial Statements ⇒ E. Special Schedules ⇒	

SUMMARY

This report presents Council's consolidated Audited 2022/2023 Annual Financial Statements to the public in accordance with Section 419 (1) of the Local Government Act (LGA). Due to material changes identified and processed through the audit finalisation, we now attach a revised copy of the Annual Financial Statements for further signature.

OFFICER RECOMMENDATION

That Council

1. receive and note the Audited 2022/2023 Annual Financial Statements.
2. sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.
3. receive and note the 2022/2023 Special Schedules, which are not required to be audited.
4. authorise the General Manager to forward the audited Financial Statements to the Office of Local by 29 February 2024.

COUNCIL RESOLUTION - 07.24.013

Pickering/Clancy

That Council

1. receive and note the Audited 2022/2023 Annual Financial Statements.
2. sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.
3. receive and note the 2022/2023 Special Schedules, which are not required to be audited.
4. authorise the General Manager to forward the audited Financial Statements to the Office of Local by 29 February 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.014 2023/2024 QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023

Meeting	Council	27 February 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 - December 2023 ⇨ B. Quarterly Budget Income and Expenditure Statements by Service - December 2023 ⇨ C. Statement of Restricted Cash Reserve Funds - December 2023 ⇨ D. Quarterly Contracts and Other Expenditure - December 2023 ⇨ E. Monthly Grant Report - December 2023 ⇨	

SUMMARY

This report presents to Council the December 2023 Quarterly Budget Review Statement (QBRS) for the period 1 October 2023 to 31 December 2023.

Budget adjustments for the quarter ended 31 December 2023 (subject to council resolution) result in no impact on the General Fund impact leaving the current year projected budget result as a \$63,172 surplus.

The reserve funding variations identified in this report will decrease the reserve funds by a further \$298,063 resulting in a current year projected reserve funds movement of \$23,742,993.

OFFICER RECOMMENDATION

That Council:

1. receive and note the information in the Quarterly Budget Review Statement to December 2023.
2. approve the General Fund variations detailed in this report, which result in no movement on the projected General Fund budget resulting in a surplus of \$63,172 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in increasing the projected decrease in the External and Internal Reserves Funds to \$23,742,993.
4. note and endorse the receipt of funds due to successful grant applications as detailed in Attachment E.

COUNCIL RESOLUTION - 07.24.014

Pickering/Clancy

That Council

1. receive and note the information in the Quarterly Budget Review Statement to December 2023.
2. approve the General Fund variations detailed in this report, which result in no movement on the projected General Fund budget resulting in a surplus of \$63,172 for the year.
3. approve the variations for the Financial Reserves as detailed in this report which result in increasing the projected decrease in the External and Internal Reserves Funds to \$23,742,993.
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 07.24.015 CLARENCE REGIONAL LIBRARY STRATEGIC PLAN 2024-2034

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Regional Librarian, Kathryn Breward	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Clarence Regional Library Strategic Plan 2024-2034 (Separate Cover) ⇒	

SUMMARY

The Clarence Regional Library Strategic Plan 2024-2034 has been developed, endorsed by the Clarence Regional Library Committee and requires endorsement by Council for public exhibition.

OFFICER RECOMMENDATION

That Council place the Clarence Regional Library Strategic Plan 2024-2034 on public exhibition and subject to there being no submissions that change the intent of the Strategy, it be adopted.

COUNCIL RESOLUTION - 07.24.015

Pickering/Clancy

That Council place the Clarence Regional Library Strategic Plan 2024-2034 on public exhibition and subject to there being no submissions that change the intent of the Strategy, it be adopted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.016 2024 CULTURAL AND SPORTS TRUST FUND

Meeting	Council	27 February 2024
Directorate	Corporate & Community	
Prepared by	Project Officer, Lainie Edwards	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

A request for assistance from the Clarence Valley Cultural and Sports Trust fund has been received on behalf of Shanae Crispin, who has been selected to compete at the 2024 Hockey Australia U16 National Championships.

OFFICER RECOMMENDATION

That Council approve a donation from the Clarence Valley Cultural and Sports Trust Fund of \$300 to Shanae Crispin, who has been selected to compete at the 2024 Hockey Australia U16 National Championships held at the Tasmania Hockey Centre, from 4th-11th April 2024.

COUNCIL RESOLUTION - 07.24.016**Pickering/Toms**

That Council approve a donation from the Clarence Valley Cultural and Sports Trust Fund of \$300 to Shanae Crispin, who has been selected to compete at the 2024 Hockey Australia U16 National Championships held at the Tasmania Hockey Centre, from 4th-11th April 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.24.017 ACTIVE TRANSPORT STRATEGY 2024-2044**

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Road Safety Officer, Alana Brooks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Clarence Valley Active Transport Strategy - DRAFT (Separate Cover) ⇒	

SUMMARY

This report recommends Council place the Active Transport Strategy 2024–2044 on public exhibition.

OFFICER RECOMMENDATION

That Council place the Active Transport Strategy 2024–2044 on public exhibition and subject to there being no submissions that change the intent of the plan, it be adopted.

COUNCIL RESOLUTION - 07.24.017

Pickering/Clancy

That Council place the Active Transport Strategy 2024–2044 on public exhibition and subject to there being no submissions that change the intent of the plan, it be adopted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.018 LOCAL TRAFFIC COMMITTEE

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Road Safety Officer, Alana Brooks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes (Separate Cover) ⇒ B. Local Traffic Committee attachment Item 001.24 ⇒ C. Local Traffic Committee attachment Item 002.24 ⇒ D. Local Traffic Committee attachment Item 003.24 A ⇒ E. Local Traffic Committee attachment Item 003.24 B ⇒ F. Local Traffic Committee attachment Item 004.24 ⇒ G. Local Traffic Committee attachment Item 006.24 ⇒ H. Local Traffic Committee attachment Item 007.24 ⇒	

SUMMARY

This report outlines the recommendations proposed by the Local Traffic Committee held on 23 January 2024.

OFFICER RECOMMENDATION

That Council adopts the recommendations of the Local Traffic Committee determined on 23 January 2024.

COUNCIL RESOLUTION - 07.24.018**Pickering/Clancy**

That Council adopts the recommendations of the Local Traffic Committee determined on 23 January 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.019 CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Parks & Recreation Officer, Gavin Beveridge	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Clarence Sports Committee Minutes 5 February 2024 (Separate Cover) ⇒ B. Lower Clarence Sports Committee Minutes 5 February 2024 (Separate Cover) ⇒	

SUMMARY

This report provides a copy of the minutes of the meetings and recommendations from the Clarence and Lower Clarence Sports Committees held on Monday 5 February 2024 for consideration.

OFFICER RECOMMENDATION

That Council

1. receive and note the Minutes from Monday 5 February 2024 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Clarence Sports Committee that \$8,159.46 (excl GST) is allocated to the Big River Campdraft Club for Improved Facilities to improve Access and Participation at Hawthorne Rodeo Park, South Grafton.
3. endorse the recommendation by the Clarence Sports Committee that \$7,284.46 (excl GST) is allocated to the Junction Hill Tennis Club for Disabled Shower Completion at Junction Hill Tennis Courts, Junction Hill.
4. endorse the recommendation by the Clarence Sports Committee that \$8,534.45 (excl GST) is allocated to the South Grafton Ex-Services Motorcycle Club for Upgrade Amenity Block at Rushforth Park, South Grafton.
5. endorse the recommendation by the Clarence Sports Committee not to support the Coutts Crossing Croquet Club application due to a funding oversubscription.
6. endorse the recommendation by the Lower Clarence Sports Committee that \$3,286.00 (excl GST) is allocated to the Maclean Football Club for a New PA System at Wherrett Park, Maclean.
7. endorse the recommendation by the Lower Clarence Sports Committee that \$6,441.00 (excl GST) is allocated to the Maclean Show Society for New PA System at Maclean Showground, Maclean.
8. endorse the recommendation by the Lower Clarence Sports Committee that \$750.00 (excl GST) is allocated to the Lower Clarence Cricket Association for Cricket Wicket Soil at Various Locations.
9. endorse the recommendation by the Lower Clarence Sports Committee that \$5,875.00 (excl GST) is allocated to the Clarence Valley Council for Entry Signage at Yamba Sports Complex, Yamba.
10. endorse that \$1,443.44 of unallocated grant funding (PJ 540112) to the Lower Clarence Sports Committee be returned to Council's Sportsground Income Reserve Account (RA11035).

COUNCIL RESOLUTION - 07.24.019

Novak/Whaites

That Council

1. receive and note the Minutes from Monday 5 February 2024 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. endorse the recommendation by the Clarence Sports Committee that \$8,159.46 (excl GST) is allocated to the Big River Campdraft Club for Improved Facilities to improve Access and Participation at Hawthorne Rodeo Park, South Grafton.
3. endorse the recommendation by the Clarence Sports Committee that \$7,284.46 (excl GST) is allocated to the Junction Hill Tennis Club for Disabled Shower Completion at Junction Hill Tennis Courts, Junction Hill.
4. endorse the recommendation by the Clarence Sports Committee that \$8,534.45 (excl GST) is allocated to the South Grafton Ex-Services Motorcycle Club for Upgrade Amenity Block at Rushforth Park, South Grafton.
5. endorse the recommendation by the Clarence Sports Committee not to support the Coutts Crossing Croquet Club application due to a funding oversubscription.

6. endorse the recommendation by the Lower Clarence Sports Committee that \$3,286.00 (excl GST) is allocated to the Maclean Football Club for a New PA System at Wherrett Park, Maclean.
7. endorse the recommendation by the Lower Clarence Sports Committee that \$6,441.00 (excl GST) is allocated to the Maclean Show Society for New PA System at Maclean Showground, Maclean.
8. endorse the recommendation by the Lower Clarence Sports Committee that \$750.00 (excl GST) is allocated to the Lower Clarence Cricket Association for Cricket Wicket Soil at Various Locations.
9. endorse the recommendation by the Lower Clarence Sports Committee that \$5,875.00 (excl GST) is allocated to the Clarence Valley Council for Entry Signage at Yamba Sports Complex, Yamba.
10. endorse that \$1,443.44 of unallocated grant funding (PJ 540112) to the Lower Clarence Sports Committee be returned to Council's Sportsground Income Reserve Account (RA11035).

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.020 PROPOSED ROAD CLOSURE - PART MEYERS ROAD, RAMORNIE

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Hannah Webber	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Recommended Disposal Price - Part Meyers Road Ramornie (Confidential)	

SUMMARY

This report is to consider the permanent road closure of part Meyers Road reserve, Ramornie, and the transfer of ownership to the adjoining Landowner. The request is made by the adjoining Landowner of Lot 1 DP 1172366, being 336 Meyers Road, Ramornie.

OFFICER RECOMMENDATION

That Council

1. permanently close part of Meyers Road reserve, Ramornie in line with the provisions of the *Roads Act 1993* (depicted orange in Figure 1).
2. transfer the closed road to the adjoining Landowners of Lot 1 DP 1172366 for the recommended purchase price outlined in Attachment A (confidential).
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 - 07.24.020

Toms/Novak

That item 07.24.020 be deferred to the March 2024 Ordinary Meeting to allow consideration of an objection received.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.021 ARMIDALE ROAD RECLASSIFICATION

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Manager Civil Services, Devin Simpson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Council Briefing Session - Transfers (Separate Cover) ⇒ B. Independent Strategic Review of the Infrastructure Investment Program - Executive Summary (Separate Cover) ⇒	

SUMMARY

This report provides a summary on the status of the Armidale Road Reclassification and the potential impacts on Council should this road remain classified as a regional road. This report also follows a Mayoral Minute considered at the August 2023 Ordinary Council Meeting (OCM), Item 05.23.009.

OFFICER RECOMMENDATION

That Council

1. write to the Hon. Jennifer Aitchison MP Minister for Regional Transport and Roads in response to the letter received on 22 December 2023.
2. request \$17.8m of financial compensation to address priority defects and based on missed funding opportunities arising from the now ceased handover process which was agreed to by the former State Government.
3. lodge a GIPA application requesting a copy of the independent panel's final report on reclassification.

COUNCIL RESOLUTION - 07.24.021

Toms/Clancy

That Council

1. write to the Hon. Jennifer Aitchison MP Minister for Regional Transport and Roads in response to the letter received on 22 December 2023.
2. request \$17.8m of financial compensation to address priority defects and based on missed funding opportunities arising from the now ceased handover process which was agreed to by the former State Government.
3. lodge a GIPA application requesting a copy of the independent panel's final report on reclassification.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.022 DISASTER RECOVERY UPDATE

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Manager Civil Services, Devin Simpson	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

This report provides a summary on Council's current combined disaster recovery status following the February 2022 flood event (AGRN 1012), and the declared bushfires of August and October 2023.

OFFICER RECOMMENDATION

That Council note the status of the current disaster recovery works as detailed in this report.

COUNCIL RESOLUTION - 07.24.022

Pickering/Novak

That Council note the status of the current disaster recovery works as detailed in this report.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.023 ILUKA SEWERAGE SCHEME CROWN LAND EASEMENT COMPENSATION

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah; Senior Strategic Planner (Public Land/Native Title), Dr Danny Parkin	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Valuer General Compensation Determination - Iluka Golf Club ⇨ B. Valuer General Compensation Determination - Yaegl RNTBC ⇨ C. Valuer General Compensation Determination - State of NSW ⇨	

SUMMARY

Easements for sewerage purposes over Crown Land at Iluka were acquired by Government Gazette 17 dated 22 February 2019. For Crown Land easement acquisitions the Valuer General determines the compensation. Compensation determinations for the Iluka Golf Club and the State of NSW were issued on 16 November 2023, with a revised determination for the Yaegl Traditional Owners Aboriginal Corporation Registered Native Title Body Corporate (Yaegl TOAC) issued on 1 February 2024.

OFFICER RECOMMENDATION

That

1. Council notes the Valuer General had determined compensation for Crown Land sewerage easements at Iluka and that Compensation Notices in accordance with the determination have been issued to the Iluka Golf Club, State of NSW and the Yaegl TOAC.
2. a budget variation to financial project PJ910117 (Sewer Easement Acquisition) of \$430,000 to be funded from Sewer Fund Reserve, be shown as a variation in the Q3 Quarterly Business Review Statement (QBRs)

COUNCIL RESOLUTION - 07.24.023

Pickering/Clancy

That

1. Council notes the Valuer General had determined compensation for Crown Land sewerage easements at Iluka and that Compensation Notices in accordance with the determination have been issued to the Iluka Golf Club, State of NSW and the Yaegl TOAC.
2. a budget variation to financial project PJ910117 (Sewer Easement Acquisition) of \$430,000 to be funded from Sewer Fund Reserve, be shown as a variation in the Q3 Quarterly Business Review Statement (QBRs)

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.024 BULK WATER SUPPLY AGREEMENT ADVISORY COMMITTEE - FURTHER EXTENSION OF TERM

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. City of Coffs Harbour - Legal Advice re Regional Water Supply Management (Confidential)	

SUMMARY

At the April 2023 meeting Council resolved to establish (Item 07.23.049) a Bulk Raw Water Supply Agreement Advisory Committee, which has a current sunset clause of 22 December 2023. The Bulk Water Supply Agreement discussions with Coffs Harbour City Council (CHCC) were not completed in 2023 and it is recommended that the term of the Advisory Committee be extended to 31 May 2024.

OFFICER RECOMMENDATION

That Council extends the term of the Bulk Water Supply Agreement Advisory Committee to 31 May 2024.

COUNCIL RESOLUTION - 07.24.024

Pickering/Clancy

That Council extends the term of the Bulk Water Supply Agreement Advisory Committee to 31 May 2024.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.24.025 RFT 22/61 SEWER MAIN REHABILITATION - AWARD OF TENDER

Meeting	Council	27 February 2024
Directorate	Works & Civil	
Prepared by	Manager Water/Sewer Operations, Andrew Potter	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Tender Recommendation Report (Confidential)	

SUMMARY

As per the December 2023 Council resolution (Item 07.23.251) Tender 22/61 was awarded under delegation to the General Manager to Interflow Pty Ltd for the sum of \$1,308,589.70 (incl GST).

OFFICER RECOMMENDATION

That Council notes the Tender Award.

COUNCIL RESOLUTION - 07.24.025

Pickering/Clancy

That Council notes the Tender Award.

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

Nil

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 7.00pm



CERTIFICATION OF MINUTES

I certify that the preceding 45 pages are the Minutes of the meeting of Clarence Valley Council held on 27 February 2024.

Signed by:

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

Peter Johnstone

Mayor / Chairperson

From: Council CLM Mailbox <council.clm@crowmland.nsw.gov.au>

Sent: Thursday, September 30, 2021 11:02 AM

Subject: Changes to the Plan of Management requirements

Good morning [REDACTED]

Thanks again for talking to me earlier today. I've attached some information about the Crown Land Management Amendment (Plan of Management) Regulation 2021 (Regulation Amendment) which removed the requirement for councils to complete a Plan of Management (PoM) by 1 July 2021. This Regulation Amendment changed certain parts of the Crown Land Management Regulation 2018 (the Regulation).

The Regulation Amendment amended clause 70 of the Regulation to exempt councils from certain functions under section 3.22 and 3.23(7) of the new *Crown Land Management Act 2016* (CLM Act). These changes to what is called the 'initial period' means that Schedule 7, clause 37A(3)(iii) of the CLM Act also no longer applies. As we discussed on the phone, this means that PoMs adopted under the old *Crown Lands Act 1989* will continue until the council either adopts a new PoM, or the land is classified as 'operational land'.

Kind regards,

Jessie Hayne

Policy & Project Officer

Council Crown Land Management Team

Department of Planning, Industry and Environment

T 1300 886 235 | **E** council.clm@crowmland.nsw.gov.au

6 Stewart Avenue, Newcastle West NSW 2302

www.reservemanager.crowmland.nsw.gov.au

The Department of Planning, Industry and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.