

# Ordinary Council Meeting

## Minutes

Grafton - 22 March 2022 - 2:00pm





# AGENDA

	Page
<b>01 OPENING OF ORDINARY MEETING</b>	
<ul style="list-style-type: none"> <li>• Prayer</li> <li>• Acknowledgement of Country</li> <li>• Announcement – Recording of Meeting</li> </ul>	
<b>02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE</b>	
<b>03 DISCLOSURES AND DECLARATIONS OF INTEREST</b>	
<b>04 CONFIRMATION OF MINUTES</b>	
<ul style="list-style-type: none"> <li>• Ordinary Meeting of Council held 22 February 2022</li> </ul>	
<b>05 MAYORAL MINUTES</b>	
Nil	
<b>06 NOTICE OF MOTIONS</b>	
06.22.002 Village and Rural Communities' Sewerage Provision Priorities	5
06.22.003 Yamba Masterplan	6
<b>07 REPORTS</b>	
<b>OFFICE OF THE GENERAL MANAGER</b>	
07.22.034 Councillor Pickering - LGNSW Special Conference 2022	8
07.22.035 Councillor Johnstone - LGNSW Special Conference 2022	10
07.22.036 Councillor Toms - LGNSW Special Conference 2022	11
07.22.037 Superannuation payments to Councillors	13
<b>ENVIRONMENT &amp; PLANNING</b>	
07.22.038 DA2021/0878 - Conversion of Existing Shed to Dwelling to Create a Dual Occupancy - 348 Bee Eater Lane, Ashby Heights	14
07.22.039 REV2021/0013 - Review of MOD2021/0029 - Amend/Restructure Conditions to Allow Staging of Development and Removal of Intersection Works - Orion Drive, Yamba	15
07.22.040 MOD2021/0085 - Modification of SUB2006/0017 to Alter Lot Sizes - 46 McHugh Street, Grafton	16
07.22.041 REV2021/0012 - Division 8.2 Review of refusal for DA2021/0374 - Three (3) Multi Dwelling Housing Units and Strata Subdivision - 11 High Street, Yamba	17
07.22.042 Planning Proposal REZ2021/0001 - Lot 2 DP839420, Spring Street, South Grafton	19
07.22.043 Alternate Member for Northern Regional Planning Panel	21
07.22.044 Draft Diggers Headland Reserve Vegetation Management Plan - Crown Land	22
<b>CORPORATE &amp; GOVERNANCE</b>	
07.22.045 2021/22 Monthly Financial Report - February 2022	23
07.22.046 CI Anywhere Cloud Migration	24

07.22.047 Supply & Delivery of Stationery	25
07.22.048 Supply & Delivery of Ready mixed Concrete	26
07.22.049 Monthly investment report - February 2022	27
07.22.050 Independent Committee Members for the Audit, Risk and Improvement Committee (ARIC)	28
07.22.051 Checklist Meeting Schedule - Updates on Actions Taken	29
07.22.052 Conference Attendance for 2022	30
07.22.053 Cultural and Sports Trust Fund	32
07.22.054 Request for Rates Donation - Lawrence Historical Society Inc.	33
07.22.055 Governance Report Q2 2021-22	34

### **WORKS & CIVIL**

07.22.056 Clarence and Lower Clarence Sports Committees - Funding	35
07.22.057 Proposed Road Closure - Part Harold Tory Drive, Yamba	36
07.22.058 RFT21-38 Design and Construct Four Bridges	37

## **08 CONFIDENTIAL BUSINESS**

Nil

## **09 QUESTIONS WITH NOTICE**

Nil

## **10 LATE ITEMS OF BUSINESS AND MATTERS ARISING**

Nil

## **11 CLOSE OF ORDINARY MEETING**

**1. OPENING OF ORDINARY MEETING**

**MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 22 March 2022 commencing at 2.00pm and closing at 3.35pm.**

**PRAYER** – Cr Whaites delivered the Prayer.

**ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND** – Cr Pickering 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 A/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 Peter Johnstone, Cr Ian Tiley, Cr Allison Whaites, Cr Greg Clancy, Cr Jeff Smith, Cr Debrah Novak, Cr Karen Toms and Cr Steve Pickering

**ATTENDEES**

A/General Manager (Laura Black), A/Director – Corporate & Governance (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Debbie McGilvray).

**2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE****COUNCIL RESOLUTION – 02.22.001**

**Toms/Whaites**

**That leave of unavoidable absence be granted for Cr Bill Day.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**3. DISCLOSURES AND DECLARATIONS OF INTEREST 03.22.002**

**Declarations received at the commencement of the Ordinary Council Meeting**

Name	Item	Nature of Interest, Action and Reason
CR JOHNSTONE	07.22.053	<ul style="list-style-type: none"> <li>▪ SIGNIFICANT NON-PECUNIARY – LEAVE THE MEETING</li> <li>▪ I AM A FRIEND OF ONE OF THOSE THAT WILL BENEFIT.</li> </ul>

**4. CONFIRMATION OF MINUTES**

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**COUNCIL RESOLUTION – 04.22.005**

**Toms/Pickering**

**That the Minutes of Ordinary Meeting of Council dated 22 February 2022, copies of which have been circulated, be taken as read and be confirmed.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**5. MAYORAL MINUTES**

Nil

**6. NOTICES OF MOTION****ITEM 06.22.002 NOTICE OF MOTION  
VILLAGE AND RURAL COMMUNITIES' SEWERAGE PROVISION PRIORITIES**

<b>Meeting</b>	Council	22 March 2022
<b>Submitted by</b>	Cr Steve Pickering	
<b>Attachments</b>	Nil	

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

**SUMMARY**

The intent of the motion is to obtain a report to Council on the current status of sewerage augmentation priorities across Council's area and to consider making Ulmarra village the highest Council priority for provision of sewerage

**PROPOSED MOTION**

That Council determines that the sewerage of Ulmarra Village be elevated to the highest priority.

**COUNCIL RESOLUTION - 06.22.002**

**Pickering/Novak**

**That Council survey the residents of the Ulmarra Village to determine if they want council to examine options to sewer the Ulmarra village.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

### ITEM 06.22.003 NOTICE OF MOTION YAMBA MASTERPLAN

<b>Meeting</b>	Council	22 March 2022
<b>Submitted by</b>	Cr Steve Pickering	
<b>Attachments</b>	Nil	

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

#### SUMMARY

This motion is proposed to create a masterplan for the Yamba area.

#### PROPOSED MOTION

1. That Council create a Yamba Masterplan document to guide sustainable development and integrated infrastructure within the Yamba township. The draft Yamba Masterplan is to be presented to council when it is complete, but not later than the November 2022 Ordinary Council Meeting.
2. The Yamba Masterplan is to be created by:
  - a. Consulting with the Clarence Valley Community and holding Community Workshops in the Yamba area to receive input from community members.
  - b. Include relevant DCP's, LEP's and other planning instruments.
  - c. Aligning with the Community Strategic Plan's objectives
  - d. Link to existing Clarence Valley Strategic Masterplans.
  - e. Take into account the 2008 Floodplain Risk Management Study and 2009 Floodplain Risk Management Plan.
  - f. Funding for the Masterplan will be sourced through state and federal grant funding opportunities.

#### COUNCIL RESOLUTION - 06.22.003

**Pickering/Clancy**

**That the Notice of Motion be deferred to the April meeting pending the March 29, 2022 Councillor workshop.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



**VOTE BY EXCEPTION****Novak/Johnstone****That the following items be adopted as recommended in the business paper.**

- 07.22.034
- 07.22.035
- 07.22.036
- 07.22.039
- 07.22.040
- 07.22.044
- 07.22.045
- 07.22.046
- 07.22.047
- 07.22.048
- 07.22.049
- 07.22.050
- 07.22.054
- 07.22.056
- 07.22.057
- 07.22.058

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

## 7. REPORTS

**ITEM 07.22.034 COUNCILLOR PICKERING - LGNSW SPECIAL CONFERENCE 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	General Manager	
<b>Attachments</b>	Nil	

The Local Government NSW (LGNSW) Annual Conference for 2022 was held in Sydney at the Hyatt Regency Sydney from Monday 28 February to Wednesday 2nd March 2022. Council was represented by Deputy Mayor Greg Clancy, Cr Karen Toms, Cr Peter Johnstone and Cr Steve Pickering. This report is presented to Council in accordance with requirement 3.5 of the Councillor Attendance at Conferences Policy.

**BACKGROUND** Deputy Mayor Greg Clancy, Cr Karen Toms, Cr Peter Johnstone and Cr Steve Pickering were Council's voting delegates to the LGNSW State Conference 2022. This approval was provided by Council at its 11th January Extraordinary Meeting Item 6a.22.008.

**KEY ISSUES:** An LGNSW Conference Program, Conference Business Paper and Late Motions are included with this report as attachments. The conference commenced at 1.30pm on Monday 28th February with a choice of 4 workshops which were run simultaneously. Cr Pickering selected the "Council involvement in new national agreement on Closing the Gap" workshop hosted by Cr Charles Lynch, Co-Chair NSW Coalition of Aboriginal Peak Organisations and Councillor, NSW Aboriginal Land Council, Cr Anne Dennis, NSW Aboriginal Land Council and Joshua Mark Gilbert, Indigenous Co-Chair, Reconciliation NSW. The workshop was over subscribed with an overflow of attendees keen to participate. The Conference was officially opened at 3pm on February 28th by Cr Darriea Turley AM, President of LGNSW and Mayor of Broken Hill, where the delegates from around NSW were welcomed. Tuesday 1st March started with a Conference Introduction by Scott Phillips, Chief Executive of LGNSW followed by a Welcome to Country by Yvonne Weldon on behalf of Metropolitan Local Aboriginal Land Council. From 9.15 until 5pm on 1st March, Standing Orders were adopted, and motions were considered. The conference considered 94 Motions plus 3 Late Motions.

Clarence Valley Council submitted a motion Power of entry to construct and maintain flood mitigation works (ITEM 07.22.026) which passed consideration. Wednesday March 2nd started with the Australian Local Government Women's Association (ALGWA) breakfast which was sponsored by Multicultural NSW, hosted by Joseph La Posta and Rosemary Kariuka, advocate for migrant and refugee women and Local Hero 2021, Australian of the Year Award recipient was the keynote speaker. All four Clarence Valley Council delegates attended. Michael Pascoe hosted an Economic Outlook 2022-2023 Panel which included Ms Felicity Wilson MP, Parliamentary Secretary to the Treasurer and for COVID Recovery, Mr Daniel Mookhey MLC, Shadow Treasurer, Cr Nuatali Nelmes, Lord Mayor City of Newcastle, The Hon Cr Philip Ruddock AO, Mayor Hornsby Shire Council. Ellen Fanning hosted a panel on Climate change – the gap between recognition and action which included Penny Sharpe MLC, Shadow Minister for Environment, Professor Lesley Hughes, Pro Vice-Chancellor (Research Integrity & Development); Distinguished Professor of Biology, Macquarie University, Cr Declan Clausen, Deputy Lord Mayor City of Newcastle, Patrick Ibbotson, Partner at Maddocks.

The final panel was Working together to combat the Housing Crisis, The Hon Anthony Roberts MP, Minister for Planning, Minister for Homes, Mr Paul Scully MP, Shadow Minister for Planning and Public Spaces, Ms Sharon Smith, President Planning Institute of Australia (NSW), Professor Hal Pawson, Professor Housing Research and Policy at City Futures Research Centre UNSW and Cr Amanda Findley, Mayor Shoalhaven City Council all participated. There were a number of special guest speakers throughout the conference including The Hon. Wendy Tuckerman MP, NSW Minister for Local Government, Cr. Linda Scott, President of the Australian Local Government Association, economist Michael Pascoe, Dominic Lane the Executive Director, Operational Management and Partnerships at Resilience NSW, Chris Cusack, General Manager NBN Local, Matthew Beggs, Executive General Manager, Partnership and Business Development, Landcom. The final Keynote speaker was Greig Pickhaver AM but as some councillors needed to be at the airport to catch a flight back to Ballina, we missed this speaker.

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**OFFICER RECOMMENDATION**

That Council note that information provided by Councillor Pickering after attending the LGNSW Special Conference 2022.

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**COUNCIL RESOLUTION - 07.22.034**

**Novak/Johnstone**

**That Council note that information provided by Councillor Pickering after attending the LGNSW Special Conference 2022.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**ITEM 07.22.035 COUNCILLOR JOHNSTONE - LGNSW SPECIAL CONFERENCE 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	General Manager	
<b>Attachments</b>	Nil	

I was one of the Clarence Valley Council delegates to the Local Government NSW conference in Sydney from the 28<sup>th</sup> February till 2<sup>nd</sup> March. On the first day I attended the session on "Rural and Regional Health, issues and solutions" which to my disappointment raised many issues but didn't suggest many solutions and also attended the "Meet the Politicians forum." Our Federal MP, Kevin Hogan, was due to be a speaker at the forum but due to the floods in Lismore he was unable to attend.

Tuesday was the main conference day and was spent debating motions. Most were not contentious, but there was lively debate on some issues. The Clarence Valley motion regarding the legal right of access to maintain and inspect levees was passed unanimously. I had the opportunity to speak to the conference to propose the motion and Cr Clancy took the opportunity to answer a question raised by another delegate.

On Wednesday delegates debated and considered issues such as affordable housing and climate change. Throughout the conference there were several excellent opportunities to meet and network with councillors from across NSW. However, the continuing bad news from our region was foremost in our minds and we all felt helpless being so far away. We were grateful to get back.

**OFFICER RECOMMENDATION**

That Council note that information provided by Councillor Johnstone after attending the LGNSW Special Conference.

**COUNCIL RESOLUTION - 07.22.035**

**Novak/Johnstone**

**That Council note that information provided by Councillor Johnstone after attending the LGNSW Special Conference.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.036 COUNCILLOR TOMS - LGNSW SPECIAL CONFERENCE 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	General Manager	
<b>Attachments</b>	Nil	

I attended LGNSW Special Conference 2022 in Sydney 28 February as one of Clarence Valley Council's four voting delegates. It was an opportunity to share, listen, learn and participate in conversations and workshops on a vast range of issues such as but not limited to, the housing crisis, regional health challenges, council's involvement on the new national agreement on Closing the Gap, and last but not least voting on over 90 motions from all over the State to set our sector's policy direction.

Council nominated four delegates to attend LGNSW Special Conference as voting delegates at the Extra Ordinary meeting held 11 January Council. The Special Conference followed the online 2021 Annual Conference held in November, where the Annual Financial Statements and President and Treasurers reports were heard. There were four pre-Conference Workshop's all schedules for the same time. I attended the Rural and Regional Health-issues and solutions. The Panelists were, The Hon Bronnie Taylor MP, Minister for Regional Health, Minister for Mental Health, Minister for Women. Mr. Ryan Park MP, Shadow Health Minister and Cr Phyllis Miller OAM, Mayor Forbes Shire Council were the speakers.

Each gave an account on what they have been doing to resolve the issues. Quite frankly it felt like another talk fest. It gave the audience an opportunity to tell their stories but no real solutions from the politicians from my point of view. There were 704 submissions to the Public Health Inquiry, no outcomes yet. Hopefully, there will be positive solutions from that inquiry. Forbes Council has put their own money into solving the GP shortage and decided to incentivise to encourage GPs to come. They applied for a federal grant and built 4 x 2 bedrooms units, good for registrars not so good for families.

They have ventured into territory that is not core council business to solve their GP shortages. They bought a building for \$1 turned it into an Aboriginal Medical Centre. Another problem was identified Locum doctors receive \$2,500 a day and a resident doctor earns that a week. There were claims of lack of accountability and responsibility for locums. Day two of the conference was Motions and Business Paper. There were around ninety motions from Council's all over the State. Clarence Valley Council's motion was number 86. That Local Government NSW lobbies NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works. Decision: Carried This motion was supported at Council's February's Ordinary Meeting Item 07.22.026 Notice of Motion to LGNSW Special Conference-Floodplain Maintenance Funding. It was an interesting day and very much like a huge council meeting, with questions and debate.

ALGWA BREAKFAST the following morning, I attended the Australian Women's Local Government Association's Breakfast. Rosemary Kariuki, Local Hero 2021 Australian of the Year Awards Advocate for Migrant and Refugee Women was the guest speaker. What a dynamic inspirational woman she is! Rosemary's Way a documentary 2020 celebrates this remarkable ladies work with vulnerable migrant women transforming their isolation to connection. There were so much more, including speakers on numerous topics. I could go on and on.

On the negative side it was difficult being away from home during the terrible weather events that were unfolding as we travelled south. In conclusion, I would like to say thank you to have been given the opportunity to represent Council at the LGNSW Special Conference.

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**OFFICER RECOMMENDATION**

That Council note that information provided by Councillor Toms after attending the LGNSW Special Conference.

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**COUNCIL RESOLUTION - 07.22.036**

**Novak/Johnstone**

**That Council note that information provided by Councillor Toms after attending the LGNSW Special Conference.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**ITEM 07.22.037 SUPERANNUATION PAYMENTS TO COUNCILLORS**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	General Manager	
<b>Prepared by</b>	A/General Manager, Laura Black	
<b>Attachments</b>	Nil	

**SUMMARY**

This report requires Council to consider the inclusion of superannuation contribution payments in addition to the remuneration received for performing the role of elected member, commencing 1 July 2022. Council is required to resolve to make superannuation contribution payments to elected members prior the payment being implemented.

**OFFICER RECOMMENDATION**

That:

1. Council approve payment of the superannuation contribution payments in additional to the annual fee paid to elected members.
2. Council note a superannuation contribution payment allocation will be included in the draft 2022/2023 budget currently being prepared.
3. Councillors who wish to receive the superannuation contribution payment at the current superannuation guarantee charge, complete the ATOs online 'choice of superannuation fund' form and return it to the A/General Manager by COB 29 July 2022.
4. Councillors who wish either to forgo the superannuation contribution payment or receive a payment that is less than the superannuation guarantee contribution (currently 10%), notify the A/General Manager in writing by COB 29 April 2022.

**MOTION**

Smith/Novak

That Council not approve payment of superannuation contributions to Councillors.

Voting recorded as follows

For: Smith, Whaites, Novak

Against: Johnstone, Tiley, Clancy, Toms, Pickering

The Motion was put and declared LOST.

**The Foreshadowed Motion was then considered and became the Council Resolution.**

**COUNCIL RESOLUTION - 07.22.037**

Pickering/Toms

That:

1. Council approve payment of the superannuation contribution payments additional to the annual fee paid to elected members.
2. Council note a superannuation contribution payment allocation will be included in the draft 2022/2023 budget currently being prepared.
3. Councillors who wish to receive the superannuation contribution payment at the current superannuation guarantee charge, complete the ATOs online 'choice of superannuation fund' form and return it to the A/General Manager by COB 29 July 2022.
4. Councillors who wish either to forgo the superannuation contribution payment or receive a payment that is less than the superannuation guarantee contribution (currently 10%), notify the A/General Manager in writing by COB 29 April 2022.

Voting recorded as follows

For: Johnstone, Tiley, Clancy, Toms, Pickering

Against: Smith, Whaites, Novak

**CARRIED**

**ITEM 07.22.038 DA2021/0878 - CONVERSION OF EXISTING SHED TO DWELLING TO CREATE A DUAL OCCUPANCY - 348 BEE EATER LANE, ASHBY HEIGHTS**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Reviewed by</b>	A/Development Services Coordinator, Carmen Landers	
<b>Prepared by</b>	Development Planner, James Hamilton	
<b>Attachments</b>	A. Proposed Plans B. Section 4.15 Assessment Report	

**SUMMARY**

<i>Applicant</i>	Dale Brushett C/- DCS Building and Consulting
<i>Owner</i>	Rodney Hayes and Kristina Hayes-Peterson
<i>Address</i>	348 Bee Eater Lane, Ashby Heights
<i>Submissions</i>	Nil

Council is in receipt of Development Application DA2021/0878 which proposes a Dual Occupancy at 348 Bee Eater Lane, Ashby Heights. In accordance with the Community Participation Plan the application was notified and no submissions were received.

The subject site is serviced by a Crown Road Reserve and the applicant has requested that Council accept transfer of this section of road to service the land. The matter is being referred to Council to accept transfer of this Crown Road in line with C8 of the Rural Zones Development Control Plan (DCP). The report provides an assessment of the application and a recommendation for Council's consideration.

**OFFICER RECOMMENDATION**

That Council:

1. Request the transfer of approximately 350 metres of Crown Road from the intersection of Bee Eater Lane and Old Murrayville Road to the access of the development site (348 Bee Eater Lane, Ashby Heights);
2. Approve DA2021/0878 subject to the draft Advices and Conditions of Consent contained in Schedule 1.

**MOTION – WITHDRAWN**

Pickering/Clancy

That Council:

1. Request the transfer of approximately 350 metres of Crown Road from the intersection of Bee Eater Lane and Old Murrayville Road to the access of the development site (348 Bee Eater Lane, Ashby Heights).
2. Defer consideration of DA2021/0878 pending the transfer of land.

**The Foreshadowed Motion was then considered and became the Council Resolution.**

**COUNCIL RESOLUTION - 07.22.038**

**Johnstone/Toms**

That Council:

1. Request the transfer of approximately 350 metres of Crown Road from the intersection of Bee Eater Lane and Old Murrayville Road to the access of the development site (348 Bee Eater Lane, Ashby Heights);
2. Approve DA2021/0878 subject to the draft Advices and Conditions of Consent contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

**CARRIED**



**ITEM 07.22.039 REV2021/0013 - REVIEW OF MOD2021/0029 - AMEND/RESTRUCTURE CONDITIONS TO ALLOW STAGING OF DEVELOPMENT AND REMOVAL OF INTERSECTION WORKS - ORION DRIVE, YAMBA**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Development Planner, James Hamilton	
<b>Attachments</b>	<ul style="list-style-type: none"> <li>A. Notice of Determination (as modified)</li> <li>B. Submissions</li> <li>C. Traffic Impact Assessment (Original submitted with DA in 2007)</li> <li>D. Traffic Impact Assessment (submitted with review)</li> <li>E. Traffic Impact Assessment (submitted with MOD2021/0029)</li> <li>F. Section 4.15 Assessment Report</li> </ul>	

### SUMMARY

<i>Applicant</i>	Palm Lake Works
<i>Owner</i>	Palm Lake Resort Pty Ltd
<i>Address</i>	Orion Drive Yamba
<i>Submissions</i>	Yes – Two (2) against

The Applicant has lodged a Division 8.2 Review of Section 4.55 Application MOD2021/0029 under the *Environmental Planning and Assessment Act 1979*. The original Development Application DA2007/0884 approved a Seniors Living Estate at Orion Drive, Yamba.

The applicant is now seeking a review of the modified consent to amend and restructure the consent as certain items requested as part of the modification application were not considered to the satisfaction of the Applicant. The review does not materially change the approved development apart from a key request to review the imposition of a condition requiring intersection upgrade works for Orion Drive and Yamba Road.

This review is forwarded to Council for determination as Council previously resolved to approve MOD2021/0029 at the 23 November 2021 meeting (Item No. 6b.21.084). These matters are discussed in detail in the Key Issues section of this report and a recommendation to Council is provided for consideration.

### OFFICER RECOMMENDATION

That Council approve REV2021/0013 subject to the amendments proposed in the draft Advices and Conditions contained in Schedule 1.

### COUNCIL RESOLUTION - 07.22.039

**Novak/Johnstone**

**That Council approve REV2021/0013 subject to the amendments proposed in the draft Advices and Conditions contained in Schedule 1.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.040 MOD2021/0085 - MODIFICATION OF SUB2006/0017 TO ALTER LOT SIZES - 46 MCHUGH STREET, GRAFTON**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Trainee Planner, Alex Clark	
<b>Attachments</b>	A. Proposed Plan B. Section 4.55 Amendment Report C. Development Consent SUB2006/0017	

**SUMMARY**

<i>Applicant</i>	A. Fletcher & Associates Pty Ltd
<i>Owner</i>	Hallmark Grafton Pty Ltd
<i>Address</i>	46 McHugh Street Grafton
<i>Submissions</i>	Nil

Council has received a Section 4.55(1A) application MOD2021/0085 to modify Development Consent SUB2006/0017 for a boundary adjustment (two (2) lots) previously determined by resolution at Council's Ordinary Meeting on Tuesday 18 April 2006. The proposal is to alter the approved boundaries and lot sizes, removing the need to demolish the existing dwelling.

As the proposed modification seeks to change an approval previously made by Council, a recommendation is provided for Council's consideration in accordance the currently delegations of authority.

**OFFICER RECOMMENDATION**

That Council approve Section 4.55 Application MOD2021/0085 subject to the draft Advices and Conditions contained in Schedule 1.

**COUNCIL RESOLUTION - 07.22.040**

**Novak/Johnstone**

**That Council approve Section 4.55 Application MOD2021/0085 subject to the draft Advices and Conditions contained in Schedule 1.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.041 REV2021/0012 - DIVISION 8.2 REVIEW OF REFUSAL FOR DA2021/0374 - THREE (3) MULTI DWELLING HOUSING UNITS AND STRATA SUBDIVISION - 11 HIGH STREET, YAMBA**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	A/Development Services Coordinator, Carmen Landers	
<b>Attachments</b>	A. Plans (Separate Cover) ⇄ B. Submissions C. Section 4.15 Assessment	

## SUMMARY

<i>Applicant</i>	Newton Denny Chapelle
<i>Owner</i>	Headlands Nominees Pty Ltd
<i>Address</i>	11 High Street, Yamba
<i>Submissions</i>	Yes – Four (4)

Development Application DA2021/0374 for a Multi Dwelling Housing development comprising three (3) units and strata subdivision at 11 High Street, Yamba was refused by Council at the meeting of 26 October 2021 (Item 6B.21.080) as the development did not meet the side setbacks, landscaping and car parking requirements of the Residential Zone Development Control Plan (DCP).

The applicant has now submitted a Division 8.2 Application (REV2021/0012) requesting a review of Council's decision to refuse the application. As a result of the refusal, the application has been amended to comply with the DCP as follows:

- Compliance with landscaped area requirements;
- Compliance with side boundary setbacks; and
- Compliance with secondary street frontage setbacks.

The development application continues to seek a variation to the DCP allow a stacked (tandem) carparking arrangement.

The review application was placed on exhibition and three (3) submissions were received during the exhibition period. The matters raised in the submissions are discussed in detail under the Key Issues section of this report.

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

## OFFICER RECOMMENDATION

That Council:

1. Support a variation to Clause G2(9) of the Residential Zones Development Control Plan and allow stacked parking for one car space per unit; and
2. Approve the development under REV2021/0374 subject to the draft Advices and Conditions contained in Schedule 1.

## MOTION

Clancy/Smith

That Council:

1. Don't support a variation to Clause G2(9) of the Residential Zones Development Control Plan and not allow stacked parking for one car space per unit; and
2. Not approve the development under REV2021/0374 subject to the draft Advices and Conditions contained in Schedule 1.

Voting recorded as follows

For: Clancy, Smith

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

The Motion was put and declared LOST

The Foreshadowed Motion was then considered and became the Council Resolution.

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**COUNCIL RESOLUTION - 07.22.041**

**Pickering/Toms**

**That Council:**

- 1. Support a variation to Clause G2(9) of the Residential Zones Development Control Plan and allow stacked parking for one car space per unit; and**
- 2. Approve the development under REV2021/0374 subject to the draft Advices and Conditions contained in Schedule 1.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

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**ITEM 07.22.042 PLANNING PROPOSAL REZ2021/0001 - LOT 2 DP839420, SPRING STREET, SOUTH GRAFTON**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Strategic Planner, Jasmine Oakes	
<b>Attachments</b>	A. Submissions B. Updated Planning Proposal and supporting reports (Separate Cover) <a href="#">⇒</a> C. Gateway Determination	

**SUMMARY**

<i>Applicant</i>	Clarence Valley Council
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	Lot 2 DP 839420, 2 Spring Street, South Grafton (former Visitor Information Centre site)
<i>Submissions</i>	3 Submissions received

Planning Proposal (REZ2021/0001) seeks to rezone Lot 2 DP 839420, 2 Spring Street, South Grafton (the former Visitor Information Centre). The proposal is to rezone the site from SP3 Tourist to B5 Business Development to enable the site to be used for purposes consistent with the surrounding area and relates to the proposed sale of this Council land.

The planning proposal was publicly exhibited from 11 January to 8 February 2022 and three (3) public submissions have been received opposing the rezoning. Two (2) agency submissions have been received which do not raise any concerns.

**OFFICER RECOMMENDATION**

That Council:

1. Note the submissions received (Attachment A) regarding the exhibited planning proposal;
2. Support the planning proposal to rezone the subject land from SP3 Tourist to B5 Business;
3. Note that the relevant strategies and plans will be considered with any future development applications, including the Business Zones DCP and the Grafton Precinct Plan to ensure a quality design outcome to support an attractive southern entrance to Grafton;
4. Note that adequate provision of flood storage during flood events will be considered as part of future development applications; and
5. Exercise its delegated authority as local plan-making authority pursuant to section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to take all necessary steps to make and finalise the amendment to the *Clarence Valley Local Environmental Plan 2011*.

**MOTION**

Johnstone/Clancy

That Council:

1. Note the submissions received (Attachment A) regarding the exhibited planning proposal;
2. Not support the planning proposal to rezone the subject land from SP3 Tourist to B5 Business.

Voting recorded as follows

For: Clancy

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

The Motion was put and declared LOST

**POINT OF ORDER**

Clancy

This is about what I have been attributed to doing, I need to correct it.

The Chair over rules the point of order

The Foreshadowed Motion was then considered and became the Council Resolution.

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**COUNCIL RESOLUTION - 07.22.042**

**Pickering/Novak**

**That Council:**

- 1. Note the submissions received (Attachment A) regarding the exhibited planning proposal;**
- 2. Support the planning proposal to rezone the subject land from SP3 Tourist to B5 Business;**
- 3. Note that the relevant strategies and plans will be considered with any future development applications, including the Business Zones DCP and the Grafton Precinct Plan to ensure a quality design outcome to support an attractive southern entrance to Grafton;**
- 4. Note that adequate provision of flood storage during flood events will be considered as part of future development applications; and**
- 5. Exercise its delegated authority as local plan-making authority pursuant to section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to take all necessary steps to make and finalise the amendment to the *Clarence Valley Local Environmental Plan 2011*.**

**Voting recorded as follows**

**For: Pickering, Novak, Whaites, Tiley, Smith, Toms**

**Against: Johnstone, Clancy**

**CARRIED**

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**ITEM 07.22.043 ALTERNATE MEMBER FOR NORTHERN REGIONAL PLANNING PANEL**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Environment & Planning	
<b>Prepared by</b>	Manager Development & Land Use Planning, Murray Lane	
<b>Attachments</b>	Nil	

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**SUMMARY**

This report seeks a Council resolution to appoint an additional alternate member to the Northern Regional Planning Panel (the NRPP). The NRPP is established under the *Environmental Planning and Assessment Act 1979* (EP&A Act) which includes specific requirements about panel membership.

**OFFICER RECOMMENDATION**

That Council appoint one (1) additional alternative member to the Northern Regional Planning Panel, in accordance with the *Environmental Planning and Assessment Act 1979* and for a period until the commencement of the current Council's caretaker period in September 2024.

**MOTION**

Novak/Whaites

That Council appoint one (1) additional alternative member to the Northern Regional Planning Panel, in accordance with the *Environmental Planning and Assessment Act 1979* and for a period until the commencement of the current Council's caretaker period in September 2024.

Voting recorded as follows

For: Novak, Whaites, Toms

Against: Johnstone, Tiley, Clancy, Smith, Pickering

The Motion was put and declared LOST

**ITEM 07.22.044 DRAFT DIGGERS HEADLAND RESERVE VEGETATION MANAGEMENT PLAN - CROWN LAND**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Natural Resource Management Officer, Heather Mitchell	
<b>Attachments</b>	A. Draft Vegetation Management Plan - Diggers Headland Reserve	

**SUMMARY**

The draft *Diggers Headland Reserve Vegetation Management Plan* emphasises the importance and purpose of vegetation management programs and actions relating to the protection of natural heritage in the reserve, in a way that meets the future needs and expectations of the community, including local residents and visitors alike.

**OFFICER RECOMMENDATION**

That Council place the draft *Diggers Headland Reserve Vegetation Management Plan* on public exhibition for a minimum period of 28 days and if there are no submissions or comment received that the Plan be adopted.

**COUNCIL RESOLUTION - 07.22.044**

**Novak/Johnstone**

That Council place the draft *Diggers Headland Reserve Vegetation Management Plan* on public exhibition for a minimum period of 28 days and if there are no submissions or comment received that the Plan be adopted.

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**



**ITEM 07.22.045 2021/22 MONTHLY FINANCIAL REPORT - FEBRUARY 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Manager Finance & Systems, Kate Maginnity	
<b>Attachments</b>	A. 2021/22 Monthly Income & Expenditure Statements by Service - February 2022 B. Monthly Grant Application Summary - February 2022	

**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, nor do they impact the balance of funds held in our Financial Reserves.

**OFFICER RECOMMENDATION**

That Council:

1. Note the monthly financial information report for February 2022, attached to this report.
2. Endorse the proposed variations, which have a net zero impact on both the Financial Reserves and Budgeted General Fund Result for inclusion in the March Quarterly Budget Review Statement to be reported in April 2022.
3. Note and endorse the grant applications as identified in Attachment B.

**COUNCIL RESOLUTION - 07.22.045**

**Novak/Johnstone**

That Council:

1. **Note the monthly financial information report for February 2022, attached to this report.**
2. **Endorse the proposed variations, which have a net zero impact on both the Financial Reserves and Budgeted General Fund Result for inclusion in the March Quarterly Budget Review Statement to be reported in April 2022.**
3. **Note and endorse the grant applications as identified in Attachment B.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.046 CI ANYWHERE CLOUD MIGRATION**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Coordinator Corporate Systems, Matt Davidson	
<b>Attachments</b>	A. CONFIDENTIAL - TechnologyOne SaaS Contract (Confidential)	

**SUMMARY**

Council's primary corporate systems are currently on-premise, this platform is becoming end of life and now needs to be upgraded to the TechnologyOne Cloud. The cost of the upgrade is a net \$472,454 and will commence in the 2022/2023 financial year and will be reviewed in 5 years. This report requests Council endorse the upgrade and allocate funds in its draft 2022/2023 budget for the upgrade and subsequent years for the ongoing software support and licencing costs.

**OFFICER RECOMMENDATION**

That Council,

1. Accept the TechnologyOne Cloud Contract
2. Delegate execution of the contract to the Acting General Manager
3. Endorse the required values to support the upgrade of our Corporate Systems to be included in the 2022/2023 Capital & Operating budgets into the future.

**COUNCIL RESOLUTION - 07.22.046**

**Novak/Johnstone**

That Council,

1. **Accept the TechnologyOne Cloud Contract**
2. **Delegate execution of the contract to the Acting General Manager**
3. **Endorse the required values to support the upgrade of our Corporate Systems to be included in the 2022/2023 Capital & Operating budgets into the future.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.047 SUPPLY & DELIVERY OF STATIONERY**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Procurement Coordinator, Trevor Pate	
<b>Attachments</b>	A. Council report Tender Provision for the Supply & Delivery of Stationery (Confidential) B. Supply & Delivery of Stationery Tender Recommendation Report (Confidential) C. Tender Evaluation Matrix (Confidential)	

**SUMMARY**

This report recommends Council's acceptance of a "Panel of Suppliers" for the supply & delivery of Stationery for the period 1 April 2022 to 31 March 2024. The Tender (T522122OROC) was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

**OFFICER RECOMMENDATION**

That:

- Council accepts the tender offers from the following (2) tenderers for the period 1 April 2022 to 31 March 2024:
  - Dolphin Stationery Pty Ltd
  - Winc Australia Pty Ltd
- The Acting General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and subject to satisfactory supplier performance the Acting General Manager be delegated authority to extend these agreements for a further 12 months which may take these contracts through to 1 April 2025.

**COUNCIL RESOLUTION - 07.22.047**

**Novak/Johnstone**

That:

- Council accepts the tender offers from the following (2) tenderers for the period 1 April 2022 to 31 March 2024:**
  - Dolphin Stationery Pty Ltd**
  - Winc Australia Pty Ltd**
- The Acting General Manager be delegated authority to execute the Deed of Agreement on behalf of Council and subject to satisfactory supplier performance the Acting General Manager be delegated authority to extend these agreements for a further 12 months which may take these contracts through to 1 April 2025.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.22.048 SUPPLY & DELIVERY OF READY MIXED CONCRETE**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Manager Finance & Systems, Kate Maginnity	
<b>Prepared by</b>	Procurement Coordinator, Trevor Pate	
<b>Attachments</b>	A. CVC Evaluation Matrix Confidential (Confidential) B. Council Tender Recommendation Report (Confidential)	

**SUMMARY**

This report recommends Council's acceptance of a Tender for the Supply & Delivery of Ready Mixed Concrete for the period 1 April 2022 to 31 March 2024. The Tender was called by Regional Procurement Initiative ® on behalf of Richmond Valley and Clarence Valley Councils.

**OFFICER RECOMMENDATION**

That:

1. Council accepts the tendered prices from Boral Limited, Holcim Australia Pty Ltd & Grahams Concrete Pty Ltd for the Supply & Delivery of Ready Mixed Concrete (Regional Procurement Initiative ® Tender T492122RTC) for the period 1 April 2022 to 31 March 2024.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31/03/2025.

**COUNCIL RESOLUTION - 07.22.048**

**Novak/Johnstone**

That:

1. Council accepts the tendered prices from Boral Limited, Holcim Australia Pty Ltd & Grahams Concrete Pty Ltd for the Supply & Delivery of Ready Mixed Concrete (Regional Procurement Initiative ® Tender T492122RTC) for the period 1 April 2022 to 31 March 2024.
2. A provision be allowed for a 12 month extension based on satisfactory supplier performance, which may take this contract through to 31/03/2025.

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.049 MONTHLY INVESTMENT REPORT - FEBRUARY 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Acting Financial Accountant, Kirsty Gooley	
<b>Attachments</b>	A. Movement of funds between months	

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**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 28 February 2022 be noted.

**COUNCIL RESOLUTION - 07.22.049**

**Novak/Johnstone**

**That the report indicating Council's funds investment position as at 28 February 2022 be noted.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

### ITEM 07.22.050 INDEPENDENT COMMITTEE MEMBERS FOR THE AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	A/Director - Corporate & Governance, Alex Moar	
<b>Prepared by</b>	Internal Audit Officer, Kallet Ward	
<b>Attachments</b>	A. Expression of Interest 1 (Confidential) B. Expression of Interest 2 (Confidential) C. Expression of Interest 3 (Confidential)	

#### SUMMARY

This report requires Council to consider the appointment of 2 independent committee members for the Audit, Risk and Improvement Committee (ARIC). The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance and external responsibilities.

#### OFFICER RECOMMENDATION

That Council

1. Appoint Barry Ford as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.
2. Appoint Christine Tyler as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.

#### COUNCIL RESOLUTION - 07.22.050

**Novak/Johnstone**

That Council

1. Appoint Barry Ford as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.
2. Appoint Christine Tyler as an independent committee member of the Audit, Risk and Improvement Committee for the term of the Council.

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.22.051 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Corporate Support Assistant, Karlie Chevalley	
<b>Attachments</b>	A. Outstanding checklist items from 22.2.22 B. Completed checklist items from 22.2.22 C. Past rolling checklist from 2019 - Jan 2022	

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**SUMMARY**

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

**OFFICER RECOMMENDATION**

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

**COUNCIL RESOLUTION - 07.22.051**

**Clancy/Pickering**

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

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.052 CONFERENCE ATTENDANCE FOR 2022**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Corporate Support Assistant, Karlie Chevalley	
<b>Attachments</b>	Nil	

**SUMMARY**

The purpose of this report is to plan the attendance by Councillors at conferences for three (3) conferences being held in 2022

**OFFICER RECOMMENDATION**

That Council

1. Nominate councillor(s) to attend the following conferences being held in 2022:
  - NSW Coastal Conference;
  - National General Assembly;
  - LGNSW Annual Conference
2. Nominate four (4) voting delegates to the LGNSW Annual Conference.

**MOTION**

Toms/Novak

That Council defer the decision on the conferences listed in the Officer Recommendation until further information is provided.

Voting recorded as follows

For: Pickering, Novak, Whaites, Toms

Against: Johnstone, Tiley, Clancy, Smith

Casting Vote: Cr Tiley - Against

LOST on the Casting Vote of the Chair

**COUNCIL RESOLUTION - 07.22.052**

**Clancy/Johnstone**

That Council

1. **Nominate councillor(s) to attend the following conferences being held in 2022:**
  - **NSW Coastal Conference**
  - **National General Assembly**
  - **LGNSW Annual Conference**
2. **Nominate four (4) voting delegates to the LGNSW Annual Conference.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**COUNCIL RESOLUTION - 07.22.052a**

**Clancy/Johnstone**

That Council

1. **Nominate the following councillor(s) to attend the following conferences being held in 2022:**
  - **NSW Coastal Conference – Pickering, Smith**
  - **National General Assembly – Whaites, Tiley**
  - **LGNSW Annual Conference – Whaites, Clancy**



**2. Only nominate two (2) voting delegates to the LGNSW Annual Conference.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.053 CULTURAL AND SPORTS TRUST FUND**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Administration Officer, Christine Bultitude	
<b>Attachments</b>	Nil	

**SUMMARY**

Requests for assistance from the Clarence Valley Cultural and Sports Trust fund has been received from Martina Williams and Mackenna Ensbey.

**OFFICER RECOMMENDATION**

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

1. \$300 to assist Martina Williams, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022; and
2. \$300 to assist Mackenna Ensbey, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022.

Cr Johnstone left the meeting at 3:31 pm.

Cr Johnstone returned to the meeting at 3:32 pm.

**COUNCIL RESOLUTION - 07.22.053****Pickering/Whaites**

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

1. **\$300 to assist Martina Williams, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022; and**
2. **\$300 to assist Mackenna Ensbey, who has been selected to represent NSW at the 2022 National U18 Hockey Championships in Cairns Qld from 6-14 April 2022.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.054 REQUEST FOR RATES DONATION - LAWRENCE HISTORICAL SOCIETY INC.**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Administration Officer, Christine Bultitude	
<b>Attachments</b>	A. Letter Clr Ian Tiley Mayor	

**SUMMARY**

A request has been received from the Lawrence Historical Society (LHS) for Council to consider a full donation of rates for one year, in total approximately \$2000.

**OFFICER RECOMMENDATION**

That Council:

1. Vary the Donations Policy criteria in this instance to approve the donation of the outstanding balance of the rates and annual charges for 2021/2022 (balance owing \$1,022) to Lawrence Historical Society.
2. Consider additional requests for donations for the 2022/2023 financial year by the Lawrence Historical Society in line with Policy provisions.

**COUNCIL RESOLUTION - 07.22.054**

**Novak/Johnstone**

**That Council:**

1. **Vary the Donations Policy criteria in this instance to approve the donation of the outstanding balance of the rates and annual charges for 2021/2022 (balance owing \$1,022) to Lawrence Historical Society.**
2. **Consider additional requests for donations for the 2022/2023 financial year by the Lawrence Historical Society in line with Policy provisions.**

**Voting recorded as follows**

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

**Against: Nil**

**CARRIED**

**ITEM 07.22.055 GOVERNANCE REPORT Q2 2021-22**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Corporate & Governance	
<b>Prepared by</b>	Governance Officer, Bligh Grant	
<b>Attachments</b>	A. Disclosures of Interest for new Councillors B. Disclosures of Interest - staff updates	

**SUMMARY**

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in the period 1 October 2021 to 1 December 2021.

**OFFICER RECOMMENDATION**

That:

1. Council note the Governance report for the period 1 October 2021 to 1 December 2021.
2. The Disclosures of Interest Returns for the new Council and the updated returns and exit return for designated persons be placed on Council's website.

**MOTION**

Clancy/Pickering

That Council :

1. Defer the noting of the Governance report for the period 1 October 2021 to 1 December 2021 until the April Council meeting.
2. Adopt the Disclosures of Interest Returns for the new Council and the updated returns and exit return for designated persons be placed on Council's website.

Voting recorded as follows

For: Clancy

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

The Motion was put and declared LOST

**COUNCIL RESOLUTION - 07.22.055**

Novak/Pickering

That:

1. Council note the Governance report for the period 1 October 2021 to 1 December 2021.
2. The Disclosures of Interest Returns for the new Council and the updated returns and exit return for designated persons be placed on Council's website.

Voting recorded as follows

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

Against: Clancy

**CARRIED**

**ITEM 07.22.056 CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES - FUNDING**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Parks & Recreation Officer, Gavin Beveridge	
<b>Attachments</b>	Nil	

**SUMMARY**

This report provides recommendations on the 2021/2022 annual sporting grant funding allocations for the Clarence Sports Committee and Lower Clarence Sports Committee for Council endorsement.

**OFFICER RECOMMENDATION**

That Council allocate:

1. \$527.28 (ex GST) to the Grafton Dragon Boat Club to storage shed improvements at Corcoran Park from the Clarence Sports Committee funding allocation.
2. \$36,672.72 (ex GST) from PJ 541500 to supply and install portable grandstands at Ellem Oval and JJ Lawrence Fields from the balance of the Clarence Sports Committee funding allocation.
3. \$2,800.00 (ex GST) from PJ 541500 to upgrade change room lighting at McKittrick Park from the balance of the Clarence Sports Committee funding allocation.
4. The unspent funds of \$968.72 to be returned to Sports Income Reserve RA11035
5. \$18,217.59 (ex GST) to the Maclean Manta Rays Swimming Club to supply and install electronic timing System at Maclean Centenary pool from the Lower Clarence Sports Committee funding allocation.
6. \$2,485.50 (ex GST) to the Yamba Football Club to electrical upgrade to the clubhouse at Yamba Ngayundi Sports Complex from the Lower Clarence Sports Committee funding allocation.

**COUNCIL RESOLUTION - 07.22.056**

**Novak/Johnstone**

That Council allocate:

1. **\$527.28 (ex GST) to the Grafton Dragon Boat Club to storage shed improvements at Corcoran Park from the Clarence Sports Committee funding allocation.**
2. **\$36,672.72 (ex GST) from PJ 541500 to supply and install portable grandstands at Ellem Oval and JJ Lawrence Fields from the balance of the Clarence Sports Committee funding allocation.**
3. **\$2,800.00 (ex GST) from PJ 541500 to upgrade change room lighting at McKittrick Park from the balance of the Clarence Sports Committee funding allocation.**
4. **The unspent funds of \$968.72 to be returned to Sports Income Reserve RA11035**
5. **\$18,217.59 (ex GST) to the Maclean Manta Rays Swimming Club to supply and install electronic timing System at Maclean Centenary pool from the Lower Clarence Sports Committee funding allocation.**
6. **\$2,485.50 (ex GST) to the Yamba Football Club to electrical upgrade to the clubhouse at Yamba Ngayundi Sports Complex from the Lower Clarence Sports Committee funding allocation.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.22.057 PROPOSED ROAD CLOSURE - PART HAROLD TORY DRIVE, YAMBA**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Support Officer (Acquisitions & Disposals), Eloise Casson	
<b>Attachments</b>	Nil	

**SUMMARY**

This report is to consider the permanent road closure of part Harold Tory Drive, Yamba, and the transfer of ownership to the adjoining landowners (refer Figure 1). The request is made via a joint application submitted by the adjoining landowners of Lots 162 and 163 DP 1265281, being 2 and 4 Harold Tory Drive, Yamba.

**OFFICER RECOMMENDATION**

1. That Council:
  - i. permanently close part of Harold Tory Drive, Yamba, adjoining Lots 162 and 163 DP1265281 (refer Figure 1)
  - ii. classify the newly created Lots as 'operational' land
  - iii. engage a valuer on behalf of the adjoining landowners to determine sale prices
  - iv. transfer the newly created Lot adjoining Lot 163 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
  - v. transfer the newly created Lot adjoining Lot 162 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
  - vi. consolidate the newly created Lots with adjoining Lots 162 & 163 DP1265281
  - vii. authorise the Acting General Manager to execute all documents related to the closure and sale to affect the above requirements
2. The landowners are to meet all costs associated with the road closure

**COUNCIL RESOLUTION - 07.22.057**

**Novak/Johnstone**

1. That Council:
  - i. permanently close part of Harold Tory Drive, Yamba, adjoining Lots 162 and 163 DP1265281 (refer Figure 1)
  - ii. classify the newly created Lots as 'operational' land
  - iii. engage a valuer on behalf of the adjoining landowners to determine sale prices
  - iv. transfer the newly created Lot adjoining Lot 163 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
  - v. transfer the newly created Lot adjoining Lot 162 to the adjoining landowners for the sale price determined by the valuation plus GST if applicable
  - vi. consolidate the newly created Lots with adjoining Lots 162 & 163 DP1265281
  - vii. authorise the Acting General Manager to execute all documents related to the closure and sale to affect the above requirements
2. The landowners are to meet all costs associated with the road closure

Voting recorded as follows

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

Against: Nil

**CARRIED**

**ITEM 07.22.058 RFT21-38 DESIGN AND CONSTRUCT FOUR BRIDGES**

<b>Meeting</b>	Council	22 March 2022
<b>Directorate</b>	Works & Civil	
<b>Prepared by</b>	Project Coordinator (Fixing Country Bridges), John Wells	
<b>Attachments</b>	A. RFT21-38 Tender Recommendation Report (Confidential)	

**SUMMARY**

A selective tender process has been completed for the design and construction of four bridges, including the demolition of the existing bridges, on Armidale Road at Coutts Crossing as part of the Fixing Country Bridges program. The tender opened on 24 November 2021 and closed on 31 January 2022. Four complying tenders were received. The Tender Evaluation Panel considers, having regard to all circumstances, that the tendered fees from Ark Construction Group Pty Ltd represent the most advantageous tender and best return for Council and recommends that this tender be accepted.

**OFFICER RECOMMENDATION**

That Council:

1. Accept the tender from Ark Constructions Group Pty Ltd for RFT21-38 Design and Construct Replacement of Four (4) Bridges at a cost of \$8,550,922.60 (GST inclusive) to be funded from Fixing Country Bridges PJ 937031 Coutts No.1 Bridge; PJ 937032 Coutts No.2 Bridge; PJ 937034 Koukandowie Creek Bridge and PJ 937035 Skinners Swamp Bridge.
2. Remove Koukandowie Creek Bridge from the scope of works post-award of the contract as a variation should Council's submission for the re-allocation of Fixing Country Bridges grants be delayed or not approved by Transport for NSW (TfNSW).
3. Authorise the Acting General Manager to approve variations up to 15% of the contract value.

**COUNCIL RESOLUTION - 07.22.058**

**Novak/Johnstone**

That Council:

1. **Accept the tender from Ark Constructions Group Pty Ltd for RFT21-38 Design and Construct Replacement of Four (4) Bridges at a cost of \$8,550,922.60 (GST inclusive) to be funded from Fixing Country Bridges PJ 937031 Coutts No.1 Bridge; PJ 937032 Coutts No.2 Bridge; PJ 937034 Koukandowie Creek Bridge and PJ 937035 Skinners Swamp Bridge.**
2. **Remove Koukandowie Creek Bridge from the scope of works post-award of the contract as a variation should Council's submission for the re-allocation of Fixing Country Bridges grants be delayed or not approved by Transport for NSW (TfNSW).**
3. **Authorise the Acting General Manager to approve variations up to 15% of the contract value.**

Voting recorded as follows

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

Against: Nil

**CARRIED**

**8. 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 3.35pm.



