

Ordinary Council Meeting

Minutes

Grafton - 24 May 2022 - 2:00pm



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 24 May 2022 commencing at 2:00pm and closing at 3:12 pm.

AFFIRMATION – Cr Pickering delivered the Affirmation.

We, the Councillors of the Clarence Valley declare that we will undertake the duties of the office of Councillor in the best interests of our community and faithfully and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND - Cr Whaites 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

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

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

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. DISCLOSURES AND DECLARATIONS OF INTEREST – 03.22.004**Declarations received at the commencement of the Ordinary Council Meeting**

Name	Item	Nature of Interest, Action and Reason
A/GM Laura Black	05.22.008	<ul style="list-style-type: none"> ▪ Pecuniary – Leave the Meeting ▪ As I may be a candidate.
A/GM Laura Black	05.22.009	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Chamber ▪ As the matter of performance is tabled only and is not related to terms of employment unless Council wishes to exercise S5.5.3 to exclude the GM.
Cr Allison Whaites	07.22.090	<ul style="list-style-type: none"> ▪ Pecuniary – Leave the Meeting ▪ Real Estate concerns
Cr Peter Johnstone	07.22.090	<ul style="list-style-type: none"> ▪ Significant Non Pecuniary – Leave the Meeting ▪ Friends with some who made submissions

4. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 04.22.007

Johnstone/Pickering

That the Minutes of Ordinary Meeting of Council dated 26 April 2022, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED

5. MAYORAL MINUTES

**ITEM 05.22.008 MAYORAL MINUTE
GENERAL MANAGER RECRUITMENT SELECTION PANEL**

Meeting	Council	24 May 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

This Minute is presented to enable Council to decide the two Councillors who will team with the Mayor and Deputy Mayor to be part of the four Councillor recruitment selection panel determined by Council at its April Ordinary Monthly meeting.

PROPOSED MOTION

That Council elect two Councillors, at least one of whom should be female, to be part of the four Councillor General Manager Recruitment Selection Panel.

A/GM left the meeting at 2:04 pm. A/GM returned to the meeting at 2:06 pm.

COUNCIL RESOLUTION - 05.22.008

Tiley

That Council elect two Councillors, at least one of whom should be female, to be part of the four Councillor General Manager Recruitment Selection Panel.

Voting recorded as follows

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

Against: Nil

CARRIED

The Mayor advised that the following nominations for the selection panel had been received:

1. Cr Johnstone
2. Cr Toms
3. Cr Smith

Councillor Toms automatically elected to the panel having been the only female nominee.

ELECTION

COUNCILLOR	-	VOTES
Cr Johnstone	-	Crs, 4
Cr Smith	-	Crs, 5

Following the vote the Mayor declared that Councillor Toms and Councillor Smith were selected for the General Manager Recruitment Selection Panel.

**ITEM 05.22.009 MAYORAL MINUTE
MID-TERM REVIEW ACTING GENERAL MANAGER PERFORMANCE AGREEMENT**

Meeting	Council	24 May 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The purpose of this Minute is to advise Council that the mid-term review of the performance of acting General Manager Laura Black has been conducted as required.

PROPOSED MOTION

That Council note that the mid-term review of the Acting General Manager Laura Black was conducted by Council's appointed Review Panel on Monday, 2 May 2022 and that the Panel agreed that the performance of the AGM was satisfactory.

COUNCIL RESOLUTION - 05.22.009

Tiley

That Council note that the mid-term review of the Acting General Manager Laura Black was conducted by Council's appointed Review Panel on Monday, 2 May 2022 and that the Panel agreed that the performance of the AGM was satisfactory.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.010 MAYORAL MINUTE
FUNDING VOLUNTARY HOUSE RAISING**

Meeting	Council	24 May 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

This Minute is intended to seek to secure more appropriate levels of funding to enable vulnerable houses to be raised above flood reach within a reasonable period of time.

PROPOSED MOTION

1. That Council advocate through the NSW Premier, Minister for Emergency Services, and the Hon Chris Gulaptis for increased funding for voluntary house raisings as a flood mitigation measure on the Clarence floodplain.
2. That a motion seeking this increased funding be presented to the October 2022 Local Government NSW Annual Conference for support.

COUNCIL RESOLUTION - 05.22.010

Tiley

1. That Council advocate through the NSW Premier, Minister for Emergency Services, and the Hon Chris Gulaptis for increased funding for voluntary house raisings as a flood mitigation measure on the Clarence floodplain.
2. That a motion seeking this increased funding be presented to the October 2022 Local Government NSW Annual Conference for support.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.011 MAYORAL MINUTE
GREATER FUNDING FOR COUNCIL'S FLOODPLAIN MANAGEMENT PLAN
PRIORITY PROJECTS**

Meeting	Council	24 May 2022
Submitted by	Cr Ian Tiley	
Attachments	A. Minute 6c.20.130 extracted pages ⇒	

SUMMARY

It is timely and appropriate, especially given the no less than four flood events since the election of this Council, that Council advocate to State and Commonwealth Governments through CVC's local parliamentary representatives for more adequate funding to enable implementation of councils' large number of flood related projects. This is the purpose of this Minute.

PROPOSED MOTION

That Council make submissions to Commonwealth and NSW Governments through its local Parliamentarians for more adequate funding to enable timely completion of Councils various prioritised flood related projects.

COUNCIL RESOLUTION - 05.22.011

Tiley

That Council make submissions to Commonwealth and NSW Governments through its local Parliamentarians for more adequate funding to enable timely completion of Councils various prioritised flood related projects.

Voting recorded as follows

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

Against: Nil

CARRIED

6. NOTICES OF MOTION

**ITEM 06.22.005 NOTICE OF MOTION
THE USE OF LOCAL PROVENANCE NATIVE PLANTS BY CLARENCE VALLEY
COUNCIL**

Meeting	Council	24 May 2022
Submitted by	Cr Greg Clancy	
Attachments	Nil	

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

SUMMARY

The use of local provenance plants in council's planting in parks, streets and other areas as well as recommending local plants in DA approvals will assist to maintain the local character of the Clarence Valley as well as providing the ideal habitat for local native species of fauna. In addition, the propagation of threatened local plants may assist on their long-term survival.

PROPOSED MOTION

That Council include in the 2022/2023 Operational Plan a review of the Tree Management Policy and the Urban Tree Management Strategy giving consideration to the following:

1. use only local provenance native plants in its plantings in parks and gardens and in street plantings
2. use of local native plants in landscaping wherever possible in developments approved by council
3. maintaining existing avenues of Jacarandas in Grafton and garden beds of flowers
4. allowing other plantings on their merit, where a strong case to use other species can be established
5. review of the practice of planting monocultural lines of trees along streets
6. approval by council for deviation from Policy and Strategy.

COUNCIL RESOLUTION - 06.22.005

Clancy/Day

That Council include in the 2022/2023 Operational Plan a review of the Tree Management Policy and the Urban Tree Management Strategy giving consideration to the following:

1. **use only local provenance native plants in its plantings in parks and gardens and in street plantings**
2. **use of local native plants in landscaping wherever possible in developments approved by council**
3. **maintaining existing avenues of Jacarandas in Grafton and South Grafton and garden beds of flowers**
4. **allowing other plantings on their merit, where a strong case to use other species can be established**
5. **review of the practice of planting monocultural lines of trees along streets**
6. **approval by council for deviation from Policy and Strategy.**

Voting recorded as follows

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

Against: Whaites

CARRIED

VOTE BY EXCEPTION

Novak/Johnstone

That the following items be adopted as recommended:

07.22.087

07.22.088

07.22.089

07.22.092

07.22.094

07.22.095

07.22.096

07.22.097

07.22.098

07.22.099

07.22.100

07.22.101

07.22.102

07.22.103

07.22.104

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS

OFFICE OF THE GENERAL MANAGER

ITEM 07.22.086 COMMUNITY STRATEGIC PLAN FOR ADOPTION

Meeting	Council	24 May 2022
Directorate	General Manager	
Prepared by	A/Director - Corporate & Governance, Alex Moar	
Attachments	A. The Clarence 2032 (Separate Cover) ⇒ B. CSP Submission ⇒	

SUMMARY

The report seeks Council's endorsement of the Community Strategic Plan (CSP), the Clarence 2032 following the exhibition period.

OFFICER RECOMMENDATION

That Council endorse the Community Strategic Plan, The Clarence 2032.

COUNCIL RESOLUTION - 07.22.086

Pickering/Toms

That Council endorse the Community Strategic Plan, The Clarence 2032.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.087 AUDIT, RISK AND IMPROVEMENT COMMITTEE (ARIC)

Meeting	Council	24 May 2022
Directorate	General Manager	
Prepared by	Internal Audit Officer, Kallet Ward	
Attachments	A. Terms of Reference - ARIC ⇒ B. Internal Audit Charter - ARIC ⇒ C. Strategic Internal Audit Plan 2022-2025 ⇒ D. Annual Internal Audit Plan 2022-2023 ⇒ E. ARIC Meeting Minutes 7 April 2022 ⇒ F. ARIC Meeting Minutes 28 April 2022 ⇒	

SUMMARY

This report requires Council to endorse key documents to support the operations of the Audit, Risk and Improvement Committee (ARIC). The suite of documents provide clear guidance to ARIC and ensures transparency of committee operations. The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance and external responsibilities.

OFFICER RECOMMENDATION

That Council

1. Endorse the Audit Risk and Improvement Committee:
 - a. Terms of Reference
 - b. Internal Audit Charter
 - c. Three year Strategic Internal Audit Plan 2022-2025
 - d. Annual Internal Audit Plan 2022-2023
2. Note the Audit, Risk and Improvement Committee meeting minutes for 7 and 28 April 2022.

COUNCIL RESOLUTION - 07.22.087

Novak/Johnstone

That Council

1. Endorse the Audit Risk and Improvement Committee:
 - a. Terms of Reference
 - b. Internal Audit Charter
 - c. Three year Strategic Internal Audit Plan 2022-2025
 - d. Annual Internal Audit Plan 2022-2023
2. Note the Audit, Risk and Improvement Committee meeting minutes for 7 and 28 April 2022.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.22.088 PLANNING PROPOSAL REZ2020/0006 - LOT 231 HAMPTON ROAD WATERVIEW HEIGHTS

Meeting	Council	24 May 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Attachments	A. REZ2020_0006 Gateway determination ⇒ B. REZ2020_0006 BCD Recommendation ⇒ C. REZ2020_0006 Submissions ⇒ D. REZ2020_0006 Hampton Road Planning Proposal V3 (Separate Cover) ⇒ E. Proposed Zoning and Lot Size Maps ⇒	

SUMMARY

A proponent-led planning proposal (REZ2020/0006) proposes to rezone part Lot 231 DP 880455 at 56A Hampton Road, Waterview Heights from Rural (RU2) to Large Lot Residential (R5). The subject property currently contains two (2) dwellings. The purpose of the proposed rezoning is to create the ability to seek development consent by way of a future development application for a two lot subdivision for one smaller lot on the proposed R5 zoned land around one existing house, and a larger residue lot to contain another existing house.

The planning proposal has been publicly exhibited and five (5) submissions were received. Council officers coordinated meetings between the Department of Planning and Environment (DPE), Department of Primary Industries and the Biodiversity Conservation Division (BCD) of DPE to resolve the issues. This has resulted in agreement to support the proposed rezoning, along with rezoning part of the land to C2 Environmental Conservation to protect potential habitat for koalas and other animals.

OFFICER RECOMMENDATION

That Council:

1. Note the five (5) submissions received from government agencies, and that these have been resolved; and
2. Exercise its delegation 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* (CVLEP) on part Lot 231 Hampton Road Waterview Heights from RU2 Rural Landscape to R5 Large Lot Residential and C2 Environmental Conservation, including to:
 - a. amend the CVLEP Land Zoning Map as illustrated in Figure 1 and Attachment E1 of this report; and
 - b. amend the Lot Size Map to 8,000m² over the land to be zoned R5 Large Lot Residential as illustrated in Figure 2 and attachment E2 of this report.

COUNCIL RESOLUTION - 07.22.088

Novak/Johnstone

That Council:

1. Note the five (5) submissions received from government agencies, and that these have been resolved; and
2. Exercise its delegation 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 (CVLEP)* on part Lot 231 Hampton Road Waterview Heights from RU2 Rural Landscape to R5 Large Lot Residential and C2 Environmental Conservation, including to:
 - a. amend the CVLEP Land Zoning Map as illustrated in Figure 1 and Attachment E1 of this report; and
 - b. amend the Lot Size Map to 8,000m² over the land to be zoned R5 Large Lot Residential as illustrated in Figure 2 and attachment E2 of this report.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.089 AMENDMENT TO WATER QUALITY TARGETS FOR NEW DEVELOPMENT IN CLARENCE VALLEY DEVELOPMENT CONTROLS

Meeting	Council	24 May 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Attachments	A. DCP_Sustainable Water Controls Draft amendments ⇒ B. DCP_CV Sustainable Water Requirements - Info for Applicants ⇒ C. DCP_Council minutes and Report 6b.21.072 ⇒ D. DCP_Council Minutes and Report 07.22.010_22 February 2022 ⇒	

SUMMARY

This report seeks Council's endorsement of proposed changes to the Sustainable Water Controls in Council's Development Control Plans (DCPs) and supporting information. The proposed amendment includes minor changes to the Objective statements in the DCPs to address Council's 22 February 2022 resolution (07.22.010) to 'provide stronger and more appropriate wording' in response to submissions.

The recommendation ensures the DCP controls are appropriately worded to achieve the policy intent to improve water quality standards, and to provide certainty for applicants and the community about Council's development standards.

OFFICER RECOMMENDATION

That Council:

1. Approve the proposed amendments to the Residential Zones Development Controls Plan (DCP), Industrial Zoned DCP, Business Zones DCP and Environmental Protection, Recreation and Special Use zones DCP;
2. Approve the proposed amendments to the Clarence Valley Sustainable Water Requirements: Information for Applicants (November 2004);
3. Provide public notice of the adoption in accordance with the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2000; and
4. Note that further improvements to the Sustainable Water Controls DCP provisions and the Clarence Valley Sustainable Water Requirements: Information for Applicants (November 2004) will be reported to Council in the future as part of a wider review of the DCP provisions.

COUNCIL RESOLUTION - 07.22.089

Novak/Johnstone

That Council:

1. Approve the proposed amendments to the Residential Zones Development Controls Plan (DCP), Industrial Zoned DCP, Business Zones DCP and Environmental Protection, Recreation and Special Use zones DCP;
2. Approve the proposed amendments to the Clarence Valley Sustainable Water Requirements: Information for Applicants (November 2004);
3. Provide public notice of the adoption in accordance with the *Environmental Planning and Assessment Act 1979* and Environmental Planning and Assessment Regulation 2000; and
4. Note that further improvements to the Sustainable Water Controls DCP provisions and the Clarence Valley Sustainable Water Requirements: Information for Applicants (November 2004) will be reported to Council in the future as part of a wider review of the DCP provisions.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.090 DA2021/0534 - 16 MULTI UNIT DWELLINGS (AFFORDABLE HOUSING) - 4 AND 5 BLUEGUM WAY, SOUTH GRAFTON

Meeting	Council	24 May 2022
Directorate	Environment & Planning	
Prepared by	Development Planner, James Hamilton	
Attachments	A. DA2021-0534 - Proposed Plans ⇨ B. DA2021-0534 - Submissions ⇨ C. DA2021-0534 - Section 4.15 Assessment ⇨	

SUMMARY

<i>Applicant</i>	Newton Denny Chapelle
<i>Owner</i>	The North Coast Community Housing Company Ltd
<i>Address</i>	4 and 5 Bluegum Way, South Grafton (being Lot 1908 and 1907 DP 1102751)
<i>Submissions</i>	Twelve (12) objections, including one (1) petition (29 Signatories)

Council is in receipt of Development Application DA2021/0524, which proposes 16 multi dwelling units, earthworks and retaining walls at 4-5 Bluegum Way, South Grafton which is located in the R1 General Residential zone of the *Clarence Valley Local Environmental Plan 2011*. It is intended to use all dwellings to provide affordable housing for the community and be operated by North Coast Community Housing.

In accordance with the Community Participation Plan, the application was advertised and notified and twelve (12) submissions were received during the notification period, including one petition (29 signatories). The application is referred to Council for determination due to the public interest in the proposal and the applicant seeking a number of variations to the Residential Zones Development Control Plan considered to be outside Council staff delegations.

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

OFFICER RECOMMENDATION

That Council:

1. Support the requested variations to Clause C5.2 – Building and Design, Clause C20 – Private Open Space and Clause G2 Number of Car Parking Spaces of the Residential Zones Development Control Plan; and
2. Approve Development Application DA2021/0534 subject to the draft Advices and Conditions contained in Schedule 1 of this report.

Cr Whaites left the meeting at 2:23 pm. Cr Whaites returned to the meeting at 3:05 pm.

Cr Johnstone left the meeting at 2:23 pm. Cr Johnstone returned to the meeting at 3:05 pm.

MOTION

Toms/Novak

That Council:

1. Support the requested variations to Clause C5.2 – Building and Design, Clause C20 – Private Open Space and Clause G2 Number of Car Parking Spaces of the Residential Zones Development Control Plan; and
2. Approve Development Application DA2021/0534 subject to the draft Advices and Conditions contained in Schedule 1 of this report.

AMENDMENT TO MOTION

Day

That Council:

1. Support the requested variations to Clause C5.2 – Building and Design, Clause C20 – Private Open Space and Clause G2 Number of Car Parking Spaces of the Residential Zones Development Control Plan; and

2. Approve Development Application DA2021/0534 subject to the draft Advices and Conditions contained in Schedule 1 of this report.
3. That the number of lot yield be reduced to 15 units to enable additional parking
4. That approval be conditioned for fencing along Rushforth Road be maintained.
5. That staff discuss the retention of those trees with the developer.

Voting recorded as follows

For: Day

Against: Clancy, Novak, Pickering, Smith, Tiley, Toms

The Amendment to Motion was put and declared LOST

POINT OF ORDER

Cr Toms against Mayor Tiley

Cr Toms: Code of Meeting Practice does not allow a right of reply to an amendment.

Mayor rules against the Point of Order.

POINT OF ORDER

Cr Novak against Mayor Tiley

Cr Novak: Called for a 5 minute break to discuss application of the Code of Meeting Practice.

Mayor rules against the Point of Order.

COUNCIL RESOLUTION - 07.22.090

Toms/Novak

That Council:

1. **Support the requested variations to Clause C5.2 – Building and Design, Clause C20 – Private Open Space and Clause G2 Number of Car Parking Spaces of the Residential Zones Development Control Plan; and**
2. **Approve Development Application DA2021/0534 subject to the draft Advices and Conditions contained in Schedule 1 of this report.**

Voting recorded as follows

For: Day, Novak, Pickering, Smith, Toms

Against: Clancy, Tiley

CARRIED

FORESHADOWED MOTION

Clancy

That Council refuse DA2021/0534 on the basis that it does not meet the requirements of the DCP and that it would result in the loss of some significant trees.

CORPORATE & GOVERNANCE**ITEM 07.22.091 FEBRUARY 2022 FLOODS - FINANCIAL ASSISTANCE TO OFFSET INCREASED WATER CONSUMPTION FOR CLEAN UP**

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Revenue Coordinator, Paula Krahe	
Attachments	Nil	

SUMMARY

To assist property owners who have been affected by the February/March 2022 flood, this report recommends that a water rebate of up to \$65.00 be provided on their water consumption account. This rebate is to compensate property owners who have experienced increased water consumption during the clean up of their flood affected properties.

OFFICER RECOMMENDATION

That Council provide property owners within the Clarence Valley who have experienced increased water consumption whilst cleaning their properties following the February/March 2022 flood with a rebate on their water consumption account of up to \$65.00 on the following basis:

1. Properties in the villages of Brushgrove, Chatsworth, Harwood, Palmers Island and Southgate and in Lawrence between Grafton Street and the river will receive the rebate automatically without the need to apply; and
2. Those in other areas who have been affected will need to submit an application form accompanied by photographic evidence or a statutory declaration.

COUNCIL RESOLUTION - 07.22.091**Pickering/Novak**

That Council provide property owners within the Clarence Valley who have experienced increased water consumption whilst cleaning their properties following the February/March 2022 flood with a rebate on their water consumption account of up to \$65.00 on the following basis:

- 1. Properties in the villages of Brushgrove, Chatsworth, Harwood, Palmers Island, Ulmarra and Southgate and in Lawrence between Grafton Street and the river will receive the rebate automatically without the need to apply; and**
- 2. Those in other areas who have been affected will need to submit an application form accompanied by photographic evidence or a statutory declaration.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.092 2020/2021 ANNUAL REPORT: CORRECTION OF NON-STATUTORY DATA

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. 2020 2021 Updated Annual Report ⇨	

SUMMARY

Several items of non-statutory informational data contained in the 2020/2021 Annual Report accepted by Council 3 December 2021 (ITEM 10.21.006) were replicated from the 2019/2020 Annual Report (ITEM 6c.20.170). These items have been amended or removed if the previous year's data was not available.

OFFICER RECOMMENDATION

That Council notes the amended non statutory information data contained in the 2020/2021 Annual Report as detailed below.

COUNCIL RESOLUTION - 07.22.092

Novak/Johnstone

That Council notes the amended non statutory information data contained in the 2020/2021 Annual Report as detailed below.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.093 REQUEST FROM ACCOUNT 2051514 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Revenue Coordinator, Paula Krahe	
Attachments	A. High Consumption Advice - Mar 2015 (Confidential) B. Owner Response to High Consumption - Oct 2015 (Confidential) C. Council Water Test Advice - Oct 2015 (Confidential) D. Owner Response to Water Test Advice - Dec 2015 (Confidential) E. Water Cock Leak Identified & Repaired - Feb 2016 (Confidential) F. Account Transaction History (Confidential) G. High Consumption Advice - Mar 2021 (Confidential) H. Concealed Leak Application - Dec 2021 (Confidential) I. Concealed Leak Reduction - Dec 2021 (Confidential) J. Owner Request to Write-off Account Balance - Mar 2022 (Confidential)	

SUMMARY

Council received a request from an individual acting on behalf of the property owner of Water Account 2051514 on 21 March 2022 seeking Council write off the amount of \$11,725 on compassionate grounds. Council staff do not have any mechanism under which they can assess this request and as such require a resolution from Council.

OFFICER RECOMMENDATION

That Council:

1. Decline to write off water consumption totalling \$11,725 on Water Account 2051514 as requested.
2. Endorse the owner be requested to enter into a payment arrangement over five years to have the outstanding debt cleared together with the payment of any current consumption accounts as they fall due as the excess water consumption is due to aged water piping on the property side of the meter.
3. Not install a water limiter during the 5 year period if the payment arrangement is adhered to.
4. Endorse writing off any interest accrued on overdue water charges once the debt has been paid, from the date of this resolution.

COUNCIL RESOLUTION - 07.22.093

Novak/Smith

That Council:

1. **Decline to write off water consumption totalling \$11,725 on Water Account 2051514 as requested.**
2. **Endorse the owner be requested to enter into a payment arrangement over five years to have the outstanding debt cleared together with the payment of any current consumption accounts as they fall due as the excess water consumption is due to aged water piping on the property side of the meter.**
3. **Not install a water limiter during the 5 year period if the payment arrangement is adhered to.**
4. **Endorse writing off any interest accrued on overdue water charges once the debt has been paid, from the date of this resolution.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.094 MONTHLY INVESTMENT REPORT - APRIL 2022

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Acting Financial Accountant, Kirsty Gooley	
Attachments	A. Movement of Funds between months - April 2022 ↗	

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 30 April 2022 be noted.

COUNCIL RESOLUTION - 07.22.094

Novak/Johnstone

That the report indicating Council's funds investment position as at 30 April 2022 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.095 EXTENSION TO OFFICE OF LOCAL GOVERNMENT FINANCIAL REPORTING REQUIREMENTS SOUGHT

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Manager Finance & Systems, Kate Maginness	
Attachments	Nil	

SUMMARY

This report requests Council to seek an extension for lodgement of the 2021/2022 Annual Financial Statements to the Office of Local Government Financial Reporting Requirements following the floods of 2022. The extension is supported by the Audit Risk Improvement Committee (ARIC) and Council's Auditor, Thomas Noble Russell (TNR).

OFFICER RECOMMENDATION

That Council submit a request to the Office of Local Government for extension for lodgement of the 2021/2022 Annual Financial Statements to February 2023.

COUNCIL RESOLUTION - 07.22.095

Novak/Johnstone

That Council submit a request to the Office of Local Government for extension for lodgement of the 2021/2022 Annual Financial Statements to February 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.096 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	A. Completed checklist items (Separate Cover) ↗ B. Outstanding checklist items (Separate Cover) ↗ C. Rolling checklist from Feb 2022 (Separate Cover) ↗	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.22.096**Novak/Johnstone**

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.097 2021/22 MONTHLY FINANCIAL REPORT - APRIL 2022

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Management Accounting Coordinator, Christi Brown	
Attachments	A. 2021/22 Monthly Income & Expenditure Statements by Service - April 2022 ⇒	
	B. Monthly Grant Application Summary - April 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 impact the General Fund end of year result by \$22,875. The reserve fund variations identified in this report will decrease the reserve funds by \$3,516,113.

OFFICER RECOMMENDATION

That Council:

1. Note the monthly financial information report for April 2022, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling \$22,875, which will be included in the 2021/22 General Purpose Financial Statements Refer to Audit report.
3. Endorse the proposed variations, which decrease Financial Reserves by \$3,516,113 which will be included in the 2021/22 General Purpose Financial Statements Refer to Audit report.
4. Note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.22.097

Novak/Johnstone

That Council:

1. Note the monthly financial information report for April 2022, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling \$22,875, which will be included in the 2021/22 General Purpose Financial Statements Refer to Audit report.
3. Endorse the proposed variations, which decrease Financial Reserves by \$3,516,113 which will be included in the 2021/22 General Purpose Financial Statements Refer to Audit report.
4. Note and endorse the grant applications as identified in Attachment B.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.098 LEGAL SERVICES TENDER 2022-2026

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Confidential Attachment. Legal Services Panel Evaluation Report + Matrix (Confidential)	

SUMMARY

In accordance with s. 55 and 55A of the *Local Government Act 1993* and s. 168 of the *Local Government Regulation 2021* tenders for appointment to Council's non-exclusive Legal Panel for June 2022 to June 2026 were invited on 1 March 2022. The tenders received have been reviewed (Attachment A). A recommendation is contained in this report.

The attachment is confidential as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the legal firms that supplied it.

OFFICER RECOMMENDATION

That:

1. The following firms be appointed to Council's panel to provide legal services to Council for the period June 2022 to June 2026:
 - Marsdens Law Group
 - Local Government Legal
 - Moray and Agnew
 - Maddocks
 - Pikes & Verekers Lawyers
 - Sparke Helmore Lawyers
 - BurrIDGE Harris & Flynn
2. When advising the firms that they have been selected for the panel of solicitors, it will be reiterated that Council reserves the right to seek expert advice from alternative firms on specific matters or in the event of any perceived or real conflicts of interest.

COUNCIL RESOLUTION - 07.22.098

Novak/Johnstone

That:

1. The following firms be appointed to Council's panel to provide legal services to Council for the period June 2022 to June 2026:
 - Marsdens Law Group
 - Local Government Legal
 - Moray and Agnew
 - Maddocks
 - Pikes & Verekers Lawyers
 - Sparke Helmore Lawyers
 - BurrIDGE Harris & Flynn
2. When advising the firms that they have been selected for the panel of solicitors, it will be reiterated that Council reserves the right to seek expert advice from alternative firms on specific matters or in the event of any perceived or real conflicts of interest.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.099 COMMITTEES REPORT: TOR FOR BIODIVERSITY ADVISORY COMMITTEE

Meeting	Council	24 May 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Clarence Biodiversity Advisory Committee ToR ⇨	

SUMMARY

This report recommends the adoption of the Terms of Reference (ToR) for the Clarence Biodiversity Advisory Committee and calls for nominations for the Committee.

OFFICER RECOMMENDATION

That Council notes

1. the Terms of Reference (ToR) for the Clarence Biodiversity Advisory Committee (Attachment A) and call for nominations for the Committee for a period of two weeks from 27 May to 10 June.
2. the delay in tabling the proposed committee members for the two sports committees due to continued engagement with sporting clubs to determine members.

COUNCIL RESOLUTION - 07.22.099

Novak/Johnstone

That Council notes

1. **the Terms of Reference (ToR) for the Clarence Biodiversity Advisory Committee (Attachment A) and call for nominations for the Committee for a period of two weeks from 27 May to 10 June.**
2. **the delay in tabling the proposed committee members for the two sports committees due to continued engagement with sporting clubs to determine members.**

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.22.100 RFT-21-36 DESIGN AND CONSTRUCT REPLACEMENT OF TWO BRIDGES**

Meeting	Council	24 May 2022
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), John Wells	
Attachments	A. RFT21-36 Tender Recommendation Report (Confidential)	

SUMMARY

A selective tender process has been completed for the design and construction of two bridges, including the demolition of the existing bridges, as part of the Fixing Country Bridges program. The tender opened on 24 November 2021 and closed on 24 January 2022 with five (5) complying tenders received. The Tender Evaluation Panel considers, having regard to all circumstances, that the tendered fees from Ark Construction Group Pty Ltd represents the most advantageous tender and best return for Council and recommends that this tender be accepted.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender Ark Construction Group Pty Ltd for RFT21-36 Design and Construct Replacement of Two (2) Bridges at a cost of \$2,775,803.80 (GST inclusive) to be funded from Fixing Country Bridges program (\$2,678,803.80) and a Council contribution (\$97,000 under projects PJ 937036 - Winters Bridge and PJ 937029 Barretts Ck Bridge.
2. Authorise the Acting General Manager to approve variations up to 15% of the contract value.

COUNCIL RESOLUTION - 07.22.100

Novak/Johnstone

That Council:

1. **Accept the tender Ark Construction Group Pty Ltd for RFT21-36 Design and Construct Replacement of Two (2) Bridges at a cost of \$2,775,803.80 (GST inclusive) to be funded from Fixing Country Bridges program (\$2,678,803.80) and a Council contribution (\$97,000 under projects PJ 937036 - Winters Bridge and PJ 937029 Barretts Ck Bridge.**
2. **Authorise the Acting General Manager to approve variations up to 15% of the contract value.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.101 RFT21-37 DESIGN AND CONSTRUCT REPLACEMENT OF THREE BRIDGES

Meeting	Council	24 May 2022
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), John Wells	
Attachments	A. RFT21-37 Tender Recommendation Report (Confidential)	

SUMMARY

A selective tender process has been completed for the design and construction of three bridges, including the demolition of the existing bridges, as part of the Fixing Country Bridges program. The tender opened on 24 November 2021 and closed on 24 January 2022 with three complying tenders received. The Tender Evaluation Panel considers, having regard to all circumstances, that the tendered fees from Tobco (Bedrule 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 Tobco (Bedrule Pty Ltd) for RFT21-37 Design and Construct Replacement of Three (3) Bridges at a cost of \$6,489,158.42 (GST inclusive) to be funded from Fixing Country Bridges program (\$6,432,158.42) and a Council contribution (\$57,000) under projects PJ 937033 Dundoo Floodway Bridge; PJ 937030 Billys Creek Bridge and PJ 937028 Wintervale Creek Bridge.
2. Authorise the Acting General Manager to approve variations up to 15% of the contract value.

COUNCIL RESOLUTION - 07.22.101

Novak/Johnstone

That Council:

1. **Accept the tender from Tobco (Bedrule Pty Ltd) for RFT21-37 Design and Construct Replacement of Three (3) Bridges at a cost of \$6,489,158.42 (GST inclusive) to be funded from Fixing Country Bridges program (\$6,432,158.42) and a Council contribution (\$57,000) under projects PJ 937033 Dundoo Floodway Bridge; PJ 937030 Billys Creek Bridge and PJ 937028 Wintervale Creek Bridge.**
2. **Authorise the Acting General Manager to approve variations up to 15% of the contract value.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.102 LOCAL TRAFFIC COMMITTEE

Meeting	Council	24 May 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Attachments	A. Local Traffic Committee Minutes ⇨ B. Local Traffic Committee Minutes - Attachment A ⇨ C. Letter tabled at Local Traffic Committee meeting ⇨	

SUMMARY

This report lists the recommendations made at the 4 May 2022 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of the 4 May 2022 meeting be adopted by Council.

COUNCIL RESOLUTION - 07.22.102

Novak/Johnstone

That the recommendations of the Local Traffic Committee included in the Minutes of the 4 May 2022 meeting be adopted by Council.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.103 RFT21-41 REPLACEMENT OF SEVEN BRIDGES

Meeting	Council	24 May 2022
Directorate	Works & Civil	
Prepared by	Project Coordinator (Fixing Country Bridges), John Wells	
Attachments	A. RFT21-41 Tender Recommendation Report (Confidential)	

SUMMARY

An open tender process has been completed for the replacement of seven bridges, including the demolition of the existing bridges, as part of the Fixing Country Bridges program. The tender period opened on 15 March 2022 and closed on 3 May 2022 with Five (5) tenders received of which four (4) were complying tenders. The Tender Evaluation Panel considers, having regard to all circumstances, that the tendered fees from Engineering and Civil Contractors Pty Ltd represents 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 Engineering and Civil Contractors Pty Ltd for RFT21-41 Replacement of Seven (7) Bridges at a cost of \$1,535,889.60 (GST inclusive) to be funded from Fixing Country Bridges PJ 937023 Bostock Rd Bridge; PJ 937021 Bridge No.3, Marengo Rd; PJ 937018 Fifteen Mile Swamp; PJ 937016 Middle Creek Bridge; PJ 937024 Mitchell Road Bridge No.1; PJ 937025 Mitchell Road Bridge No.2; PJ 937026 Mitchell Rd Bridge No.3.
2. Authorise the Acting General Manager to approve variations up to 15% of the contract value.

COUNCIL RESOLUTION - 07.22.103

Novak/Johnstone

That Council:

1. **Accept the tender from Engineering and Civil Contractors Pty Ltd for RFT21-41 Replacement of Seven (7) Bridges at a cost of \$1,535,889.60 (GST inclusive) to be funded from Fixing Country Bridges PJ 937023 Bostock Rd Bridge; PJ 937021 Bridge No.3, Marengo Rd; PJ 937018 Fifteen Mile Swamp; PJ 937016 Middle Creek Bridge; PJ 937024 Mitchell Road Bridge No.1; PJ 937025 Mitchell Road Bridge No.2; PJ 937026 Mitchell Rd Bridge No.3.**
2. **Authorise the Acting General Manager to approve variations up to 15% of the contract value.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.104 PROPOSED DEDICATION OF LOT 14 DP 858248 AS PUBLIC ROAD

Meeting	Council	24 May 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Eloise Casson	
Attachments	A. TfNSW Draft Design Plans - Shared Pathway Project ↔	

SUMMARY

This report is to consider the dedication of Lot 14 DP 858248 as public road under section 10 of the *Roads Act 1993*.

OFFICER RECOMMENDATION

That Council dedicate Lot 14 DP 858248, as depicted shaded red in Figure 1, as public road in accordance with section 10 of the *Roads Act 1993* to allow the implementation of the Transport for New South Wales Shared Pathway Project.

COUNCIL RESOLUTION - 07.22.104**Novak/Johnstone**

That Council dedicate Lot 14 DP 858248, as depicted shaded red in Figure 1, as public road in accordance with section 10 of the *Roads Act 1993* to allow the implementation of the Transport for New South Wales Shared Pathway Project.

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 3:12 pm

