

Ordinary Council Meeting

Minutes

Maclean - 23 August 2022 - 2:00pm



AGENDA

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- Acknowledgement of Country
- Announcement – Recording of Meeting

02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

03 DISCLOSURES AND DECLARATIONS OF INTEREST

04 CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held 26 July 2022
- Extraordinary Meeting of Council held 26 July 2022

Clause 5.23 of the Code of Meeting Practice requires a resolution of Council to approve attendance at a meeting by audio-visual link for votes to be recorded against the Resolutions of Council.

While the Mayor provided approval for Cr Whaites attendance at the Extraordinary Meeting by video-audio link, approval was not resolved by the Council at the Meeting. Therefore Cr Whaites name has been removed from formal resolutions of Council recorded in the draft Minutes of the Extraordinary Meeting held 26 July 2022 prior to confirmation.

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Nil

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Nil

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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 23 August 2022 commencing at 2:00pm and closing at 4:06pm.

PRAYER – Cr Johnstone delivered the Prayer.

Almighty and gracious God
In all our works direct us,
Bless this Valley
All who hold office in this Council
And who administer its affairs.
Keep us in your grace
And guide us in your ways
That way may live in truth and peace
To the honour of your name. Amen.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND – Cr Day 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.

COUNCIL RESOLUTION

Tiley/Toms

That Council provide a letter of appreciation to the Hon. Chris Gulaptis for his contribution to public life.

Voting recorded as follows

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

Against: Nil

CARRIED

PRESENT

Cr Greg Clancy, Cr Bill Day, Cr Peter Johnstone, Cr Debrah Novak, Cr Steve Pickering, Cr Jeff Smith, Cr Ian Tiley, Cr Karen Toms and Cr Allison Whaites

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

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

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

Name	Item	Nature of Interest, Action and Reason
Cr Smith	07.22.189	<ul style="list-style-type: none"> Non-Significant Non-Pecuniary – Remain in the Meeting Financial Member of Grafton Jacaranda Festival

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

That the Minutes of Ordinary Meeting of Council dated 26 July 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, Whaites

Against: Nil

CARRIED**COUNCIL RESOLUTION****Tiley/Day**

That the Minutes of the Extraordinary Meeting held 26 July 2022 be adopted with the advice of the Office of Local Government being noted: - quote “ Clr Whaites’ name be omitted from the record of voting at the meeting and that a note be added that because the Council had not resolved to approve Clr Whaites’ attendance at the meeting by audio visual link, she was not “present” at the meeting for the purposes of clause 5.2 of the Council’s code of meeting practice and that her vote has not been counted at the meeting”.

Voting recorded as follows

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

Against: Nil

CARRIED**LATE ITEMS OF BUSINESS****COUNCIL RESOLUTION****Toms/Whaites**

That the late item of business 10.22.003 Grafton Olympic Pool - Off season Maintenance be accepted and considered after item 07.22.167 under the Office of the General Manager section of the agenda.

Voting recorded as follows

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

Against: Nil

CARRIED**5. MAYORAL MINUTES**

Nil

6. NOTICES OF MOTION

ITEM 06.22.010 NOTICE OF MOTION UNREASONABLE COMPLAINANT CONDUCT POLICY APOLOGY
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Meeting	Council	23 August 2022
Submitted by	Cr William Day	
Attachments	Nil	

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

SUMMARY

Apology to local citizens re the application of Council's UCC policy.

PROPOSED MOTION

That

1. Mayor Tiley send a letter of apology to Lynne & Bob Cairns, Shane Powell and John Hagger advising that Council's Unreasonable Complainant Conduct policy has been incorrectly invoked and restrictions unnecessarily imposed upon them.
2. A copy of this apology be placed on Council files for these citizens including Electronic Content Management (ECM) records.

COUNCIL RESOLUTION - 06.22.010

Johnstone/Pickering

That

1. Mayor Tiley send a letter of apology to Lynne & Bob Cairns, Shane Powell and John Hagger advising that Council's Unreasonable Complainant Conduct policy has been incorrectly invoked and restrictions unnecessarily imposed upon them.
2. A copy of this apology be placed on Council files for these citizens including Electronic Content Management (ECM) records.

Voting recorded as follows

For: Clancy, Day, Tiley

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

The Motion was put and declared LOST

VOTE BY EXCEPTION**Johnstone/Pickering**

That the following items be adopted as recommended:

10.22.003

07.22.171

07.22.173

07.22.176

07.22.177

07.22.179

07.22.180

07.22.181

07.22.182

07.22.183

07.22.184

07.22.185

07.22.186

07.22.189

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 07.22.167 LOCAL GOVERNMENT RECOVERY GRANTS - LOCAL COUNCIL SUPPORT AND COMPANION ANIMALS SUPPORT

Meeting	Council	23 August 2022
Directorate	General Manager	
Prepared by	A/General Manager, Laura Black	
Attachments	A. The Hon Wendy Tuckerman - advice of support package ⇒	

SUMMARY

Clarence Valley local government area was included in the February/March 2022 declared Natural Disaster and has therefore been targeted for Category D recovery funding under the Disaster Recovery Funding Arrangements. The announcement was made by Minister for local Government, the Hon Wendy Tuckerman MP in May. This being the second such announcement since the disaster. The Category D Local Government Recovery Grants are jointly funded by the State and Federal governments and in this instance amount to \$2 million for the Local Council Support Package and \$375,000 for the Companion Animals Support Package.

OFFICER RECOMMENDATION

That Council,

1. Endorse expenditure of the Category D Local Government Recovery – Local Council Support Grant of \$2M on the following projects:
 - a. Improved drainage and flood immunity initiatives - \$1.5m
 - b. Repair recreation/community assets - \$400,000
 - c. Economic recovery partnership with Chambers of Business - \$100,000
2. Confirm its endorsement of expenditure of the Category D Local Government Recovery – Companion Animals Support of \$375,000 on the following projects:
 - a. Cat cages at South Grafton Animal Shelter - \$10,000
 - b. Animal Control and Animal Shelter Strategy - \$75,000
 - c. Implementation of the recommendations of the Animal Control and Animal Shelter Strategy - \$290,000.
3. Endorse inclusion of the following variations from RA 89251 (UG NSW Severe Weather & Flood – Complex & immediate Support) in the Q1 Quarterly Business Review Statement for expenditure in 2022/2023:
 - a. \$200,000 for drainage
 - b. \$200,000 for repair of recreational assets
 - c. \$100,000 for Economic recovery partnership with Chambers.

COUNCIL RESOLUTION - 07.22.167

Novak/Johnstone

That Council,

1. Endorse expenditure of the Category D Local Government Recovery – Local Council Support Grant of \$2M on the following projects:
 - a. Improved drainage and flood immunity initiatives - \$1.5M
 - b. Repair recreation/community assets - \$400,000
 - c. Economic recovery partnerships with CVC Chambers of Commerce and other CVC industry sectors and sole traders to benefit the business sector LGA wide, pending approval of the project by the Council - \$100,000
2. Confirm its endorsement of expenditure of the Category D Local Government Recovery – Companion Animals Support of \$375,000 on the following projects:
 - a. Cat cages at South Grafton Animal Shelter - \$10,000
 - b. Animal Control and Animal Shelter Strategy - \$75,000
 - c. Implementation of the recommendations of the Animal Control and Animal Shelter Strategy - \$290,000.

3. Endorse inclusion of the following variations from RA 89251 (UG NSW Severe Weather & Flood – Complex & immediate Support) in the Q1 Quarterly Business Review Statement for expenditure in 2022/2023:
- a. \$200,000 for drainage
 - b. \$200,000 for repair of recreational assets
 - c. \$100,000 for Economic recovery partnership with Chambers.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 10.22.003 GRAFTON OLYMPIC POOL - OFF SEASON MAINTENANCE

Meeting	Council	23 August 2022
Directorate	General Manager	
Prepared by	Senior Parks & Recreation Officer, Rachelle Passmore	
Attachments	Nil	

SUMMARY

The Grafton Olympic Pool requires significant maintenance to continue to be operational. These works will not address the water leak issues which are concealed under the pavement in the delivery and return lines as well as the pool basin.

OFFICER RECOMMENDATION

That Council

1. Not proceed with any maintenance at the Grafton pool at this stage.
2. Delay the opening of the pool for the 2022-2023 pool season until full consideration is given to current issues, costs and risks associated with continued operation of Grafton Olympic Pool at the September Ordinary Meeting.

COUNCIL RESOLUTION - 10.22.003

Johnstone/Pickering

That Council

1. Not proceed with any maintenance at the Grafton pool at this stage.
2. Delay the opening of the pool for the 2022-2023 pool season until full consideration is given to current issues, costs and risks associated with continued operation of Grafton Olympic Pool at the September Ordinary Meeting.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.22.168 MOD2022/0062 OBJECTION TO REQUIREMENTS OF CLAUSE 41 OF THE LOCAL GOVERNMENT (MANUFACTURED HOME ESTATES, CARAVAN PARKS, CAMPING GROUNDS AND MOVEABLE DWELLINGS) REGULATION 2021 AND MODIFICATION TO MANUFACTURED HOME ESTATE APPROVAL DA2019/0423

Meeting	Council	23 August 2022
Directorate	Environment & Planning	
Prepared by	Senior Development Planner, Patrick Ridgway	
Attachments	A. Construction Management Plan for Glencoe Lifestyle Resort ⇒ B. Section 82 Objection Report - Brooms Head Rd Gulmarad ⇒ C. Section 82 Concurrence - Letter to Council ⇒ D. Instrument of Concurrence ⇒ E. Submissions - redacted ⇒	

SUMMARY

<i>Applicant</i>	Stimson Urban & Regional Planning
<i>Owner</i>	Lincoln Place
<i>Address</i>	Lot 2 DP11999142, Brooms Head Road, Gulmarad
<i>Submissions</i>	Three (3)

Council has received an application to modify an approval (MOD2022/0062) for a Manufactured Home Estate (MHE) for 250 homes that Council approved at its 22 June 2021 meeting (Item 6b.21.031, DA2019/0423). The modification relates to Condition 86 of the development consent which requires the manufactured homes to be constructed and assembled off-site as required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 (the LG MHE Regulation). Condition 86 was imposed on the approval (DA2021/0423) because this is a requirement of the LG MHE Regulation.

The modification to the consent was publicly advertised and Council received three (3) submissions objecting to the application (77 submissions were received from the original application).

It is possible to seek a variation from the Department of Planning and Environment to allow construction of dwellings on-site. The Applicant lodged an objection under *the Local Government Act 1993* requesting the concurrence that provisions of the LG Regulation not apply and the reasons are outlined in this report. The department has granted concurrence for the variation and advised Council that despite the concurrence, nothing prevents Council from making its own decision about the proposal.

The objection to the requirement to build off-site is considered to be well founded and approval is recommended because impacts associated with on-site construction can be adequately managed in accordance with a construction management plan (**Attachment A**) which forms part of the proposed modified condition (number 86). The environmental impacts are not considered to be greater than if houses were constructed on a conventional subdivision on residential zoned land.

In accordance with staff delegations, the proposed modification is reported to Council because Council decided the original development application, and because the original proposal did not seek to build on site.

OFFICER RECOMMENDATION

That Council:

1. Support the Section 82 *Local Government Act 1993* objection and the concurrence of the Secretary of the Department of Planning and Environment that the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site be allowed for the development approved under DA2019/0423; and
2. Modify Condition 86 to read as follows 'The construction of manufactured homes must comply with the Construction Management Plan submitted by Lincoln Place Pty Ltd at all times.'

3. Insert a new advice as follows: *'At its meeting of August 2022 Council resolved that it supported a Section 82 Local Government Act 1993 objection for the approval issued under DA2019/0423. With the concurrence of the Secretary of the Department of Planning and Environment the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site is allowed.'*

MOTION

Toms/Whaites

That Council:

1. Support the Section 82 *Local Government Act 1993* objection and the concurrence of the Secretary of the Department of Planning and Environment that the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site be allowed for the development approved under DA2019/0423; and
2. Modify Condition 86 to read as follows *'The construction of manufactured homes must comply with the Construction Management Plan submitted by Lincoln Place Pty Ltd at all times.'*
3. Insert a new advice as follows: *'At its meeting of August 2022 Council resolved that it supported a Section 82 Local Government Act 1993 objection for the approval issued under DA2019/0423. With the concurrence of the Secretary of the Department of Planning and Environment the provisions Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 are not to be applied and the building of manufactured homes on-site is allowed.'*

Voting recorded as follows

For: Novak, Tiley, Toms, Whaites

Against: Clancy, Day, Johnstone, Pickering, Smith

The Motion was put and declared LOST. The foreshadowed motion was then considered.

COUNCIL RESOLUTION - 07.22.168

Johnstone/Smith

That council:

Refuse MOD2022/0062 Objection to Requirements of Clause 41 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 and modification to Manufactured Home Estate approval on the basis that:

- a) under the ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – section 4.55 1A(b) this development is no longer substantially the same development as approved under DA2019/0423. The applicant has not given sufficient detail to allow council to conclude that the proposed structures will be installed, not constructed and that they will be suitably modular or relocatable. There will potentially be more noise and on site activity than was originally approved by council and accepted by the community.
- b) LGA 1993 Section 82 1 (b) requires that applicants wishing to make an objection to the application of regulations and local policies prove that “compliance with any provision of those regulations or such a policy is unreasonable or unnecessary in the particular circumstances of the case.” Yet the objections raised by the applicant are generic and could be raised against any MHE development. They are not suitably specific to this particular site to satisfy the requirements of the act.
- c) Suitability of the site for development. This site is close to the pacific highway so would be a very suitable site for a manufactured home estate as per the existing approval under DA2019/0423. The applicant objections have not proved to council satisfaction that the regulations are unreasonable or unsatisfactory.
- d) Submissions. Residents were concerned that allowing the objection would increase the noise from that, that would be created by assembling a home build off-site and that this modification would not be substantially the same development. Council concurs with this view.
- e) Social and economic impacts and public interests. The shortage of skilled trades people in the Clarence Valley and across the Northern Rivers mean there is not a pool of suitable

qualified people to construct these homes on-site. Either local trades people would become less available for the flood reconstruction and local home owner work or drawn in from elsewhere could impact on accommodation availability for tourism and on affordable housing for local people.

Voting recorded as follows

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

Against: Tiley, Toms, Whaites

CARRIED

ITEM 07.22.169 WEST YAMBA URBAN RELEASE AREA PLANNING AND DEVELOPMENT INFORMATION DOCUMENT

Meeting	Council	23 August 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Attachments	A. West Yamba Development Update - Landscape version (Separate Cover) ⇒ B. West Yamba Development Update - Portrait version (Separate Cover) ⇒ C. West Yamba Urban Release Area Information document - Landscape version (Separate Cover) ⇒ D. West Yamba Urban Release Area Information document - Portrait version (Separate Cover) ⇒	

SUMMARY

Council resolved to endorse the preparation of an information document and a quarterly newsletter about planning and development in the West Yamba Urban Release Area. This report seeks Council endorsement of this information document for publication, and the development of a webpage to inform and update the community on planning and development applications in West Yamba.

OFFICER RECOMMENDATION

That Council:

1. Endorse the West Yamba Urban Release Area information document (to be under separate cover) for publication and distribution;
2. Endorse the development of a West Yamba Urban Release Area information page on Council's website to keep the community informed and involved in the planning and development assessment process in West Yamba;
3. Note that Council will publish a West Yamba Development Update on a quarterly basis(to be under separate cover) ;
4. Note that Council staff will continue to meet with community members to discuss any updates and share information in an open and transparent manner;
5. Note that Council staff will continue to meet with developers and/or their consultants to ensure proposed developments meet the relevant development standards and controls in West Yamba; and
6. Delegate authority to the General Manager for the purpose of editing and making minor changes to the West Yamba Urban Release Area information document and the West Yamba Development Update prior to publication.

COUNCIL RESOLUTION - 07.22.169

Pickering/Novak

That Council:

1. Endorse the West Yamba Urban Release Area information document (to be under separate cover) for publication and distribution;
2. Endorse the development of a West Yamba Urban Release Area information page on Council's website to keep the community informed and involved in the planning and development assessment process in West Yamba;
3. Note that Council will publish a West Yamba Development Update on a quarterly basis(to be under separate cover);
4. Note that Council staff will continue to meet with community members to discuss any updates and share information in an open and transparent manner;
5. Note that Council staff will continue to meet with developers and/or their consultants to ensure proposed developments meet the relevant development standards and controls in West Yamba; and
6. Delegate authority to the General Manager for the purpose of editing and making minor changes to the West Yamba Urban Release Area information document and the West Yamba Development Update prior to publication.

Voting recorded as follows

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

CARRIED

ITEM 07.22.170 DRAFT NORTH COAST REGIONAL PLAN 2041 - SUBMISSION

Meeting	Council	23 August 2022
Directorate	Environment & Planning	
Prepared by	Coordinator Strategic Planning, Stephen Timms	
Attachments	A. CVC Submission - Draft North Coast Regional Plan ⇒	

SUMMARY

The Department of Planning and Environment, with assistance from councils across the North Coast, have prepared the Draft North Coast Regional Plan 2041 for comment. This is part of a five-yearly review of the existing North Coast Regional Plan, which was published in 2017.

A draft submission has been prepared to:

- Highlight the need for the Clarence Valley to be considered as part of the Northern Rivers, rather than the Mid North Coast, while recognising the Clarence Valley as a 'linking' Council between the two sub-regions with close affiliations to both the north and south of our LGA.
- Make the case for Grafton to be recognised as a Regional City, rather than a Strategic Centre.
- Generally support the draft plan, but highlight where clarity and emphasis can be added to some objectives, such as supporting Agriculture, improving resilience and natural hazard management, solutions for housing, elevating the importance of our First Nations People in planning, to provide a clearer vision statement for the North Coast and to offer Council support in progressing the Actions in the draft plan.

OFFICER RECOMMENDATION

That Council:

1. Endorse the attached submission to be sent to the Department of Planning and Environment no later than 24 August 2022; and
2. Delegate authority to the General Manager to make any necessary minor amendments or corrections and to sign the submission, prior to sending to Department of Planning and Environment.

COUNCIL RESOLUTION - 07.22.170

Novak/Johnstone

That Council:

1. **Endorse the attached submission to be sent to the Department of Planning and Environment no later than 24 August 2022; and**
2. **Delegate authority to the General Manager to make any necessary minor amendments or corrections and to sign the submission, prior to sending to Department of Planning and Environment.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.171 NOTICE OF NATIVE TITLE MANAGERS TO BE GIVEN TO THE RESPONSIBLE MINISTER

Meeting	Council	23 August 2022
Directorate	Environment & Planning	
Prepared by	Senior Strategic Planner (Public Land/Native Title), Dr Danny Parkin	
Attachments	A. CVC approved NTMs [aug2022] ↗	

SUMMARY

This report is to comply with the requirements of the *Crown Land Management Act 2016* and the *Local Government Act 1993* in providing notice of Council's Native Title Manager(s) to the responsible Minister. This report updates the previous report on this matter, tabled at Council's meeting of 18 September 2018 (Item 15.152/18).

OFFICER RECOMMENDATION

That Council:

1. Confirm Council employee, Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) as Council's principal Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016*;
2. Confirm Council employees, Ms Eloise Casson, Coordinator Property and Mr Alex Clark, Trainee Planner, as additional Native Title Managers for the purposes of Part 8 of the *Crown Land Management Act 2016*; and
3. Approve the General Manager to notify the responsible Minister annually of Council's Native Title Managers in accordance with section 8.8 of the *Crown Land Management Act 2016*.

COUNCIL RESOLUTION - 07.22.171**Johnstone/Pickering**

That Council:

1. Confirm Council employee, Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) as Council's principal Native Title Manager for the purposes of Part 8 of the *Crown Land Management Act 2016*;
2. Confirm Council employees, Ms Eloise Casson, Coordinator Property and Mr Alex Clark, Trainee Planner, as additional Native Title Managers for the purposes of Part 8 of the *Crown Land Management Act 2016*; and
3. Approve the General Manager to notify the responsible Minister annually of Council's Native Title Managers in accordance with section 8.8 of the *Crown Land Management Act 2016*.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.172 WASTE COLLECTION AND PROCESSING CONTRACTS

Meeting	Council	23 August 2022
Directorate	Environment & Planning	
Prepared by	Manager Environment & Regulatory Services, Scott Lenton	
Attachments	A. Confidential Waste Services Tender Evaluation Report (Confidential)	

SUMMARY

On 18 March 2022 Council invited tenders from experience waste services companies to provide waste collection and waste processing services to the Clarence Valley for a term of 10 years from 1 July 2023. A comprehensive tender and tender evaluation process has now been undertaken and this report details the evaluation of each tender and makes a recommendation on the tender that provides the most value to Council.

OFFICER RECOMMENDATION

That Council:

1. In accordance with s. 178 of the Local Government (General) Regulation 2021, accept the tender from JR & EG Richards Pty Ltd for T22/001, Part A Collection, Part B Recycling Processing and Part C Organics Processing for a term of 10 years with options to extend for up to a further 5 years.
2. Accept the option for an annual on-call bulky waste collection service (Part A, Option B)
3. Accept the option to process recyclables at the Grafton Material Recycling Facility (Part B, Option A)
4. Accept the option to develop a fourth tunnel at the Grafton Organics Recycling Facility with the General Manager formalizing funding arrangements including grant opportunities.
5. Not accept the non-conforming tender to change the contract term of Part A from an initial 10 years to 15 years, submitted by JR & EG Richards.

COUNCIL RESOLUTION - 07.22.172

Novak/Smith

That Council:

1. In accordance with s. 178 of the Local Government (General) Regulation 2021, accept the tender from JR & EG Richards Pty Ltd for T22/001, Part A Collection, Part B Recycling Processing and Part C Organics Processing for a term of 10 years with options to extend for up to a further 5 years.
2. Accept the option for an annual on-call bulky waste collection service (Part A, Option B)
3. Accept the option to process recyclables at the Grafton Material Recycling Facility (Part B, Option A)
4. Accept the option to develop a fourth tunnel at the Grafton Organics Recycling Facility with the General Manager formalizing funding arrangements including grant opportunities.
5. Not accept the non-conforming tender to change the contract term of Part A from an initial 10 years to 15 years, submitted by JR & EG Richards.

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & GOVERNANCE**ITEM 07.22.173 DISABILITY INCLUSION ACTION PLAN 2022/2023 AND FUTURE PLANNING**

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	A/Director - Corporate & Governance, Alex Moar	
Attachments	Nil	

SUMMARY

The report details the updated Disability Inclusion Action Plan (DIAP) for 2022/2023

OFFICER RECOMMENDATION

That Council endorse the one-year extension of the Disability Inclusion Action Plan (DIAP) for 2022/2023.

COUNCIL RESOLUTION - 07.22.173

Johnstone/Pickering

That Council endorse the one-year extension of the Disability Inclusion Action Plan (DIAP) for 2022/2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.174 POLICY REPORT

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Councillor Expenses and Facilities Policy V4 ⇒ B. Art Collection Policy V5 ⇒ C. Child Protection Policy V1 ⇒ D. Managing Unreasonable Conduct by Complainants Policy V3 ⇒ E. Internal Report and Public Interest Disclosure Policy V1 ⇒ F. Submissions to Managing Unreasonable Conduct by Complainant Policy ⇒	

SUMMARY

This report requests Council consider policies to be rescinded, placed on public exhibition and adopted.

OFFICER RECOMMENDATION

That Council:

- Note the submissions to the Flag Raising Policy V4.0 and rescind the policy.
- Place the following policies on exhibition and subject to there being no submissions that change the intent of the policy they be adopted:
 - Councillor Expenses and Facilities Policy V15.0 (Attachment A)
 - Art Collection Policy V5.0 (Attachment B)
 - Child Protection Policy V1.0 (Attachment C)
- Note the submissions to the following policies and adopt the following policies unchanged:
 - Managing Unreasonable Conduct by Complainants Policy V3.0 (Attachment D)
 - Internal Report and Public Interest Disclosure Policy V1.0 (Attachment E)

COUNCIL RESOLUTION - 07.22.174

Toms/Novak

That Council

- Note the submissions to the Flag Raising Policy V4.0 and rescind the Policy.**
- Place the following policies on exhibition and subject to there being no submissions that change the intent of the policy they be adopted:**
 - Art Collection Policy V5.0 (attachment B)**
 - Child Protection Policy V1.0 (Attachment C)**
- Note the submissions to the following policies and adopt the following policies unchanged:**
 - Managing Unreasonable Conduct by Complainants Policy V3.0 (Attachment D)**
 - Internal Reporting and Public Interest Disclosure Policy V1.0 (attachment E)**
- Defer the Councillor Expenses and Facilities Policy V15.0 (Attachment A) to the September meeting.**

Voting recorded as follows

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

Against: Day

CARRIED

AMENDMENT TO MOTION

Day/Clancy

That Council:

- Note the submissions to the Flag Raising Policy V4.0 and rescind the policy.
- Place the following policies on exhibition and subject to there being no submissions that change the intent of the policy they be adopted:
 - Art Collection Policy V5.0 (Attachment B)
 - Child Protection Policy V1.0 (Attachment C)

-
3. Note the submissions to the following policies and adopt the following policies unchanged:
- a. adopt the Managing Unreasonable Conduct by Complainants Policy V3.0 (Attachment D) with the following amendments:-
 - That for section 8.1 'Right of Appeal' - the staff added final paragraph (in red in the attachments) be replaced by "Complainants who wish to appeal and seek a review should respond to the General Manager who will refer the appeal to the senior staff member outlined above. This appeal will be held within 30 days and will include 14 days notice to the complainant (as outlined in section 10.2). The complainant will be notified as to the outcome of any appeal/review within 7 days of the appeal/review being conducted.
 - That the right to appeal be included in the template/sample letter 'Sample letter notifying a complainant of a decision to change or restrict their access to our services'.
 - That all UCC applications be advised, in confidence and with appropriate redactions for privacy purposes, to Council on a monthly basis
 - b. Internal Report and Public Interest Disclosure Policy V1.0 (Attachment E)
4. Defer the Councillor Expenses and Facilities Policy V15.0 (Attachment A) to the September meeting.

Voting recorded as follows

For: Clancy, Day, Pickering, Tiley

Against: Johnstone, Novak, Smith, Toms, Whaites

The Amendment to Motion was put and declared LOST. The original motion from Cr Toms was reconsidered.

ITEM 07.22.175 CLARENCE VALLEY CITIZENS OF THE YEAR 2023 - AWARDS

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	Nil	

SUMMARY

This report addresses two significant changes to the formally known Clarence Valley Australia Day Awards held on Australia Day (26 January) each year in alternate locations between Grafton and Yamba. The Officer's recommendation includes the name and date change as well as the nomination of a Councillor to be the event advocate.

OFFICER RECOMMENDATION

That Council,

1. Endorse the proposed changes provided regarding the Clarence Valley Citizens of the Year Awards and the event to be held on 25 January at 10am in Grafton.
2. Endorse an Australian Citizenship Ceremony be held in conjunction with this event.
3. Nominate a Councillor as the Advocate for the event.

COUNCIL RESOLUTION - 07.22.175

Johnstone/Smith

That Council,

1. Endorse the proposed changes provided regarding the Clarence Valley Citizens of the Year Awards and the event to be held on 25 January at 10am in Grafton.
2. Endorse an Australian Citizenship Ceremony be held in conjunction with this event.
3. Nominate a Councillor as the Advocate for the event.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.22.175a

Johnstone/Smith

That Cr Pickering be the Advocate for the event.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.176 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Officer, Karlie Chevalley	
Attachments	A. Outstanding Checklist Items (Separate Cover) ⇒ B. Rolling Outstanding Checklist Items (Separate Cover) ⇒ C. Completed Checklist Items (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 - 07.22.176**Johnstone/Pickering**

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 07.22.177 ITEMS FOR INFORMATION

Meeting	Council	23 August 2022
Directorate	General Manager	
Attachments	A. Minutes of meeting - 19 July 2022 ⇒	

OFFICER RECOMMENDATION

That the Clarence Valley Biodiversity Advisory Committee meeting minutes held 19 July 2022 be noted.

COUNCIL RESOLUTION - 07.22.177**Johnstone/Pickering**

That the Clarence Valley Biodiversity Advisory Committee meeting minutes held 19 July 2022 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.178 2022/2023 MONTHLY FINANCIAL REPORT - JULY 2022

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	Manager Finance & Systems, Kate Maginnity	
Attachments	A. 2022/2023 Monthly Income & expenditure Statements by Service - July 2022 ↗ B. Grant Application Summary July 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 end of year result. The reserve fund variations identified in this report will increase the balance of the Financial Reserves by \$882,000

OFFICER RECOMMENDATION

That Council:

1. Note the monthly financial information report for July 2022 attached to this report.
2. Endorse the proposed variations, which have a net zero impact on the Budgeted General Fund Result which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
3. Endorse the proposed variations, which increase the Financial Reserves by \$882,000 which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
4. Note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.22.178

Clancy/Whaites

That Council:

1. Note the monthly financial information report for July 2022 attached to this report.
2. Endorse the proposed variations, which have a net zero impact on the Budgeted General Fund Result which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
3. Endorse the proposed variations, which increase the Financial Reserves by \$882,000 which will be included in the September Quarterly Budget Review Statement to be reported in October 2022.
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 07.22.179 MONTHLY INVESTMENT REPORT - JULY 2022

Meeting	Council	23 August 2022
Directorate	Corporate & Governance	
Prepared by	Finance Officer (Treasury), Heather Sydenham	
Attachments	A. Movement of Funds Between Months - July 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 31 July 2022 be noted.

COUNCIL RESOLUTION - 07.22.179

Johnstone/Pickering

That the report indicating Council's funds investment position as at 31 July 2022 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL

ITEM 07.22.180 LOCAL TRAFFIC COMMITTEE

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks; Road Safety Officer, Alana Brooks	
Attachments	A. Item 0024/22 - Yamba Twilight Markets January 2023 ⇒ B. Item 0024/22 Yamba Twilight Markets 1 January 2023 Ancillary Application ⇒	

SUMMARY

This report details a Local Traffic Committee item – Yamba Twilight Markets scheduled for Sunday 1 January 2023. This item was circulated to the Committee via email, outside of the normal meeting cycle.

OFFICER RECOMMENDATION

That Council endorse the recommendation of the Local Traffic Committee regarding the proposed road closures associated with the Yamba Twilight Markets on Sunday, 1 January 2023.

COUNCIL RESOLUTION - 07.22.180**Johnstone/Pickering**

That Council endorse the recommendation of the Local Traffic Committee regarding the proposed road closures associated with the Yamba Twilight Markets on Sunday 1 January 2023.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.181 RFT 22/18 RFT 22/23 - SUPPLY OF HIRED PLANT

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks; Acting Manager Civil Services, Rick Johnson	
Attachments	Nil	

SUMMARY

Tenders have been called for the supply of plant hire wet (with operator) and dry (without operator) to Council for the financial years 2022/2023 and 2023/2024. This report is to accept the period tenders received to be included on a Panel of Suppliers for use as required during the 2022/2023 and 2023/2024 financial years.

OFFICER RECOMMENDATION

That Council accept the tenderers listed in Table 1 for inclusion on a Panel of Suppliers for use as required during the 2022/2023 and 2023/2024 financial years.

COUNCIL RESOLUTION - 07.22.181**Johnstone/Pickering**

That Council accept the tenderers listed in Table 1 for inclusion on a Panel of Suppliers for use as required during the 2022/2023 and 2023/2024 financial years.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.182 PROPOSAL TO NAME PUBLIC RESERVE

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Attachments	A. Location Map of Elsie Crisp Park ⇒ B. Location Map of Public Reserve - Tyson Street ⇒	

SUMMARY

Council is proposing to unassign the naming of Lot 1 DP 1162943 as Elsie Crisp Park and to assign the naming of Lot 16 DP 25599 as Elsie Crisp Memorial Park. This proposal follows consultation between Council and family members of the late Elsie Crisp and title implications around the Boyd-Nattress Complex (South Grafton Pool). The Geographical Names Board specifies that in all naming proposals, local councils are encouraged to undertake consultation with the community prior to submitting any proposals.

OFFICER RECOMMENDATION

That Council:

1. Place the proposals to unassign the naming of Lot 1 DP 1162943 as Elsie Crisp Park and to assign the naming of Lot 16 DP 25599 as Elsie Crisp Memorial Park on public exhibition for a period of 30 days.
2. Provide a report to the October Council meeting on the outcomes of the community consultation.

COUNCIL RESOLUTION - 07.22.182**Johnstone/Pickering**

That Council:

1. Place the proposals to unassign the naming of Lot 1 DP 1162943 as Elsie Crisp Park and to assign the naming of Lot 16 DP 25599 as Elsie Crisp Memorial Park on public exhibition for a period of 30 days.
2. Provide a report to the October Council meeting on the outcomes of the community consultation.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.183 BROOMS HEAD HOLIDAY PARK PACKAGED ON SITE SEWAGE TREATMENT PLANT ON CROWN LAND

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Attachments	A. RTF 22-24 Tender Recommendation Report (Confidential)	

SUMMARY

Two tenders were received under RFT 22-24 for the upgrade of the package sewage treatment plant at Brooms Head Holiday Park and one has since withdrawn. The report recommends calling fresh tenders.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to section 178 (3) of the Local Government (General) regulation 2021, not accept any tenders for the contract (RFT22-24) for the Brooms Head Holiday Park On-Site Packaged Sewage Treatment Plant.
2. Invite fresh tenders based on the same or different details.

COUNCIL RESOLUTION - 07.22.183**Johnstone/Pickering**

That Council:

1. Pursuant to section 178 (3) of the Local Government (General) regulation 2021, not accept any tenders for the contract (RFT22-24) for the Brooms Head Holiday Park On-Site Packaged Sewage Treatment Plant.
2. Invite fresh tenders based on the same or different details.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.184 COMPULSORY ACQUISITION OF EASEMENT OVER CROWN LAND, BEING LOT 3 DP1005547, YAMBA

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Attachments	A. Response from the Office of Local Government to Council's Application for Compulsory Acquisition ⇒ B. Stormwater Management Plan for Proposed Beachside Development at Yamba (Separate Cover) ⇒	

SUMMARY

This report considers the Office of Local Government's response to Council's application to compulsorily acquire two drainage easements and Right of Carriageway over Crown Land Reserve 5817, being Lot 3 DP 1005547, Yamba.

OFFICER RECOMMENDATION

That Council approve the submission of additional documentation to the Office of Local Government to provide evidence of the public purpose of the acquisition in support of the original application to compulsorily acquire the two drainage easements and Right of Carriageway over Reserve 58617, Lot 3 DP 1005547, Yamba.

COUNCIL RESOLUTION - 07.22.184

Johnstone/Pickering

That Council approve the submission of additional documentation to the Office of Local Government to provide evidence of the public purpose of the acquisition in support of the original application to compulsorily acquire the two drainage easements and Right of Carriageway over Reserve 58617, Lot 3 DP 1005547, Yamba.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.185 PERMANENT ROAD CLOSURE OF PART HAROLD TORY DRIVE, YAMBA - COUNTEROFFER TO PURCHASE

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Attachments	A. Valuation - Part Harold Tory Drive Road Reserve (Confidential) B. Offers and Counteroffer Detail (Confidential)	

SUMMARY

Council has received offers to purchase sections of road reserve adjoining properties at Lot 162 and 163 of DP1265281 (2 and 4 Harold Tory Drive, Yamba). This report considers those offers to purchase.

OFFICER RECOMMENDATION

That Council:

1. Accept the offer received from the Landowners of Lot 163 DP1265281 for the section of road reserve adjoining their property as detailed in Confidential Attachment B.
2. Decline the offer received from the Landowners of Lot 162 DP 1265281 for the section of road reserve adjoining their property and make a counteroffer as detailed in Attachment B.
3. Allocate responsibility to pay any GST applicable to the sale prices to the applicants, as per the standard road closure process.
4. Note any costs associated with consolidation of Lots are to be borne by the purchasers.
5. Delegate authority to the General Manager to execute all documentation associated with the sale of Road Reserve adjoining Lots 162 and 163 DP1265281.

COUNCIL RESOLUTION - 07.22.185

Johnstone/Pickering

That Council:

1. Accept the offer received from the Landowners of Lot 163 DP1265281 for the section of road reserve adjoining their property as detailed in Confidential Attachment B.
2. Decline the offer received from the Landowners of Lot 162 DP 1265281 for the section of road reserve adjoining their property and make a counteroffer as detailed in Attachment B.
3. Allocate responsibility to pay any GST applicable to the sale prices to the applicants, as per the standard road closure process.
4. Note any costs associated with consolidation of Lots are to be borne by the purchasers.
5. Delegate authority to the General Manager to execute all documentation associated with the sale of Road Reserve adjoining Lots 162 and 163 DP1265281.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.186 PROPOSED ACQUISITION OF PART LOT 1 DP 335226 AND PROPOSED SALE OF PART LOTS 721 AND 722 DP 1148111

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Coordinator Property, Eloise Casson	
Attachments	Nil	

SUMMARY

This report considers the partial acquisition of Lot 1 DP 335226 to resolve the encroachment of the driveway servicing Council-owned property at 72-74 River Street, Maclean. This report will also consider the request from the landowner of Lot 1 DP 335226 to purchase a portion of the adjoining Council owned Lots 721 and 722 DP 1148111.

OFFICER RECOMMENDATION

That Council

1. Acquire approximately 41sqm of Lot 1 DP 335226 at 72-74 River Street, Maclean to resolve a current encroaching, as depicted light blue in Figure 1
2. Grant approximately 41sqm of Lot 721 and 722 DP 1148111 to the adjoining landowners of Lot 1 DP 335226, refer green in Figure 1 and a Right of Way 3m wide over the driveway servicing Council-owned property in lieu of compensation, refer yellow in Figure 1.
3. Classify the acquired land as Operational and consolidate with Lot 721 DP 1148111
4. Allocate \$6,000.00 from the property reserve to carry out items i, ii and iii above
5. Allow the landowners of Lot 1 DP 335226 to purchase an additional portion of Lots 721 and 722 DP 1148111, refer dark blue in Figure 1 for a purchase price to be determined by valuation
6. Delegate authority to the General Manager to execute all documentation associated with the acquisition of part of Lot 1 DP335226 and sale of part of Lot 721 and Lot 722 DP1148111.
7. Share the cost of rectifying the encroachment of the Council driveway equally with the Landowners of Lot 1 DP 335226.
8. Note the cost of the purchase of land depicted dark blue in Figure 1 will be borne wholly by the landowners of Lot 1 DP 335226, including but not limited to; valuation, survey fees and Council's legal fees.

COUNCIL RESOLUTION - 07.22.186**Johnstone/Pickering**

That Council

1. Acquire approximately 41sqm of Lot 1 DP 335226 at 72-74 River Street, Maclean to resolve a current encroaching, as depicted light blue in Figure 1
2. Grant approximately 41sqm of Lot 721 and 722 DP 1148111 to the adjoining landowners of Lot 1 DP 335226, refer green in Figure 1 and a Right of Way 3m wide over the driveway servicing Council-owned property in lieu of compensation, refer yellow in Figure 1.
3. Classify the acquired land as Operational and consolidate with Lot 721 DP 1148111
4. Allocate \$6,000.00 from the property reserve to carry out items i, ii and iii above
5. Allow the landowners of Lot 1 DP 335226 to purchase an additional portion of Lots 721 and 722 DP 1148111, refer dark blue in Figure 1 for a purchase price to be determined by valuation
6. Delegate authority to the General Manager to execute all documentation associated with the acquisition of part of Lot 1 DP335226 and sale of part of Lot 721 and Lot 722 DP1148111.
7. Share the cost of rectifying the encroachment of the Council driveway equally with the Landowners of Lot 1 DP 335226.
8. Note the cost of the purchase of land depicted dark blue in Figure 1 will be borne wholly by the landowners of Lot 1 DP 335226, including but not limited to; valuation, survey fees and Council's legal fees.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.187 ULMARRA SEWERAGE SURVEY

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Attachments	A. Ulmarra Sewer Survey (Separate Cover) ⇒	

SUMMARY

At its meeting of 22 March 2022 Council resolved to survey Ulmarra Village residents to determine if they would like Council to examine options to sewer the Ulmarra village. Surveys were sent to 209 properties owners with the following results.

- 39 (18.7% of properties) indicated they would like Council to examine options for sewerage Ulmarra,
- 29 (13.9% of properties) indicating that they would like Council to examine options for sewerage Ulmarra if they did not have to pay a contribution towards the capital cost of the scheme,
- 46 (22.0% of properties) indicated they did not wish Council to investigate sewerage Ulmarra, and
- 95 (45.4% of properties) did not submit a response.

OFFICER RECOMMENDATION

That Council notes the responses from the Ulmarra Sewer Survey.

MOTION

Pickering/Whaites

That Council

1. Engage a suitable qualified independent contractor to carry out investigation of all options for sewerage Ulmarra, including existing sites, potential new sites and possible site specific units to facilitate water reuse options and any other innovative options not already considered.
2. Endorse the allocation of up to \$100,000 from Sewer Fund Reserve to undertake investigation, be shown as a variation in the Q2 Quarterly Business Review Statement to be tabled in October 2022.

Voting recorded as follows

For: Clancy, Pickering, Whaites

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

The Motion was put and declared LOST. The foreshadowed motion was then considered.

COUNCIL RESOLUTION - 07.22.187

Toms/Novak

That Council defer this item to explore the matters raised in regards to sewerage Ulmarra as soon as practicable.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.188 NORTH GRAFTON SEWAGE TREATMENT PLANT

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Attachments	A. Submission from Adjoining Landowner ⇒ B. EPA Advice ⇒ C. Comparison of Options ⇒	

SUMMARY

At its meeting of 28 June 2022 Council resolved (Resolution 06.22.008) to receive a report to enable a review of Council's decision to construct a new sewage treatment plant (STP) on the existing site of the North Grafton STP.

OFFICER RECOMMENDATION

That the report on the North Grafton Sewage Treatment Plant be noted.

COUNCIL RESOLUTION - 07.22.188**Pickering/Toms**

That acceptance of the report be deferred to September Ordinary Council meeting pending a workshop to consider the history of the decision to upgrade North Grafton STP.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.189 ALCOHOL PROHIBITED AREAS – JACARANDA FESTIVAL 2022

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Open Space Coordinator, David Sutton	
Attachments	Nil	

SUMMARY

The 2022 Jacaranda Festival is planning to run events at Market Square, See Park and Fisher Park (Ellem Oval) Grafton, the events will permit the sale and consumption of alcohol.

The parks are alcohol prohibited areas and approval of the sale and consumption of alcohol within the parks requires the temporary revoking of the restriction for the duration of the events.

OFFICER RECOMMENDATION

That Council;

1. Temporarily revoke the alcohol prohibition area at Market Square for the 2022 Jacaranda Festival from 9:00am Saturday 29 October 2022 to 11:00pm Sunday 6 November 2022.
2. Temporarily revoke the alcohol prohibition area at See Park for the 2022 Jacaranda Festival as follows;
 - a. Thursday 20 October 2022 between 9:00pm – 11:00pm.
 - b. Friday 21 October 2022 between 9:00pm – 11:00pm.
 - c. Saturday 22 October 2022 between 9:00pm – 11:00pm.
 - d. Thursday 27 October 2022 between 9:00pm – 11:00pm.
 - e. Friday 28 October 2022 between 9:00pm – 11:00pm.
 - f. Saturday 29 October 2022 between 9:00pm – 11:00pm.
 - g. Thursday 3 November 2022 between 9:00pm – 11:00pm.
 - h. Friday 4 November 2022 between 9:00pm – 11:00pm.
 - i. Saturday 5 November 2022 between 9:00pm – 11:00pm.
3. Temporarily revoke the alcohol prohibition area at Fisher Park (Ellem Oval) for the 2022 Jacaranda Festival from 9:00pm – 11:00pm Saturday 5 November 2022.

COUNCIL RESOLUTION - 07.22.189**Johnstone/Pickering**

That Council;

1. Temporarily revoke the alcohol prohibition area at Market Square for the 2022 Jacaranda Festival from 9:00am Saturday 29 October 2022 to 11:00pm Sunday 6 November 2022.
2. Temporarily revoke the alcohol prohibition area at See Park for the 2022 Jacaranda Festival as follows;
 - a. Thursday 20 October 2022 between 9:00pm – 11:00pm.
 - b. Friday 21 October 2022 between 9:00pm – 11:00pm.
 - c. Saturday 22 October 2022 between 9:00pm – 11:00pm.
 - d. Thursday 27 October 2022 between 9:00pm – 11:00pm.
 - e. Friday 28 October 2022 between 9:00pm – 11:00pm.
 - f. Saturday 29 October 2022 between 9:00pm – 11:00pm.
 - g. Thursday 3 November 2022 between 9:00pm – 11:00pm.
 - h. Friday 4 November 2022 between 9:00pm – 11:00pm.
 - i. Saturday 5 November 2022 between 9:00pm – 11:00pm.
3. Temporarily revoke the alcohol prohibition area at Fisher Park (Ellem Oval) for the 2022 Jacaranda Festival from 9:00pm – 11:00pm Saturday 5 November 2022.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.190 JACARANDA TREE STOCKTAKE - DATA CAPTURE

Meeting	Council	23 August 2022
Directorate	Works & Civil	
Prepared by	Open Space Coordinator, David Sutton	
Attachments	A. Plan Before You Plant - Essential Energy Guideline ⇒ B. Tree Removal Information - Essential Energy ⇒ C. Wrigley Heritage Tree Report ⇒	

SUMMARY

This report addresses the items a) to f) of the July 2022 Council Resolution (06.22.009) regarding the current stock of Jacaranda trees in Grafton and South Grafton community areas consistent with the ABS Census 2021 Suburbs and Localities.

OFFICER RECOMMENDATION

That Council note this report regarding Jacaranda trees located in South Grafton and Grafton.

COUNCIL RESOLUTION - 07.22.190

Smith/Toms

That Council note this report regarding Jacaranda trees located in South Grafton and Grafton.

Voting recorded as follows

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

Against: Nil

CARRIED

7. CONFIDENTIAL BUSINESS**OFFICER RECOMMENDATION**

That Council move into closed session to consider the following items in accordance with the Local Government Act 1993:

1. 08.22.005 Grafton Airspace Development - 10A(2) (e) *The report contains information that would, if disclosed, prejudice the maintenance of law and 10A(2) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

COUNCIL RESOLUTION

Toms/Novak

That Council move into closed session to consider the following items in accordance with the Local Government Act 1993:

08.22.005 Grafton Airspace Development - 10A(2) (e) *The report contains information that would, if disclosed, prejudice the maintenance of law and 10A(2) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 08.22.005 GRAFTON AIRSPACE DEVELOPMENT

Meeting Council 23 August 2022

Directorate General Manager

Prepared by A/General Manager, Laura Black

Attachments A. Confidential Report to May 2021 Ordinary Meeting - Option on Airspace (Confidential)
B. Local Government Legal Letter of Advice (Confidential)

CONFIDENTIAL *The General Manager advises that the following matter be dealt with in Closed Session as the matter and information are confidential in accordance with the Local Government Act 1993 Section*

10A(2) (e) The report contains information that would, if disclosed, prejudice the maintenance of law

10A(2) (g) The report contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

COUNCIL RESOLUTION

Toms/Novak

That Council retain the resolution and matters discussed as confidential.

Voting recorded as follows

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

Against: Nil

CARRIED

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

Please refer to page 4, Council adopted to change the order of service of the agenda.

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 4:06pm



CERTIFICATION OF MINUTES

I certify that the preceding xxx pages are the Minutes of the meeting of Clarence Valley Council held on meeting date.

Signed by:

First name surname
Mayor / Chairperson