

Ordinary Council Meeting

Minutes

Grafton - 28 March 2023 - 2:00pm



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Grafton, 28 March 2023 commencing at 2:00pm and closing at x.yy am/pm .

AFFIRMATION – Cr Clancy 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 Toms delivered the Acknowledgement of the Traditional Custodians of the Land.

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

ANNOUNCEMENT – The General Manager delivered the Announcement.

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

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

PRESENT

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

General Manager (Laura Black), Director – Corporate & Community (Alex Moar), Director – Environment & Planning (Adam Cameron), Director – Works & Civil (Jamie Fleeting) and Minutes Secretary (Lee Boon)

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

Johnstone/Toms

That leave of absence be granted for Cr Whaites.

Voting recorded as follows

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

Against: Nil

CARRIED

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

Name	Item	Nature of Interest, Action and Reason
Cr Toms	07.23.035	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ Proposed new member of committee has completed work for me.

4. CONFIRMATION OF MINUTES**COUNCIL RESOLUTION**

Toms/Day

That the Minutes of Ordinary Meeting of Council dated 28 February 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED**COUNCIL RESOLUTION**

Toms/Day

That the Minutes of Extraordinary Meeting of Council dated 13 March 2023, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows

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

Against: Nil

CARRIED**5. MAYORAL MINUTES**

Nil

6. NOTICES OF MOTION
**ITEM 06.23.002 NOTICE OF MOTION
REZONING LANDS ON WEST YAMBA FLOODPLAIN**

Meeting	Council	28 March 2023
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

Approved development of the Yamba floodplain under the provisions of the West Yamba Urban Release Area (WYURA) planning approval has resulted in large amounts of fill being transported to the site, particularly along Gardeners Road, Yamba Road and Carrs Drive. The constant truck movements (1 every 10 minutes), has caused great consternation among a number of Yamba residents. The large amount of fill would appear to be exacerbating localized flooding around the Carrs Drive roundabout and the area surrounding it. There is also concern that the large amount of fill is affecting, and will increasing affect, the drainage of the area, adversely affecting low lying residences and the environment.

PROPOSED MOTION

That Council:

- Note the legal advice tabled at the February Ordinary Council Meeting that compensation would not be payable in the event that the Department of Planning and Environment, on the recommendation of

Council, was to approve a rezoning of lands in the West Yamba Urban Release Area (WYURA) from residential R1 to C2 or a mix of C2 and RU2 depending on the results of the planning study;

2. Prepare a planning proposal for submission to the Department of Planning and Environment requesting that the vacant land, which do not have development approval for subdivision, in the West Yamba Urban Release Area (WYURA) be rezoned from Residential (R1) to Conservation (C2) zoning or a mix of Conservation (C2) and Rural (RU2) based on the impacts of further development on the environment and the risk to human life and property from future flooding.

COUNCIL RESOLUTION - 06.23.002

Clancy/Johnstone

That Council defer to the April meeting.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION

Novak/Smith

That the following items be adopted as recommended:

07.23.032

07.23.034

07.23.037

07.23.038

07.23.039

07.23.040

07.23.041

07.23.042

07.23.045

07.23.046

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS**OFFICE OF THE GENERAL MANAGER****ITEM 07.23.030 BULK RAW WATER SUPPLY AGREEMENT WITH COFFS HARBOUR CITY COUNCIL**

Meeting	Council	28 March 2023
Directorate	General Manager	
Prepared by	Manager Water Cycle, Greg Mashiah	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Correspondence between CVC and CHCC re Dispute (Confidential) B. Draft Revised Bulk Water Supply Agreement (Confidential)	

SUMMARY

At its meeting of Tuesday 13 December 2022 Council resolved (Resolution 08.22.009) to enter into dispute resolution procedures with Coffs Harbour City Council regarding the bulk water supply agreement. Following correspondence between the two Councils it is considered that the issues in dispute have been concluded and that an updated bulk water supply agreement can be progressed.

OFFICER RECOMMENDATION

That Council:

1. Note the issues raised with Coffs Harbour City Council in accordance with the dispute resolution procedures of the Bulk Raw Water Supply Agreement are considered to have been concluded.
2. Note the advice from Marsdens Law Group that a formal agreement with Coffs Harbour City Council is the most appropriate governance arrangement for the Regional Water Supply, and
3. Authorises the General Manager to negotiate with Coffs Harbour City Council regarding a revised Bulk Water Supply Agreement with the final agreement to be reported to both Councils for endorsement.

COUNCIL RESOLUTION - 07.23.030

Tiley/Day

That this matter be deferred for one month to enable discussions with Coffs Harbour City Council.

Voting recorded as follows

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

Against: Novak, Toms

CARRIED

ITEM 07.23.031 CR JOHNSTONE - RURAL AND REMOTE CONFERENCE 2023

Meeting	Council	28 March 2023
Directorate	General Manager	
Attachments	Nil	

SUMMARY

I attended the Local Government NSW Rural and Regional Conference on 20th February 2023. It was an opportunity for country Mayors, Councillors and Council Staff to network with each other and hear from politicians and LGNSW executives on future ideas and plans for the rural areas of NSW. There were no policy decisions or votes. I found the experience very useful and I used the opportunity to speak to several senior politicians from both the Labor and Nationals parties. With the NSW elections a month away, politicians of both parties were making a pitch for their policies, so the event was quite political. I wrote this report before the NSW election happened, and it will be discussed in council after the election result will probably be known.

OFFICER RECOMMENDATION

That Council note that information provided by Councillor Peter Johnstone after attending the Rural and Remote Conference.

COUNCIL RESOLUTION - 07.23.031

Johnstone/Novak

That Council note the information provided by Councillor Peter Johnstone after attending the Rural and Remote Conference.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.032 COUNCILLOR LISTENING TOURS

Meeting	Council	28 March 2023
Directorate	General Manager	
Attachments	Nil	

SUMMARY

Two Listening Tours were coordinated in February and March, this report provides an overview of the topics discussed at each location.

OFFICER RECOMMENDATION

That the information contained in the report be noted.

COUNCIL RESOLUTION - 07.23.032

Novak/Smith

That the information contained in the report be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ENVIRONMENT & PLANNING

ITEM 07.23.033 DA2022/0471 MULTI DWELLING HOUSING (17 UNITS) AND A COMMUNAL SWIMMING POOL, 6 YAMBA ROAD YAMBA

Meeting	Council	28 March 2023
Directorate	Environment & Planning	
Prepared by	Development Planner, Jessica Summerhayes	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	A. Plan ⇒ B. Redacted submissions ⇒ C. Concept landscape plan report ⇒ D. Statement of Environmental Effects & Clause 4.6 Request ⇒ E. Assessment Report ⇒ F. Civil drawing excerpt - preliminary earthworks layout plan ⇒ G. Floodplain Management Report ⇒	

SUMMARY

<i>Applicant</i>	Enhance Urban Planning
<i>Owner</i>	Noah Developments Pty Ltd
<i>Address</i>	Lot 263 DP822829 / 6 Yamba Road Yamba NSW 2464
<i>Submissions</i>	10

Council is in receipt of a Development Application DA2022/0471 for a Multi Dwelling Housing development for 17 Units (comprising three and four bedrooms), a communal swimming pool, associated car parking and landscaping, located on Lot 263 DP 822829, being 6 Yamba Road, Yamba.

In accordance with the Community Participation Plan, the application was advertised and notified and ten (10) submissions were received during the notification period. 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 *Clarence Valley Local Environmental Plan 2011* and Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011 which are outside Council staff delegations.

This report is submitted to Council for consideration and provides an assessment and recommendation for determination.

OFFICER RECOMMENDATION

That Council:

1. Support the Clause 4.6 Exceptions to development standards variation request to *Clause 4.3 Height of Buildings* of the *Clarence Valley Local Environmental Plan 2011* to permit a maximum building height of 9.88 metres;
 2. Support the proposed variations to the Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011; and
- Approve Development Application 2022/0471 subject to the draft Advices and Conditions contained in Schedule 1.

POINT OF ORDER

Smith

Point of Order called on Cr Toms It is not correct to say the matter was trivialised in debate.

The Chair upheld the point of order.

COUNCIL RESOLUTION - 07.23.033

Toms/Novak

That Council:

- 1. Support the Clause 4.6 Exceptions to development standards variation request to *Clause 4.3 Height of Buildings* of the *Clarence Valley Local Environmental Plan 2011* to permit a *maximum building height of 9.88 metres*;**
- 2. Support the proposed variations to the Clarence Valley Development Control Plan – Environmental Protection, Recreation and Special Use Zone 2011; and approve Development Application 2022/0471 subject to the draft Advices and Conditions contained in Schedule 1.**

Voting recorded as follows

For: Day, Johnstone, Novak, Pickering, Toms

Against: Clancy, Smith, Tiley

CARRIED

ITEM 07.23.034 2023 BULKY WASTE COLLECTION SERVICE

Meeting	Council	28 March 2023
Directorate	Environment & Planning	
Prepared by	Manager Environment & Regulatory Services, Scott Lenton	
Reviewed by	Director Environment & Planning, Adam Cameron	
Attachments	Nil	

SUMMARY

It is proposed to not provide a bulky waste collection service before 30 June 2023 to enable a smoother transition to the new bulky waste collection model that will commence from 1 July 2023.

OFFICER RECOMMENDATION

That Council opt not to provide a bulky waste collection service before 30 June 2023 to enable a smoother transition to the new bulky waste collection model that will commence from 1 July 2023 under the new 10-year Domestic Waste Management Contract.

COUNCIL RESOLUTION - 07.23.034

Novak/Smith

That Council opt not to provide a bulky waste collection service before 30 June 2023 to enable a smoother transition to the new bulky waste collection model that will commence from 1 July 2023 under the new 10-year Domestic Waste Management Contract.

Voting recorded as follows

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

Against: Nil

CARRIED

CORPORATE & COMMUNITY**ITEM 07.23.035 POLICY REPORT**

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Aboriginal Cultural Heritage and Native Title Policy V2.0 [DRAFT] ⇒ B. Media Policy V1.0 [DRAFT] ⇒	

SUMMARY

This report asks that Council place two (2) revised Council policies on exhibition and, subject to there being no submissions that change the intent of the policies, that they be adopted.

OFFICER RECOMMENDATION

That Council:

1. Place the following policies on exhibition and subject to there being no submissions that change the intent of the policies that they be adopted:
 - a. Aboriginal Cultural Heritage and Native Title Policy V2.0 (Attachment A)
 - b. Media Policy V1.0 (Attachment B)

COUNCIL RESOLUTION - 07.23.035

Johnstone/Novak

That Council:

1. **place the Aboriginal Cultural Heritage and Native Title Policy V2.0 (Attachment A) on exhibition and subject to there being no submissions that change the intent of the policy that it be adopted.**
2. **defer the draft Media Policy V1.0 (Attachment B) to be considered at a workshop.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.036 COMMITTEES REPORT

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Wooloweyah Parks & Reserves Management Committee Minutes 4 Feb 2023 ⇒ B. Clarence Sports Advisory Committee Meeting Minutes 13 February 2023 ⇒	

SUMMARY

This Report asks that Council note resignations from one 355 Committee and approve recommended appointments to one (1) 355 Committees and one (1) Advisory Committee.

OFFICER RECOMMENDATION

That Council:

1. notes the resignations of Donna Cole and Kirra Muegge from the Wooloweyah Parks & Reserves Management 355 Committee effective from the Meeting of the Committee 4 February 2023 (Attachment A)
2. appoints Joanne Winwood to the Wooloweyah Parks & Reserves Management 355 Committee as recommended by the Committee at their Meeting 4 February 2024 (Attachment A)
3. appoints the Westlawn Tigers Football Club and the South Grafton Rebels Junior Rugby League Club as members of the Clarence Sports Committee as recommended by the Meeting of the Committee 13 February 2023 (Attachment B).

COUNCIL RESOLUTION - 07.23.036**Toms/Pickering**

That Council:

1. note the resignations of Donna Cole and Kirra Muegge from the Wooloweyah Parks & Reserves Management 355 Committee effective from the Meeting of the Committee 4 February 2023 (Attachment A)
2. appoint Joanne Winwood to the Wooloweyah Parks & Reserves Management 355 Committee as recommended by the Committee at their Meeting 4 February 2024 (Attachment A)
3. appoint the Westlawn Tigers Football Club and the South Grafton Rebels Junior Rugby League Club as members of the Clarence Sports Committee as recommended by the Meeting of the Committee 13 February 2023 (Attachment B).
4. appoint Angela Berry to the vacant position on the clarence valley council access committee as recommended by the committee at the 15th March 2023 meeting.
- 5.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.037 PETITIONS LODGED

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Governance Officer, Bligh Grant	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	<p>A. Petition Lodgement Form [2]. Oppose reclassification Wooli St [N=321 pp=17]_Redacted ⇨</p> <p>B. Petition [2]. Oppose reclassification Wooli St [N=321 pp=17]_Redacted (Separate Cover) ⇨</p> <p>C. Petition Lodgement Form [2]. TDCC [N=274 pp =26] ⇨</p> <p>D. Petition [2]. TDCC [N=274 pp =26] (Separate Cover) ⇨</p>	

SUMMARY

This report asks Council to receive two (2) petitions in accordance with Council's Petitions Policy V1.0 (ITEM07.22.117a).

OFFICER RECOMMENDATION

That Council receive the following two (2) petitions and refer them to the General Manager for action accordingly, inclusive of placing them on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a):

- a. Oppose any reclassification of the Wooli Street Hall, Library and adjacent Parkland site
- b. Yamba Treelands Drive Community Centre (TDCC): Expanded, not demolished

COUNCIL RESOLUTION - 07.23.037

Novak/Smith

That Council receive the following two (2) petitions and refer them to the General Manager for action accordingly, inclusive of placing them on Council's website, in accordance with Council's Petitions Policy V1.0 (ITEM 07.22.117a):

- a. Oppose any reclassification of the Wooli Street Hall, Library and adjacent Parkland site**
- b. Yamba Treelands Drive Community Centre (TDCC): Expanded, not demolished**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.038 ITEMS FOR INFORMATION

Meeting	Council	28 March 2023
Directorate	General Manager	
Attachments	A. Culture, Community Advisory Meeting Minutes Wednesday 14 December ⇒ B. Biodiversity Advisory Committee Meeting Minutes 2 February 2023 ⇒ C. Dundurrabin Community Centre Management Committee Meeting Minutes 8 Feb 2023 ⇒ D. Access Advisory Committee Meeting Minutes 15 February 2023 ⇒ E. Correspondence from Hon. Kevin Anderson ⇒	

SUMMARY

Committee minutes and correspondence attached are for noting.

OFFICER RECOMMENDATION

That the Items for Information as listed below be noted

- Culture, Community Advisory Meeting Minutes: Wednesday 14 December 2022
- Biodiversity Advisory Committee Meeting Minutes: 2 February 2023
- Dundurrabin Community Centre Management Committee Meeting Minutes: 8 February 2023
- Access Advisory Committee Meeting Minutes: 15 February 2023
- Correspondence from Hon. Kevin Anderson

COUNCIL RESOLUTION - 07.23.038

Novak/Smith

That the Items for Information as listed below be noted

- **Culture, Community Advisory Meeting Minutes: Wednesday 14 December 2022**
- **Biodiversity Advisory Committee Meeting Minutes: 2 February 2023**
- **Dundurrabin Community Centre Management Committee Meeting Minutes: 8 February 2023**
- **Access Advisory Committee Meeting Minutes: 15 February 2023**
- **Correspondence from Hon. Kevin Anderson**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.039 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Personal Assistant to the Mayor & Councillors, Lee Boon	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions List -Completed (Separate Cover) ⇒ B. Actions List - Outstanding (Separate Cover) ⇒ C. Rolling Checklist from 2019-2021 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.23.039

Novak/Smith

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.040 2021/2022 GENERAL PURPOSE FINANCIAL STATEMENTS REFER TO AUDIT

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Statement by Councillors & Management General Purpose Financial Statements ⇒ B. Statement by Councillors & Management Special Purpose Financial Statements ⇒ C. General Purpose Financial Statements ⇒ D. Special Purpose Financial Statements ⇒ E. Special Schedules ⇒	

SUMMARY

Council's 2021/2022 Annual Financial Statements have been completed and are currently being audited by Council's auditor, Thomas Noble and Russell (TNR). The purpose of this report is to present the interim financial results and to implement certain statutory obligations in relation to the finalisation of the audited financial statements.

The auditor will address both the Council's independent Audit Committee and the Councillors on 28 March 2023. At the time of writing this report the Audit Report, prepared by TNR and the Audit Office, was not available for tabling.

OFFICER RECOMMENDATION

That Council:

1. Sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.
2. Refer the 2021/22 Annual Financial Statements to the Auditor for audit in accordance with Section 413 (1) of the Local Government Act 1993.
3. Receive and note the 2021/2022 Special Schedules, which are not required to be audited.
4. Authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2021/2022 Financial Statements by 31 March 2023.
5. Present the signed audited Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the next Ordinary meeting of Council in accordance with Section 419 (1) of the Local Government Act 1993.

COUNCIL RESOLUTION - 07.23.040

Novak/Smith

That Council:

1. **Sign the Statements as prescribed by Section 413(2) (c) of the Local Government Act 1993 for the General Purpose Financial Statements and the Special Purpose Financial Statements.**
2. **Refer the 2021/22 Annual Financial Statements to the Auditor for audit in accordance with Section 413 (1) of the Local Government Act 1993.**
3. **Receive and note the 2021/2022 Special Schedules, which are not required to be audited.**
4. **Authorise the General Manager to forward the Financial Statements to the Office of Local Government upon receipt of the audited 2021/2022 Financial Statements by 31 March 2023.**
5. **Present the signed audited Financial Statements, together with the signed Client Services Reports (Auditor's Reports), to the public at the next Ordinary meeting of Council in accordance with Section 419 (1) of the Local Government Act 1993.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.041 2022/2023 MONTHLY FINANCE REPORT - FEBRUARY 2023

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. 2022/2023 Monthly Income & Expenditure Statements by Service ⇒ B. Monthly Grant Application Summary - February 2023 ⇒	

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 are fully grant funded and as such do not impact the General Fund end of year result, nor the balance of our Financial Reserves.

OFFICER RECOMMENDATION

That Council:

1. note the monthly financial information report for February 2023 attached to this report.
2. endorse the proposed variations, which do not impact the general fund end of year result nor the balance of our financial reserves, for inclusion in the March Quarterly Budget Review Statement to be reported in April 2023.
3. note and endorse the grant applications as identified in Attachment B.

COUNCIL RESOLUTION - 07.23.041

Novak/Smith

That Council:

1. note the monthly financial information report for February 2023 attached to this report.
2. endorse the proposed variations, which do not impact the general fund end of year result nor the balance of our financial reserves, for inclusion in the March Quarterly Budget Review Statement to be reported in April 2023.
3. note and endorse the grant applications as identified in Attachment B.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.042 MONTHLY INVESTMENT REPORT - FEBRUARY 2023

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - Feb 2023 ⇒	

SUMMARY

The purpose of this report is to inform Council of the details of Council's investment funds at the end of each month.

OFFICER RECOMMENDATION

That the report indicating Council's funds investment position as at 28 February 2023 be noted.

COUNCIL RESOLUTION - 07.23.042

Novak/Smith

That the report indicating Council's funds investment position as at 28 February 2023 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.043 ECONOMIC DEVELOPMENT AND TOURISM ADVISORY COMMITTEE - RECOMMENDATIONS

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	A. EDTAC Minutes from 2 February 2023 ⇒ B. Proclamation 25 February 2004 ⇒	

SUMMARY

The Economic Development and Tourism Advisory Committee (EDTAC) met on 2 February 2023. The EDTAC has made several recommendations for Council to consider during this meeting. The recommendations presented reflect the intent of the EDTAC recommendations and have been discussed with the Chair and Deputy Chair of EDTAC.

OFFICER RECOMMENDATION

That Council:

1. note development of a new Tourism and Destination Marketing Plan to be included in the draft operational plan and budget 2023/2024 for consideration.
2. write to the Brisbane 2032 Olympic and Paralympic Games organising committee to register the Clarence Valley's interest in being considered as a base location for athletes, teams, or events prior to or during the 2032 Olympic and Paralympic events.

COUNCIL RESOLUTION - 07.23.043

Day/Smith

That Council:

1. note development of a new Tourism and Destination Marketing plan and include the provision of information to visitors on and after arrival in the Clarence Valley, to be included in the draft operational plan and budget 2023/2024 for consideration.
2. note that a Tourism Special Rate Variation was embedded in the rating structures inherited by Clarence Valley Council at amalgamation, and this was calculated to be worth \$176,000 on 28/06/2013 in a report to a State Upper House Inquiry by CVC Director Environment, Planning and Infrastructure.
3. write to the Brisbane 2032 Olympic and Paralympic Games organising committees to register the Clarence Valley's interest in being considered as a base for athletes, teams or events prior to or during the 2032 Olympic and Paralympic events.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.044 FEDERAL GOVERNMENT FUNDING FOR TROVE

Meeting	Council	28 March 2023
Directorate	Corporate & Community	
Prepared by	Regional Librarian, Kathryn Breward	
Reviewed by	Director - Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

NSW Public Libraries Association is seeking council support and endorsement of their lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

OFFICER RECOMMENDATION

That Council:

1. make representation to the local Federal Member, Kevin Hogan, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
2. write to the Hon. Tony Burke, Federal Minister for the Arts, and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.
3. endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.

COUNCIL RESOLUTION - 07.23.044

Pickering/Novak

That Council:

1. **make representation to the local Federal Member, Kevin Hogan, in relation to the need for a sustainable federal funding model for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.**
2. **write to the Hon. Tony Burke, Federal Minister for the Arts, and the Hon. Paul Fletcher, Shadow Minister for Science and the Arts, calling for sustainable funding to ensure the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.**
3. **endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove.**

Voting recorded as follows

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

Against: Nil

CARRIED

WORKS & CIVIL**ITEM 07.23.045 WOLOWEYAH FORESHORE RESERVE SITE MANAGEMENT PLAN - ON CROWN LAND**

Meeting	Council	28 March 2023
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Peter Birch	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Wooloweyah Foreshore Reserve Vegetation Management Plan ⇨ B. Summary of Submissions - Initial Consultation ⇨	

SUMMARY

This report is recommending Council reach a position on the location of rock bollards in the vicinity of the rock platform used for launching and retrieval of commercial fishing boats from the Wooloweyah Foreshore Reserve so that the draft site management plan for the reserve may be finalised for public exhibition.

OFFICER RECOMMENDATION

That Council as Crown Land Manager of the Wooloweyah Foreshore Reserve (R95841):

1. maintain the status quo in relation to where the rock bollards have been placed (ie. more-or-less in alignment with the property boundary between Lot 101 DP 1003014 and Lot 102 DP 1003014).
2. install signage to define and separate the usage of the rock platform by commercial fishers and the 'approved' boat launching area by recreational users of the reserve.
3. finalise the draft Wooloweyah Foreshore Reserve Site Management Plan (SMP) and undertake broader public consultation, including public exhibition of the revised draft SMP.

COUNCIL RESOLUTION - 07.23.045

Novak/Smith

That Council as Crown Land Manager of the Wooloweyah Foreshore Reserve (R95841):

1. maintain the status quo in relation to where the rock bollards have been placed (ie. more-or-less in alignment with the property boundary between Lot 101 DP 1003014 and Lot 102 DP 1003014).
2. install signage to define and separate the usage of the rock platform by commercial fishers and the 'approved' boat launching area by recreational users of the reserve.
3. finalise the draft Wooloweyah Foreshore Reserve Site Management Plan (SMP) and undertake broader public consultation, including public exhibition of the revised draft SMP.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.23.046 LOCAL TRAFFIC COMMITTEE

Meeting	Council	28 March 2023
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Reviewed by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Traffic Committee Minutes (Separate Cover) ⇒ B. Item 01.23 Attachment (Separate Cover) ⇒ C. Item 03.23 Attachment (Separate Cover) ⇒ D. Item 04.23 Attachment (Separate Cover) ⇒ E. Item 07.23 Attachment (Separate Cover) ⇒	

SUMMARY

This report lists the recommendations made at the 1 March 2023 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 1 March 2023 meeting be adopted by Council.

COUNCIL RESOLUTION - 07.23.046

Novak/Smith

That the recommendations of the Local Traffic Committee included in the Minutes of the 1 March 2023 meeting be adopted by Council.

Voting recorded as follows

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

Against: Nil

CARRIED

8. CONFIDENTIAL BUSINESS**9. QUESTIONS WITH NOTICE****ITEM 09.23.001 QUESTIONS WITH NOTICE**

Meeting	Council	28 March 2023
Submitted by	Cr Peter Johnstone	
Attachments	Nil	

PROPOSED QUESTION

That the General Manager list with explanation the engineering and safety reasons that led to the staff recommendation that the indoor facility be constructed in stage one with the outdoor 50m pool in stage two rather than the outdoor 50m pool in stage one and the indoor facility in stage two.

At the February OGM, council resolved to construct the Grafton Regional Aquatic Centre in 3 stages. The first stage includes the indoor facility and the second stage includes the outdoor 50m pool. There is considerable community interest in why the outdoor 50m pool was not in the first phase with the indoor facility in the second phase. During the February OGM, council staff endeavoured to give reasons for their advice, but these were not comprehensive due to the limitation of time. This question with notice intends to clearly set out to the community the engineering and safety reasons for the advice given to councillors.

The replacement of the Grafton Memorial Pool has been considered by council on the following occasions.

- Report Item 07.23.035 – February 2023
- Report Item 07.22.292 – December 2022
- Report Item 07.22.244 – November 2022
- Report Item 07.22.193 – September 2022
- Report Item 10.22.003 – August 2022
- Report Item 6c.21.132 – October 2021
- Report Item 6e.21.004 – March 2021
- Report Item 07.20.005 – May 2020
- Report Item 6c.20.048 – April 2020
- Report Item 6c.19.112 – December 2019
- Report Item 15.099/18 – June 2018
- Report Item 15.257/17 – December 2017
- Report Item 15.112/17 – June 2017
- Report Item 13.016/17 – April 2017
- Report Item 15.152/16 – December 2016
- Report Item 15.054/16 – June 2016

Engineering Staging Considerations

- Demolition of the existing pools will be one of the first activities in preparation of the earthworks across the site. There is approx. 5,800 m³ of material to be removed in the demolition stage to establish the required footprint and foundation levels to prepare for foundation works on the new indoor pool facility.

Note: Grant funding made available through the Stronger Country Community Fund (SCCF) for \$1.453m is also allocated to the site demolition works and splash pad.

- There is a net deficit in available fill from the site to balance the earthworks requirements for both Stages (1 & 2). Earthworks models have been prepared to ascertain the volumes (cut to fill) and to assist the

contractors in their tender preparation. The earthworks models have confirmed that there is a deficit in available fill won from the excavation of the new 50m outdoor pool. Consequently, an external source of fill will be required to satisfy the overall earthworks requirements.

- If the earthworks were commenced in preparation for construction of the 50m outdoor pool, then the fill (from excavation of the 'green field' site) will need to be stockpiled prior to reuse. This is a result of the indoor facility earthworks location not being available for filling under this staging scenario. The 'double' handling of fill is not recommended from an overall efficiency perspective that would also attract additional cost as a result of the additional time (resources and plant) to excavate, place and compact the fill.
- If the construction of the 50m outdoor pool was progressed in Stage 1 it would not be open to the public until the indoor pools/facility and refurbishment of the entrance was completed. Conversely the indoor facility and refurbished entrance could be open to the public prior to completion of the 50m outdoor pool. Construction access for construction of the outdoor 50m pool can be facilitated via Turf Street.

Safety Based Considerations

- The safety concerns arising from the deterioration of the pools and associated infrastructure has been well reported in recent years. A number of consulting reports has also highlighted concerns around structural integrity of the asset. The increased safety concerns resulted in Council endorsing the closure of the pool facility in September 2022 (Item 07.22.193).
- Staff have considered the identified safety issues to inform the staging plans proposed to date. To address those safety concerns (including potential failure of load bearing slabs) it was considered appropriate to remove the inherent risks as soon as practicable. In removing the failed infrastructure and progressing with establishing a safe working area in Stage 1 the project will also address WHS risks associated with a significant construction site.
- If Council were to construct the 50m outdoor pool as a priority in Stage 1 it would not be open to the public until such time as the indoor pools/facility and refurbishment of the entrance was completed due to a) the facilities being offline and b) heightened construction related safety issues. Conversely, the indoor facility and refurbished entrance may be open to the public prior to completion of the 50m outdoor pool, however at this stage Council are looking to deliver the entire project under the one contract.
- Staff have sought informal advice from council's insurer (JLT) in relation to the staging options. The following advice was provided

If Council were to choose to remove the existing pool and leave the excavation open whilst constructing the new outdoor pool it would leave a large excavation with 120m+ of excavated sides left un-shored. Man proof fencing, signage and an inspection program could be installed although the excavation will be long term and entry could not be guaranteed. Leaving the site in this state potentially exposes Council to various, first- and third-party liabilities and additional construction difficulties which could be avoided by constructing the 2 indoor pools on the excavated ground in the first instance

Grant Application Considerations

The recommended project Staging (1 and 2) also places council in the best possible position for consideration of a grant application. Staff have applied for a grant under the Community Assets Program (application submitted 28 March 2023). Staff remain optimistic that Council will secure a level of funding that will greatly assist with the delivery of Stage 2. Council will receive a report following the outcome of the grant application and reaffirm in principle support for funding Stage 2 of the project.

Background

The following table includes a brief summary of the council reports/assessments and resolutions considered since 2017.

Additionally, staff conducted three (3) workshops to Council during 2022 (29 March, 15 August and 6 September) where staff provided detailed background information in relation to the Grafton Pool including;

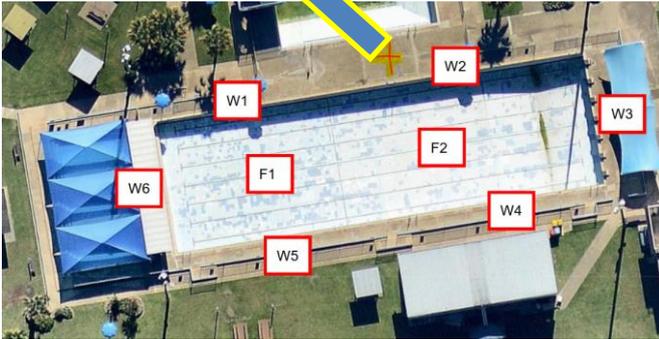
- Council endorsed masterplan process including public consultation process that informed the design
- details and scope contained within the detailed design including project animation fly through.
- General concerns related to the ongoing deterioration of the pool infrastructure including structural integrity
- Increased maintenance costs
- Growing concerns in relation to a significant 'water leak' from the pools and increased operational costs

Date	Resolution	Summary
2017 (June)	15.112.17	Progression of the development of the masterplan be noted
2017 (December)	15.257/17	<ul style="list-style-type: none"> ▪ Adopt the master plan concept design ▪ Seek Government support of the project and apply for external funding ▪ Note the declining state of the pool structure
2018 (June)	15.099/18	<ul style="list-style-type: none"> ▪ Endorse the masterplan (including elements required by resolution 15.152/16.) ▪ Seek Government support of the project and apply for external funding ▪ Undertake return on investment analysis including 'whole of life' costings and associated impacts on the LTFP.
2019 (December)	6c.19.112	<ul style="list-style-type: none"> ▪ Adopt masterplan (update Option2 SK-03 -rev B) ▪ Seek quotations for detailed design ▪ Allocate \$50,000 to investigate water leaks and carry out short term repairs where practicable. ▪ Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure. ▪ Cardno Consulting Engineers – Chemical testing indicate a decline in the pool structure
2020 (March)	6c.20.036	<ul style="list-style-type: none"> ▪ Increasing annual maintenance costs ▪ Repairs to address significant water loss to be undertaken during off season pool closure
2020 (August)	N/A	<ul style="list-style-type: none"> ▪ Staff engage consulting engineers (SMEC) to investigate a large void that was exposed following routine maintenance. ▪ Conclusion that the slab is not adequate to support required loading. Slab can support up to 1 heavy person, not suitable for vehicle loads.
2021 (March)	6e.21.004	<ul style="list-style-type: none"> ▪ Council accepts the tender for detailed design (specialist aquatic consultants)
2021 (October)	6c.21.132	<ul style="list-style-type: none"> ▪ Note the asset condition (and risk and safety issues) if this project is not progressed. ▪ Allocate \$20,000 for the DA ▪ Lobby State and federal members for inclusion of this project as an election commitment
2022 (August)	10.22.003	<ul style="list-style-type: none"> ▪ Council to not proceed with seasonal maintenance of the pool ▪ Delay opening of the pool until full consideration is given to current issues, costs and risks with continued operation
2022 (September)	07.22.193	<ul style="list-style-type: none"> ▪ Council endorse the closure of the pool for the 22/23 season ▪ Undertake further geotechnical investigations ▪ Proceed with two (2) stage selective tender ▪ Advice from Councils insurer JLT that council should rely on expert opinions provided by structural and geotechnical engineers in relation to the pool closure
2022 (November)	07.22.244	<ul style="list-style-type: none"> ▪ Council to seek support to reallocate BLERF funds from Treelands Drive project to the upgrade of the Regional Aquatic Centre
2022 (December)	07.22.292	<ul style="list-style-type: none"> ▪ Close the Grafton Olympic Pool upon completion of the current use of the water slide. ▪ Delegate authority to the General Manager to nominate suitable entities through the Expressions of Interest process to advance to the select tender. ▪ Receive a report on the outcome and recommendation at the conclusion of the select tender process. ▪ Nominate a Councillor representative to be a member of the community focus group for the duration of the project. ▪ Prepare a Terms of Reference (ToR) for the Community Focus Group.

		<ul style="list-style-type: none"> ▪ Invite a representative from the following entities and groups to be part of the community focus group: <ul style="list-style-type: none"> • Soyuvu Pty Ltd (pool managers for many years). • Swim Club, nominated by the collective groups. • NSW Department of Education representing Grafton and surrounding schools. ▪ Receive project progress reports on its most significant capital project in its six monthly Delivery Program reports.
2023 (February)	07.23.025	<ul style="list-style-type: none"> ▪ Remove the dive pool from the scope of the Regional Aquatic Centre basis of safety and construction/operational cost savings. ▪ Allocate the next phase of funding from the Local Roads and Community Infrastructure Program (LRCIP) Phase 4 (\$2,051,366) to the upgrade of the Regional Aquatic Centre. ▪ Endorse the funding strategy as outlined in the confidential attachment. ▪ Receive a report following the outcome of the <i>Community Assets Program</i> grant application and reaffirm in principle support for funding Stage 2 of the project.

Geotechnical Investigations

Additional geotechnical field work (including destructive bore holes through the basin floor) has been conducted following the pool closure in 2022. This work has enabled further refinements to the tender design and potential construction costs savings. The following images also demonstrate the extent of deterioration and material loss observed directly under the concourse slab between the pools.



Extent of material loss (void) under the concourse slab

Business Paper (February 2023)

The information contained in pages 380 and 381 of the February 2023 business paper (Item 07.23.025) included a recommended *Construction Staging Plan* that was developed to suit the most effective constructability and safety considerations. The staging was also considered the most appropriate way of attracting additional grant funding for the project.

The Staging Plan and described benefits are included below for reference purposes.

Figure 1 includes the outline (building footprint) of the new indoor facility within the blue shaded area and will occupy (broadly) the footprint of the existing dive pool and 50m outdoor pool in a north/south arrangement.

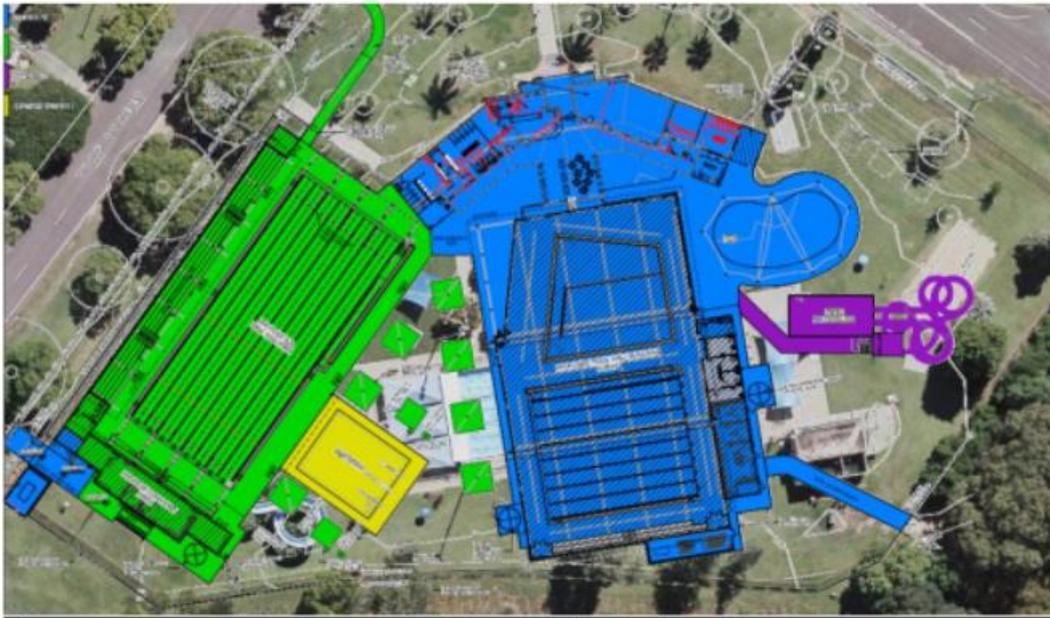


Figure 1 – Proposed staging, overlaid over existing facility

Stage	Area	Description	Staging benefits
One		<ul style="list-style-type: none"> Demolition (grant funded) Splash Pad (grant funded) Indoor Facility (includes 25m pool, program/leisure pool, amenities, plant, lifeguard room, storage etc) Electrical substation Primary plant room Refurbishment of the existing amenities (grant funded by LRCIP - Phase 4 subject to Council resolution.) 	<ul style="list-style-type: none"> Construction of the indoor facility addresses the existing unsafe 50m outdoor pool facility. Indoor facility will be accessible all year round The closure of the South Grafton (indoor pool) can be finalised following completion of the new indoor facility. Current operational costs associated with the Sought Grafton pool may be reallocated to loan borrowings The existing water slide can be retained up until the construction of the new 50m outdoor pool. The refurbishment of the existing amenities can be included in Stage 1 (LRCIP fully funded - subject to Council endorsement) without the need to further disturb the site or stage future works around the entrance.
Two		<ul style="list-style-type: none"> Outdoor 50m pool Grandstand 	<ul style="list-style-type: none"> Stage 2 has been scoped as a separable portion package which will allow applications for grant funding. Staff are currently preparing a grant submission to the Community Local Infrastructure Recovery Package that provides up to \$7.5m for eligible projects. The construction of the 50m outdoor pool will not impact on the elements constructed as part of Stage 1 including access provisions via Turf Street.
Three		<ul style="list-style-type: none"> Waterslides 	<ul style="list-style-type: none"> The installation of the water slide does not impact on the operation of the facility following completion of Stages 1 & 2 and can be staged to suit available funding. For example, the project may be deferred to 25/26 as additional SRV funding becomes available.

Bulk Earthworks Plans

The demolition (including the removal of the existing concrete walls, basin floor, and concourse) will result in a significant construction footprint (and depth) being established prior to any substantial infill being placed in preparation of the new indoor building works. The excavation will result in a significant depth in the vicinity of the existing dive pool. Providing a safe construction zone for workers and the broader community will require close attention to the required work health and safety (WHS) practices.

The earthworks plan required to demolish the existing pool and infrastructure (Stage 1) is denoted in Figure 2 below.

Note: There is net deficit in fill meaning that some fill will be required offsite to satisfy the overall fill (earthworks balance) requirements.

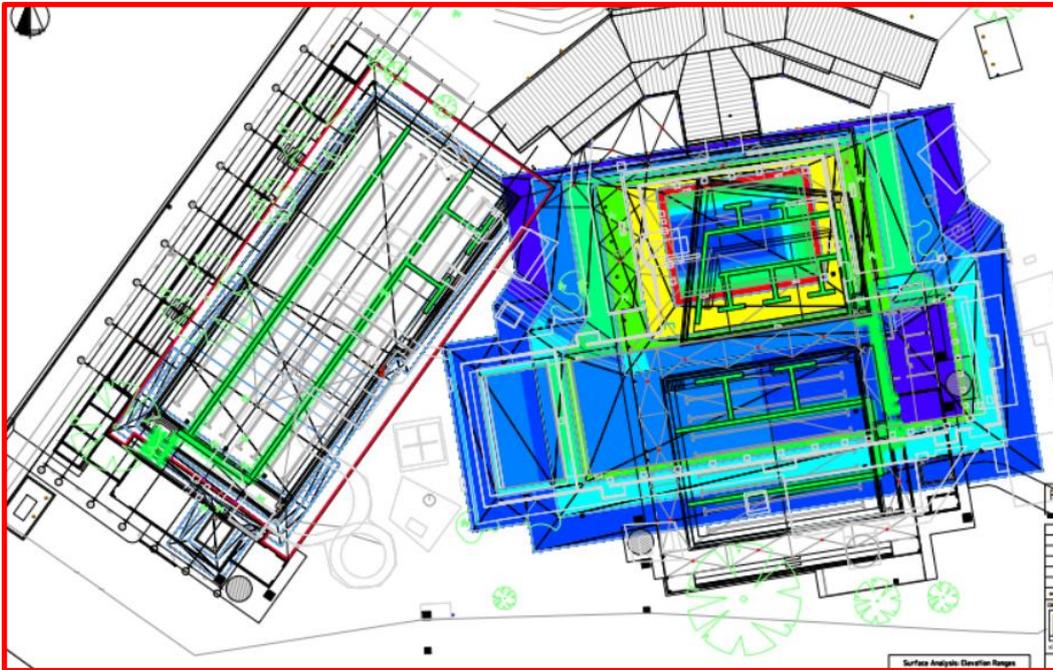


Figure 2 – Demolition (existing dive pool and outdoor pool)

Note the extensive footprint required to undertake the demolition and work area in the vicinity of the main entrance/access.

The earthworks plan for the new 50m outdoor pool is denoted in Figure 3.

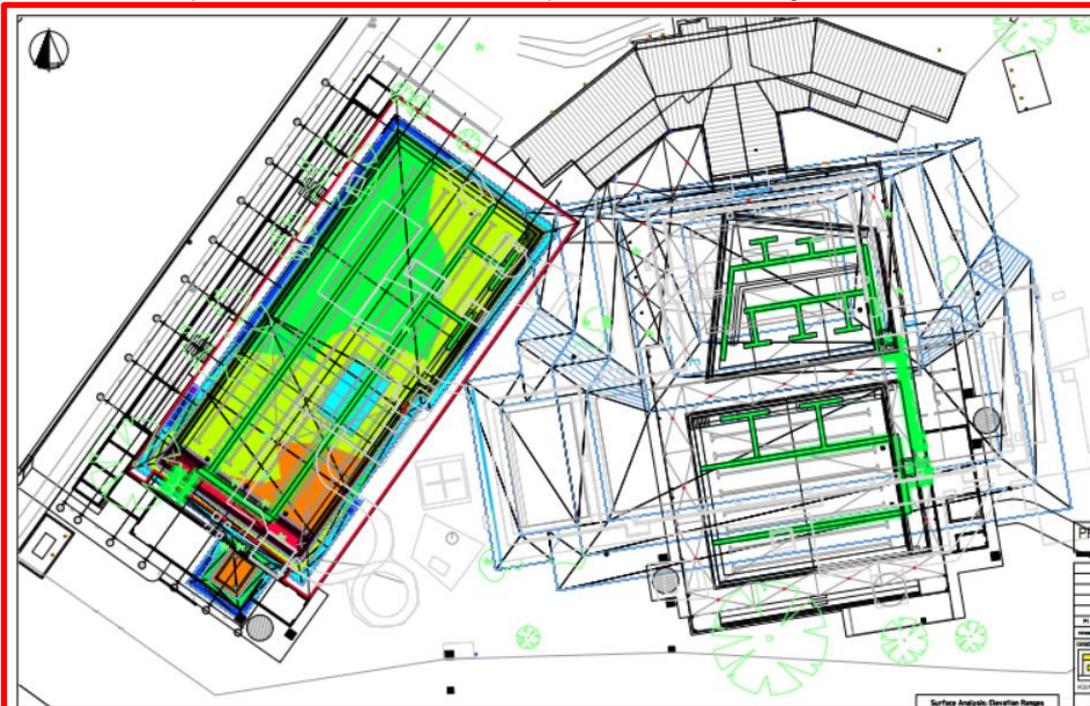


Figure 3 – Earthworks (Proposed 50m outdoor) access via Turf Street.

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 3:08pm.



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