

Ordinary Council Meeting

Minutes

Maclean - 26 April 2022 - 2:00pm



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1. OPENING OF ORDINARY MEETING

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL at Maclean, 26 April 2022 commencing at 2:00pm and closing at 6.20pm.

PRAYER – Cr Johnstone delivered the Prayer.

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.

PRESENT

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

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

2. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

Nil

3. DISCLOSURES AND DECLARATIONS OF INTEREST – 03.22.003**Declarations received at the commencement of the Ordinary Council Meeting**

Name	Item	Nature of Interest, Action and Reason
Cr Novak	05.22.002	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ Patron of the GBH Auxiliary
Laura Black	05.22.007	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Leave the Meeting ▪ I have not decided whether to apply for the role.
Laura Black	07.22.073	<ul style="list-style-type: none"> ▪ Non-Significant Non-Pecuniary – Remain in the Meeting ▪ One of the submissions is critical of staff, with the only identifiable staff member being myself. Were it about any other staff member I would have requested it be removed. However, as it was about me, in the interest of transparency I did not make that request. I believe the Councillors will debate the Policy and not the individual.
Cr Johnstone	08.22.003	<ul style="list-style-type: none"> ▪ Significant Non-Pecuniary – Leave the Meeting ▪ I am on the JRPP for the Calypso development.

Cr Toms	07.22.062	<ul style="list-style-type: none">▪ Pecuniary – Leave the Meeting▪ Director of JKT & Sons P/L, Contract Manager, Iluka Riverside Holiday Park.
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4. CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 04.22.006

Pickering/Johnstone

That the Minutes of Ordinary Meeting of Council dated 22 March 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

5. MAYORAL MINUTES

**ITEM 05.22.001 MAYORAL MINUTE
AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION FEDERAL ELECTION
NATIONAL ADVOCACY CAMPAIGN**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The intent of this Minute is to secure Council's support to the ALGA 2022 Federal election campaign on behalf of Australian local governments.

PROPOSED MOTION

That Council

1. supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
2. agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates; and
3. requests the President of the Australian Local Government Association does on Council's behalf:
 - a) express support for ALGA's funding priorities.
 - b) identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - c) seek funding commitments from the members, candidates, and their parties for these identified local projects and programs.

COUNCIL RESOLUTION - 05.22.001

Tiley

That Council

1. **supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and**
2. **agrees to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates; and**
3. **requests the President of the Australian Local Government Association does on Council's behalf:**
 - a) **express support for ALGA's funding priorities.**
 - b) **identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and**
 - c) **seek funding commitments from the members, candidates, and their parties for these identified local projects and programs.**

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.002 MAYORAL MINUTE
COUNCIL ADVOCACY FOR REDEVELOPMENT OF GRAFTON BASE HOSPITAL**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

This Minute is intended to obtain Council's support to advocating, in conjunction with the Grafton Community Hospital committee, for NSW Government funding to redevelop Grafton Base Hospital.

PROPOSED MOTION

That Council strongly support the Grafton Base Hospital redevelopment project and lobby the NSW Premier, Minister for Health and Member for Clarence to ensure that redevelopment funding will be included in the next NSW State budget and so that the government's commitment that construction will commence prior to the 2023 election will be honoured.

COUNCIL RESOLUTION - 05.22.002

Tiley

That Council strongly support the Grafton Base Hospital redevelopment project and lobby the NSW Premier, Minister for Health and Member for Clarence to ensure that redevelopment funding will be included in the next NSW State budget and so that the government's commitment that construction will commence prior to the 2023 election will be honoured.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.003 MAYORAL MINUTE
CLARENCE VALLEY ABORIGINAL CONSULTATIVE COMMITTEE**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The intent of this Minute is to outline a process whereby Council, with advice from the Valley's Aboriginal communities and organisations, can establish a Committee comprising Aboriginal persons, who would have direct access to the Council on their issues of concern.

PROPOSED MOTION

That Council note the information contained in this Minute and support the proposed process for re-establishing a Clarence Valley Aboriginal Consultative Committee as soon as practicable.

COUNCIL RESOLUTION - 05.22.003

Tiley

That Council note the information contained in this Minute and support the proposed process for re-establishing a Clarence Valley Aboriginal Consultative Committee as soon as practicable.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.004 MAYORAL MINUTE
MEMBERSHIP OF NORTHERN RIVERS JOINT ORGANISATION (NRJO)**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The aim of this Minute is to seek Council's support to obtain full membership of the NRJO.

PROPOSED MOTION

That Council

1. make application to the Northern Rivers Joint Organisation seeking full membership of that body, in lieu of the Council's current Associate non-voting status.
2. include a recurrent allocation of \$46,000 for membership of the Northern Rivers Joint Organisation, in the 2022/2023 draft budget as a post public exhibition inclusion prior to adoption of the budget in June 2022.

MOTION

Tiley

That Council

1. make application to the Northern Rivers Joint Organisation seeking full membership of that body, in lieu of the Council's current Associate non-voting status.
2. include a recurrent allocation of \$46,000 for membership of the Northern Rivers Joint Organisation, in the 2022/2023 draft budget as a post public exhibition inclusion prior to adoption of the budget in June 2022.

Voting recorded as follows

For: Clancy, Day, Pickering, Tiley

Against: Johnstone, Novak, Smith, Toms, Whaites

The Motion was put and declared LOST

**ITEM 05.22.005 MAYORAL MINUTE
COUNCILLOR LISTENING TOURS**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

This Minute outlines how councillor listening tours will be commenced with Councillors support, as another means of enabling the elected Council to connect with and listen to the 'hard to reach' constituents across the various towns, villages, and localities in the Clarence Valley LGA.

PROPOSED MOTION

That Council note the content of the Minute and support the commencement of Councillor Listening Tours as proposed.

COUNCIL RESOLUTION - 05.22.005

Tiley

That Council note the content of the Minute and support the commencement of Councillor Listening Tours as proposed.

Voting recorded as follows

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

Against: Nil

CARRIED

**ITEM 05.22.006 MAYORAL MINUTE
COMPLETION OF MACLEAN CBD RIVERSIDE PRECINCT BOARDWALK**

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

The purpose of this Minute is to seek Council's support and endorsement of the process of completion of the long-advocated Maclean CBD Riverside Precinct Boardwalk as a high priority and to make representations to State and Commonwealth Governments for necessary funding to complete the present approximately half completed boardwalk.

PROPOSED MOTION

That Council

1. Seek State and/or Commonwealth funding to enable an updated, relevant, and compatible design and estimate for completion of the Maclean CBD Riverside Precinct Boardwalk.
2. That upon completion of the above, Council search for grants and make representations to State and Federal Parliamentarians to complete the Maclean CBD boardwalk.

COUNCIL RESOLUTION - 05.22.006

Tiley

That Council

1. **Seek State and/or Commonwealth funding to enable an updated, relevant, and compatible design and estimate for completion of the Maclean CBD Riverside Precinct Boardwalk.**
2. **That upon completion of the above, Council search for grants and make representations to State and Federal Parliamentarians to complete the Maclean CBD boardwalk.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 05.22.007 MAYORAL MINUTE GENERAL MANAGER RECRUITMENT

Meeting	Council	26 April 2022
Submitted by	Cr Ian Tiley	
Attachments	Nil	

SUMMARY

This Minute outlines the proposed process for recruitment of a General Manager.

PROPOSED MOTION

That

1. Council accept the process outlined in this Minute for the recruitment of the CVC General Manager, and delegate to the mayor the tasks outlined herein as provided in the recruitment and selection Guidelines.
2. Council establish a selection panel comprising Mayor, Deputy Mayor and two other Councillors at least one of whom must be female.
3. The selection panel choose at least two applicants to make presentations to the full Council, which will select the successful applicant.
4. Council include \$30,000 to complete the recruitment in the draft 2022/2023 budget as a post exhibition period adjustment prior to adoption in June 2022.

Having declared an interest in this item, the Acting General Manager left the meeting at 2.36pm and returned at 3.04pm.

COUNCIL RESOLUTION - 05.22.007

Tiley

That

1. Council delegate to the mayor the responsibility of the tasks mentioned in the OLG General Manager Recruitment guidelines.
2. Council accept the process outlined in this Minute for the recruitment of the CVC General Manager, and delegate to the mayor the tasks outlined herein as provided in the recruitment and selection Guidelines.
3. Council establish a selection panel comprising Mayor, Deputy Mayor and two other Councillors at least one of whom must be female.
4. The selection panel choose at least two applicants to make presentations to the full Council, which will select the successful applicant.
5. Council include \$30,000 to complete the recruitment in the draft 2022/2023 budget as a post exhibition period adjustment prior to adoption in June 2022.

Voting recorded as follows

For: Clancy, Day, Johnstone, Pickering, Tiley

Against: Novak, Smith, Toms, Whaites

CARRIED

AMENDMENT TO MOTION

Toms/Novak

That

1. Council seek expression of interests for suitably qualified executive recruitment organisations.
2. Council review the applications and their proposals.
3. Council establish a selection panel comprising Mayor, Deputy Mayor and two other Councillors at least one of whom must be female.

-
4. The selection panel choose at least two applicants to make presentations to the full Council, which will select the successful applicant.
 5. Council include \$30,000 to complete the recruitment in the draft 2022/2023 budget as a post exhibition period adjustment prior to adoption in June 2022.

Voting recorded as follows

For: Novak, Smith, Toms, Whaites

Against: Clancy, Day, Johnstone, Pickering, Tiley

The Amendment to Motion was put and declared LOST

AMENDMENT TO MOTION

Johnstone/Clancy

That

1. Council delegate to the mayor the responsibility of the tasks mentioned in the OLG General Manager Recruitment guidelines.
2. Council accept the process outlined in this Minute for the recruitment of the CVC General Manager, and delegate to the mayor the tasks outlined herein as provided in the recruitment and selection Guidelines.
3. Council establish a selection panel comprising Mayor, Deputy Mayor and two other Councillors at least one of whom must be female.
4. The selection panel choose at least two applicants to make presentations to the full Council, which will select the successful applicant.
5. Council include \$30,000 to complete the recruitment in the draft 2022/2023 budget as a post exhibition period adjustment prior to adoption in June 2022.

The Mayor accepted the amendment as part of the motion.

6. NOTICES OF MOTION**ITEM 06.22.004 NOTICE OF MOTION
YAMBA MASTERPLAN**

Meeting	Council	26 April 2022
Submitted by	Cr Steve Pickering	
Attachments	Nil	

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

SUMMARY

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

PROPOSED MOTION

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

COUNCIL RESOLUTION – 06.22.004

Pickering/Day

That Council

1. **Support the creation of a West Yamba Masterplan document to guide sustainable development and infrastructure integration with the greater Yamba township.**
2. **Prepare an information document about the planning assessment framework for West Yamba Urban Release Area (WYURA), with the goals to:**
 - a) **create a document for the community to understand the planning vision and relevant development assessment criteria for WYURA;**
 - b) **summarise and simplify the existing 'Part X – Urban Release Controls, Schedule X1 – West Yamba Urban Release Area' of the Residential Zones Development Control Plan 2011;**
 - c) **explain how other relevant planning documents are also relevant, including but not limited to the Clarence Valley Local Environmental Plan 2011, the Residential Zones Development Control Plan 2011 (generally), State Environmental Planning Policies, the North Coast Regional Plan 2017 and the relevant development contributions plans;**
 - d) **highlight key community concerns including those about flooding, stormwater, environmental planning, urban design, provision of infrastructure and integration with the broader community of Yamba;**
 - e) **be consistent with the established vision and planning controls for the West Yamba Urban Release Area; and**
 - f) **include information about the role and responsibilities of developers about planning and design of new development in WYURA.**
3. **Receive a report seeking endorsement of the WYURA information document prior to publication.**

Voting recorded as follows**For: Day, Johnstone, Novak, Pickering, Smith, Tiley, Toms, Whites****Against: Clancy****CARRIED****AMENDMENT TO MOTION**

Clancy

1. That Council prepare a framework for a masterplan for West Yamba and to seek funding potentially from flood funding to carry out a comprehensive masterplan.

The Motion LAPSED for want of a seconder.

VOTE BY EXCEPTION

Johnstone/Whaites

That the following items be adopted as recommended in the business paper.

- 07.22.059
- 07.22.063
- 07.22.064
- 07.22.066
- 07.22.067
- 07.22.068
- 07.22.071
- 07.22.074
- 07.22.076
- 07.22.077
- 07.22.079
- 07.22.085
- 10.22.002

Voting recorded as follows

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

Against: Nil

CARRIED

7. REPORTS

ITEM 07.22.059 CR CLANCY - LGNSW SPECIAL CONFERENCE 2022

Meeting	Council	26 April 2022
Directorate	General Manager	
Attachments	A. Closing the Gap panel session ⇨	

SUMMARY

The 2022 Local Government NSW (LGNSW) Conference was held at the Hyatt Recency Sydney from Monday 28 February to Wednesday 2 March 2022. It was delayed from 2021 due to Covid restrictions. Four Clarence Valley Councillors, Cr Karen Toms, Cr Steve Pickering and Cr Peter Johnstone and I attended as voting delegates.

Much detail of the conference was provided in the conference reports of Crs Toms, Pickering and Johnstone, adopted at the Ordinary Meeting of Council on Tuesday March 22, 2022. The purpose of this report is to provide my perspective on the conference.

On the Monday afternoon I attended the closing the gap workshop with Cr Pickering. I raised the issue of economic development for first nations communities sometimes having a negative impact on local ecosystems and how that should be managed. The view of the panel was that it should be dealt with by local land councils individually. Details of the speakers and other information is in the attached email.

There were 94 motions plus 3 late motions debated. They covered a wide spectrum of local government and broader issues. Cr Johnstone moved Clarence Valley's motion on power of entry to access private property for flood mitigation structure maintenance which was carried unanimously. I answered a question asked of the motion.

Liverpool City Council moved "that Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by strengthening the 2030 emissions reduction target to 50% and implement policy and programs to achieve this target and the 2050 net zero emissions target".

There was an amendment moved "That Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by amending the 2030 emissions reduction target from 50% to 75% and the 2050 net zero emissions target date to 2035 net zero emissions target". The amendment was Lost.

During the climate change workshop the following day Professor Lesley Hughes, Pro Vice Chancellor at Macquarie University and member of the Climate Council ironically stated that the targets definitely needed to be brought forward.

Other motions of relevance to the Clarence Valley, other than its own motion were:

Motion 3 LGNSW Board – 2022-23 rate peg determination That Local Government NSW:

1. Implores the NSW Government to urgently intervene and overturn IPART's aberrant base line rate peg determination of 0.7% for 2022-23 to ensure that no council is financially disadvantaged.
2. Notes that this shock determination will have a devastating impact and exacerbate the financial impacts on councils and communities of natural disasters and the ongoing COVID pandemic. The total shortfall in rate revenue is estimated to be \$80-\$100 million in 2022-23, with a compounded impact of up to \$134 million over ten years. This issue goes to the very survival of many councils in NSW and the Government is urged in the strongest manner possible to take immediate action to save the sector from financial ruin.
3. Calls on the NSW Government to provide councils across NSW an operating grant equivalent to the revenue difference between a 0.7% rate increase and what a 2.5% rate increase would have been, noting this will still not adequately cover the cost increases being experienced by NSW Councils.

This issue was also raised by Bellingen Shire, Newcastle City, Murray River, and Bega Valley Shire Councils Motion 16 Georges River Council – Ban on developers & real estate agents serving as councillors

1. That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to genuinely ban developers and real estate agents (and their relatives and close associates) from serving as councillors by closing the existing loopholes in legislation which are currently used by local councillors to avoid being defined as a developer and/or real estate agent.
2. That the NSW government commit to amending all relevant legislation including for planning panels to ensure that broader and more inclusive activities are included in the definition of developer and/or real estate agent such as (but not limited to):
 - a. investors who fund the planning proposal and/or development or developer;
 - b. land owners who contribute property/sites for planning and development applications;
 - c. persons/trusts/companies who hold options on land which they can trade once land values increase due to planning decisions;
 - d. beneficiaries of family trusts which benefit from planning proposals and/or development related decisions;
 - e. beneficiaries of company trusts or similar corporate arrangements;
 - f. shell companies used by persons, builders, councillors and/or companies that conceal involvement in planning proposals and/or development;
 - g. ongoing involvement/benefits that arise from planning proposals and/or development activities that continue post lodgement/approval/completion of a planning proposal and/or development such as bonuses for additional floor space or dwellings or trailing commissions and interest on investments;
 - h. other similar arrangements which can conceal a person's or councillor's involvement to avoid meeting the current definition of developer or real estate agent; and
 - i. i) relatives and close associates of any of the examples provided.
3. That the penalties for any councillor that makes a false declaration on their candidate nomination form about being a developer or real estate agent (or close associate or relative) be increased to include dismissal, lifetime bans and repaying the costs associated with any subsequent council by-election. This issue was also raised by Strathfield, City of Sydney, Newcastle City, Blue Mountains City and City of Parramatta Councils

Motion 25 Ballina Shire Council – Royal Commission into affordable housing That Local Government NSW develops a campaign seeking support for the establishment of a Royal Commission into the affordability and future of housing in Australia.

Motion 35 Hawkesbury City Council – Refining post-disaster planning approval processes That Local Government NSW works with the NSW Department of Planning, Industry and Environment (DPIE) and affected local councils to create a more refined approvals process, including multi-agency cooperation, for people who are seeking approval to rebuild after natural disasters. Alternatively, that DPIE and the NSW Government support recovery and approval by paying for place-based planning documents that consider the issues affecting disaster-affected properties so that individual land owners can use these documents as part of the approvals process.

55 Ballina Shire Council – Investments - Fossil fuel divestment That Local Government NSW:

1. Allow council to place their investments and loans with sustainable investments,
2. requests that the Australian Local Government Association and other state local government associations also adopt this position, and
3. requests TCorp make available the information and options required for councils to invest and borrow in line with this position.

On Wednesday morning the four Clarence Valley Councillors attended the Australian Local Government Women's Association (ALGWA) breakfast. Rosemary Kariuki was the guest speaker and was very inspiring. She works as a multicultural community liaison officer for the Parramatta Police and was Australia's local hero in 2021.

The final keynote speaker was H. G. Nelson (Greig Pickhaver) who gave some hilarious, but dangerous, advice to councillors and council officers including suggesting that a fast rail service be built to central NSW. In summary it was a very successful and worthwhile conference and it was sad to return to the Clarence Valley to see the flooding disaster unfold locally and to the north.

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.22.059

Johnstone/Whaites

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.060 LOCAL GOVERNMENT RECOVERY GRANTS - FEBRUARY 2022 NSW STORMS AND FLOODS

Meeting	Council	26 April 2022
Directorate	General Manager	
Prepared by	A/General Manager, Laura Black	
Attachments	A. Minister Tuckerman letter to CVC regarding grant ↗	

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 early March. The Category D Local Government Recovery Grants are jointly funded by the State and Federal governments and in this instance amount to \$1 Million.

OFFICER RECOMMENDATION

That Council,

1. Endorse the expenditure of the Category D Local Government Recovery Grant of \$1M on the following projects:
 - a. Bacon Street, Grafton pump upgrade - \$100,000
 - b. Ardent Street, South Grafton pump upgrade - \$200,000
 - c. Iluka Road – Review and implement actions reported in the Flood Risk Management Plan (2007) including a design investigation to increase the flood immunity of Iluka Road in the vicinity of the Esk River crossing - \$300,000
 - d. Yamba Road investigation and options paper and business case, including project costs, to increase flood immunity - \$150,000
 - e. Consolidate & update the Flood Risk Management Plans - \$250,000
2. Advise the Office of Local Government of the proposed expenditure.
3. Endorse inclusion of the budget expenditure and corresponding projects in the 2022/2023 Annual Budget and Operational Plan as post exhibition adjustments prior to adoption in June.

COUNCIL RESOLUTION - 07.22.060

Toms/Novak

That Council,

1. **Endorse the expenditure of the Category D Local Government Recovery Grant of \$1M on the following projects:**
 - a. **Bacon Street, Grafton pump upgrade - \$100,000**
 - b. **Ardent Street, South Grafton pump upgrade - \$200,000**
 - c. **Iluka Road – Review and implement actions reported in the Flood Risk Management Plan (2007) including a design investigation to increase the flood immunity of Iluka Road in the vicinity of the Esk River crossing - \$300,000**
 - d. **Yamba Road investigation and options paper and business case, including project costs, to increase flood immunity - \$150,000**
 - e. **Consolidate & update the Flood Risk Management Plans - \$250,000**
2. **Advise the Office of Local Government of the proposed expenditure.**
3. **Endorse inclusion of the budget expenditure and corresponding projects in the 2022/2023 Annual Budget and Operational Plan as post exhibition adjustments prior to adoption in June.**
4. **Council advocate through the local State and Federal Member for increased funds for floodplain assets improvements.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.061 APPLICATION FOR PERMANENT SINGLE YEAR SPECIAL VARIATION OF 2.5% IN 2022/2023

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Manager Finance & Systems, Kate Maginness	
Attachments	A. Sample Properties - Additional Rate Variation Comparison ⇒	

SUMMARY

This report requires Council's consideration of lodging an application for a permanent single year special variation of 2.5% (inclusive of the 0.7% population factor) for 2022/2023, under s508(2) of the Local Government Act, to fund previously planned infrastructure and community services, as endorsed by the NSW Minister for Local Government the Hon, Wendy Tuckerman.

OFFICER RECOMMENDATION

That Council

1. Apply for a permanent single year special variation of 2.5% (inclusive of the 0.7% population factor) for 2022/2023, under S508(2) of the Local Government Act.
2. Receive a report on the outcome of its application to IPART for a permanent single year special variation of 2.5%.
3. Continue to achieve efficiency gains through service reviews and corporate process improvements with a view to increasing operational maintenance levels and capital renewals.

COUNCIL RESOLUTION - 07.22.061

Toms/Johnstone

That Council

1. **Apply for a permanent single year special variation of 2.5% (inclusive of the 0.7% population factor) for 2022/2023, under S508(2) of the Local Government Act.**
2. **Receive a report on the outcome of its application to IPART for a permanent single year special variation of 2.5%.**
3. **Continue to achieve efficiency gains through service reviews and corporate process improvements with a view to increasing operational maintenance levels and capital renewals.**

Voting recorded as follows

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

Against: Novak, Smith, Whaites

CARRIED

POINT OF ORDER

Novak

The Chair did not accept the Point of Order as Cr Clancy did not refer to anyone in particular.

ITEM 07.22.062 INTEGRATED PLANNING AND REPORTING FRAMEWORK 2022/2023

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Manager Finance & Systems, Kate Maginnity	
Attachments	A. Draft Community Engagement Strategy 2022 ⇒ B. Draft Delivery Program 2022 2025 ⇒ C. Draft Operational Plan 2022 2023 to be tabled ⇒ D. Draft Resourcing Strategy 2022 2023 to be tabled ⇒ E. Draft fees and charges 2022 2023 ⇒	

SUMMARY

Each year Council prepares a draft Operational Plan and accompanying documentation under the Integrated Planning and Reporting Framework (IP&R), which is enacted under the Local Government Act 1993 and supported by the Integrated Planning and Reporting Guidelines issued by the Office of Local Government.

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspirations identified by the community in the Community Plan, Clarence 2032. The accompanying documentation also includes an annual budget and the resourcing strategy and revenue policy including fees and charges. It is proposed the draft documentation be placed on public exhibition and public comment be invited for consideration prior adoption in June 2022.

OFFICER RECOMMENDATION

That Council:

1. The following draft IP&R suite of documentation be endorsed for public exhibition until close of business on Monday 6 June 2022:
 - a. the revised Community Engagement Strategy (Attachment A)
 - b. the revised Delivery Program 2022/2025 (Attachment B)
 - c. the 2022/23 Operational Plan (Attachment C)
 - d. the Resourcing Strategy incorporating: (Attachment D)
 - the Long Term Financial Plan (2022/2032 to 2031/2032)
 - the Workforce Management Strategy (2022/2023– 2025/2026)
 - the Asset Management Strategy (2022/2023 – 2031/2032)
2. The 2022/2023 Fees and Charges (Attachment E) be endorsed for public exhibition until close of business on Monday 6 June 2022
3. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
4. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

COUNCIL RESOLUTION - 07.22.062A

Tiley/Pickering

That Council deal with Recommendations 1, 3 and 4 separately to Item 2.

Voting recorded as follows

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

Against: Nil

CARRIED

COUNCIL RESOLUTION - 07.22.062B

Tiley/Pickering

That Council:

1. **The following draft IP&R suite of documentation be endorsed for public exhibition until close of business on Monday 6 June 2022:**

- a. the revised Community Engagement Strategy (Attachment A)
 - b. the revised Delivery Program 2022/2025 (Attachment B)
 - c. the 2022/23 Operational Plan (Attachment C)
 - d. the Resourcing Strategy incorporating: (Attachment D)
 - the Long Term Financial Plan (2022/2032 to 2031/2032)
 - the Workforce Management Strategy (2022/2023– 2025/2026)
 - the Asset Management Strategy (2022/2023 – 2031/2032)
2. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
 3. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Toms left the meeting at 4:12 pm and did not take part in discussion or voting on part 2.

COUNCIL RESOLUTION – 07.22.062C

Johnstone/Pickering

1. The 2022/2023 Fees and Charges (Attachment E) be endorsed for public exhibition until close of business on Monday 6 June 2022.

Voting recorded as follows

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

Against: Nil

CARRIED

Cr Toms returned to the meeting at 4:13 pm.

ITEM 07.22.063 YAMBA BYPASS - UPDATE AND NEXT STEPS

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	Director Environment & Planning, Adam Cameron	
Attachments	Nil	

SUMMARY

This report seeks a Council resolution to guide the ongoing development and future delivery of the proposed Yamba Bypass.

OFFICER RECOMMENDATION

That

1. Council engage a professional services contractor to prepare a preliminary environmental assessment to identify key project risks, assist with scoping a future environmental impact assessment and to determine the planning pathway, utilising funds (up to \$150,000) allocated at MIN 6a.19.027 (October 2019).
2. On completion the preliminary environmental assessment be reported to Council to determine next steps.
3. Council note it will require Federal and/or State government assistance to progress the Yamba Bypass project beyond the preliminary environmental assessment stage.

COUNCIL RESOLUTION - 07.22.063

Johnstone/Whaites

That

1. Council engage a professional services contractor to prepare a preliminary environmental assessment to identify key project risks, assist with scoping a future environmental impact assessment and to determine the planning pathway, utilising funds (up to \$150,000) allocated at MIN 6a.19.027 (October 2019).
2. On completion the preliminary environmental assessment be reported to Council to determine next steps.
3. Council note it will require Federal and/or State government assistance to progress the Yamba Bypass project beyond the preliminary environmental assessment stage.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.064 MOD2021/0082 - MODIFICATION OF DA2017/0173 - REDUCE NUMBER OF MEDICAL SUITES AND HOSPITAL BEDS AND ALTERATIONS TO BUILT FORM - 201 QUEEN STREET, GRAFTON

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	A/Development Services Coordinator, Carmen Landers	
Attachments	A. Plans ⇨ B. Landscape Plans ⇨ C. Clause 4.6 Variation Request ⇨ D. Submissions ⇨ E. Notice of Determination DA2017/0173 ⇨ F. Section 4.55 Assessment Report ⇨	

SUMMARY

<i>Applicant</i>	Luke Blandford C/- Planit Consulting
<i>Owner</i>	The Trustee for Grafton Private Hospital Unit Trust
<i>Address</i>	201 Queen Street, Grafton (Lot A DP904084 and Lot 2 DP125156)
<i>Submissions</i>	Yes – Four (4)

Council is in receipt of Section 4.55(1A) Application to modify a Development Consent for a Health Services Facility (comprising a private hospital and medical centre) approved under DA2017/1073 by the Northern Regional Planning Panel on 24 January 2018.

The modification proposes:

- A reduction in the number of medical suites from seven (7) to four (4) and private hospital beds from 30 to 22;
- Nomination of a pharmacy and pathology as land uses in the health services facility;
- Alterations to the approved floor layout and building form. This has resulted in alterations to the building envelope, including setbacks, gross floor area, introduction of a balcony and relocation of plant and services above the roof;
- Restructuring of the site access, car parking and landscaping to respond to the altered built form;
- Confirmation of 8 x building / business identification signs to be displayed at the site; and
- Amendments to the conditions of consent to reflect the revised building form and Council's current infrastructure contribution requirements.

The Modification Application was placed on exhibition and four (4) submissions were received. No submissions were received during the exhibition period of the original application. The matters raised in the submissions are discussed in detail under the Key Issues section of this report.

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

OFFICER RECOMMENDATION

That Council approve Section 4.55(1A) Application (MOD2021/0082) to modify DA2017/1073 subject to the amended Advices and Conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.22.064

Johnstone/Whaites

That Council approve Section 4.55(1A) Application (MOD2021/0082) to modify DA2017/1073 subject to the amended Advices and Conditions contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.065 MOD2022/0015 - MODIFICATION OF SUB2009/0008 - 14 LOT SUBDIVISION - HAVELOCK STREET, LAWRENCE

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	A/Development Services Coordinator, Carmen Landers	
Attachments	A. Plans ⇒ B. Supporting Information from Applicant ⇒ C. Submissions ⇒ D. Notice of Determination SUB2009/0008 ⇒ E. Section 4.55 Assessment ⇒	

SUMMARY

<i>Applicant</i>	Michael Samms
<i>Owner</i>	MICFI Pty Ltd
<i>Address</i>	Havelock Street, Lawrence (Lot 4 Section 73 DP758604)
<i>Submissions</i>	Yes - 6

Council is in receipt of Section 4.55 Application to modify the approved subdivision layout approved under SUB2009/0008 at Havelock Street, Lawrence. This application has been lodged voluntarily by the developer so that trees located within the road reserve can be retained for koala habitat.

The modification proposes an alteration to the subdivision design to provide access via an internal cul-de-sac off Exmouth Street which has reduced the lot yield from 14 to 12 lots. This layout mitigates the need for individual driveways access which would result in the removal of koala feed trees within the road reserve.

The modification application was placed on exhibition and six (6) submissions were received during the exhibition period. The matters raised in the submissions are discussed in detail under the Key Issues section of this report.

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

OFFICER RECOMMENDATION

That Council:

- 1) Approve Section 4.55 Application (MOD2022/0015) to modify SUB2009/0008 subject to the amended Advices and Conditions contained in Schedule 1.
- 2) Note the voluntary nature of the proposed modification, which is made in response to community concerns, and associated environmental benefits about tree retention and koala habitat and on this basis:
 - a) refund the Section 4.55 fee and waive Construction Certificate (CC2010/0368) Amendment fee for SUB2009/0008;
 - b) waive the future Section 4.55 fees associated with DA2021/0788; and
 - c) absorb the cost of Council undertaking live sewer and water main connection works.
- 3) Note and refuse the request to waive of indexation of the section 64 Sewer and Water Head Works Charges and section 94 (now section 7.11) Developer Contributions.

COUNCIL RESOLUTION - 07.22.065

Day/Novak

That Council:

- 1) Approve Section 4.55 Application (MOD2022/0015) to modify SUB2009/0008 subject to the amended Advices and Conditions contained in Schedule 1, and including the following further amendments:
 - Delete Condition 40.
 - Replace Condition 41 with "Prior to construction commencing undertake a single inspection of trees within the road reserve by a suitable qualified person or with a WIRES member

present. All construction activities are to avoid disturbance to any koalas to the greatest extent practicable, whilst permitting the approved subdivision works to occur”.

- Replace Condition 42 with “Entry and exit to the site for construction plant, deliveries and personnel is from Exmouth Street. This does not restrict the required ancillary construction activities, for example water and sewer construction, outside the site as noted on the approved construction drawings.
- 2) Note the voluntary nature of the proposed modification, which is made in response to community concerns, and associated environmental benefits about tree retention and koala habitat and on this basis:
- a) refund the Section 4.55 fee and waive Construction Certificate (CC2010/0368) Amendment fee for SUB2009/0008;
 - b) waive the future Section 4.55 fees associated with DA2021/0788; and
 - c) absorb the cost of Council undertaking live sewer and water main connection works.
- 3) Note and refuse the request to waive indexation of the section 64 Sewer and Water Head Works Charges and section 94 (now section 7.11) Developer Contributions.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.066 REV2022/0001 - DIVISION 8.2 REVIEW OF DA2021/0252 FOR DWELLING AND CARPORT - REVIEW OF ROAD STANDARD AND LANDSCAPE PLAN CONDITIONS - 5-7 CONWAY STREET, LAWRENCE

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	Development Planner, James Hamilton	
Attachments	A. Proposed Plans ⇨ B. Notice of Determination ⇨ C. Section 4.15 Assessment Report ⇨	

SUMMARY

<i>Applicant</i>	Clem Rhoden
<i>Owner</i>	Andrea Horwood
<i>Address</i>	5-7 Conway Street, Lawrence (Lot 10 Sec 95 DP 758604)
<i>Submissions</i>	Nil.

The Applicant has lodged a Section 8.2 Review of DA2021/0252 under the *Environmental Planning and Assessment Act 1979*. Development Application DA2021/0252 approved a single dwelling and carport at 5-7 Conway Street, Lawrence.

The Applicant is seeking to remove conditions requiring the upgrade of Chandra Lane to a sealed road standard and submission of a landscape plan. This review is forwarded to Council for determination as the request to remove the road upgrade requirement is inconsistent with Council's adopted policies. This matter is discussed in detail in the Key Issues section of this report and a recommendation to Council is provided for consideration.

OFFICER RECOMMENDATION

That Council support the Section 8.2 Review REV2022/0001 of Development Approval DA2021/0252 subject to the amended and deleted conditions contained in Schedule 1.

COUNCIL RESOLUTION - 07.22.066

Johnstone/Whaites

That Council support the Section 8.2 Review REV2022/0001 of Development Approval DA2021/0252 subject to the amended and deleted conditions contained in Schedule 1.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.067 DRAFT EMPLOYMENT LAND STRATEGY - FOR EXHIBITION

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	Coordinator Strategic Planning, Stephen Timms	
Attachments	A. Draft Employment Land Strategy - for Exhibition ↔ B. Employment Land Background Study ↔	

SUMMARY

The Employment Land Strategy (draft Strategy) is a deliverable in our current Operational Plan 2021-22. Importantly, once finalised, the draft Strategy will comprise a key part of decision making for land use planning, development applications and resource allocation, including future infrastructure. The draft Strategy makes recommendations on how to support existing business and to attract and accommodate additional growth to capitalise on the Clarence Valley's strategic location.

Ensuring Industrial and Business Land is serviced and available for sustainable development is important to support a growing economy, job opportunities and resilient communities. The approach set out in the draft Strategy and Background Study is supported by our planning framework and Council policies and strategies, including the Minister's Local Planning Directions, the North Coast Regional Plan 2017, our Community Strategic Plan – the Clarence 2027, our Local Strategic Planning Statement and the Clarence Valley Regional Economic Development Strategy 2018-2022.

The draft Strategy has been developed through targeted consultation with Clarence Valley industry groups, State Government agencies and across Council. Further community consultation and formal exhibition of this draft Strategy is needed before it is finalised for endorsement by Council and the Department of Planning and Environment (DPE).

OFFICER RECOMMENDATION

That Council:

1. Endorse the draft Employment Land Strategy and supporting Employment Lands Background Study for public exhibition and associated community consultation for a period of 28 days;
2. Delegate authority to the General Manager to make any minor amendments to the draft Employment Lands Strategy for publishing purposes prior to public exhibition; and
3. Note that all submissions received, any recommended changes to the Employment Land Strategy and other supporting material will be reported to Council for approval following the exhibition period.

COUNCIL RESOLUTION - 07.22.067

Johnstone/Whaites

That Council:

1. **Endorse the draft Employment Land Strategy and supporting Employment Lands Background Study for public exhibition and associated community consultation for a period of 28 days;**
2. **Delegate authority to the General Manager to make any minor amendments to the draft Employment Lands Strategy for publishing purposes prior to public exhibition; and**
3. **Note that all submissions received, any recommended changes to the Employment Land Strategy and other supporting material will be reported to Council for approval following the exhibition period.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.068 DRAFT COMMUNITY PARTICIPATION PLAN

Meeting	Council	26 April 2022
Directorate	Environment & Planning	
Prepared by	Strategic Planner, Jasmine Oakes	
Attachments	A. Draft Community Participation Plan for Exhibition ⇒ B. Survey report ⇒	

SUMMARY

The purpose of this report is to seek endorsement from Council to formally exhibit a revision of Council's Community Participation Plan (CPP). The draft CPP seeks to update the way people can be involved in planning matters that are the responsibility of Council, including how we engage with the community on strategic planning, development applications (DAs) and plans of management (PoMs).

To help prepare the draft CPP, Council undertook an online survey via Clarence Conversations to better understand community expectations and participation preferences on planning matters. Informal feedback from the community and applicants that have been involved in development applications, strategic planning, plans of management and other planning matters has also informed the review. The draft CPP is designed to provide greater certainty, simplify and streamline development application notifications and explain when and how people will be involved in planning processes.

OFFICER RECOMMENDATION

That Council:

1. endorse the draft Community Participation Plan for public exhibition and associated community consultation and engagement for 28 days;
2. delegate authority to the A/General Manager to make any minor amendments to the draft Community Participation Plan for publishing purposes prior to public exhibition; and
3. note that all submissions received, any recommended changes to the draft Community Participation Plan and other supporting material will be reported to Council for approval following the exhibition period.

COUNCIL RESOLUTION - 07.22.068

Johnstone/Whaites

That Council:

1. **endorse the draft Community Participation Plan for public exhibition and associated community consultation and engagement for 28 days;**
2. **delegate authority to the A/General Manager to make any minor amendments to the draft Community Participation Plan for publishing purposes prior to public exhibition; and**
3. **note that all submissions received, any recommended changes to the draft Community Participation Plan and other supporting material will be reported to Council for approval following the exhibition period.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.069 DRAFT CLARENCE VALLEY COUNCIL RECONCILIATION ACTION PLAN (RAP) FOR CONDITIONAL ENDORSEMENT FROM RECONCILIATION AUSTRALIA

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Manager Cultural, Community & Industry, Justin Putze	
Attachments	A. Draft Reconciliation Action Plan D1 ⇒	

SUMMARY

The Clarence Valley Council (CVC) has developed its Innovate Reconciliation Action Plan (RAP) to strengthen our relationships with our First Nations communities, showcase leadership in embracing and respecting diversity in our community, ensure inclusion of the aspirations of our First Nations people in our planning and decision making and creating equality of opportunity for all in our community and organisation.

OFFICER RECOMMENDATION

That Council

1. Endorse the draft Clarence Valley Council Reconciliation Acton Plan being submitted to Reconciliation Australia for their initial feedback and endorsement.
2. Note that endorsing the submission to Reconciliation Australia incurs a fee of \$1500, which is an ongoing annual fee.
3. Include \$1,500 in the draft 2022/2023 budget as a post exhibition period adjustment prior to adoption in June 2022.

COUNCIL RESOLUTION - 07.22.069

Johnstone/Novak

That Council

1. **Defer consideration of the Clarence Valley Council Reconciliation Action Plan pending discussion at a Councillor workshop and subject to endorsement by the Clarence Valley Aboriginal Consultative Committee.**
2. **Receive a report following consultation with the Clarence Valley Aboriginal Consultative Committee that details any submissions made.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.070 DISASTER RESILIENCE FRAMEWORK

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. CVC Disaster Resilience Framework 2021 ⇒ B. Submissions ⇒ C. Physical Climate Risk Assessment Summary For Policymakers ⇒	

SUMMARY

This report summaries progress on Council's Disaster Resilience Framework ([Attachment A](#)). The Draft Disaster Resilience Framework was placed on exhibition in November 2021; in January the exhibition period was extended to 28 February 2022. Submissions are summarised in [Attachment B](#). A Non-Commercial-In-Confidence Climate Change Summary Report was made available as a supplementary document ([Attachment C](#)).

OFFICER RECOMMENDATION

That Council notes the submissions and adopts the Disaster Resilience Framework.

MOTION - WITHDRAWN

Clancy/Novak

That Council defer this item until the next Council meeting to address apparent discrepancies in the report .

COUNCIL RESOLUTION - 07.22.070

Toms/Pickering

That Council notes the submissions and adopts the Disaster Resilience Framework with an amendment to Priority 3 - Strategy D to ensure that the intent of the CCIA is shared.

Voting recorded as follows

For: Day, Johnstone, Pickering, Tiley, Toms

Against: Clancy, Novak, Smith, Whaites

CARRIED

ITEM 07.22.071 2021/2022 Q3 GOVERNANCE REPORT

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) applications, new and/or updated Disclosure of Interest returns and insurance claims in the period 1 January 2022 to 31 March 2022. It also notes a typographical error in the Governance Report for 2021/2022 Q2 reported at the Ordinary Meeting of March 22, 2022.

OFFICER RECOMMENDATION

That Council:

1. Note and receive the Governance Report for 2021-22 Q3.
2. Note that the 'Summary' for the 2021/2022 Q2 Governance Report (ITEM 07.22.055; p. 34 of the Minutes) incorrectly stated that the reporting period was 1 October 2021 to 1 December 2021. The reporting period was 1 October 2021 to 31 December 2021.

COUNCIL RESOLUTION - 07.22.071

Johnstone/Whaites

That Council:

1. Note and receive the Governance Report for 2021-22 Q3.
2. Note that the 'Summary' for the 2021/2022 Q2 Governance Report (ITEM 07.22.055; p. 34 of the Minutes) incorrectly stated that the reporting period was 1 October 2021 to 1 December 2021. The reporting period was 1 October 2021 to 31 December 2021.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.072 COMMITTEES REPORT

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Draft Biodiversity Terms of Reference ⇨ B. Draft Economic Development and Tourism Terms of Reference ⇨ C. CRL committee meeting minutes March 2022 ⇨	

SUMMARY

This report asks Council to progress the establishment of 10 (ten) advisory committees of Council and 6 (six) 355 committees of Council. It also asks Council to consider and accept the Minutes of the meeting of the Clarence Regional Library held 17 March 2022.

OFFICER RECOMMENDATION

That Council,

1. Endorse the following nominees as community membership for the following Advisory Committees:
 - a. Clarence Coast & Estuary Management Advisory Committee - Leann Ball, Kevin Sheehan, Peter Maslen, Danielle Adams, Peter Rose, Imelda Jennings.
 - b. Clarence Valley Access Committee - Laura Smith-Khan, Zoe Goodsell, Kate Begbie, Bevan Sommerland, Jason Kingsley, Jody O'Brien.
 - c. Clarence Valley Community Climate Change Committee - Judith McNeill, Leonie Blain, Janet Cavanaugh, Ian Gaillard, Nicholas Reeve, Geoff Little, Lynette Eggins, Barbara Linley, Helen Granleese, Stephen Fletcher, Phillip Hocking, Clare Purvis, Victor Ostrowsky, Robert Mylchreest.
 - d. Cultural and Community Advisory Committee – Bree Hiatt, Steve Tranter, Aneika Kapeen, Kate Begbie, Vanette McLennan and James Cameron
 - e. Grafton Saleyards Advisory Committee - Barry McKee, Derek Morgan and David Farrell.
 - f. Floodplain Risk Management Advisory Committee - Sue Chapple, Nathan Cameron. Stephen Madden. Deanna Fernance, Tim Small, Ross Farlow, Andrew Skinner, Cristie Yager, Desmond Harvey, Danielle Adams and Chad Ellis.
2. Note nominations for membership of the Clarence Sports Committee and the Lower Clarence Sports Committee will be referred to the representative sporting groups for confirmation due to the significant number and receive a report to the May Ordinary Meeting, seeking endorsement of membership.
3. Call for nominations, for an initial period of two calendar weeks, for the following advisory committees:
 - a. Clarence Biodiversity Advisory Committee (see ToR at Attachment A)
 - b. Clarence Economic Development and Tourism Committee (see ToR at Attachment B)
 - c. Water Efficiency Advisory Group Committee.
4. Nominate a councillor representative of the Water Efficiency Advisory Group Committee.
5. Endorse membership of the 355 committees as follows:
 - a. Calliope Community Reserve & Hall 355 Committee - Michael Barnier (President), Sarah McGrath (Secretary), Tom Granleese (Treasurer), Michelle Scott (booking Officer), Angela Barnier, Sammy Lovejoy, Ken Cowan, Wanda Jones and Tiffany Jones.
 - b. Dundurrabin Community Centre 355 Committee
 - c. Ewingar Community Hall 355 Committee - Chris Warrington (President), Michael Mahon (Secretary/Treasurer/Booking Officer), Shelley Golding (Kitchen Coordinator), Ross Gode (Maintenance man), David Kassel (Groundsman), Tracee Edwards, Martin Sweeney, Tracey Sutton, Irina Kondyurina, Cindy Kassel and Karen Wheeler.
 - d. Illarwill Hall 355 Committee – Joy De roos, Robert Little, Chris Hellyer; John White; Shaun Jaye-Murphy, Lorraine Kerr, Michael Kerr and Vivien Bonney (office bearers to be confirmed).
 - e. Jackadgery Hall 355 Committee - Carol Hawken (President), Chrissy Skinner (Secretary), Sandy Knight (Treasurer), Russell Farmer, Emma Farmer, Doug McKinnon, Denise McKinnon, Glenn Knight, Kate Knight, Bec Burke, Mick Skinner and Ross Knight.

- f. Wooloweyah Parks and Reserves 355 Committee - Stephan Schultz (President), Phil Francis (Secretary), Marina Popko (Treasurer), Andrew Bennett, Dom Ferry, Michael O'Brien, Kirra Muegge, Sue Ellem and Victor Ostrowsky.
6. Note that nominations for the office bearers for Ilarwill Hall Management Committee are to be determined and will be presented at the May Council meeting.
7. Note the nominations for the other 355 committees are still being reviewed and will be presented at the May Council meeting.
8. Note the Minutes of the meeting of the Clarence Regional Library held 17 March 2022 (Attachment C).

COUNCIL RESOLUTION - 07.22.072

Clancy/Johnstone

That Council:

1. **Endorse the following nominees as community membership for the following Advisory Committees:**
 - a. **Clarence Coast & Estuary Management Advisory Committee - Leann Ball, Kevin Sheehan, Peter Maslen, Danielle Adams, Peter Rose, Imelda Jennings and Roslyn Woodward.**
 - b. **Clarence Valley Access Committee - Laura Smith-Khan, Zoe Goodsell, Kate Begbie, Bevan Sommerland, Jason Kingsley, Jody O'Brien, Vanette McLennan and David Moran.**
 - c. **Clarence Valley Community Climate Change Committee - Judith McNeill, Leonie Blain, Janet Cavanaugh, Ian Gaillard, Nicholas Reeve, Geoff Little, Lynette Eggins, Barbara Linley, Helen Granleese, Stephen Fletcher, Phillip Hocking, Clare Purvis, Victor Ostrowsky, Robert Mylchreest.**
 - d. **Cultural and Community Advisory Committee – Bree Hiatt, Steve Tranter, Aneika Kapeen, Kate Begbie, ~~Vanette McLennan, David Moran~~ and James Cameron**
 - e. **Floodplain Risk Management Advisory Committee - Sue Chapple, Nathan Cameron. Stephen Madden. Deanna Fernance, Tim Small, Ross Farlow, Andrew Skinner, Cristie Yager, Desmond Harvey, Danielle Adams and Chad Ellis.**
2. **Note nominations for membership of the Clarence Sports Committee and the Lower Clarence Sports Committee will be referred to the representative sporting groups for confirmation due to the significant number and receive a report to the May Ordinary Meeting, seeking endorsement of membership.**
3. **Call for nominations, for an initial period of two calendar weeks, for the following advisory committees:**
 - a. **Clarence Economic Development and Tourism Committee (see ToR at Attachment B)**
 - b. **Water Efficiency Advisory Group Committee.**
4. **Defer the Grafton Saleyards Advisory Committee pending further representation.**
5. **Defer the Clarence Biodiversity Advisory Committee pending further discussion about the Terms of Reference at a Councillor workshop.**
6. **Nominate Councillor Pickering as the representative of the Water Efficiency Advisory Group Committee.**
7. **Endorse membership of the 355 committees as follows:**
 - a. **Calliope Community Reserve & Hall 355 Committee - Michael Barnier (President), Sarah McGrath (Secretary), Tom Granleese (Treasurer), Michelle Scott (booking Officer), Angela Barnier, Sammy Lovejoy, Ken Cowan, Wanda Jones and Tiffany Jones.**
 - b. **Dundurrabin Community Centre 355 Committee – Deb Thornhill, Sally Clayton, Dylan Garson, Sally Lade (Shakti), Leslie Ayling, Sam Ayling, Ally Webber, Aimee Rush, Steve Rush, Natasha Wilson, Phil Sedgeman, Rudi Kistler, Peter Munro and Kristy Ledger.**
 - c. **Ewingar Community Hall 355 Committee - Chris Warrington (President), Michael Mahon (Secretary/Treasurer/Booking Officer), Shelley Golding (Kitchen Coordinator), Ross Gode (Maintenance man), David Kassel (Groundsman), Tracee Edwards, Martin Sweeney, Tracey Sutton, Irina Kondyurina, Cindy Kassel and Karen Wheeler.**

- d. Illarwill Hall 355 Committee - Joy De roos, Robert Little, Chris Hellyer; John White; Shaun Jaye-Murphy, Lorraine Kerr, Michael Kerr and Vivien Bonney (office bearers to be confirmed).
 - e. Jackadgery Hall 355 Committee - Carol Hawken (President), Chrissy Skinner (Secretary), Sandy Knight (Treasurer), Russell Farmer, Emma Farmer, Doug McKinnon, Denise McKinnon, Glenn Knight, Kate Knight, Bec Burke, Mick Skinner and Ross Knight.
 - f. Wooloweyah Parks and Reserves 355 Committee - Stephan Schultz (President), Phil Francis (Secretary), Marina Popko (Treasurer), Andrew Bennett, Dom Ferry, Michael O'Brien, Kirra Muegge, Sue Ellem and Victor Ostrowsky.
8. Note that nominations for the office bearers for Illarwill Hall Management Committee are to be determined and will be presented at the May Council meeting.
 9. Note the nominations for the other 355 committees are still being reviewed and will be presented at the May Council meeting.
 10. Note the Minutes of the meeting of the Clarence Regional Library held 17 March 2022 (Attachment C) – updated minutes.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.073 POLICY REPORT

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Governance Officer, Bligh Grant	
Attachments	A. Draft Managing unreasonable conduct by complainants Policy V3 ⇒ B. Code of Conduct V9.0 ⇒ C. Social Media Policy V3.0 ⇒ D. Councillor-Staff Interaction Policy V4.0 ⇒ E. EEO and Anti-discrimination Policy V1.0 ⇒ F. Performance Management -General Manager policy V2.0 ⇒ G. Submissions on policies ⇒	

SUMMARY

This report requests Council endorse updated Council policy, Managing Unreasonable Conduct by Complainants V3.0, for exhibition for 28 days and approve five of the polices approved for exhibition from the February 2022 OCM, noting submission have been considered and no changes have been made to the five policies.

OFFICER RECOMMENDATION

That Council

1. Endorse the following draft policies to be placed on exhibition and subject to feedback that changes the intent of the policy, they be adopted:
 - a) draft Managing Unreasonable Conduct by Complainants (UCC) Policy V3.0 (Attachment A.)
2. Approve the following polices for adoption and note the submissions:
 - a) Code of Conduct V9.0 (Attachment B)
 - b) Social Media Policy V3.0 (Attachment C)
 - c) Councillor-Staff Interaction Policy V4.0 (Attachment D)
 - d) EEO and Anti-discrimination Policy V1.0 (Attachment E)
 - e) Performance Management—General Manager policy V2.0 (Attachment F)

COUNCIL RESOLUTION - 07.22.073

Day/Tiley

That Council

1. **Endorse the following draft policies to be placed on exhibition and subject to feedback that changes the intent of the policy, they be adopted:**
 - a) **draft Managing Unreasonable Conduct by Complainants (UCC) Policy V3.0 (Attachment A.)**
2. **Approve the following polices for adoption and note the submissions:**
 - a) **Code of Conduct V9.0 (Attachment B)**
 - b) **Social Media Policy V3.0 (Attachment C)**
 - c) **Councillor-Staff Interaction Policy V4.0 (Attachment D)**
 - d) **EEO and Anti-discrimination Policy V1.0 (Attachment E)**
 - e) **Performance Management—General Manager policy V2.0 (Attachment F) with the following amendment to Point 3 - Policy Statement that gender balance be referred to as gender equality.**
3. **With respect to the draft UCC Policy provide an inbuilt check to ensure that whoever has enacted the powers of restriction has acted fairly and in a reasonable manner taking into account all of the circumstances.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.074 CHECKLIST MEETING SCHEDULE - UPDATES ON ACTIONS TAKEN

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	A. Outstanding checklist items ⇒ B. Completed checklist items ⇒ C. Rolling checklist to Feb 2022 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

COUNCIL RESOLUTION - 07.22.074**Johnstone/Whaites**

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.075 CONFERENCE ATTENDANCE FOR 2022

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Corporate Support Assistant, Karlie Chevalley	
Attachments	Nil	

SUMMARY

The purpose of this report is to plan the attendance of Councillors at the National General Assembly conference the Regional Forum subsequent to the March report (07.22.052) and the Australian Local Government Women's Association Conference, about which details have recently been made available.

OFFICER RECOMMENDATION

That Council

1. Note the Mayor's withdrawal from attendance at the National General Assembly conference; and
2. Approve Councillor Novak's attendance in place of the Mayor's; and
3. Approve Councillors Novak and Whaites attendance to the ALGA pre-conference Regional Forum; and
4. Approve Councillor Whaites attendance to the ALGWA Conference.

MOTION

Johnstone/Day

That Council

1. Note the Mayor's withdrawal from attendance at the National General Assembly conference; and
2. Approve Councillor Clancy's attendance in place of the Mayor as the voting member; and
3. Approve Councillors Clancy and Whaites attendance to the ALGA pre-conference Regional Forum; and
4. Approve Councillor Whaites attendance to the ALGWA Conference.

Voting recorded as follows

For: Clancy, Day, Johnstone, Tiley

Against: Novak, Pickering, Smith, Toms, Whaites

The Motion was put and declared LOST

POINT OF ORDER

Toms

Cr Day needs to keep debate to the motion.

The Chair upheld the point of order

POINT OF ORDER

Novak

This is not a judge and jury, it is not a court, it is not a reward.

The Chair advised Cr Day to conclude there.

POINT OF ORDER

Clancy

Cr Toms is misrepresenting what he said.

The Point of Order was not ruled on.

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

COUNCIL RESOLUTION - 07.22.075

Toms/Novak

That Council

- 1. Send one Councillor to the ALGA conference in accordance with Council policy, that being Cr Allison Whaites because we already have a Council resolution approving her attendance.**
- 2. Approve Councillor Whaites attendance to the ALGA pre-conference Regional Forum; and**
- 3. Approve Councillor Whaites attendance to the ALGWA Conference.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.076 2021/2022 OPERATIONAL PLAN - QUARTERLY REVIEW AS AT 31 MARCH 2021

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	A/Director - Corporate & Governance, Alex Moar	
Attachments	A. Operational Plan Q3 progress report 2021/2022 ⇒	

SUMMARY

This report provides the second quarterly review on Council's performance in fulfilling its actions, services, projects and programs in the 2021/2022 Operational Plan.

OFFICER RECOMMENDATION

That the Quarterly Operational Plan outcomes as at 31 March 2022 be noted.

COUNCIL RESOLUTION - 07.22.076

Johnstone/Whaites

That the Quarterly Operational Plan outcomes as at 31 March 2022 be noted.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.077 2021/22 QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Management Accounting Coordinator, Christi Brown	
Attachments	A. Quarterly Budget Review Income Statement By Fund ⇒ B. Quarterly Budget Review Service Summary ⇒ C. Quarterly Summary of Restrictions ⇒ D. Quarterly Contracts and Other Expenses ⇒ E. Monthly Grant Application Summary - March 22 ⇒	

SUMMARY

This report presents to Council the March 2021 Quarterly Budget Review Statement (QBRS) for the period 1 January 2022 to 31 March 2022.

Budget adjustments for the quarter ended 31 March 2022 (subject to council resolution) result in a net General Fund impact of \$55,144 decreasing the current year projected budget result to a \$17,464 surplus.

The reserve funding variations identified in this report will increase the reserve funds by a further \$9,120,422, resulting in a current year projected reserve funds movement of \$22,491,361.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to March 2022.
2. Approve General Fund variations detailed in this report totalling \$55,144, which results in a projected General Fund budget surplus of \$17,464 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$9,120,422, which results in a projected decrease in the External and Internal Reserves Funds of \$22,491,361.
4. Note and endorse the receipt of funds due to successful grant applications as detailed in the body of this report.

COUNCIL RESOLUTION - 07.22.077

Johnstone/Whaites

That Council:

1. Receive and note the information in the Quarterly Budget Review Statement to March 2022.
2. Approve General Fund variations detailed in this report totalling \$55,144, which results in a projected General Fund budget surplus of \$17,464 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$9,120,422, which results in a projected decrease in the External and Internal Reserves Funds of \$22,491,361.
4. Note and endorse the receipt of funds due to successful grant applications as detailed in the body of this report.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.078 REQUEST FROM ACCOUNT 2051514 FOR CONSIDERATION FOR REDUCTION IN WATER ACCOUNT

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Revenue Coordinator, Paula Krahe	
Attachments	A. High Consumption Advice - Mar 2015 (Confidential) B. Owner Response to High Consumption - Oct 2015 (Confidential) C. Council Water Test Advice - Oct 2015 (Confidential) D. Owner Response to Water Test Advice - Dec 2015 (Confidential) E. Water Cock Leak Identified & Repaired - Feb 2016 (Confidential) F. Account Transaction History (Confidential) G. High Consumption Advice - Mar 2021 (Confidential) H. Concealed Leak Application - Dec 2021 (Confidential) I. Concealed Leak Reduction - Dec 2021 (Confidential) J. Owner Request to Write-off Account Balance - Mar 2022 (Confidential)	

SUMMARY

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

OFFICER RECOMMENDATION

That Council:

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

COUNCIL RESOLUTION - 07.22.078

Novak/Smith

That this matter be deferred to the May meeting.

Voting recorded as follows

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

Against: Clancy, Tiley, Toms

CARRIED

FORESHADOWED MOTION

Tiley

That Council:

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

ITEM 07.22.079 MONTHLY INVESTMENT REPORT - MARCH 2022

Meeting	Council	26 April 2022
Directorate	Corporate & Governance	
Prepared by	Acting Financial Accountant, Kirsty Gooley	
Attachments	A. Movement of Funds Between Months ⇨	

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 March 2022 be noted.

COUNCIL RESOLUTION - 07.22.079

Johnstone/Whaites

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

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.080 FEBRUARY/MARCH 2022 FLOOD RECOVERY UPDATE

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Director (Works & Civil), Jamie Fleeting	
Attachments	A. Letter to Minister Tuckerman - Floodplain Grant Management ⇒	

SUMMARY

This report provides a summary of the three February-March 2022 flood events experienced across the Clarence Valley and Council's operational response to the events.

This report also aims to provide some transparency around projects scheduled for the current year, but not yet commenced (or recently commenced) and therefore deferred to the following year. The 2021/22 Operational Plan – Quarterly Review as at 31 March includes the latest status update. Whilst some deferred projects have been highlighted in this report, an updated listing will be provided to Council in May once investigations into the impact of floods on capital and operational works is complete.

The list includes additional projects (or project value) identified for deferral to the combined effect of several external factors impacting on the delivery program including:

- Impacts on domestic and global supply chain issues attributed to Covid-19
- Limitations on the availability of suitable contractors.
- Declared natural disaster with five (5) storm/flood related disasters across the Clarence Valley since December 2020 with two major floods in March 2021 and February/March 2022
- State Government approval timeframes have been considerably longer arising from Covid-19.
- Additional pressures (supply and demand) on sourcing contractors with stimulus funding across the State.
- Native Title Determination - A few projects are currently sensitive to pending Native Title consideration.

OFFICER RECOMMENDATION

That Council:

1. Note the staff update on the February-March 2022 flood response as detailed in the report.
2. Prepare a submission (based on the contents of this report) for inclusion into the NSW Government's Inquiry that follows the 2022 Major flood event across NSW.

MOTION

Novak/Whaites

That Council:

1. Note the staff update on the February-March 2022 flood response as detailed in the report.
2. Prepare a submission (based on the contents of this report) for inclusion into the NSW Government's Inquiry that follows the 2022 Major flood event across NSW.
3. Acknowledge the contribution and extraordinary efforts of many Clarence Valley residents who greatly assisted and went above and beyond for each other and including our neighbouring LGA's during the March 2022 floods.

Some of those who assisted (but not limited to) include:

Clarence Valley Flood Help 2022 FB Group (Craig Howe, Ash Gibbins, Ang Lagos Jay and friends)

- Over 2000 group members including flood affected people needing help joined within weeks.
- 50 plus active volunteers were out helping people daily.
- Group acted as a triage platform for help requests on FB and people
- Worked with SES who tasked our volunteers to jobs.
- Council and the Recovery Centre referred people to us who required help.
- 75 properties attended including a weekend at Palmers Island where 30 volunteers helped the whole community.
- Ulmarra, Calliope, Kangaroo Creek, Southgate, Coldstream and Tucabia all supported with our local volunteers

Clarence Valley Feed For Friends (Sally Power, Trent (Norco) and friends)

- Co-ordinated livestock feed for 4000 head of cattle for the past 8 weeks
- Organised logistics, deliveries and pickups to and from venues
- Outsourced free hay from across Australia
- Spoken with 60 primary producers to access their situation to support them with stock feed and grants
- Triaged farmers and registered them to other charities eg Need For Feed Hay Runners
- Connected farmers to DPI to organise hay drops
- Liaised with NORCO to ensure farmers were getting their support
- Sourced agistment paddocks to move cattle out, vets and farriers
- Weekly welfare checks on farmers

Clarence Valley Flood Angels for Woodburn/Coraki (Samantha Daley and friends)

- 200 volunteers
- Emergency kitchen hub created with round the clock food prep and cooking
- 2000 people fed every day for 5 weeks
- Woodburn collection hub organised to receive donations
- Coordinated donations and trucks from the Clarence Valley and Sydney
- Coordinated local donation hub in Yamba
- Mud army checked in on every house in Woodburn and Coraki
- Volunteer food service delivered to homes daily as no one has cars
- Numerous rescues performed using own watercraft
- Daily welfare checks on residents
- Volunteers travelled from The Clarence Valley everyday to the impact zone

Maclean Levee Wall Army

- Combination of local youth, business owners, teachers, River Street residents volunteers and CVC personnel
- Everyone worked hand to hand in a united effort to save the Maclean levee on the flood peak
- Sandbagging occurred from the eastern entry to Maclean from the fish co-op to down behind the RSL
- Multiple teams worked back to back across different sections
- Council employee (Raff) had exceptional leadership, was calm and coordinated when speaking to the volunteers
- (Raff) provided ongoing support over the following days and taught appropriate techniques for the sandbags
- Volunteers with utes ferried sand bags filled by other volunteers working at the SES HQ
- Efforts were constant and more challenging from 11pm to 3am
- Chain gangs formed to pass the sandbags along the levee wall
- Minimal night time vision of levee was rectified by volunteers sourcing hand held lights
- Water bottles were supplied by caravan park owners and SES HQ
- The level of fatigue both emotional and physical in the following days was unexpected
- It would have been good to have a debrief and check in and celebrate what happened on the Maclean levee
- Teacher Chris Kirkland was exceptional during the event supporting his community members
- Farmer Ross Farlow and his V8 engine water pump turned the tide
- Shane Honeyman advised about the boils along the levee line and how laying plastic down the water side would fix

Wombah/Goodwood Island Evac Holding Camp (Tracey Settree, Berri Brown & Cavelle Whan and friends)

- Established an evacuation base camp at Wombah Playground for flooded residents from Goodwood Island
- Co-ordinated food, medical, tradesman and clothing for residents
- Supported residents with sourcing documents and travel
- Co-ordinated RFS truck for food deliveries

New School Of Arts South Grafton

- Over 300 Emergency Food Hampers
 - More than 120 Personal Hygiene and Household Cleaning Hampers
 - Over 700 free meals
-

- Liaised with the SES (Grafton, Ulmarra, Brushgrove, Lawrence) and RFS (Woombah) to distribute emergency food hampers to isolated community members during the floods. They have been supplying the Recovery Centres in Grafton and Maclean with Emergency Food Hampers and Personal Hygiene and Household Cleaning Hampers on request.

The Recovery Centres have been referring people to us to access Emergency Relief (including GIVIT requests). In addition we have provided assistance for flood affected community members to access flood recovery payments, distributed donated towels & bedding, provided hot showers and meals in the Hub, distributed thousands of dollars worth of donated gift cards and assisted people to access donation of household good and tools through GIVIT.

The community members we have assisted include people from:

- Grafton
- South Grafton
- Coutts Crossing
- Wooli
- Ulmarra
- Southgate
- Eatonsville
- Tucabia
- Kungala
- Pillar Valley
- Glenugie
- Maclean
- Swan Creek
- Lawrence
- Collum Collum
- Brushgrove
- Kangaroo Creek
- Jackadgery
- Woombah
- Goodwood Island

Mend and Make Do South Grafton

- 100's of Caring Kits (Kitchen, Linen, Cleaning, Washing, Kitchen, Toiletry) distributed to flood victims

Clarence Valley businesses

- Donated money, hosted flood raisers, volunteered their staff and donated their plant and equipment to support local and regional flood victims and livestock
- Farmers triaged around 10,000 head of cattle through the Grafton Regional Saleyards at south Grafton to get them to safety

Local vets were among a group of seven vets who volunteered their time to rescue animals during the height of the floods in northern NSW.

Voting recorded as follows

For: Novak, Pickering, Smith, Whites

Against: Clancy, Day, Johnstone, Tiley, Toms

The Motion was put and declared LOST

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

COUNCIL RESOLUTION - 07.22.080

Toms/Johnstone

That Council:

- 1. Note the staff update on the February-March 2022 flood response as detailed in the report.**

-
2. Include in the submission based on the contents of Cr Novak's list of community organisations that assisted with the major flood events across NSW into Council's report for the inquiry that follows the 2022 major flood event across NSW.

Voting recorded as follows

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

Against: Novak

CARRIED

ITEM 07.22.081 LOCAL TRAFFIC COMMITTEE

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Operations), Julie Wilks	
Attachments	A. Local Traffic Committee Minutes ⇨	

SUMMARY

This report lists the recommendations made at the 6 April 2022 meeting of the Clarence Valley Council Local Traffic Committee.

OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of the 6 April 2022 meeting be adopted by Council.

COUNCIL RESOLUTION - 07.22.081**Pickering/Johnstone**

1. That the recommendations of the Local Traffic Committee included in the Minutes of the 6 April 2022 meeting be adopted by Council.
2. That Council note the Councillors in attendance were Cr Steve Pickering and Cr Peter Johnstone.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.082 PROPOSED ACQUISITION OF PART WOOLI ROAD, PILLAR VALLEY, AND DEDICATION AS A PUBLIC ROAD

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Eloise Casson	
Attachments	A. Valuation of Part Wooli Road, Pillar Valley, Proposed to be Acquired by Clarence Valley Council (Confidential)	

SUMMARY

This report request Council consider acquisition of land on which part of Wooli Road, Pillar Valley is constructed, and which bisects Lot 41 DP 751376, for the purpose of the *Roads Act 1993*.

OFFICER RECOMMENDATION

That Council:

1. Proceed with the acquisition of land comprising the constructed Wooli Road, Pillar Valley situated on Lot 41 DP 751376 as depicted shaded blue in Figure 1 in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*, by agreement or by compulsory process.
2. Delegate authority to the Acting General Manager to negotiate with the landowners of Lot 41 DP 751376 to acquire the land shown in blue in Figure 1 within Lot 41 DP 751376, to a maximum compensation amount provided for the independent valuation attached to the report.
3. In the event that acquisition by agreement cannot be negotiated, Council make an application to the Minister and the Governor for the approval to acquire part Lot 41 DP 751376 as depicted shaded blue in Figure 1 by compulsory process under Section 177(1) of the *Roads Act 1993*.
4. Once acquired, dedicate as public road in accordance with Part 2 of the *Roads Act 1993*.
5. Approve all costs associated with the acquisition, estimated to be \$26,000 plus compensation, including but not limited to survey and plan registration costs, Council fees, valuation fees, and legal fees (including the landowners reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions Reserve.
6. Delegate authority to the Acting General Manager to execute all documents associated with the acquisition of land and dedication as a public road.

COUNCIL RESOLUTION – 07.22.082

Johnstone/Tiley

That Council consider Item 07.22.082 - Proposed Acquisition of Part Wooli Road, Pillar Valley, and Dedication as a Public Road, in closed session.

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.083 NORTH GRAFTON SEWAGE TREATMENT PLANT UPGRADE – PETITION

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Attachments	A. Petition ↗	

SUMMARY

On 8 February 2022, the Mayor was handed a petition with signatures from September/October 2019 requesting that Council reconsider its proposal to upgrade the North Grafton Sewage Treatment Plant at the same location. The petition has never previously been delivered to Council.

OFFICER RECOMMENDATION

That Council notes the petition regarding the North Grafton Sewage Treatment Plant and, given the time which has elapsed since the petition was prepared, take no further action.

COUNCIL RESOLUTION - 07.22.083**Pickering/Johnstone****That Council**

- 1. Notes the petition regarding the North Grafton Sewage Treatment Plant and, given the time which has elapsed since the petition was prepared.**
- 2. Consider the petition with any further works that occur with any further upgrades to the North Grafton STP.**

Voting recorded as follows

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

Against: Nil

CARRIED

ITEM 07.22.084 PILOT HILL YAMBA - UPDATED RISK ASSESSMENT

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Attachments	A. Report 14.051 to 15 May 2018 Council meeting ⇒ B. Updated JK Geotechnics Risk Assessment ⇒	

SUMMARY

Following the March 2021 rainfall event, expert consultants JK Geotechnics (JG) were engaged to review the landslip risk at Pilot Hill Yamba which had last been considered by Council in May 2018. JG's review recommends minor changes to the current "orange" and "red" antecedent rainfall alert levels and that current management practices continue. Following the recent March 2022 event JG were commissioned to further review the rainfall alert levels and if this resulted in a further change it would be reported to Council.

OFFICER RECOMMENDATION

That:

1. The existing groundwater and antecedent rainfall monitoring practices are continued.
2. Council note the JK Geotechnics review of the current Interim Management Strategy and adopt the recommended antecedent rainfall alert levels.

COUNCIL RESOLUTION - 07.22.084

Pickering/Day

That:

1. The existing groundwater and antecedent rainfall monitoring practices are continued.
2. Council note the JK Geotechnics review of the current Interim Management Strategy and adopt the recommended antecedent rainfall alert levels.
3. Council advises the property owners south of Ritz Street and on the eastern side of Ocean Street of the current studies which have been undertaken, including the potential risks, and recommend that each property obtain their own independent geotechnical risk assessment to ensure ongoing stability of these properties.

Voting recorded as follows

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

Against: Nil

CARRIED

FORESHADOWED MOTION

Johnstone

That:

1. The existing groundwater and antecedent rainfall monitoring practices are continued.
2. Council note the JK Geotechnics review of the current Interim Management Strategy and adopt the recommended antecedent rainfall alert levels.

ITEM 07.22.085 RFT22/05 - CWA WILLIAM AGER PARK WALKWAY

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Open Space Coordinator, David Sutton	
Attachments	Nil	

SUMMARY

The report presents the outcome of tender that was called for the construction of CWA William Ager Park Walkway and seeks Council's endorsement to award the contract.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender from Wagners CFT Manufacturing Pty Ltd for RFT22/05 – CWA William Ager Park Walkway at a cost of \$848,765.00 (GST inclusive) to be funded from William Agar Park Pathway, Yamba (Fin Proj 321006, Sub Service 341).
2. Authorise the General Manager to approve variations up to 5% of the contract value.
3. Reallocate \$185,000 from Fin Proj 550181 – Parks & Reserves – Access Pavement & Carparks to fund the additional contract sum and project contingency and included in Q3 of the Quarterly Budget Review Statement (QBRs).

COUNCIL RESOLUTION - 07.22.085

Johnstone/Whaites

That Council:

1. **Accept the tender from Wagners CFT Manufacturing Pty Ltd for RFT22/05 – CWA William Ager Park Walkway at a cost of \$848,765.00 (GST inclusive) to be funded from William Agar Park Pathway, Yamba (Fin Proj 321006, Sub Service 341).**
2. **Authorise the General Manager to approve variations up to 5% of the contract value.**
3. **Reallocate \$185,000 from Fin Proj 550181 – Parks & Reserves – Access Pavement & Carparks to fund the additional contract sum and project contingency and included in Q3 of the Quarterly Budget Review Statement (QBRs).**

Voting recorded as follows

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

Against: Nil

CARRIED

8. CONFIDENTIAL BUSINESS**COUNCIL RESOLUTION**

Day/Novak

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

1. **Item 07.22.082 - Proposed Acquisition of Part Wooli Road, Pillar Valley, and Dedication as a Public Road.**
2. **Item 08.22.003 - Indigenous Land Use Agreement Between Clarence Valley Council and Yaegl Traditional Owners Corporation - Calypso Holiday Park - 10A(2) (e) *The report contains information that would, if disclosed, prejudice the maintenance of law***

Voting recorded as follows

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

Against: Nil

CARRIED

Council moved into closed session at 5.56pm. The meeting broadcast was turned off.

ITEM 07.22.082 PROPOSED ACQUISITION OF PART WOOLI ROAD, PILLAR VALLEY, AND DEDICATION AS A PUBLIC ROAD

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Support Officer (Acquisitions & Disposals), Eloise Casson	
Attachments	A. Valuation of Part Wooli Road, Pillar Valley, Proposed to be Acquired by Clarence Valley Council (Confidential)	

SUMMARY

This report request Council consider acquisition of land on which part of Wooli Road, Pillar Valley is constructed, and which bisects Lot 41 DP 751376, for the purpose of the *Roads Act 1993*.

OFFICER RECOMMENDATION

That Council:

1. Proceed with the acquisition of land comprising the constructed Wooli Road, Pillar Valley situated on Lot 41 DP 751376 as depicted shaded blue in Figure 1 in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*, by agreement or by compulsory process.
2. Delegate authority to the Acting General Manager to negotiate with the landowners of Lot 41 DP 751376 to acquire the land shown in blue in Figure 1 within Lot 41 DP 751376, to a maximum compensation amount provided for the independent valuation attached to the report.
3. In the event that acquisition by agreement cannot be negotiated, Council make an application to the Minister and the Governor for the approval to acquire part Lot 41 DP 751376 as depicted shaded blue in Figure 1 by compulsory process under Section 177(1) of the *Roads Act 1993*.
4. Once acquired, dedicate as public road in accordance with Part 2 of the *Roads Act 1993*.
5. Approve all costs associated with the acquisition, estimated to be \$26,000 plus compensation, including but not limited to survey and plan registration costs, Council fees, valuation fees, and legal fees (including the landowners reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions Reserve.
6. Delegate authority to the Acting General Manager to execute all documents associated with the acquisition of land and dedication as a public road.

COUNCIL RESOLUTION – 07.22.082**Toms/Novak****That Council:**

1. Proceed with the acquisition of land comprising the constructed Wooli Road, Pillar Valley situated on Lot 41 DP 751376 as depicted shaded blue in Figure 1 in accordance with the requirements of the *Land Acquisition (Just Terms Compensation) Act 1991*, by agreement or by compulsory process.
2. Delegate authority to the Acting General Manager to negotiate with the landowners of Lot 41 DP 751376 to acquire the land shown in blue in Figure 1 within Lot 41 DP 751376, to a maximum compensation amount provided for the independent valuation attached to the report.
3. In the event that acquisition by agreement cannot be negotiated, Council make an application to the Minister and the Governor for the approval to acquire part Lot 41 DP 751376 as depicted shaded blue in Figure 1 by compulsory process under Section 177(1) of the *Roads Act 1993*.
4. Once acquired, dedicate as public road in accordance with Part 2 of the *Roads Act 1993*.
5. Approve all costs associated with the acquisition, estimated to be \$26,000 plus compensation, including but not limited to survey and plan registration costs, Council fees, valuation fees, and legal fees (including the landowners reasonable legal fees) to be borne by Council and funded from RA 10899 Road Acquisitions Reserve.
6. Delegate authority to the Acting General Manager to execute all documents associated with the acquisition of land and dedication as a public road.

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

ITEM 08.22.003 INDIGENOUS LAND USE AGREEMENT BETWEEN CLARENCE VALLEY COUNCIL AND YAEGL TRADITIONAL OWNERS CORPORATION - CALYPSO HOLIDAY PARK

Meeting	Council	26 April 2022
Directorate	General Manager	
Prepared by	A/General Manager, Laura Black	
Attachments	A. NTSCORP - Draft ILUA Yaegl RNTBC (Confidential)	
CONFIDENTIAL	<p><i>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</i></p>	

Having declared an interest in this item Cr Johnstone left the closed session at 6:15 pm.
Cr Johnstone returned to the closed session at 6:16 pm.

COUNCIL RESOLUTION - 08.22.003

Novak/Pickering

That Council, having been briefed on the draft ILUA proposed by NTSCORP on behalf of Yaegl RNTBC, make a formal response in accordance with the responses to matters raised as detailed in Table 2 of the report through Council's legal representative Marsdens Law Group.

Voting recorded as follows

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

CARRIED

COUNCIL RESOLUTION

Novak/Pickering

That Council move out of closed session and resume open forum.

Voting recorded as follows

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

CARRIED

Council moved out of closed session and the open forum resumed at 6.18 pm. The meeting broadcast was turned on.

The Mayor declared Council Resolutions for Items 07.22.082 and 08.22.003 be made public.

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING**COUNCIL RESOLUTION****Toms/Pickering**

That the late item of business 10.22.002 Contract T20/21 - Shannon Creek Dam Remediation of Tailwater Dam Variation be accepted.

Voting recorded as follows

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

Against: Nil

CARRIED**ITEM 10.22.002 CONTRACT T20/21 - SHANNON CREEK DAM REMEDIATION OF TAILWATER DAM VARIATION**

Meeting	Council	26 April 2022
Directorate	Works & Civil	
Prepared by	Manager Water Cycle, Greg Mashiah	
Attachments	A. CMC Contract T20/21 - Variation detail (Confidential)	

SUMMARY

The final variation for Contract T20/21 is reported to Council for information as, due to greater complexity in constructing the final design that includes and increased volume of material, the variation is approximately \$650,000 (ex GST) higher than the indicative budget amount foreshadowed in the report to the February 2022 Council meeting.

OFFICER RECOMMENDATION

That Council notes the variation price for Contract T20/21 *Shannon Creek Dam Remediation of Tailwater Dam* is \$5,256,757.55 (including GST).

COUNCIL RESOLUTION - 10.22.002**Johnstone/Whaites**

That Council notes the variation price for Contract T20/21 *Shannon Creek Dam Remediation of Tailwater Dam* is \$5,256,757.55 (including GST).

Voting recorded as follows

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

Against: Nil

CARRIED

11. CLOSE OF ORDINARY MEETING

There being no further business the Council Meeting closed at 6.20 pm.



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