

Ordinary Council Meeting

Business Paper

Grafton - 27 August 2024 - 3:00 PM



AGENDA

Page

01 OPENING OF ORDINARY MEETING

- Affirmation/Prayer
- Acknowledgement of Country
- Announcement – Recording of Meeting
- Statement of Ethical Obligations

02 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

03 DISCLOSURES AND DECLARATIONS OF INTEREST

04 CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held 23 July 2024

05 MAYORAL MINUTES

Nil

06 NOTICE OF MOTIONS

Nil

07 REPORTS

OFFICE OF THE GENERAL MANAGER

07.24.143 Audit, Risk and Improvement Committee Annual Report	4
07.24.144 Response to Questions with Notice YambaCAN	5

ENVIRONMENT & PLANNING

Nil

CORPORATE & COMMUNITY

07.24.145 Outcome from the Land and Environment Court NSW McNeill v Clarence Valley Council NSWLEC 85	9
07.24.146 S355 Committees Review and Update	11
07.24.147 Advisory Committees Council Term Review	14
07.24.148 Governance Report - Annual Disclosure of Interest	21
07.24.149 Items for Information	23
07.24.150 Council Meeting Checklist - Update on Actions Taken	25
07.24.151 Monthly Finance Report - July 2024	26
07.24.152 Monthly Investment Report - July 2024	30
07.24.153 2024 Cultural and Sports Trust Fund	37
07.24.154 Clarence Valley Destination Management Plan 2024/2030	39

WORKS & CIVIL

07.24.155 Regional Aquatic Facility Naming and Management	44
07.24.156 Proposed Road Closure - Part McGraths Lane, The Whiteman	47
07.24.157 Local Traffic Committee	52

07.24.158 Open Coast Coastal Management Program - Stage 4

54

08 CONFIDENTIAL BUSINESS

09 QUESTIONS WITH NOTICE

Nil

10 LATE ITEMS OF BUSINESS AND MATTERS ARISING

11 CLOSE OF ORDINARY MEETING

5. MAYORAL MINUTES

Nil

6. NOTICES OF MOTION

Nil

7. REPORTS

OFFICE OF THE GENERAL MANAGER

ITEM 07.24.143 AUDIT, RISK AND IMPROVEMENT COMMITTEE ANNUAL REPORT

Meeting	Council	27 August 2024
Directorate	General Manager	
Prepared by	Internal Audit Officer, Kallet Ward	
Reviewed by	General Manager, Laura Black	
Attachments	A. ARIC Annual Report 2023/2024 (Separate Cover) ⇒	

SUMMARY

The Audit, Risk, and Improvement Committee Annual Report 2023-2024 documents the activities of the Audit, Risk and Improvement Committee (ARIC) from 1 July 2023 to 30 June 2024. The ARIC provides independent advice on council's risk management, control, governance, internal audit, organisational performance, and external responsibilities.

OFFICER RECOMMENDATION

That Council notes the Audit, Risk, and Improvement Committee Annual Report 2023/2024

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

In accordance with the Office of Local Government new and updated Guidelines for Risk Management and Internal Audit for local councils in NSW:

- The attached ARIC Annual Report 2023/2024 documents the activities of the Audit, Risk and Improvement Committee for the Clarence Valley from 1 July 2023 to 30 June 2024.

BACKGROUND

Nil

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy and Regulation

Local Government Act 1993 and General Regulation 2021

Consultation

N/A

Legal and Risk Management

The primary role of the ARIC is to provide independent assurance to Council regarding to risk management.

Climate Change

N/A

ITEM 07.24.144 RESPONSE TO QUESTIONS WITH NOTICE YAMBACAN

Meeting	Council	27 August 2024
Directorate	General Manager	
Prepared by	Coordinator Business & Executive Support, Bryanna Boyd	
Reviewed by	General Manager, Laura Black	
Attachments	A. Estimated Cost Implications of Delays to Delivering YCPPP ↔	

SUMMARY

At Council's Ordinary Council Meeting held 27 February 2024, Councillor Toms submitted a question with notice relating to the resources required to respond to RFIs and GIPAs lodged by Yamba CAN Inc and any cost implications of delays in delivering the Yamba Community Precinct project. This report seeks to provide the requested information.

OFFICER RECOMMENDATION

That Council note:

- the allocation of resources required to respond to GIPAs submitted by Yamba CAN Inc since January 2022.
- the allocation of resources required to respond to RFI (Request for Information) submitted by Yamba CAN Inc since January 2022.
- the cost implications of delays to delivering the Yamba Community Precinct project since January 2022.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

The Government Information (Public Access) Act 2009 (GIPA Act) details the obligations of agencies such as Council to provide access to certain information that it holds. The Act provides for Council to release information publicly on its website (called open access information), in response to an informal request for access or in response to a formal application for access.

Between January 2022 and February 2024, 48 GIPA were received. The Director Corporate and Community is only involved where GIPAs are referred by the applicant to the Information and Privacy Commission of NSW (IPC) and directions given regarding internal review. Of the 48 GIPA received in this period, only Yamba Can Inc has made referrals to the IPC.

Allocation Of Resources Required to Respond to GIPAs Submitted by Yamba CAN Inc

Between January 2022 and February 2024 Council staff hours were allocated to GIPAs submitted by Yamba CAN Inc as follows:

Description	Staff Hours	External Review	Additional hours Director Corporate and Community
GIPA2022/0032: Formal GIPA	5		
GIPA2023/0001: Formal GIPA	11		
GIPA2023/0005: Formal GIPA	7.5	IPC	10 hours for internal review
GIPA2023/0008: Formal GIPA	6	IPC/NCAT	76 hours Internal review as recommended by IPC and court case conference, mediation and hearing preparation and attendance. \$20,000 in legal fees – 07.24.032
GIPA2023/0014: Formal GIPA	9.25	IPC	10 hours internal review post IPC review
GIPA2023/0017: Formal GIPA	2		

GIPA2023/0021: Formal GIPA	2		
----------------------------	---	--	--

IPC – Information and Privacy Commission
NCAT – NSW Civil and Administrative Tribunal

Allocation Of Resources Required to Respond to RFIs Submitted by Yamba CAN Inc

Between January 2022 and February 2024 Council staff hours were allocated to GIPAs submitted by Yamba CAN Inc as follows:

Applicant	Description	Staff Hours
Yamba CAN	RFI2022/1693: Request for Information	4
Yamba CAN	RFI2023/0277: Request for Information	1 hour
Yamba CAN	RFI2023/0324: Request for Information	withdrawn
Yamba CAN	RFI2023/0358: Request for Information	withdrawn
Yamba CAN	RFI2023/0792: Request for Information	6 hours
Yamba CAN	RFI2023/0818: Request for Information	8 hours

Cost Implications of delays to Yamba Community Precinct Project

The cost is estimated to be \$1,048,475 as per the calculation in the attached spreadsheet. This includes:

- Increased cost of construction, project management and design management for construction phase due to delaying award of tender, based on Construction Price Index increase from the Australian Bureau of Statistics.
- Additional project management to manage consideration of alternative design options.
- Additional design consultant costs associated with developing alternative options and estimates.
- Design cost associated with implementing NCC2022.
- This does not include Council staff costs.

BACKGROUND

During the period between January 2022 and February 2024 Council received 13 GIPA applications from members of YambaCAN and 6 RFI applications.

Not included in the above but of note are the extensive GIPAs, Court and Tribunal matters lodged by an executive member of YambaCAN, often relating to the same matters as those submitted directly by YambaCAN. These GIPA's have been lodged between during 2024.

Applicant	Description	Staff Hours	Tribunal	Additional hours to 9/8/2024 Director Corporate and Community
Craigh McNeill	GIPA2024/0007	5	NCAT	20 hours preparation, NCAT mediation attendance and GIPA review, statement preparation. Anticipated an additional 40 hours of work for NCAT
Craigh McNeill	GIPA2024/0009	3.5		
Craigh McNeill	GIPA2024/0012	50	NCAT	30 hours preparation, NCAT mediation attendance and GIPA review. Additional 40 hours anticipated
Craigh McNeill	GIPA2024/0016	9		
Craigh McNeill	GIPA2024/0017	10	NCAT	3 hours – initial case conference preparation and attendance at NCAT. Anticipated an additional 40 hours of work for NCAT
Craigh McNeill	GIPA2024/0020	10		4 hours review of GIPA prior to release

Cost Implications of delays to Yamba Community Precinct Project

Council awarded the tender for the detailed designs for the Treelands Drive project in November 2021 (Council Resolution 6e.21.026). James Cubbitt Architects (JCA) considered three options for the design

including single storey, two storey and refurbishment (which would require the build to be two storey to meet the required plan area).

Community consultation for the project commenced in October 2022 and considered two options

- Option A – Single storey, tender issue, detailed design 90% complete
- Option B – refurbishment, concept only, no detailed design undertaken

The outcomes of the community consultation were reported back to Council in December. The survey had a total of 196 responses that informed the following community design preference for the two options. 105 respondents preferred Option A to 91 preferring Option B.

Despite Option A having demonstrated support in the community as shown by the consistent voting, letters of support for the business case, and feedback on option A versus Option B, Councillors chose not to progress Option A and instead moved the below motion.

<p>OFFICER RECOMMENDATION</p> <p>That Council:</p> <ol style="list-style-type: none">1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project;2. Endorse the proposed funding strategy Option 1, with confirmation to be reported at the time of awarding the contract.
<p>COUNCIL RESOLUTION - 07.22.290</p> <p>Clancy/Novak</p> <p>That Council</p> <ol style="list-style-type: none">1. Investigate a contract variation with the current design contract for the detailed design of Option B.2. Allocate expenditure to date in design of Yamba Community Precinct (Option A) totalling \$ 728,818 to the General Fund as a deficit.3. Retain the Woolli Street Hall. <p>Voting recorded as follows</p> <p>For: Clancy, Day, Johnstone, Novak, Smith, Tiley</p> <p>Against: Pickering, Toms, Whaites</p> <p style="text-align: right;">CARRIED</p>

Until this time Council had been unanimous in its support for the approved project. Feedback on the project from community group YambaCan was inconsistent with the overall community sentiment throughout the development of the project.

At Council's February 2023 Ordinary Council Meeting the above motion was rescinded and support for Option A was reaffirmed.

COUNCIL RESOLUTION - 07.23.002**Toms/Pickering**

That Council rescind part of its resolution of December 2022 (Item 07.22.290) to,

1. Investigate a contract variation with the current design contract for the detailed design of Option B.
2. Allocate expenditure to date in design of Yamba Community Precinct (Option A) totalling \$728,818 to the General Fund as a deficit.

And consider the following Officer Recommendation:

That Council:

1. Reaffirm support for design Option A for construction of the Yamba Community Precinct project;
2. Endorse the proposed funding strategy identified in the Budget/Financial section of the report, with confirmation to be reported at the time of awarding the contract.
3. Retain ownership of the Woolli Street Hall and consider possible uses on completion of the Treelands Drive Community Centre project.

4. Invite the following shortlisted contractors to submit tenders for construction of the Yamba Community Precinct project:
 - a. Bennet Construction.
 - b. Alder Construction.
 - c. Hinds Construction.
 - d. BARPA Construction Services

Voting recorded as follows

For: Day, Novak, Pickering, Tiley, Toms, Whaites

Against: Clancy, Johnstone, Smith

CARRIED

COUNCIL IMPLICATIONS**Budget/Financial**

The GIPA Act provides that requests are subject to an initial fee of \$30 to cover the first hour of investigation. After the first hour, there is an additional processing fee of \$30 per hour. Fees can be reduced by 50% if the agency is satisfied:

- the individual making the application is suffering financial hardship or
- the information applied for is of special benefit to the public generally.

Asset Management

Nil

Policy and Regulation

Government Information (Public Access) Act 2009 (GIPA Act)

Consultation

Required Internal Staff

Legal and Risk Management

As above

Climate Change

Nil

ENVIRONMENT & PLANNING

Nil

CORPORATE & COMMUNITY**ITEM 07.24.145 OUTCOME FROM THE LAND AND ENVIRONMENT COURT NSW MCNEILL V CLARENCE VALLEY COUNCIL NSWLEC 85**

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Director Corporate & Community, Alex Moar	
Reviewed by	General Manager, Laura Black	
Attachments	Nil	

SUMMARY

Outcome from the Land and Environment Court NSW hearing McNeill verses Clarence Valley Council [2024] NSWLEC 85 hearing on 16 August 2024.

OFFICER RECOMMENDATION

That Council note:

1. the decision made by her Honour J Pritchard on 16 August 2024 was to dismiss proceedings 2024/261604 (Class 4) with costs.
2. costs were sought but not ordered in relation to proceedings 2024/230994 (Class 3).

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

On 23 June 2024, Mr McNeill brought proceedings before the Land and Environment Court seeking an injunction against council's flood planning and evacuation procedures under section 8.7 of the Environmental Planning and Assessment Act 1979. The proceedings were filed as a Class 3 application but attached a Class 1 application form. Respondents to the Class 3 proceedings were Clarence Valley Council as the first respondent and the Land Environment Court and Northern Regional Planning Panel as the second and third respondents.

On 5 July 2024, the Class 3 proceedings came before Robson J as list judge who issued orders including:

- "2. The Applicant is given leave to file and serve on Council an amended claim in Class 4 by 19 July 2024.
3. Council to review and correspond with the Applicant in relation to the amended pleading.
5. The return date in the "Class 3 proceedings 2024/230994" filed by Mr McNeill is vacated with the intention that those Class 3 proceedings will be discontinued when the Class 4 proceedings have been filed."

On 10 July 2024, Mr McNeill filed a summons in Class 4 jurisdiction of the Land and Environment Court, with numerous orders sought to restrain Council's actions and decision making capacity in relation to flood planning relative, predominantly, to development matters.

On 25 July, in response to the orders, Mr McNeill discontinue the Class 3 action against the Land Environment Court and Northern Regional Planning Panel only.

At the hearing on 16 August Pritchard J acknowledge Mr McNeill's prior attempts to file a notice of discontinuance in accordance with orders issued by Robson J, and his position as self represented litigant and made an order to grant leave to Mr McNeill to file notice of discontinuance of the Class 3 action by 23 August 2024, without costs being awarded.

At the hearing on 16 August, Pritchard J cited case law that considered the applicant had 'unreasonably pursued with points that have no merit' and Uniform Civil (Procedure Rules 2005 (NSW) that the Class 4 proceedings were frivolous or vexatious and disclose no real cause of action, and as such were an abuse of process, before issuing orders that the proceedings be summarily dismissed with costs awarded.

A second Class 4 proceeding 2024/296515 has not yet been heard. It is identical to proceedings 2024/261604, which were summarily dismissed by Pritchard J. Council has sought Mr McNeill discontinue these by 27 August 2024. If Mr McNeill fails to discontinue, a notice of motion will be filed seeking dismissal and payment of costs.

BACKGROUND

As outlined above and in the [NCAT Case Law Link](#).

COUNCIL IMPLICATIONS

Budget/Financial

Legal services invoice is yet to be received.

Asset Management

N/A

Policy and Regulation

N/A

Consultation

N/A

Legal and Risk Management

McNeill v Clarence Valley Council [2024] NSWLEC 85

Climate Change

N/A

ITEM 07.24.146 S355 COMMITTEES REVIEW AND UPDATE

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. s355 Committee Survey Questionnaire ↗	
	B. s355 Committee Survey results ↗	

SUMMARY

This report confirms the operation of s355 Management Committees during the caretaker period and presents the findings from a recent survey conducted by s355 Committee Members.

OFFICER RECOMMENDATION

That Council:

1. extends sincere appreciation to all committee members involved with s355 Management Committees identified in the body of the report, for their valuable contributions and dedication.
2. note s355 Management Committees will continue to operate during the caretaker period.
3. note that when elected, the newly appointed Council will consider continuing the operations of s355 Management Committees and membership in the upcoming term.
4. note the overview of the survey results, key findings, and recommendations for future actions of the survey conducted between 19 July 2024 to 29 July 2024
5. note the update to the Wooloweyah Parks and Reserve Management s.355 Committee
 - a. resignation of Committee member Dom Ferry (by email) from his position as Hall Manager, effective 9 May 2024.
 - b. the nominations received from two local community members, Sharon Hale and Karen Bowler to be committee members

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Following the upcoming local government elections, the Council is encouraged to review the operations of all s355 committees to ensure they continue to be fit for purpose and that their functions and expenditures align with the goals of the incoming Council's Delivery Program. The newly elected Council will consider reaffirming the s355 Committees' membership prior to December 2024.

Updates to the committee members of the Wooloweyah Parks and Reserve Management s.355 Committee are noted in the recommendation.

BACKGROUND

In accordance with Section 355 of the Local Government Act 1993, Council established various Committees to assist in managing specific local community facilities and services. This provides the opportunity for local communities to play an active role in the management of these facilities and services, giving them ownership and sense of involvement. Council is able to delegate these responsibilities to Committees under Sections 355 and 377 of the Local Government Act 1993.

Council acknowledges the commitment and contribution made by all members of Section 355 Committees.

A survey was conducted to gather feedback from these Committees regarding their performance, challenges, and areas for improvement. The survey was distributed to S355 members via email and was open from 19 July to 29 July 2024.

Council would like to extend its sincere thanks to all the members who participated in the survey. Council appreciates your time and effort in contributing to the community’s growth and development.

Successful initiatives and activities

Based on the survey responses, the most successful initiatives this term were maintenance and upgrades to Hall facilities, community engagement and support.

Challenges Faced

Some Committee members identified a lack of support from Council as a significant challenge. Members noted issues with communication between the committee and the Council. It has been reported as low quality by some of the respondents.

Areas for Improvement

- **Training Needs:** Members highlighted the need for more training and support.
- **s355 Handbook:** s355 Handbook should reflect Council and Committee rights and responsibilities.
- **Enhanced Communication:** Respondents suggested that improved communication channels between the Council and committees would enhance collaboration and effectiveness.

Recommendations

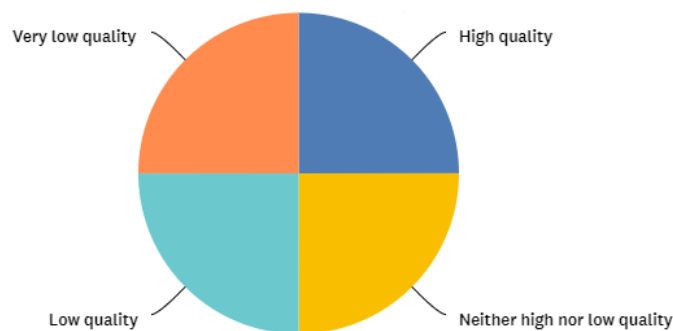
Based on the survey findings, the following recommendations are proposed:

1. **Enhance Training and Support:**
 - Set clear expectations for committee role and responsibilities.
 - Develop a comprehensive training program for s355 Committee members focusing on governance, financial management, and the s355 Handbook.
2. **Appropriate Resources:**
 - Consider templates and resources to support committee administrative activities.
3. **Improve Communication:**
 - Establish regular communication channels between the Council and s355 Committees.
 - Implement a feedback mechanism to ensure committee members can easily communicate their needs and concerns to the Council.
 - “Welcome Pack” for new members.

The charts below reflect some of the responses from the Committee members:

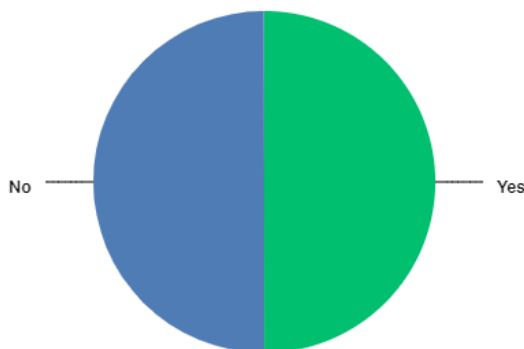
How would you rate the communication from the council to the S355 committee?

Answered: 8 Skipped: 1



Do you feel you had adequate support from the council throughout the term?

Answered: 8 Skipped: 1



COUNCIL IMPLICATIONS

Budget/Financial

Community-based Management Committees taking responsibility for the care, control and management of local facilities results in increased income through greater engagement, ownership, and use of community assets. This is a cost-effective delivery method for providing community infrastructure and services at a local level.

Asset Management

N/A

Policy and Regulation

Local Government Act 1993
Code of Conduct Policy

Consultation

Council conducted a review with the members of the s355 Committees.

Legal and Risk Management

Should Section 355 Management Committees be disbanded and the facilities revert to Council management, there would be an increased staffing workload and requirement for additional Council staff to maintain and administer the facilities.

Climate Change

N/A

ITEM 07.24.147 ADVISORY COMMITTEES COUNCIL TERM REVIEW

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

This report outlines a review of the Advisory Committee's terms of reference, recommendations made to Council, meetings held and feedback from committee members, in order to provide recommendations of Advisory Committee's impact and improvements for the new council.

OFFICER RECOMMENDATION

That Council notes the information outlined in the report and the recommendations for consideration by the new Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership
Objective We will have an effective and efficient organisation

KEY ISSUES

Council's Advisory Committees have been established for a range of purposes, which is outlined in respective terms of reference. Overall, within their area of expertise, the Advisory Committee's are formed with the intent of providing Council with advice and recommendations to inform the decision making.

A review was conducted of the Advisory Committee's terms of reference, recommendations made to Council and meetings held. Council adopted ten (10) Advisory Committees in 2022 and details of these committees are located on Council's website

<https://www.clarence.nsw.gov.au/Council/Governance/Committees/Advisory-Committees>

Terms of Reference Review**Minimum meeting review**

- A total of ninety four (94) individual advisory meetings were held within the Council term
- Five out of the ten Advisory Committees had the minimum required amount of meetings
- Two Advisory Committees were one meeting short of their requirement
- Two Advisory Committees (Clarence Coast & Estuary Management Advisory Committee and Saleyard (Grafton) Advisory Committee only achieved half of the minimum requirements for meetings.
- The Community and Culture Advisory Committee have incorrectly updated the terms of reference to meet every second month, totalling a required sixteen meetings (only ten meetings held). This schedule should be quarterly.

Purpose Achievement/recommendation made to Council

- A total of twenty two (22) recommendation were made over the Council term
- There are recommendations made that can not be linked back to the specific committee's terms of reference.
- Some recommendations were not taken to a Council Meeting.

Feedback from Director Corporate and Community

- Advisory Committees are not consistently adhering to the meeting requirements. Different secretarial support results in recommendations being noted that are for staff to follow up, not in Council's area of responsibility and not under the specific term of reference. Whilst extra meetings may appear advisable, this creates additional resourcing to council staff and may result in a delay of processing minutes and completing Council reports.

- Advisory Committee members appear to be focused on individual matters or matters for State/Federal Government. The reason for advisory committees is to provide advice to the Council to inform decision making. A review of the number of committees and their agreed terms of reference should be considered by the new Council.

Recommendation:

- Ensure meetings are held as per endorsed terms of reference.
- Meetings recommended to be held at a maximum of quarterly for operational efficiency.
- Quarterly meetings will ensure the organisation can provide a minute taker for all meetings to ensure effective minutes and recommendation are recorded accurately and will be referred to the next Ordinary Council Meeting.
- Ensure relevant Section Managers and any specialist staff attend meetings to provide guidance.
- Review of the Advisory Committee handbook.
- Initial session provided to committee members of their terms of reference, how meetings are held and how to make recommendations to Council.
- The number of Advisory Committees should be reviewed by the new Council.

BACKGROUND

A review was conducted of the Advisory Committee's terms of reference, recommendations made to Council and meeting schedule and meetings held.

Recommendations have been made for the new Council to take on board when adopting new Advisory Committee's. A recommendation report will be provided to the new Council in October 2024.

The below table outlines the committees, their terms of reference, required Councillors, meeting requirement, number of members, meetings held and number of recommends made.

Name	Terms of Reference - Purpose	Councillors	Meeting requirements	Number of members	Number of meetings	Number of Recom.
Clarence Coast & Estuary Management Advisory Committee	<ol style="list-style-type: none"> 1. To provide advice to Council on achieving integrated, balanced, responsible and ecologically sustainable development of Clarence Valleys coasts and estuaries. 2. Advise Council in developing and implementation management plans, initiating and overseeing coastline and estuary management processes. 	Cr Clancy (Chair) & Cr Smith	Quarterly, at minimum. For term minimum total number meeting is 10	9	4	3
Clarence Sports Advisory Committee	<ol style="list-style-type: none"> 1. To advise Council on sporting interests in the Clarence Valley (excluding the Lower Clarence area) 2. To advise on the management and maintenance of satisfactory sporting fields and facilities within the Clarence Valley 3. To liaise with sporting groups, provide and encourage sporting activities 4. To make recommendations on the annual sport grant program, as follows: 	Cr Novak (Chair) and Cr Whaites	Quarterly For term minimum total number meeting is 10	Relevant sports committees	10	2

	<p>a) to determine the manner in which its annual grant from Council is to be allocated amongst Clarence Valley (ex Lower Clarence area), sporting bodies and to recommend to Council payment of that grant in accordance with those recommendations,</p> <p>b) when determining its annual grant allocation, to:</p> <p style="padding-left: 40px;">allocate 20% of that grant for use by non-grassfield sporting users, and:</p> <p style="padding-left: 80px;">i. to only allocate funds to those sporting groups (regardless whether they are grassfield or non-grassfield) who have attended at least 50% of all meetings in the previous 12 months</p>					
Lower Clarence Sports Advisory Committee	<ol style="list-style-type: none"> 1. To advise Council on sporting interests in the Lower Clarence Valley 2. To advise on the management and maintenance of satisfactory sporting fields and facilities within the Lower Clarence Valley 3. To liaise with sporting groups, provide and encourage sporting activities 4. To make recommendations on the annual sport grant program. 	Cr Whaites (Chair) and Cr Novak	Quarterly For term minimum total number meeting is 10	Relevant sports committees	10	0 (included above)
Access Advisory Committee	<ol style="list-style-type: none"> 1. To provide advice and guidance to ensure that all residents can participate actively in all aspects of community and civic life and ensure that Council recognises and values the diversity of its community. 2. To provide advice and guidance on identifying and addressing barriers preventing people from participating in programs, services and facilities across the valley. This includes barriers relating to disability, health, age, and cultural and linguistic diversity. 3. To promote adherence to the principles of the Disability Discrimination Act 1992 and the NSW Disability Inclusion 	Cr Toms (Chair) & Cr Pickering	Quarterly, at minimum For term minimum total number meeting is 10	10	22	1

	<p>Act 2014 which will benefit the community.</p> <p>4. To promote social inclusion in our community through recommendations to improve the built environment, changes in community attitudes and behaviours, and creating better systems and processes for meaningful social and economic participation of people of all abilities and backgrounds.</p>					
Climate Change Advisory Committee	<p>1. To advise and make recommendations to Council on specific initiatives that Council and/or the community may undertake in response to climate change Council</p> <p>2. To advise and make recommendations to Council on educational and other strategies that Council may implement to encourage the Clarence Valley community in its response to climate change.</p>	Cr Clancy (Chair) & Cr Smith (alternate)	Quarterly, at minimum For term minimum total number meeting is 10	16	9	5
Community and Cultural Advisory Committee	<p>1. To provide advice on development of strategies to ensure Council has appropriate community and cultural programs that promote social inclusion, social justice and sustainability.</p> <p>2. To provide advice on cultural planning for integrated community services and oversee the implementation of Council's social strategies and related management plans and operations.</p> <p>3. To provide advice and guidance on policies that support the progress and development of arts, culture and learning to make the LGA a culturally rich and vibrant community.</p> <p>4. To provide advice on the development of programs and strategic partnerships that foster a strong sense of local identity, distinctiveness, belong, and community spirit.</p>	Cr Whaites (Chair) & Cr Smith	Third week of every second month	7	10	1
Saleyards (Grafton) Advisory Committee	To provide advice and guidance to aspects of the management and operation of the Grafton Saleyards.	Cr Novak (Chair) & Cr Johnstone (alternate)	Quarterly, at minimum For term minimum total number	8	6	0

			meeting is 10			
Floodplain Risk Management Advisory Committee	<p>The principal objective of the Committee is to assist the council in the development and implementation of a management plan for the area(s) under its jurisdiction. However, the Committee also assists in:</p> <ul style="list-style-type: none"> • formulating objectives, strategies and outcomes sought from the process; • providing a link between the local community and council; • considering and making recommendations to council on appropriate development controls for use until the management plan is completed, approved and implemented • identifying management options and providing input into their consideration as part of the management plan • identifying implementation strategies for the management plan • monitoring and assessing the effectiveness of the management plan during and after its implementation • coordinating and monitoring the public education programs essential to the long-term viability of the management plan; • coordination with catchment arrangement boards, emergency management planning and other advisory bodies. 	Cr Novak (Chair) & Cr Tiley (alternate)	Twice per year For term minimum total number meeting is 5	13	4	5
Biodiversity Advisory Committee	<ol style="list-style-type: none"> 1. That biodiversity management professionals and interested community representatives collaborate to guide implementation of Council's <i>Biodiversity Strategy 2020-2025</i> and provide input to biodiversity strategy, policy and programs relevant to the Clarence Valley's biodiversity; 2. That Committee members promote Council's biodiversity management activities and Committee activity to their community or agency networks as well as to the wider CV community when sanctioned by the Committee; 3. That the Committee members contribute to community 	Cr Clancy (Chair) & Cr Johnstone (alternate)	Quarterly, at minimum For term minimum total number meeting is 10	10	10	2

	education and raising awareness of biodiversity and management within the Clarence Valley.					
Economic Development and Tourism Advisory Committee	<ol style="list-style-type: none"> To advise on the advancement, enhancement and generation of sustainable economic development and tourism within the Clarence Valley Council LGA. To advise on the development and maintenance of viable economic development and tourism strategies and associated performance measures. To advise on the advancement, facilitation and coordination of opportunities for economic development and associated employment growth in line with Clarence Valley Council's economic development and tourism strategies and Council Strategic Plan objectives. 	Cr Day (Chair) & Cr Smith	Quarterly, at minimum For term minimum total number meeting is 10	13	10	3

Methodology

The online survey was distributed to the Advisory Committee members. Data was collected over three weeks through an online questionnaire.

Findings

Key findings indicate a need for enhanced communication, effective support resources, and increased transparency in decision-making processes. Some recommendations have been proposed to address these issues and enhance the experience of advisory committee members.

Members highlighted the need for additional training and support, specifically in the following areas:

- governance advice and clear processes to enable the committee to navigate its responsibilities effectively.
- understanding Council operations
- training and advice on preparing minutes and agendas was also identified as necessary.
- increased engagement from Councillors would be beneficial for the Committees' activities.

COUNCIL IMPLICATIONS

Budget/Financial

Staff resourcing for Advisory Committees varies.

Asset Management

N/A

Policy and Regulation

Local Government Act 1993
Code of Conduct policy

Consultation

Council conducted a review with the members of the Advisory Committees.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.148 GOVERNANCE REPORT - ANNUAL DISCLOSURE OF INTEREST

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Governance Officer, Lohraine Souza	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Disclosure of Interest Councillors redacted (Separate Cover) ⇨ B. Disclosure of Interest Designated person redacted (Separate Cover) ⇨	

SUMMARY

This report asks that Council accept the Annual Disclosures of Interest Returns for seven (7) Councillors, including two (2) updates and twenty-two (22) Designated Persons, including one (1) commencement return and that they be published on Council's website.

OFFICER RECOMMENDATION

That Council note:

1. the Annual Disclosures of Interest for Councillors (Attachment A) and publish them on Council's website.
2. the Disclosures of Interest for Designated Persons (Attachment B) and publish them on Council's website.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

Councillors and council staff, including general managers and administrators, are required to declare their interests, including any property they own or interests they have in companies and whether they are property developers or associates of property developers.

Requirements for lodging Annual Returns are specified in Council's Code of Conduct V9.0 (07.22.073) as informed by the Office of Local Government's Model Code of Conduct and as required by s. 439A – 440AA of the *Local Government Act*. The returns have been redacted in accordance with the requirements of the *Privacy and Personal Information Protection (PPIP) Act*.

Detailed instructions for the population of the returns are provided in 'Information Access Guideline 1 – For Local Councils on the disclosure of information (returns disclosing the interests of councillors and designated persons)' provided by the Information and Privacy Commission (IPC).

Councillors: Annual Returns	
I Tiley (Annual)	S Pickering (Annual)
G Clancy (Annual)	A Whaites (Update)
D Novak (Update)	K Toms (Annual)
P Johnstone (Annual)	

Designated person Returns	
L Black General Manager (Annual)	L Fisher Construction Engineer (Annual)
A Moar Director Corporate & Community (Annual)	C Tyler ARIC Member (Annual)
A Cameron Director Environment & Planning (Annual)	N Parsons ARIC Member (Annual)
J Fleeting Director Works & Civil (Annual)	B Ford ARIC Member (Annual)
A McGeary Manager Strategic Infrastructure (Annual)	K Maginnity Manager Finance and Systems (Annual)

M Lane Manager Development & Land Use Planning (Annual)	J Kennedy Manager Organisational Development (Annual)
S Lenton Manager Environment & Reg Services (Annual)	K Petersen Manager Communications & Engagement (Commencement)
D Simpson Manager Civil Services (Annual)	G McCarthy Coordinator Building Services (Annual)
R Passmore Manager Open Spaces and Facilities (Annual)	S Whitehouse Senior Building Surveyor (Annual)
G Mashiah Manager Technical Services (Annual)	L Grocott Coordinator Environmental Services (Annual)
A Potter Manager Water/Sewer Operations (Annual)	D Taylor Coordinator Fleet & Procurement (Annual)

BACKGROUND

The Model Code of Conduct sets out the minimum standards of conduct for council officials and applies to councillors, staff members and delegates of councils. Part 4 of the Model Code of Conduct requires councillors and designated persons to complete and lodge a return disclosing their pecuniary interests (returns of interest) with the general manager each year. The Government Information (Public Access) Regulation 2018 (GIPA Regulation) states that information contained in these returns is prescribed as open access information, which councils must publish under the GIPA Act.

It is not necessary to submit a return of interest if one has already been submitted within the three months preceding June 30 or if the individual ceased to be a councillor or designated person within the three months preceding June 30.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy and Regulation

Council's Code of Conduct V9.0
Model Code of Conduct
Local Government Act 1993

Consultation

As above

Legal and Risk Management

The disclosure requirement is an important element of Council's legal and risk management arrangements, as required by the Local Government Act 1993 and guided by the IPC and the Office of Local Government.

Climate Change

N/A

ITEM 07.24.149 ITEMS FOR INFORMATION

Meeting	Council	27 August 2024
Directorate	General Manager	
Attachments	<ul style="list-style-type: none"> A. Access Committee Minutes - May 2024 ⇒ B. Access Committee Minutes - June 2024 ⇒ C. Access Committee Minutes - July 2024 ⇒ D. Accessible Beach Audit 2024 (Separate Cover) ⇒ E. EDTAC Meeting Minutes - April 2024 ⇒ F. EDTAC Meeting Minutes - June 2024 ⇒ G. ARIC Meeting Minutes - May 2024 (Confidential) H. Coast and Estuary Management Committee Minutes - June 2024 ⇒ I. Saleyard Committee Meeting Minutes - June 2024 ⇒ J. Wooloweyah Hall Committee Minutes - July 2024 ⇒ K. Water Efficiency Working Group Minutes - July 2024 ⇒ L. Response from Minister - Armidale Road ⇒ M. Correspondence from State MP Richie Williamson - Ulmarra Ferry ⇒ N. CVC - Council League Table ⇒ O. Youth Portfolio Summary 2023-2024 (Separate Cover) ⇒ P. Correspondence from the Hon Tara Moriarty MLC - Agriculture Drainage Review Report ⇒ Q. Arts Northern Rivers Annual Report 2023 (Separate Cover) ⇒ 	

SUMMARY

Correspondence and committee minutes are attached for noting.

OFFICER RECOMMENDATION

That Council

1. note the information as listed below as noted
 - a. Access Committee Minutes - May 2024
 - b. Access Committee Minutes - June 2024
 - c. Access Committee Minutes - July 2024
 - d. Accessible Beach Audit 2024
 - e. EDTAC Meeting Minutes - April 2024
 - f. EDTAC Meeting Minutes - June 2024
 - g. ARIC Meeting Minutes - May 2024
 - h. Coast and Estuary Management Committee Minutes - June 2024
 - i. Saleyard Committee Meeting Minutes - June 2024
 - j. Wooloweyah Hall Committee Minutes - July 2024
 - k. Water Efficiency Working Group Minutes - July 2024
 - l. Response from Minister - Armidale Road
 - m. Correspondence from State MP Richie Williamson - Ulmarra Ferry
 - n. CVC – Council League Table
 - o. Youth Portfolio Summary 2023-2024
 - p. Correspondence from the Hon Tara Moriarty MLC – Agriculture Drainage Review Report
 - q. Arts Northern Rivers Annual Report 2023
2. note the following recommendation from the EDTAC April meeting and corresponding action
 - a. Improve signage on Big River Way both north and south to direct people to the businesses and attractions within the village of Ulmarra. Action - Council to write to Transport NSW as this is a state road and,
 - b. consider the congestion and parking challenges on Victoria St. Grafton and consider the development of a Multilevel Parking Station. Action – noted. Unable to progress further due to costing, location and impact on current area.

3. note the outcome of the Accessible Beach Access Report for further review by the new Council post October 2024.

ITEM 07.24.150 COUNCIL MEETING CHECKLIST - UPDATE ON ACTIONS TAKEN

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Corporate Support Officer, Michelle West	
Reviewed by	General Manager, Laura Black	
Attachments	A. Actions Checklist - Completed ⇒ B. Actions Checklist - Outstanding ⇒ C. Rolling Checklist from 2019-2021 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

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

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have a strong, accountable and representative Government

KEY ISSUES

A checklist is issued to Managers and relevant staff after each Council meeting to enable them to provide comments on the status of resolutions adopted by Council. The attached checklist contains actions taken on all Council resolutions from the previous month's meeting and the status/progress on all Council resolutions that have not yet been fully implemented. Those items marked as complete will not appear on any future checklists if the officer's recommendation is adopted.

BACKGROUND

A formal monthly report is required for each council meeting, including full checklist from the previous month and any outstanding actions from earlier meetings.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy and Regulation

Local Government Act 1993 S355 (1)

Consultation

Staff and Managers

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.151 MONTHLY FINANCE REPORT - JULY 2024

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Monthly Detailed Income and Expenditure By Service ⇒	
	B. Monthly Grant Report ⇒	

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all funds and provide advance notice of potential budget variations. This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements.

Budget variations identified in this report impact the General Fund end of year result by \$30,000, decreasing the surplus to \$106,797. The reserve fund variations identified in this report will decrease the balance of the Financial Reserves by \$415,885.

OFFICER RECOMMENDATION

That Council:

1. note the monthly financial information report for July 2024 attached to this report.
2. endorse the proposed General Fund variations as set out in this report totalling \$30,000, for inclusion in the September Quarterly Budget Review Statement to be reported in October 2024.
3. endorse the proposed variations, which decrease the Financial Reserves by \$415,885, to be included in the September Quarterly Budget Review Statement to be reported in October 2024.
4. note and endorse the grant applications as identified in Attachment B.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership

Objective We will have an effective and efficient organisation

KEY ISSUES**Major Budget Variations Proposed**

Following is a list of the major proposed variations identified during the month of July 2024.

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
231	Service – Corporate and Customer Experience Sub-Service – Governance <ul style="list-style-type: none"> Increased Legal Fees associated with current legal matters relating to NCAT matters identified in Q4 Governance report tabled July 2024. 	\$30,000	\$Nil	N/A
322	Service – Quarries Sub-Service – Quarries <ul style="list-style-type: none"> Develop a Strategic Plan for Council owned Quarries funded from Quarry Operations Reserve (RA 10770) 	\$Nil	\$110,000	N/A
342	Service – Natural Resource Management Sub-Service – Natural Resource Management <ul style="list-style-type: none"> Allocate Department of Primary Industries Weed Biosecurity Grant - \$270,816 	\$Nil	\$Nil	N/A
343	Service – Building and Facilities Sub-Service – Building and Facilities <ul style="list-style-type: none"> Allocate Department of Justice and Communities Changing Places Grant for Treelands Drive Project - \$140,000 	\$Nil	\$Nil	N/A
343	Service – Building and Facilities Sub-Service – Building and Facilities <ul style="list-style-type: none"> Upgrade Lighting for Grafton Christ Church Cathedral funded form the Sustainability Reserve (RA 10818) 	\$Nil	\$5,885	N/A
344	Service – Waste Services Sub-Service – Waste and Sustainability <ul style="list-style-type: none"> Review of Waste Transfer Station Operations funded from Commercial Waste Service Reserve (RA 10801) 	\$Nil	\$40,000	N/A
348	Service – Saleyards Sub-Service – Saleyards <ul style="list-style-type: none"> Upgrade B-Double Ramp funded from Saleyards Asset Replacement Reserve RA (RA 10910) 	\$Nil	\$260,000	N/A
395	Service – Floodplain and Estuary Management Sub-Service – Floodplain Infrastructure Operations <ul style="list-style-type: none"> Allocate Department of Climate Change, Energy and Environment Flood Recovery and Resilience Grant for installation of actuators to penstocks. 	\$Nil	\$Nil	N/A
421	Service – Library Services Sub-Service – Public Libraries <ul style="list-style-type: none"> Allocate State Library Tech Savvy Seniors Grant - \$5,000 	\$Nil	\$Nil	N/A

	TOTAL Proposed General Fund / Reserve Balance Impact	\$30,000	\$415,885	
--	---	-----------------	------------------	--

Explanation of Attachment

Income and Expenditure Statements (attachment A) are included for the information of Councillors. It should be noted that the reports include actual monthly transactions with the exception of:

- Accruals for depreciation, staff entitlements and reserve interest are estimated only based on the adopted budget, with actual accruals calculated and adjusted end of year.

BACKGROUND

Section 202 of the *Local Government (General) Regulation 2005* requires that the responsible accounting officer of a council must:

- Establish and maintain a system of budgetary control that will enable the council's actual income and expenditure to be monitored each month and to be compared with the estimate of the council's income and expenditure, and*
- If any instance arises where the actual income or expenditure of the council is materially different from its estimated income or expenditure, report the instance to the next meeting of the council.*

The attachment to this report incorporates a monthly transactional summary of operational and capital income and expenditure by sub service for all Funds. Included in this summary are actual loan repayments transacted and estimated accruals for depreciation, staff entitlements and interest, with these being confirmed at end of year. Reserve interest is excluded, as this is transacted annually.

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2023/2024 budget. The mechanism for revising the adopted budget is the Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the *Local Government (General) Regulation 2005*.

QBRs reports are submitted to Council in October, February (in the absence of a January meeting) and April of each year, with annual financial information being reported in October (Refer to Audit and Pre-Audit Budget V Actual Result) and November (Annual Financial Statements).

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

Original Budget Adopted by Council June 2024	(\$136,967)	Surplus
Q1 Revised Budget - July	\$30,000	Deficit
Proposed Movement of General Fund 2023/2024 Budget Result July 2024	(\$106,967)	Surplus

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

Original Budget Adopted by Council June 2024	\$7,122,229	Decrease
Q1 Revised Budget – July	\$415,885	Decrease
Proposed Movement of Reserve Funds 2023/2024 Budget Result July 2024	\$7,538,114	Decrease

Asset Management

N/A

Policy and Regulation

Section 202 of the *Local Government (General) Regulation*

Consultation

This report has been prepared in consultation with the Management Accounting Team and relevant Budget Managers

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.152 MONTHLY INVESTMENT REPORT - JULY 2024

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Financial Accountant, Nick Harvey	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	A. Movement of Funds Between Months - July 2024 ⇒	

SUMMARY

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

OFFICER RECOMMENDATION

That the report indicating Council’s funds investment position as at 31 July 2024 be noted.

LINKAGE TO OUR COMMUNITY PLAN

Theme Leadership
 Objective We will have an effective and efficient organisation

KEY ISSUES

Source of Funds Invested

The funds invested are funds held under internal and external restrictions. External restrictions are primarily from Sewer & Water, Granting Bodies and Developer Contributions. Internal restrictions are primarily sourced from General Revenue Funding and Unspent Loans.

Based on the audited 30 June 2023 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	8.29%	Fleet Plant Reserve	5.40%
Water Supply Funds	17.86%	Regional Landfill Reserves	4.88%
Developer Contributions	22.40%	Fin. Assist Grants paid in advance	7.50%
Unexpended Grants	11.64%	Waste Mngmt / Commercial Waste	4.83%
Domestic Waste Management	0.71%	Infrastructure Assets Renewals	1.32%
Holiday Parks	4.29%	Employee Leave Entitlements	2.19%
Deposits, Retentions and Bonds	2.45%	Other (refer attachment for further detail)	5.46%
Other External	0.78%		
	68.43%		
		31.57%	
		Total External & Internal Reserves	100.00%

Portfolio Credit Limits

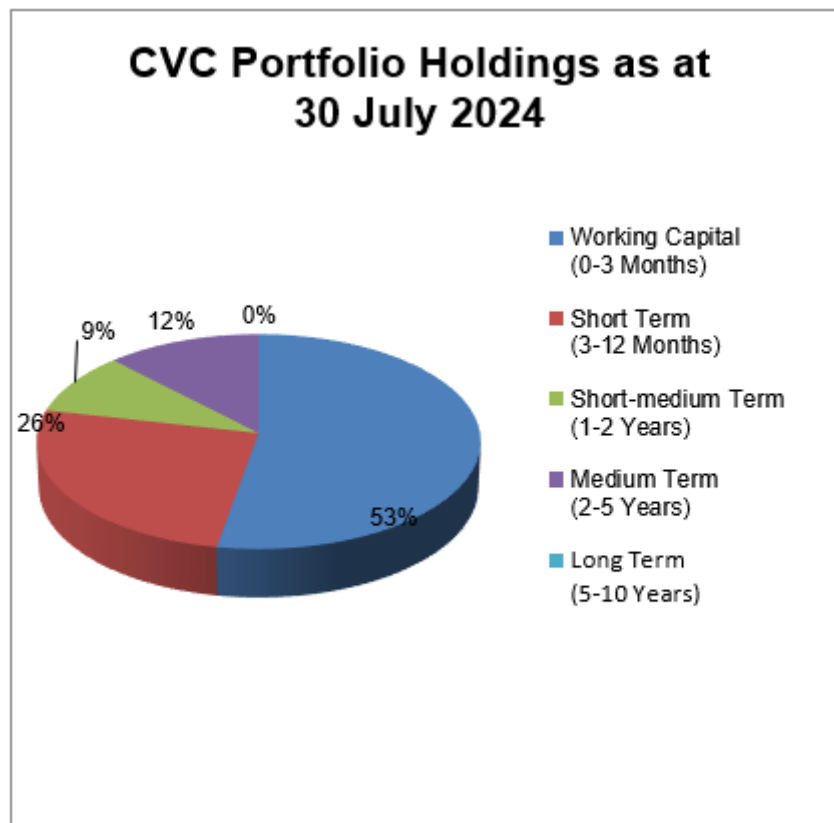
Tabled below is a summary of Council’s investments as at 31 July 2024, which details compliance with Council’s Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 July 2024				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	2,750,000	1.29%	Yes
AA	100.00%	154,439,605	72.18%	Yes
A	60.00%	21,250,000	9.93%	Yes
BBB	50.00%	35,513,263	16.60%	Yes
TOTAL INVESTMENTS		213,952,868	100.00%	

Note, a permanent cap of \$250,000 per person per institution on deposits is guaranteed by the Federal Government under the Financial Claims Scheme and hence receives a rating of AAA.

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council’s investments by maturity as at 31 July 2024. Excluding “at-call” working capital, 26% of Council’s investments are maturing within the next twelve months.



Individual Institution or Counterparty Limits

Tabled below is a summary of Council’s investments as at 31 July 2024 which details compliance with Council’s Investment Policy Counterparty Limits.

On 31 July 2024, ANZ completed its acquisition of Suncorp Bank. This means that Suncorp Banks credit rating now falls into the AA category and gives Council more capacity to invest in the A rated sector.

Individual Institution or Counterparty Limits as at 31 July 2024					
Financial Institution	Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
TERM DEPOSITS					
AMP	BBB+	15.00%	6,000,000	2.80%	Yes
BoQ	A-	15.00%	5,000,000	4.67%	Yes
ME Bank	A-		5,000,000		
Defence	BBB+	15.00%	7,000,000	3.27%	Yes
ING Direct	A	15.00%	12,000,000	5.61%	Yes
NAB	AA-	30.00%	34,000,000	15.89%	Yes
NTTC	AA-	30.00%	3,000,000	1.40%	Yes
P&N	BBB+	15.00%	13,000,000	6.08%	Yes
Suncorp	AA-	30.00%	21,000,000	9.82%	Yes
Westpac	AA-	30.00%	27,000,000	12.62%	Yes
TOTAL TERM DEPOSITS			133,000,000	62.16%	
FUNDS AT CALL					
AMP	BBB+	15.00%	10,263,263	4.80%	Yes
ANZ	AA-	30.00%	7,327,640	3.42%	Yes
CBA	AA-	30.00%	63,361,965	29.61%	Yes
TOTAL FUNDS AT CALL			80,952,868	37.84%	
TOTAL INVESTMENTS			213,952,868	100.00%	

Register of Investments - Clarence Valley Council as at 31 July 2024					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
AMP Bank Ltd	9,149,987	4.28%	At-Call	4.80%	BBB+
AMP Bank Ltd	1,113,276	0.52%	At-Call	3.30%	BBB+
ANZ Banking Group Ltd	7,327,640	3.42%	At-Call	4.30%	AA-
Commonwealth Bank of Australia	30,315,097	14.17%	At-Call	4.20%	AA-
Commonwealth Bank of Australia	33,046,868	15.45%	At-Call	4.35%	AA-
AMP Bank Ltd	1,000,000	0.47%	30/08/2024	5.30%	BBB+
ING	1,000,000	0.47%	06/08/2024	5.30%	A
National Australia Bank	5,000,000	2.34%	26/08/2024	4.65%	AA-
National Australia Bank	2,000,000	0.93%	11/09/2024	5.23%	AA-
National Australia Bank	3,000,000	1.40%	16/09/2024	5.01%	AA-
National Australia Bank	5,000,000	2.34%	10/10/2024	5.03%	AA-
National Australia Bank	3,000,000	1.40%	31/10/2024	5.10%	AA-
P&N Bank	2,000,000	0.93%	16/09/2024	4.40%	BBB+
Suncorp	5,000,000	2.34%	17/09/2024	5.03%	A+
Suncorp	2,000,000	0.93%	19/09/2024	5.20%	A+
Westpac Bank	3,000,000	1.40%	15/10/2024	1.00%	AA-
	112,952,868	52.79%		4.40%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	0.93%	14/11/2024	4.70%	BBB+
Bank Of Queensland Ltd	2,000,000	0.93%	02/12/2024	1.60%	A-
Defence Bank	2,000,000	0.93%	21/11/2024	4.55%	BBB+
Defence Bank	1,000,000	0.47%	05/12/2024	4.70%	BBB+
Defence Bank	2,000,000	0.93%	03/03/2025	5.00%	BBB+
Defence Bank	2,000,000	0.93%	11/03/2025	4.90%	BBB+
ING	2,000,000	0.93%	03/03/2025	5.10%	A
ING	2,000,000	0.93%	13/03/2025	4.95%	A
ING	2,000,000	0.93%	15/07/2025	5.25%	A
National Australia Bank	2,000,000	0.93%	06/03/2025	4.93%	AA-
National Australia Bank	5,000,000	2.34%	02/07/2025	5.28%	AA-
P&N Bank	2,000,000	0.93%	29/11/2024	1.70%	BBB+
P&N Bank	2,000,000	0.93%	17/12/2024	1.62%	BBB+
P&N Bank	1,000,000	0.47%	13/03/2025	4.75%	BBB+
P&N Bank	2,000,000	0.93%	16/06/2025	4.67%	BBB+
Suncorp	2,000,000	0.93%	09/12/2024	5.18%	A+
Suncorp	5,000,000	2.34%	20/01/2025	5.22%	A+
Suncorp	5,000,000	2.34%	10/02/2025	5.22%	A+
Suncorp	2,000,000	0.93%	24/06/2025	5.30%	A+
Westpac Bank	1,000,000	0.47%	15/11/2024	1.63%	AA-
Westpac Bank	2,000,000	0.93%	18/11/2024	4.55%	AA-
Westpac Bank	2,000,000	0.93%	02/12/2024	4.41%	AA-
Westpac Bank	5,000,000	2.34%	02/06/2025	5.29%	AA-
TOTAL SHORT TERM (3-12 MONTHS)	55,000,000	25.71%		4.60%	

Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.47%	06/08/2025	4.09%	A-
National Australia Bank	2,000,000	0.93%	05/08/2025	5.03%	AA-
National Australia Bank	2,000,000	0.93%	12/01/2026	1.00%	AA-
P&N Bank	1,000,000	0.47%	16/02/2026	2.49%	BBB+
Westpac Bank	3,000,000	1.40%	2/03/2026	5.20%	AA-
Westpac Bank	3,000,000	1.40%	13/04/2026	5.12%	AA-
Westpac Bank	3,000,000	1.40%	04/05/2026	5.18%	AA-
Westpac Bank	5,000,000	2.34%	02/06/2026	5.18%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	20,000,000	9.35%		4.55%	
MEDIUM TERM (2-5 YEARS)					
AMP Bank Ltd	3,000,000	1.40%	01/09/2026	4.95%	BBB+
Bank Of Queensland Ltd	2,000,000	0.93%	31/08/2028	4.99%	A-
ING	2,000,000	0.93%	21/08/2026	5.20%	A
ING	1,000,000	0.47%	18/08/2027	5.22%	A
ING	1,000,000	0.47%	05/10/2027	5.00%	A
ING	1,000,000	0.47%	20/06/2028	5.07%	A
ME Bank Ltd	5,000,000	2.34%	09/06/2027	4.50%	A-
National Australia Bank	2,000,000	0.93%	10/08/2026	4.95%	AA-
National Australia Bank	3,000,000	1.40%	22/02/2027	2.40%	AA-
Northern Territory Treasury Corp	3,000,000	1.40%	15/12/2026	1.50%	AA-
P&N Bank	3,000,000	1.40%	31/08/2027	5.05%	BBB+
TOTAL MEDIUM TERM (2-5 YEARS)	26,000,000	12.15%		4.22%	
TOTAL INVESTMENTS	213,952,868	100.00%		4.45%	

BACKGROUND

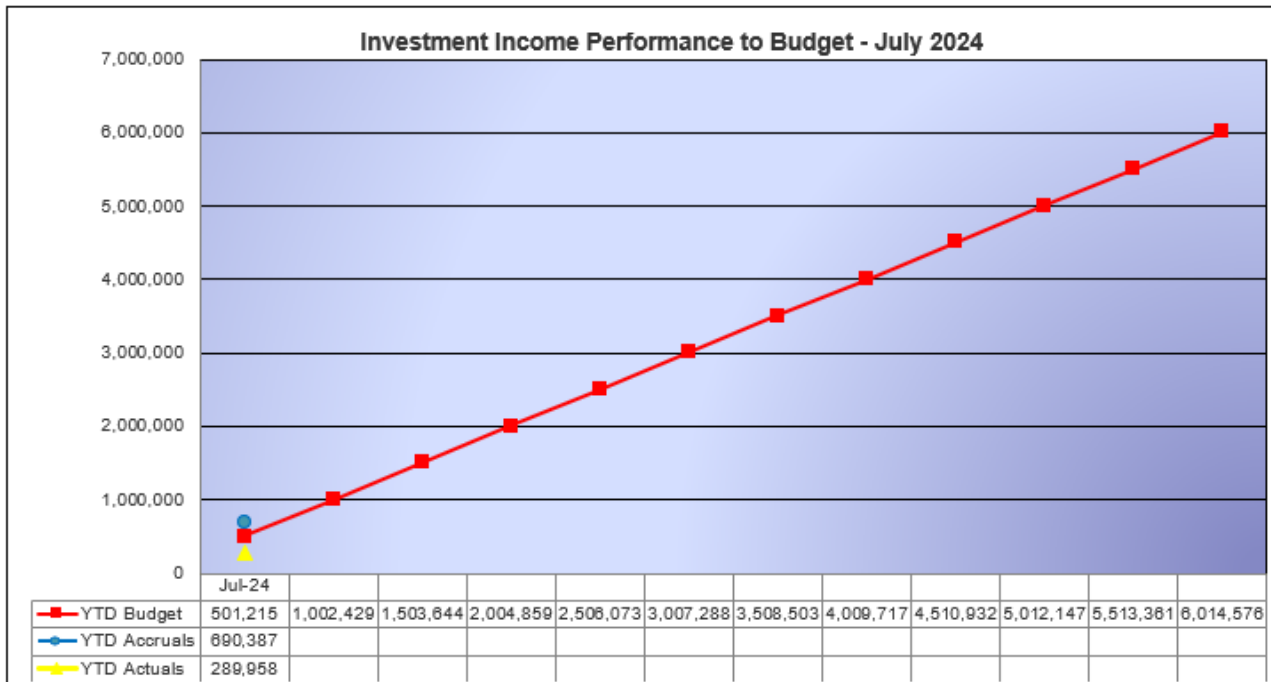
This report has been completed in accordance with the *Local Government Act 1993*, part 9, Division 5, Clause 212 of the *Local Government (General Regulation 2005)*, and Council's Investment Policy, which requires a monthly report to Council. The report is to include the source and amount of funds invested, terms of performance, and a statement of compliance in relation to the *Local Government Act 1993*.

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 July 2024			
	Actual	Budget 2023/24	Over/(Under)
This Month			
Cash Deposits & FRNs	\$289,958	\$501,215	(\$211,257)
Managed Funds	\$0	\$0	\$0
	\$289,958	\$501,215	(\$211,257)
Year to Date			
Cash Deposits & FRNs	\$289,958	\$501,215	(\$211,257)
Managed Funds	\$0	\$0	\$0
	\$289,958	\$501,215	(\$211,257)

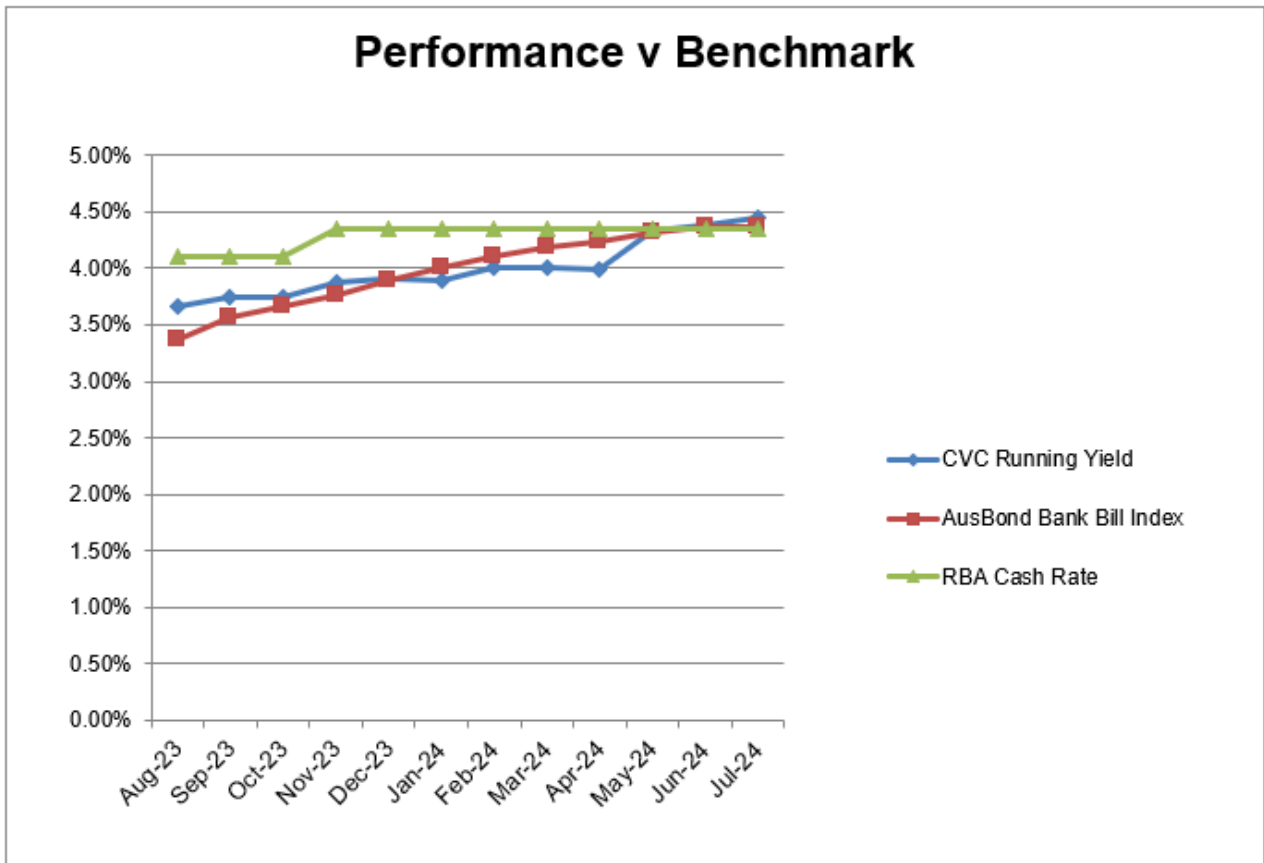
- Actual results have shown that total interest income to 31 July 2024 is \$211K below the 2024/2025 budget of \$501K. This variance will begin to reduce as Council's investments mature and the interest earned materialises.



Running yields* to 31 July 2024 have been:

AMP Business	3.30%
AMP 31 Day Notice	4.80%
ANZ Premium Business	4.30%
CBA General	4.20%
CBA BOS	4.35%
Term Deposits	4.52%
Total	4.45%

- Running yield is a measure of the return (before costs) that would be earned from current positions if there were no trades and no fluctuation in market yields.
- The RBA cash rate at the end of July was 4.35%. The benchmark AusBond Bank Bill Index was 4.37% for July.
- The current running yield of the total investment portfolio now stands at 4.45% (June 4.38%). The RBA cash rate remained at 4.35%. The CVC running yield is therefore 0.10% greater than the RBA cash rate.



The following investments were transacted throughout July 2024:

- NAB \$2,000,000 TD matured 8th July 2024 – Redeemed
- ME Bank \$2,000,000 TD matured 18th July 2024 – Redeemed
- NAB \$3,000,000 TD invested 31st July 2024 at 5.10%, maturing 31st October 2024

Asset Management

N/A

Policy and Regulation

- Local Government Act 1993
- Part 9, Division 5, Clause 212 of the Local Government (General) Regulation 2005
- Investment Policy

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Climate change impacts of the current investment portfolio are now being considered as each investment matures. In line with section 5.11 of the current Investment Policy, preference is given to Financial Institutions that publicly state that they do not invest in nor finance the fossil fuel industry. It should be noted that investments under this section of the policy will only be made providing that the rate of return is equivalent or more favourable and that the investment does not increase the overall risk of Council’s investment portfolio. Total value of investments currently held with Financial Institutions that do not invest nor finance the fossil fuel industry is \$25.0M

ITEM 07.24.153 2024 CULTURAL AND SPORTS TRUST FUND

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Project Officer, Lainie Edwards	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

An application for assistance has been made to the Clarence Valley Cultural & Sports Trust Fund on behalf of Charlie Rouse and Milla Stephenson, who have been selected to compete at the U14s Hockey Championships held in Perth at the Hockey Stadium and Melville Toyota Stadium from the 29th of September to the 5th of October 2024.

OFFICER RECOMMENDATION

That Council approve a donation of \$300.00 per individual, from the Clarence Valley Cultural & Sports Trust Fund, to support Charlie Rouse and Milla Stephenson to compete at the U14s Hockey Championships held in Perth from the 29th of September to the 5th of October 2024.

LINKAGE TO OUR COMMUNITY PLAN

Theme Society

Objective We will have proud and inviting communities

KEY ISSUES

The Clarence Valley Cultural and Sports Trust Fund provides financial support, in any calendar year, to a maximum of \$300 for individuals to attend one event at a national level, and \$550 per individual for one event at international level. The application as submitted meets the criteria for financial assistance from the fund.

BACKGROUND

Charlie Rouse and Milla Stephenson have been selected to compete at the U14s Hockey Championships held in Perth from the 29th of September to the 5th of October 2024. This funding will assist toward player levy, travel, accommodation, and other competition costs.

COUNCIL IMPLICATIONS**Budget/Financial**

The annual budget allocation for donations held in Sub Service 410 Community Development, Financial Project 997113 Community Donations Programs is \$108,000. Of this, \$5,000 is reserved for Cultural & Sports Trust Fund donations for 2024/2025. Should Council approve this donation, there will be \$4,400.00 remaining for future applications against the Fund.

Asset Management

N/A

Policy and Regulation

Cultural and Sports Trust Fund Policy V6.0

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.154 CLARENCE VALLEY DESTINATION MANAGEMENT PLAN 2024/2030

Meeting	Council	27 August 2024
Directorate	Corporate & Community	
Prepared by	Coordinator Economic Development and Tourism, Katee Blizzard	
Reviewed by	Director Corporate & Community, Alex Moar	
Attachments	Nil	

SUMMARY

The Draft Clarence Valley Destination Management Plan 2024/2030 (CV DMP) has been updated following a review of community and industry submissions and engagement. The revised CV DMP 2024/2030 is presented to the Council for adoption.

OFFICER RECOMMENDATION

That Council:

1. note the public exhibition period submissions and responses attached to the report.
2. adopt the Clarence Valley Destination Management Plan 2024/2030

LINKAGE TO OUR COMMUNITY PLAN

Theme Economy

Objective We will have an attractive and diverse environment for business, tourism and industry

KEY ISSUES

At its April 2024 Ordinary Meeting, Council resolved (07.24.061) to endorse the draft Clarence Valley Destination Management Plan for public exhibition from Friday, 26 April to Thursday, 6 June 2024.

The CV DMP presents a vision and strategic framework for the sustainable development of tourism in the region over the next seven years. The plan seeks to maximise the benefits of tourism while preserving the natural and cultural assets that attract visitors.

[The Clarence Valley Destination Management Plan 2024/2030 can be located here.](#)

[Clarence Valley Destination Management Plan Actions 2024/2025](#)

Initial community feedback, gathered during the Plan's creation, showed widespread support for tourism in the Valley. Key priorities identified include enhancing nature-based attractions, developing First Nations and cultural experiences, creating cultural and food trails, and promoting initiatives to increase visitor spending. Sustainability emerged as a critical focus, aligning with the region's natural assets that are central to its appeal.

Several challenges require careful consideration, including managing the impacts of seasonal peaks, improving infrastructure, and addressing community concerns about crowding and environmental degradation. While tourism currently boosts the local economy, its growth must be carefully managed to avoid the pitfalls experienced by over-touristed destinations.

In response to community feedback, the plan's strategic objectives aim to disperse visitors both spatially and seasonally to address these challenges. Implementing the plan will require collaboration between Council, local businesses, regional organizations, state agencies, and the community. Progress will be monitored biannually, with objectives reviewed annually to ensure the vision is realized.

With thoughtful tourism planning and stakeholder cooperation, the plan aims to optimise economic benefits while safeguarding social and environmental well-being for current and future generations.

Clarence Valley Destination Management Plan Submissions		
Name / Town	Feedback	Response
K. Hawthorne, Blaxlands Creek	It would be great to paint the Bent St bridge purple. It would be good to have a cultural weekend of didgeridoo playing, cultural dancing, singing, aboriginal food and craft stalls with people doing some demonstrations of how to use native plants in cooking to educate the community	Feedback has been noted and will be incorporated into future planning and engagement with First Nations Tourism.
M. Evans, Yamba	Provision of Mountain bike trails and skills park on Woodford Island hill - This would increase visitors from within and outside the valley - Will provide Maclean with increased tourism visitations for accommodation, general hospitality services and specific cycling services - Mountain biking is an increasing trend in tourism that the Valley currently is generally not well supported	Woodford Island Nature reserve is owned by National Parks, which is NSW Government and not within the scope of CVC to develop.
W. Grainger, Yamba	Page 12 is poorly worded confusing. All items here may be a desired result but not "Enhancing the appeal of the destination to our current markets". The exception is perhaps item 4.. Existing Markets - Enhancing the appeal of the destination to our current markets by: • Prolonging the length of their stay • Encouraging repeat visits • Increasing engagement in tours and paid activities • Promoting regional dispersal, particularly during peak seasons • Holidaying in region – Locals exploring and spending within region.	Feedback has been noted and modifications to wording of page 12 have been made to improve clarity.
R. Penberthy, Yamba	The following suggestions to improve safety, better services and beauty to areas of YAMBA are: 1. SPEED HUMPS (Cushioned Watts Profile) for Pacific Parade to reduce ongoing dangerous high-speed vehicles. 2. ILLEGAL CAMPING - Better surveillance and signs. Noting heavy fines apply for sleeping in vehicles and defecating on council land. Increased patrol, to move on and issue infringements. 3. DANGEROUS DOGS Rangers to remove roaming dangerous dogs from Pippi Beach off leash and on leash areas. 4. OPEN SPACES Increased regular mowing, whipper snipping, weed control and fence repairs to foreshore areas and walking tracks. 5. RESIDENTIAL AREA BUSH FIRE PREPARATION Remove high volumes of overgrown grasses and weeds. Remove fallen dead trees, dead wood/twigs and small branches in remaining old trees along foreshore areas. Regularly reduce in winter months any dry fuel for future high fire danger days in residential areas. 6. PAVED FOOT PATH - continue path from Rocky Laurie drive to Dolphin Park for the safety of increased foot traffic. 7. DOLPHIN PARK DOG EXERCISE ENCLOSED AREA - for SMALL dogs to safely play and exercise. Possibly include plastic bag dispenser, shelter and seating. 8. SMALL COMMERCIAL SHOPPING PRECINCT- Approve land on the corner of Church St and Yamba Street. This is to provide robust supermarket competition to existing supermarkets and	These actions are not directly related to the development and implementation of the DMP and have been advised to relevant operational sections of the organisation.

	<p>offer better fresh food choices for the growing population of Yamba and its increased tourist trade. This could include specialist shops, boutiques and restaurants. (No fast food) 9. PROMOTE THE FAMOUS YAMBA PRAWN! Thank you.</p>	
<p>Lower Clarence Arts and Crafts Association, Maclean</p>	<p>The Ferry Park Precinct is at the gateway to the Clarence Valley directly off the Pacific Highway/M1 Motorway and as such is very important to the Destination Management of the Clarence Valley Council. Lower Clarence Arts & Crafts Association is celebrating 30 years of Ferry Park Gallery this year and intends to continue to trade into the future.</p> <p>Looking at the Destination Management Plan, LCACA would like to put forward the following:</p> <ol style="list-style-type: none"> 1. Ferry Park is the perfect place to promote family friendly tourism. There is space for more picnic tables, an area for children to play where the old ferry was situated and a toilet block already in place. With thoughtful planning and management of the traffic flow in and out of the car park, the area could be more family friendly. 2. A dedicated bus stop for local and highway buses would make it safer for locals and visitors to stop at Ferry Park. 3. With the pontoon already in place on the river adjacent to FP, the area could be developed as a launching place for passive watercraft eg kayaks, canoes, stand up paddle boards etc. 	<p>Ferry Park Gallery is currently a Visitor Information Hub working with the organisation. During 2024/2025 and ongoing there will be opportunity to promote Ferry Park. Further development of the area has been noted.</p>
<p>W. Day, Palmers Channel</p>	<p>The first item this new tourism management plan should deal with is an assessment of the outcomes of previous plans...in particular the 2016 Clarence Valley Tourism Industry Development and Marketing Strategy, which it is replacing. There should be a detailed report on what the 2016 CVTIDMS achieved; where it failed; what goals are on-going and which are now included in the new plan etc. It should be advised that the new DMP is a very broad-brush plan and requires annual plans outlining annual goals, funding, staff resources etc to reach 2030. These annual plans should be developed in conjunction with councillors and the advisory committee.</p> <p>Recent years have seen CVC tourism budgets slashed to the bone and very little achieved within these budgets. The next couple of years need to concentrate on the basics...in particular, servicing the information needs of visitors on and after arrival in the Valley.</p> <p>The tourism brand has been a total failure with zero interest from local operators in supporting it. A new brand featuring sunshine, mountains, large river and ocean is required with operators encouraged to use it. We should not lose track of the fact that we are, overwhelmingly, a self-drive domestic market with very limited potential for rail, air or commissionable packaging. We should not ignore our huge Visiting Friends and Relatives markets which are not mentioned in the new DMP. Every Council activity should be effectively tracked to confirm value-for-cost. Advertising (including MyClarenceValley) should incorporate a 'call-to-action' with at least a link to a survey form to allow respondents to define needs and receive follow-up responses from CVC staff. The new DMP surveyed local residents....it should have also surveyed our frontline tourism operators and visitors to see what they expect from Council.</p>	<p>The Destination Management Plan has been developed in alignment with regional, state, and national frameworks. We worked directly with Destination North Coast to ensure we are matching their priorities which are directly managed by Destination NSW to support access to funding for initiatives and additional support programs that become available.</p> <p>Aa assessment of outcomes from the 2016 Clarence Valley Tourism Industry Development and Marketing Strategy has been included to provide context.</p> <p>A plan for 2024/2025 has been developed and is included in the DMP. The outcome of this will be reported annually with a new yearly plan created.</p>

		<p>Extensive feedback and consultation was completed by residents, industry operators and visitors to develop the DMP. Key deliverables are creating Visitor Information Hubs and a Visitor Information Guide.</p>
--	--	--

Feedback was received from the Access Advisory Committee and updates were made to the weaknesses of accommodation shortfalls; Pillar No 5. Facilitate Growth in supporting accessible tourism to include public facilities and adding public facilities to action 5.7.

BACKGROUND

The CV DMP aligns with regional, state, and national tourism frameworks, ensuring a cohesive approach to developing the visitor economy. This plan replaces the 2016 Clarence Valley Tourism Industry Development and Marketing Strategy, marking a new phase in the region’s tourism evolution. The CV DMP integrates with the Clarence Valley Council's broader community strategic plan and other key economic strategies, reflecting a commitment to sustainable growth and community engagement. Guided by five core principles from the NSW Government's Visitor Economy Strategy, the CV DMP prioritizes visitor-centric approaches, digital leadership, and collaborative efforts across the region.

The CV DMP draws on three foundational frameworks to shape its strategic direction:

- **National Framework:** Austrade’s *Thrive 2030: The Re-imagined Visitor Economy*.
- **State Framework:** Destination NSW’s *Visitor Economy Strategy 2030*.
- **Regional Framework:** Destination North Coast’s *Destination Management Plan 2030*.

These frameworks provide a solid foundation for the CV DMP, ensuring that local strategies are aligned with broader goals at the state and national levels.

Strategic Objectives and Action Plan

The CV DMP action plan is structured around five key strategic objectives, each designed to address the specific needs and opportunities within the Clarence Valley’s visitor economy:

Road to Recovery:

Focused on supporting visitor economy businesses through leadership and coordinated advocacy. Actions include facilitating capacity building, offering grant support, and promoting visitor dispersal throughout the region via expanded visitor information services.

1. **Build the Brand:**

Aimed at raising community awareness of tourism’s benefits, strengthening partnerships, and executing a comprehensive marketing strategy. This includes developing visitor guides, refreshing the region's branding, creating new brochures, and launching targeted marketing campaigns.

2. **Showcase Our Strengths:**

Leveraging Clarence Valley’s natural assets and developing cultural and First Nations experiences. Key actions involve promoting water-based activities, enhancing cultural tourism linked to the Clarence River, coordinating marketing efforts, and investing in national park attractions.

3. **Invest in Events:**

Strengthening existing events while fostering the growth of new festivals. This objective targets the development of an events strategy, investment in major events, and support for event venues and infrastructure to enhance the region’s appeal.

4. **Facilitate Growth:**

Supporting sustainable practices, infrastructure upgrades, and business innovation. This includes advocating for improved transport links, promoting accessible tourism, and fostering partnerships with First Nations organizations to ensure inclusive and sustainable growth.

Effective collaboration among key stakeholders is crucial for the CV DMP's success. Partners include local operators, businesses, community groups, Traditional Owner Corporations, First Nations organisations, neighbouring local governments, regional entities like Destination North Coast and Business NSW, state agencies, and industry associations. Cooperation across sectors will harness the region's strengths for sustainable growth in the Clarence Valley's visitor economy.

The CV DMP has been developed following extensive community and stakeholder consultations. An online survey received over 255 responses, and drop-in sessions engaged 30+ community members, and community feedback on the Draft CV DMP. Feedback highlighted support for tourism's economic benefit but concerns about infrastructure impacts, visitor dispersal, and protecting natural assets from overdevelopment. Ongoing engagement across sectors is vital for the CV DMP's implementation. This dialogue will support the vision of a prosperous and sustainable tourism future in the Clarence Valley, balancing economic gains with preserving its character and natural resources.

The North Coast of New South Wales sees significant tourism growth, with a 33.5% year-on-year increase. Domestic visitors spend \$10,423 per minute, totalling \$15 million daily in the region. However, the Clarence Valley LGA has not fully benefited from this growth compared to neighbouring LGAs.

COUNCIL IMPLICATIONS

Budget/Financial

Activities planned for 2024/2025 are currently budgeted for.

Asset Management

N.A

Policy and Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

WORKS & CIVIL**ITEM 07.24.155 REGIONAL AQUATIC FACILITY NAMING AND MANAGEMENT**

Meeting	Council	27 August 2024
Directorate	Works & Civil	
Prepared by	Manager Open Spaces & Facilities, Rachelle Passmore	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	Nil	

SUMMARY

The Regional Aquatic Facility is currently under construction and expected to open in December 2024. This report notes that the management and operation of the facility (following commissioning) to be undertaken by Council to allow staff to collate and consider appropriate data/analytics to inform future management options. This report also notes the process for consideration of the naming of the facility and / or components with the complex.

OFFICER RECOMMENDATION

That Council note:

1. that the Regional Aquatic Facility will be managed by Council with a report tabled at 24 months (following commissioning of the new facility) to allow consideration of future management options.
2. that community consultation will be undertaken regarding the naming of the Regional Aquatic Facility and/or components within the complex and reported to the new Council.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

Objective We will have communities that are well serviced with appropriate infrastructure

KEY ISSUES

Traditionally, Council has implemented management contracts for the operation and management of Council's community pools. These contracts are established following a robust tender process, based on known costs and data.

The Regional Aquatic Facility is currently under construction and is scheduled to open in December 2024. At this stage, we do not have usage data or costs associated with the management and operation for the facility.

In the project planning phase, operating forecasts were completed to determine the extent of the design. Based on the projected 10 year operating performance, with all elements included in the design (including the waterslides) and combined with the fees and charges model for the Grafton Olympic Pool as well as the current and predicted catchment, data was projected for the new facility.

The scenario of inclusions has changed since the 2018 report with the waterslides now included in Stage 2 of the scope of works to be delivered at a future stage subject to funding. The stage delivery of the slides is also anticipated to have an impact on the original projections.

To enable Council to establish quality data for the facility, the management and operation of the Regional Aquatic Facility will be managed in house by Council staff for an initial period of two (2) years. This will allow time to collect entry data, establish programs and activities for the facility as well as provide local employment opportunities.

Naming of the Facility

There is an opportunity to officially appoint a name for the Regional Aquatic Facility and / or components within the facility.

To assist this process, a Clarence Conversations page will be established where the community are encouraged to participate in providing feedback with a report being brought before the new Council.

BACKGROUND**Staff Structure**

The Grafton Olympic Pool staff structure included three (3) full time and 17 casual staff. A staffing structure is currently under development for the Regional Aquatic Facility, however it is envisaged that there will be a minimum of 20 positions in areas including the Aquatic Centre Manager, lifeguards, pool operations and grounds as well as programs including swimming and aqua instructors.

Naming of the Facility

The Geographical Names Act 1966 empowers the Geographic Names Board (GNB) to assign names to places, to investigate and determine the form, spelling, meaning, pronunciation, origin and history of any historical name, and the application of such names to a position, extent or otherwise.

Council's Naming of Parks, Reserves and Facilities Policy will be used to guide the naming process.

COUNCIL IMPLICATIONS**Budget/Financial**

In December 2018, an operating forecast was estimated for a 10-year term based on the full operation of the facility with all water bodies / features included.

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Income by area										
Aquatic area	\$2,101,851	\$2,240,276	\$2,361,959	\$2,464,852	\$2,571,974	\$2,683,494	\$2,799,586	\$2,920,429	\$3,017,475	\$3,117,746
Gym	\$94,352	\$100,566	\$106,028	\$110,647	\$115,456	\$120,462	\$125,673	\$131,098	\$135,454	\$139,956
Café and Merchandise	\$333,655	\$352,108	\$367,558	\$379,771	\$392,353	\$405,312	\$418,660	\$432,407	\$442,352	\$452,527
Total income	\$2,529,858	\$2,692,949	\$2,835,545	\$2,955,270	\$3,079,783	\$3,209,268	\$3,343,919	\$3,483,935	\$3,595,282	\$3,710,228
Expenditure by area										
Aquatic area	\$1,960,954	\$2,026,814	\$2,094,119	\$2,162,861	\$2,233,916	\$2,307,363	\$2,383,284	\$2,461,763	\$2,541,872	\$2,624,646
Gym	\$103,210	\$106,303	\$109,493	\$112,782	\$116,173	\$119,671	\$123,278	\$126,998	\$130,835	\$134,792
Café and Merchandise	\$267,582	\$282,561	\$289,061	\$295,710	\$302,513	\$309,472	\$316,591	\$323,873	\$331,324	\$338,945
	\$2,331,746	\$2,415,678	\$2,492,672	\$2,571,353	\$2,652,602	\$2,736,506	\$2,823,153	\$2,912,635	\$3,004,031	\$3,098,383
undistributed management costs	\$358,624	\$369,830	\$381,396	\$393,335	\$405,659	\$418,381	\$431,513	\$445,070	\$459,066	\$473,514
Total expenditure	\$2,690,370	\$2,785,507	\$2,874,068	\$2,964,688	\$3,058,261	\$3,154,887	\$3,254,666	\$3,357,705	\$3,463,096	\$3,571,897
Projected operating performance	(\$160,512)	(\$92,558)	(\$38,523)	(\$9,418)	\$21,521	\$54,381	\$89,253	\$126,229	\$132,186	\$138,331
Utilisation										
Aquatic area	233,539	240,913	245,830	248,288	250,747	253,205	255,663	258,122	258,122	258,122
Gym	23,119	23,849	24,336	24,579	24,823	25,066	25,309	25,553	25,553	25,553
Total users per year	256,658	264,763	270,166	272,868	275,569	278,271	280,973	283,674	283,674	283,674

Table 1 – Operating Forecast, extracted from the Liquid Blu Adjunct Report (December 2018)

Summarised Year 3 based on mid-range scenario with the full facility in full operation:

Total Income	\$2,835,545
Total Expenditure	\$2,874,068
Net Operating Deficit	-\$38,523
Total Visitation	270,166
Note	
1.	<i>These figures informed the detailed design of the facility only and were based on 2018/2019 fees and charges including estimated operating costs and the concept design.</i>
2.	<i>The visitation figures were based on similar aquatic facilities in regional locations and using CERM data. The consultant originally submitted a higher visitation rate, however following consultation with staff some applied local knowledge was applied reducing the figures contained in the final report.</i>

These figures are expected to change, based on current industry costs and trends, however, provide a guide for budgeting purposes.

These projections also represent the full operation of all water bodies and features, including the waterslides which have been excluded from the current construction program.

Council will continue to seek suitable external funding options to construct the waterslides at the facility.

Proposed fees and charges for the Regional Aquatic Facility will be further considered using benchmarks from other similar regional aquatic facilities and will be reported to the new Council for adoption.

Asset Management

N/A

Policy and Regulation

Naming of Parks, Reserves and Facilities Policy

Consultation

A Clarence Conversations page will be developed to seek community feedback in relation to the Naming of the Regional Aquatic Facility and/or components within the complex.

Legal and Risk Management

N/A

Climate Change

N/A

ITEM 07.24.156 PROPOSED ROAD CLOSURE - PART MCGRATHS LANE, THE WHITEMAN

Meeting	Council	27 August 2024
Directorate	Works & Civil	
Prepared by	Property Officer, Tyler Marsh	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Recommended Disposal Price - Part McGraths Lane, The Whiteman (Confidential) B. Neighbour objection to proposed road closure ⇒	

SUMMARY

This report is to consider the permanent road closure of part McGraths Lane, The Whiteman, and the transfer of ownership to the adjoining Landowners. The request is made by the adjoining Landowners of Lot 4 DP 751369, being 153 McGraths Lane, The Whiteman.

OFFICER RECOMMENDATION

That Council:

1. permanently close part of McGraths Lane, The Whiteman in line with the provisions of the *Roads Act 1993* (depicted green in Figure 1).
2. transfer the closed road to the adjoining Landowners of Lot 4 DP 751369 for the recommended purchase price outlined in Attachment A (confidential).
3. authorise the General Manager to execute all documents relating to the closure and sale to affect the above requirements.
4. instruct the Landowners that they are to meet all costs associated with the road closure.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

Objective We will have communities that are well serviced with appropriate infrastructure

KEY ISSUES

The Landowners of Lot 4 DP 751369 submitted an application to close and purchase part of McGraths Lane, The Whiteman, adjoining their property (depicted green in Figure 1). There was one (1) objection received from the adjoining Landowner of Lot 2 DP 1124082 (**Attachment B**) during the 28-day public exhibition period which closed on 10 June 2024.



Figure 1 Proposed road closure location

BACKGROUND

The Landowner of Lot 4 DP 751369 submitted an application to close and purchase a part of McGraths Lane, The Whiteman for the purpose of exclusive access to the Landowners property which includes Lot 5 DP 751369 and Lot 1 DP 742615 (153 McGraths Lane, The Whiteman).

This section of McGraths Lane is not maintained by Council and the landowner has carried out significant roads works to create a formed access to their property.

The adjoining Landowner that has opposed the road closure application currently has gated secondary access to their property via an unformed crown road which borders their southern boundary (Figure 2). This Crown road does not form part of the proposed road closure area however their objections are noted in their submission (**Attachment B**).

It is of the officer’s opinion that the owner of Lot 2 DP 1124082, should they require additional formed access to their property, have the same opportunity as the current road closure applicants to submit an application for closure and purchase of a section of the unformed crown road along their southern boundary via Crown Lands.



Figure 2 Access to 111 McGraths Lane, The Whiteman via unformed Crown Road



Figure 3 Closer view of existing gate to 111 McGraths Lane, The Whiteman (Lot 2 DP1124082). Note: cadastre (boundaries) is not correctly aligned with aerial photographs. Gate is currently within unformed Crown Road.



Figure 4 Photo of gate to 111 McGraths Lane taken from the road. Closer up on left. Tracks in grass evidence that gate is used.



Figure 5 Photo taken from the gate to 111 McGraths Lane, looking back towards the lane.

COUNCIL IMPLICATIONS**Budget/Financial**

There will be no financial impact on Council as the applicant will meet all associated survey and legal costs. Council will no longer be responsible for the section of road once closed.

Asset Management

The section of McGraths Lane proposed to be closed is currently listed on Council's Assets Register. An adjustment to the area listed will be made if the road closure is approved.

Policy and Regulation

- *Roads Act 1993*
- *Local Government Act 1993*
- *Conveyancing Act 1919*

Consultation

Council's Civil Services, Strategic Infrastructure, Open Spaces and Building Facilities, Water Cycle, Environment and Regulatory Services and Development and Land Use sections have been consulted and support the proposal. Relevant authorities have been consulted as part of the road closure process. Landowners in the area have been advised of the proposal. Notice to the public of the proposed closure and sale was published on Council's online notice board. One objection was received during the 28-day public exhibition period, submissions closed 10 June 2024.

Legal and Risk Management

Closing of this section of road enables this section to be transferred to the adjoining Landowner and removes liability risk to Council for having private infrastructure or occupation on Council land without a formal tenure.

Climate Change

N/A

ITEM 07.24.157 LOCAL TRAFFIC COMMITTEE

Meeting	Council	27 August 2024
Directorate	Works & Civil	
Prepared by	Road Safety Officer, Alana Brooks	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Local Traffic Committee Minutes August 2024 (Separate Cover) ⇒ B. Local Traffic Committee attachment Item 15.24 ⇒ C. Local Traffic Committee attachment Item 16.24 (Separate Cover) ⇒ D. Local Traffic Committee attachment Item 18.24 A (Separate Cover) ⇒ E. Local Traffic Committee attachment Item 18.24 B ⇒ F. Local Traffic Committee attachment Item 19.24 A ⇒ G. Local Traffic Committee attachment Item 19.24 A ⇒	

SUMMARY

This report outlines the recommendations proposed by the Local Traffic Committee on 7 August 2024.

OFFICER RECOMMENDATION

That Council adopt the recommendations of the Local Traffic Committee determined on 7 August 2024.

LINKAGE TO OUR COMMUNITY PLAN

Theme Infrastructure

Objective We will have communities that are well serviced with appropriate infrastructure

KEY ISSUES

That the recommendations of the Local Traffic Committee determined on 7 August 2024 be adopted by Council.

BACKGROUND

Officer Report Item No.	Recommendation/Comment
Item: 15/24 Iluka Subdivision- Hickey Street	That Council approve the proposed signage and line-marking plans associated with Stage 4 of the Community Title Subdivision (SUB2015/0035 as modified by MOD2022/0027) subject to the amendments listed in the report.
Item: 16/24 Yamba Cycling Club Races	That the road closures associated with the conduct of the Yamba Triathlon on Saturday 16 and Sunday 17 November 2024 are supported, subject to the conditions listed in the report.
Item: 17/24 Yamba Triathlon	That the road closures associated with the conduct of the Yamba Cycle Club races are supported, subject to the conditions listed in the report.
Item: 18/24 Celebrate Woolli Event	That the Committee endorse the traffic impacts associated with the Celebrate Woolli event on Saturday 31 August 2024, subject to the conditions listed in the report.

<p>Item 19/24 Harwood Sugar Mill 150 Years Celebration</p>	<p>That the Committee endorse the traffic impacts associated with the Harwood Sugar Mill 150 years Celebration on Sunday 25 August 2024, subject to the conditions listed in the report.</p>
--	--

COUNCIL IMPLICATIONS

Budget/Financial

As per the reports referenced in the Local Traffic Committee Minutes.

Asset Management

N/A

Policy and Regulation

The Local Traffic Committee is not a Committee of Clarence Valley Council but a Technical Committee that provides advice to Council. Council has been delegated certain powers, from Transport for NSW, about traffic matters upon its local roads. A condition of this delegation is that Council must consider the Local Traffic Committee recommendations.

Consultation

As per the reports within the Local Traffic Committee Minutes.

Legal and Risk Management

As per the reports within the Local Traffic Committee Minutes.

Climate Change

N/A

ITEM 07.24.158 OPEN COAST COASTAL MANAGEMENT PROGRAM - STAGE 4

Meeting	Council	27 August 2024
Directorate	Works & Civil	
Prepared by	Senior Coast & Estuary Officer, Uriah Makings	
Reviewed by	Director Works & Civil, Jamie Fleeting	
Attachments	A. Clarence Valley Open Coast Coastal Management Program (Separate Cover) ⇒ B. Draft Open Coast CMP Public Exhibition - Submissions Analysis (Separate Cover) ⇒ C. Public Submissions (Separate Cover) ⇒ D. Coastal Protection Works - definitions ⇒	

SUMMARY

Council currently manages its coastline via numerous management plans of varying relevance and legal status. Under the *Coastal Management Act, 2016*, existing certified Coastal Zone Management Plans (CZMP) expired on 31 December 2023. Council is required to have a certified Coastal Management Program (CMP) to seek financial assistance under the State Government's Coastal and Estuary Grants Program for implementing coastal management works. Once certified, CMPs are valid for ten (10) years. Council engaged consultants Hydrosphere Consulting to prepare Stages 2 to 4 of the Open Coast CMP.

The draft Stage 4 of the Open Coast CMP was placed on exhibition from 28 June to 29 July 2024. Feedback from public submissions and various State agencies on the exhibited CMP was considered and the CMP was amended where appropriate to address the feedback. State Government agency concurrence is required for the CMP to be certified, and agencies may request further minor changes to the CMP prior to providing their concurrence. It is recommended the CMP be submitted to the Minister for certification and gazettal, and the General Manager be delegated authority to make minor changes as required to facilitate concurrence from the NSW Government.

OFFICER RECOMMENDATION

That Council:

1. adopts the Open Coast Coastal Management Program Stage 4 Report, as amended following public exhibition, for submission to the Minister for Local Government for certification and gazettal.
2. delegates authority to the General Manager to make minor changes to the adopted Open Coast Coastal Management Program Stage 4 report as required for State Government agency concurrence to gazettal.

LINKAGE TO OUR COMMUNITY PLAN

Theme Environment

Objective We will preserve and enhance our natural environment

KEY ISSUESPublic Exhibition and Submissions

The draft Stage 4 Open Coast CMP was placed on public exhibition for the period 28 June to 29 July 2024. A total of 9 public submissions were received during the public exhibition period (**Attachment C**). A formal notification of the CMP was also made to NTSCorp under s24MD *Native Title Act 1993 (Cth)*. In response to the notification a submission was received from NTSCorp on behalf of Yaegl Traditional Owners Aboriginal Corporation RNTBC (**Attachment C**). Feedback on the CMP was also received from the following State Government agencies:

- Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Division – Water Floodplain Coasts (DCCEEW-WFC)
- Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Division – Marine Coast Estuaries and Floodplain (DCCEEW - MCEF)

- Department of Climate Change, Energy, the Environment and Water – Biodiversity and Conservation Division – Water, Wetlands and Coastal Science (DCCEEW – WWCS)
- Transport for NSW (TfNSW)
- Department of Primary Industries and Regional Development – Fisheries and Forestry (DPIRD – FF)
- Department of Planning Housing and Infrastructure – Public Spaces and Crown Lands (DPHI - PSCL)
- Department of Planning Housing and Infrastructure – Planning Coastal and Environment Policy Team (DPHI – PCEP).
- National Parks and Wildlife Service (NPWS)

A courtesy invitation to provide comment was also extended to adjacent coastal Councils (that is Richmond Valley Council and City of Coffs Harbour). To date, no response has been received from either Council.

Summary of public submissions and relevant changes to the Open Coast CMP

Submissions were received from residents of Iluka, Yamba, Angourie and Brooms Head and a community group. Key issues raised in submissions included:

- Impacts of 4wd on beaches.
- Impacts of proposed missing link at Pilot Hill Yamba.
- Land risk zoning at Pilot Hill Yamba.
- Management of dunes, littoral rainforest, feral animals and illegal camping at Angourie.
- Planning controls and Aboriginal cultural heritage management.
- The consideration of sea level rise in the management of Lake Cakora.
- Clarification of approvals required for any waterway access facilities at Lake Cakora.
- Concerns about amount of budget for protection rather than retreat and habitat restoration actions (NPWS)
- Clarification of the retreat plan for Sandon River campground (NPWS).

Minor wording changes were made to several CMP actions/tasks in response to the public submissions. However, the majority of submission points were either already covered by existing CMP actions or fell outside the CMP scope. **Attachment B** summarises Council's response to, and any changes arising from the public submissions.

NTSCorp on behalf of Yaegl TOAC RNTBC provided a submission on the draft CMP. The detailed submission was in relation to one (1) action in the draft CMP, *Action HW2-2: Develop long-term strategy for strategic retreat of infrastructure on Hickey Island* (page 107). The key point of the submission was a request to remove Action HW2-2 from the CMP or if removal is unviable then the action be amended to remove prescription of retreat. Due to the presence of existing public infrastructure and private assets on Hickey Island that are at current or future risk from coastal hazards and are not currently designed to be adaptable to coastal hazards it is considered unviable to completely remove the action.

A long-term strategy for the management of coastal hazard threats on Hickey Island is still required. In consideration of the need for an action to address long term coastal hazard threats on Hickey Island and to accommodate Yaegl TOACs concerns, Action HW2-2 has been amended to remove reference to *retreat*. The action is now to develop an adaptive management strategy for Hickey Island, similar to the adaptive management strategy proposed for other locations, refer **Attachment B**.

NSW Government Agency submissions and amendments

Details of key agency feedback, staff responses and changes made are included in **Attachment B**.

Feedback received from State agencies centred around the inclusion of temporary coastal protection works (CPW) in the CMP and lack of detail on proposed emergency CPW in the Coastal Zone Emergency Action Subplan (CZEAS, **Appendix 3**) and included:

- Temporary CPW can only be included where permanent CPW are the identified long-term strategy.
- Where temporary CPW are included, more details are required on justification, location, triggers for installation, design, timeframe, monitoring and impact management and removal.
- Temporary CPW cannot be included in the CZEAS.
- More detail is required for the inclusion of emergency CPW in the CZEAS including justification, location, triggers for installation, design.

Details on the definition of CPWs is provided in **Attachment D**.

In response to the above feedback the following amendments to the CMP were made:

- Amendment of Action EM1-1 removed reference to temporary CPW.
- Temporary CPW are no longer proposed for locations where hard protection is not the identified long-term strategy.
- Inclusion of a new action for temporary CPW at Brooms Head providing required detail on justification, location, triggers for installation, design, timeframe, monitoring and impact management and removal.
- Inclusion of a new action for temporary CPW at Woody Head providing required detail on justification, location, triggers for installation, design, timeframe, monitoring and impact management and removal. (NPWS lead agency).
- Amendment of CZEAS – removed reference to temporary CPW.
- Amendment of CZEAS – further detail added on locations and triggers for emergency CPW. Emergency CPW are now only proposed for moderate and high-risk locations where high value public infrastructure is located within the present day 1% EP (exceedance probability) beach erosion zone (without protection) and moderate and high-risk locations where high value public infrastructure may be impacted by cliff/slope instability/ landslip. Figures showing locations and a table outlining location, assets at risk, responsibility and installation triggers are included.

Minor wording changes to the CMP were made as requested by DPIRD- FF and TfNSW for actions where they are listed as the lead agency. Various minor action title, description and budget amendments as requested by NPWS for NPWS lead actions were also made. Minor clarifications were made to several Council actions as suggested by NPWS, DCCEEW-WFC, DPHI-PSCL and DPHI-PCEP.

Next steps and funding

Under the *Coastal Management Manual* a CMP may only identify proposed coastal management actions or activities to be carried out by a public authority, or relating to any land or other assets owned or managed by a public authority, if the public authority has agreed to the inclusion of those proposed actions or activities in the CMP. For this CMP, agreement on actions in the CMP is required from four (4) NSW Govt agencies (NPWS, DPHI-PSCL, DPIRD-FF and TfNSW).

These agencies need to concur with the outcome negotiated in response to their feedback. This is in practice a long drawn-out process, with the agencies able to provide feedback at many stages through the CMP development. To date, written agreement has been received from TfNSW and DPIRD-FF for their actions. This is not the final formal agreement but provides some confidence that the agency's concurrence will be provided once the CMP is adopted by Council.

Crown Lands have indicated they will only provide agreement once they review the final CMP. NPWS have indicated that they are in the process of providing final written agreement. Although DCCEEW-WFC do not have any actions assigned to them or actions impacting their land or assets, they advise the Minister on whether the CMP meets legislative requirements and therefore their agreement is also required. As the five agencies may require further changes to obtain their agreement, it is recommended that the General Manager be delegated authority to make minor changes to the CMP to address any further agency requirements.

The NSW Government's Coastal and Estuary Grants Program (CEGP) provides support to Councils for the preparation and implementation of CMPs. The CEGP has four (4) primary funding categories:

- planning (preparation of CMPs) – 2:1 funding
- implementation (implementation of CMP actions) – 2:1 funding,
- emergency works (coastal zone emergency action subplans) – 1:1 funding, and
- exempt (projects that aren't identified in a CMP) – 1:1 funding.

Applications for the 2024/25 CEGP funding round are currently open until 5 September 2024. Funding is historically announced in the first quarter of the year and funded projects therefore effectively do not commence until the following financial year. Only projects identified in a certified CMP are eligible for funding under the implementation category. The CEGP has advised that if a CMP is submitted to the Minister for certification prior to the closing date (i.e. 5 September 2024), then projects will be eligible for funding under the 2024/25 implementation category. If the CMP is not submitted to the Minister by 5 September 2024, it would be approximately 12 months before the next CEGP funding round opens, with any successful projects not commencing until 2026/27. While a limited number of projects may still be eligible under the exempt category, this only provides funding up to \$100,000 for a maximum of two (2) projects. For

the CMP to be submitted to the Minister for certification by 5 September 2024, the draft CMP requires adoption at the August OCM.

BACKGROUND

As reported to Council's 30 March 2021 meeting (Report 6c.21.034) the *Coastal Management Act, 2016* requires Council to develop a certified CMP if Council wishes to seek financial assistance under the State Government's CEGP for implementing coastal management works. Once certified, CMPs remain valid for 10 years. There is a specified five (5) stage process for the preparation of a CMP:

- Stage 1 – Identify the scope of a CMP
- Stage 2 – Determine risks, vulnerabilities and opportunities
- Stage 3 – identify and evaluate options
- Stage 4 – Prepare, exhibit, finalise, certify and adopt the CMP
- Stage 5 – Implement certified CMP

Stage 1 was completed with the adoption of the Scoping Report in March 2021.

Stage 2 was completed with the adoption of the Stage 2 report in November 2023.

Stage 3 was completed with the adoption of the Stage 3 report in March 2024.

Following community consultation on Stage 3, feedback and suggestions were considered and incorporated into the development of actions and tasks in the Stage 4 report. The draft Stage 4 report was adopted for exhibition purposes at the June 2024 Council meeting.

A separate CMP is being prepared for the Clarence River Estuary, with the Stage 1 (Scoping Report) adopted by Council at its meeting of 27 September 2022 (Resolution 07.22.221).

COUNCIL IMPLICATIONS

Budget/Financial

The preparation of the Open Coast CMP is funded by a 2:1 grant under DCCEEW's CEGP.

The draft CMP outlines a proposed program of works to manage the Clarence Valley coastal zone over the next 10 years. Table 1 in the report provides a summary of the total proposed CMP expenditure. The implementation of all Council responsible actions is subject to the availability of internal and external funding sources. Actions to be implemented by Council are expected to be funded through Council and State government contributions, monetary grants, private landholder funding and volunteer works by community members and organisations. Some actions will be funded under CVC's normal operating budgets or through existing programs and grants, particularly within the current Delivery Program.

Council's current coastal budget is insufficient to successfully fund and implement all CMP actions and Council will either need to access other potential funding mechanisms and revenue sources to implement CMP actions or defer actions it is unable to fund.

Asset Management

The draft CMP identifies actions to address identified coastal hazard risks to Council assets over the next 100 years. Further, there is a specific task in the draft CMP to incorporate coastal hazard risks into CVC asset management strategies and plans.

Policy and Regulation

Coastal Management Act 2016

State Environmental Planning Policy (Hazard and Resilience) 2021

NSW Coastal Management Manual parts A and B

Consultation

Consultation and engagement throughout all stages of the Open Coast CMP's development has been guided by Councils Community Engagement Strategy, in line with the IAP2 Public Participation Spectrum, NSW Government's Social Justice Principles, the *Coastal Management Act 2016* and Guidelines for community and stakeholder engagement in coastal management (Coastal Management Toolkit). Council has collaborated with land managers, State Government agencies, traditional owners and community representatives to provide effective and integrated coastal management outcomes.

In addition to the consultation undertaken for Stage 3, as outlined in the 25 June 2024 Council report, for the draft CMP public exhibition the following consultation was undertaken:

- Public exhibition of the draft CMP from 28 June 2024 to 29 July 2024. Included social media, newsletter and newspaper advertising and media release.
- Consultation with public authorities including:
 - DCCEEW-WFC
 - DCCEEW-MCEE
 - DCCEEW-WWCS
 - TfNSW
 - DPIRD-FF
 - DPHI-PSCL
 - DPHI-PCEP
 - NPWS
- Notification under the *Native Title Act 1993 (Cth)* to Yaegl TOAC RNTBC via NTSCorp.

Consultation with public authorities has included written correspondence and several meetings and phone discussions in particular with DCCEEW-WFC, Crown Lands and NPWS.

Key agency feedback and Council's response are provided in **Attachment B**.

Legal and Risk Management

Council has a statutory exemption from liability under Section 733(2) of the *Local Government Act, 1993* for advice given or works undertaken in good faith in the coastal zone:

A council does not incur any liability in respect of—

(a) any advice furnished in good faith by the council relating to the likelihood of any land in the coastal zone being affected by a coastline hazard (as described in the coastal management manual under the Coastal Management Act 2016) or the nature or extent of any such hazard, or

(b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being so affected.

Under Section 733(4), Council is taken to have acted in good faith if something was done or omitted to be done “substantially in accordance with the principles and mandatory requirements set out in the current coastal management manual under the Coastal Management Act 2016.” The process followed in developing Stages 1-4 of the CMP was substantially in accordance with the coastal management manual.

Under section 24MD of the *Native Title Act 1993 (Cth)* Council notified Yaegl TOAC RNTBC via NTSCorp of the draft CMP. The submission from NTSCorp, and Council's response, is discussed in previous sections of this report. The CMP proposes actions/works that will require further notification under the *Native Title Act 1993 (Cth)* before being implemented.

Climate Change

Climate change is expected to exacerbate the impacts of coastal hazards into the future. Sea level rise is the key climate change factor which contributes to climate change related coastal hazards. The draft CMP proposes actions to address identified coastal climate change related risks within the study area.

Stage 2 of the CMP which was noted by Council at its meeting of 28 November 2023 (Resolution 07.23.223) included a detailed coastal hazard risk assessment including detailed modelling and mapping of coastal hazards across a range of exceedances, timeframes (present day, 2043, 2073, 2123) and two (2) Shared Socio-economic Pathways (SSP) climate change scenarios .

For future timeframes the two (2) climate change scenarios SSP2 (RCP4.5) and SSP5 (RCP8.5) were modelled. SSP describe possible future pathways for socio-economic conditions, land-use changes, and other human-caused climate drivers that influence greenhouse gas emissions. SSP2 is described as the ‘middle of the road’ scenario (medium challenges to mitigation and adaptation) where society continues with current development patterns (similar path to historical patterns) resulting in a moderate emissions scenario. SSP5 is described as a ‘taking the highway’ scenario (high challenges to mitigation and adaptation) where rapid and increased fossil-fuelled development occurs resulting in the highest emissions scenario.

While the assessment modelled both SSP2 (RCP4.5) and SSP5 (RCP8.5) climate change scenarios, the Risk Frontiers “*Physical Climate Risk Assessment – Summary for Policymakers*” considered by Council at its meeting of 26 April 2022 (Report 07.22.70) indicated (p10):

The highest GHG scenario is RCP 8.5 and represents a worst-case scenario where GHG emissions continue to increase, and global mean temperature increase exceeds 4°C. RCP 4.5 is a middle-of-the-road GHG emission scenario where some mitigation of GHG emissions occurs, and global mean temperature increase is between 2-3°C. RCP 8.5 is currently considered to be less likely than RCP 4.5.*

** Greenhouse Gas*

At its June 2024 meeting Council adopted (Resolution 07.24.093) the SSP2 (RCP4.5) climate change scenario as the basis for the defined flood event. As the Risk Frontier's report indicates that RCP 8.5 is a worst-case scenario which is less likely than RCP 4.5, and for consistency with Council's resolution of the climate change scenario to adopt for the defined flood event, Council's public website mapper will only show the SSP2 (RCP4.5) coastal hazard mapping climate change scenario.

Appropriate planning controls for the management of coastal hazards will be determined and implemented during the implementation of the CMP. The consideration and formal adoption of coastal hazard scenarios for planning purposes will occur at that point.

8. CONFIDENTIAL BUSINESS

9. QUESTIONS WITH NOTICE

Nil

10. LATE ITEMS OF BUSINESS AND MATTERS ARISING

11. CLOSE OF ORDINARY MEETING