



clarence  
VALLEY COUNCIL

2019

# Ordinary Council Meeting



**Business Paper**

**Grafton Chambers**

Tuesday, 23 July 2019 - 2.00 pm

# Agenda

01	OPENING OF ORDINARY MEETING		
	<ul style="list-style-type: none"> <li>• Opening Prayer by Ps. Greg Holder from Riverside</li> <li>• Acknowledge of Country</li> <li>• Recording of Meeting Announcement</li> </ul>		
02	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE		
03	DISCLOSURES AND DECLARATION OF INTERESTS		
04	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS		
05	MAYORAL MINUTES		
06	REPORTS		
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6a.19.007	<a href="#">The Sealing of 1,066 Metre Long Section of McIntyres Lane New Pacific Highway Alignment to the Existing Seal at Sheehans Lane Gulgarrad (deferred from June meeting 6c.19.014)</a>	4	N
6a.19.008	<a href="#">Monthly Investment Report – May 2019 (deferred from June meeting 6c.19.021)</a>	11	N
6a.19.009	<a href="#">Request for Temporary Suspension of Alcohol Free Zone for Eat Street Yamba Event, Coldstream Street and Coldstream Lane, Yamba</a>	20	Y
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6c.19.027	<a href="#">2018/19 Operational Plan – Quarterly Review as at 30 June 2019</a>	71	TBT
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10	CLOSE OF ORDINARY MEETING		

**6. REPORTS****a. GENERAL MANAGER**

<b>ITEM</b>	<b>6a.19.006</b>	<b>PROPERTY 112290 (PALMERS ISLAND) – REQUEST FOR COUNCIL TO UNDERTAKE RENEWAL OF RIVERBANK PROTECTION WORKS</b>
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<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Troy Anderson)	
<b>Attachment</b>	Nil	

**SUMMARY**

This report was presented to the June Ordinary Council meeting Item 6c.19.011 but was deferred and is now presented to the July Council meeting.

At its meeting of 26 February 2019 Council adopted a Riverbank Protection Policy (Resolution 15.001/19) and at its 26 March 2019 Council adopted a maintenance strategy for riverbank protection assets (Resolution 15.038/19).

The owner of property 112290 at Palmers Island has requested that the policy and strategy be varied for their property due to previous correspondence they received from Council following the 2013 floods and that Council, at its expense, undertake renewal of riverbank protection works adjacent to their property. It is recommended that Council not approve a variation to the policy or strategy.

**OFFICER RECOMMENDATION**

That Council confirm the Riverbank Protection Policy and maintenance strategy for riverbank protection assets applies to property 112290.

**CORPORATE, GOVERNANCE & WORKS COMMITTEE RECOMMENDATION**

Kingsley/Ellem

That Council:

1. Honour its commitment to owner of property number 112290 (as stated in letter dated 24 February 2015) and undertake riverbank protection works at property number 112290 up to a maximum value of \$67,000.
2. Include the project in its 2019/20 capital works program and that it be funded from the general fund.
3. Notify the owner of property number 112290 that all additional works that exceed the maximum allocation of \$67,000 will need to be carried out at their expense.

Voting recorded as follows:

For: Kingsley, Lysaught, Ellem, Simmons

Against: Toms

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.3 Provide strategic asset management planning

## BACKGROUND

Council has received a request from the owner of property 112290 at Palmers Island that the riverbank protection policy and maintenance strategy for riverbank protection assets be varied and Council undertake renewal of riverbank protection works at this property due to previous correspondence received from Council following the 2013 floods. The resident has met with the Mayor and Acting General Manager, and a commitment was given that the matter would be reported to Council.

A copy of the historic correspondence was included in the June confidential attachments.

## KEY ISSUES

The property owner has referred to correspondence from Council dated 24 February 2015 where Council staff indicated:

*"This letter is to formally inform you of Council's current proposal to repair the damaged sections of riverbank between Gillies Lane and Durringtons Lane, Palmers Island which were damaged by the flood of January 2013. The works are to be funded under the National Disaster Relief and Recovery Arrangements by the NSW Government."*

Council was unable to complete all the successful 2013 flood damage claim works prior to the expiry of the NSW Government funding deadline of 30 June 2015. No funding was received from the NSW Government for works that did not proceed. Council's letter indicated in good faith that it was proposed to undertake flood repair works at that time and the property owner's request for a review does concede that the work was unable to be completed in 2015 due to weather conditions.

It is acknowledged that, while Council's correspondence with the property owner referenced the external funding source that was to be utilised, it did not specifically indicate that works which were not completed by 30 June 2015 would not be funded. The property owner has apparently interpreted Council's letter as being a guarantee of the restoration works proceeding at some time in the future.

When Council first considered the draft Riverbank Protection Policy at its meeting of 20 November 2018 (Item 15.203/18) the report recommending the policy be placed on exhibition noted:

*The Policy clearly explains that Council will not undertake riverbank protection works where the only benefit of the works is the protection of private property. This is in response to situations where Council has formerly been approached to fund such works.*

The draft policy was subsequently placed on public exhibition and, following consideration of submissions, was adopted by Council on 26 February 2019. The owner of property 112290 did not make a submission to the draft policy.

The "legal and risk management" section of report 15.038/19 to the 26 March 2019 meeting Council clearly indicated the intent of the maintenance strategy for riverbank protection assets was to supersede historic arrangements:

*There is currently an equity issue between property owners who have riverbank protection installed (and maintained) by previous Councils which protects the private property and other property owners who historically were not so fortunate and have not had riverbank protection work installed by Council. The recommended priorities are designed to address this equity issue, and send a clear message to private property owners that riverbank protection that will only benefit them is not a priority for Council.*

*If Council decides that it will continue to maintain riverbank protection works on the basis that it has historically undertaken these works, it... reduces the funds available for maintenance of riverbank works protecting essential public assets*

There is no doubt that the rock protection at property 112290 solely serves the purpose of protecting private property. This is exactly the situation which the Riverbank Protection Policy and maintenance strategy for riverbank protection assets was designed to address. Should Council decide to now vary the policy and/or strategy for property 112290, it is considered that other property owners which have historically had riverbank protection maintained by Council would consider the decision as setting a precedent for Council to also vary the policy in their circumstances.

The property owner also claims in their correspondence that the rock wall was constructed by Council. The property owner has not provided evidence to support this claim and, based on historic NSW Public Works Annual Reports, Council staff understand that the Palmers Island rock protection work was constructed by the State Government in the 1960's.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

Nil if the officer recommendation is adopted.

Were Council to vary the policy and strategy and agree with the request that Council undertake this work the estimated cost is \$67,000. Council would need to either increase the allocation to floodplain renewal to fund the cost of this work or, alternatively, reduce the amount spent on renewal of other floodplain assets by this amount. As noted above in the issues section, other property owners may also consider a decision to vary the policy as setting a precedent.

### **Asset Management**

The maintenance strategy for riverbank protection assets outlines Council's priority for asset maintenance and renewal. As the rock protection at property 112290 only protects private property, it has the lowest priority for asset maintenance and renewal. The policy and strategy were specifically developed to address the issue that Council's current floodplain budget is insufficient to maintain all floodplain assets which have historically been maintained by Council.

### **Policy or Regulation**

Riverbank Protection Policy

### **Consultation**

N/A

### **Legal and Risk Management**

Council sought legal advice on the topic of riverbank protection prior to the adoption of the Riverbank Protection Policy. The advice detailed Council's legal obligations in certain scenarios, including situations such as this, and based on this legal advice Council adopted the Policy.

### **Climate Change**

With expected sea level rises and increased frequency of flood events, riverbank protection is likely to continue to be a challenge for Council and the community into the future. It is therefore even more essential that Council focus any riverbank protection works in areas that will provide greatest benefit to the broader community rather than isolated instances of private property protection.

Prepared by	Kieran McAndrew (Floodplain Coordinator) and Greg Mashiah (Manager Water Cycle)
Confidential Attachment	Previously distributed under Item 6c.19.011 - 25 June 2019

<b>ITEM</b>	<b>6a.19.007</b>	<b>THE SEALING OF 1,066 METRE LONG SECTION OF MCINTYRES LANE NEW PACIFIC HIGHWAY ALIGNMENT TO THE EXISTING SEAL AT SHEEHANS LANE GULMARRAD</b>
<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Tim Jenkins)	
<b>Attachment</b>	Nil	

## SUMMARY

This report was presented to the June Ordinary Council meeting Item 6c.19.014 but was deferred and is now presented to the July Council meeting.

At the April 2019 Council meeting Council adopted a Notice of Motion regarding the sealing of 1,066 metres of McIntyres Lane, Gulmarrad. This report addresses the issues resolved in item 17.007/19.

## OFFICER RECOMMENDATION

That Council receive the review on sealing of McIntyres Lane and its contents be noted.

## CORPORATE, GOVERNANCE & WORKS COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

## BACKGROUND

At the April 2019 Council meeting Council adopted a Notice of Motion (Item 17.007/19) regarding the sealing of McIntyres Lane. The resolution is:

*That, subject to receipt of a Council officer's report on*

- a) A current road improvement priority list.*
- b) The status of roadworks as shown in the DCP for residential zones at Gulmarrad in Section S and Map S2.*
- c) A thorough costing being available for Council's June meeting, there be conditional approval as follows:*
  - i. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).*
  - ii. The General Manager consult with RMS regarding Council's programing of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.*

- iii. *The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.*
- iv. *Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.*

Each of these points are addressed in the 'Key Issues' below.

#### KEY ISSUES

Each of the points of the resolution above are addressed below.

##### a) **A current road improvement priority list.**

Council's staff are continually identifying and developing road related projects. This is a continual process as issues are identified and projects are proposed in response. In general, road projects (excluding bridges) are developed to meet one (or more) of five key objectives. These being:

1. To optimise the useful life of road pavements by regular resealing to prevent water infiltration into the pavement and maintain sufficient skid resistance.
2. To develop a road widening program for roads that are below design width standard for current traffic loading (but upgrade to meet future traffic volumes) to:
  - Improve road safety;
  - Reduce road edge wear; and
  - Reduce road maintenance costs.
3. To develop a road renewal program to reconstruct roads that have exhausted their pavement life. This will be based on the asset renewal and backlog schedule as outlined in the Transport Asset Management Plan.
4. To develop a road upgrading program to improve the safety of roads based on analysis of road accident history and identification of road treatments to reduce the potential for future accidents.
5. To develop a road heavy patching program to restore road pavements in a category 2 or 3 condition to a category 1 or 2 condition. Intervention is to reduce further pavement damage leading to full reconstruction of the road being required. This action will often be undertaken with objective 1.

Projects are developed that may fall into one or more of these objectives. In developing an annual budget, projects from each of these objectives are, in conjunction with data from Council's Asset Management Plans, considered and combined to form the annual capital works program. Project selection is based around safety, asset renewal and longevity and maintenance reduction. At times, the conditions attached to grant funding will dictate the type of project that can be considered.

As such, there is no single road improvement priority list but rather a number of projects and lists that meet various asset management objectives. The actual projects selected in any one year depend on the type of funding, the established programs in place (such as the reseal program) and safety and asset management priorities. There is multiple millions of dollars in estimated costs to fund currently identified works.

#### Unsealed Road Network

In addition to the above, Council has also considered a number of reports on the sealing of current gravel roads over the past 18 months.

- Item 15.043/18 – March 2018 re sealing gravel roads and a benefit-cost analysis of sealing roads identified in report Item 13.103/11
- Item 15.184 – October 2018 re detailed assessment of James Creek Road and McIntyres Lane



- Item 15.169/18 – October 2018 re sealing of Clarence Way following lodgement of a petition
- Item 15.028/19 – March 2019 re sealing of Clarence Way following lodgement of a petition

During this time Council has:

- Considered the benefit-cost ratio for proposed sealing of 41 currently unsealed roads
- Determined to seal James Creek Road in 2019/20 and develop a S94 Plan for the road
- Resolved to provide additional information regarding the sealing of McIntyres Lane
- Resolved to develop plans to seal identified sections of Clarence Way and seek grant funding
- Resolved to undertake research and development projects on a number of unsealed roads

**b) The status of roadworks as shown in the DCP for residential zones at Gulmarrad in Section S and Map S2.**

The stated aim of the Residential Zones Development Control Plan 2011 (DCP) is to support and complement Clarence Valley Local Environment Plan 2011 (CVLEP 2011) and to encourage well designed, high quality development within residential zones in the Clarence Valley.

Part S of the DCP relates to the Gulmarrad, with Part S4 and Map S2 detailing future road network requirements.

The DCP identifies four road hierarchies. Each of these is discussed below.

***Sub-arterial roads (part S4.4)***

Brooms Head Road (existing) and Goodwood Street (proposed) are the only noted sub-arterial roads. Goodwood Street has not been developed between the Pacific Highway and Brooms Head Road, noting that connectivity to Cameron Street, Maclean and the Pacific Highway will now be via the roundabouts and overpass due to be constructed as part of the Pacific Highway upgrade.

***Collector Roads (part S4.5)***

Sheehans Lane and McIntyres Lane are identified on Map S2 as collector roads.

Sheehans Lane was upgraded/sealed in the 2008/2009 – 2009/2010 period.

McIntyres Lane is impacted by the Pacific Highway upgrade works. The section of McIntyres Lane from the Pacific Highway to the new overpass has been partly sealed by Pacific Complete to facilitate their construction of the Pacific Highway upgrade. The section of the road from the overpass through to near Sheehans Lane remains unsealed. Also noted on Map S2 for McIntyres Lane is 'Minor realignment of bends to 80km/hr design speed'. One of the design issues being considered is reducing the design speed to 60km/hr at these bends.

Part S4.5. Collector Roads (c) is of relevance to the upgrading of McIntyres Lane. This section states:

*With the exception of 'Sheehans Lane', future works on collector roads identified on MAP S2 shall be undertaken by the developers of adjoining frontage land. Future upgrading of 'Sheehans Lane' will be funded directly from Section 94 contributions from the following properties: ....*

Under the provisions of the DCP, the current requirement is for developers that have frontage to McIntyres Lane to fund its upgrade.

The section of McIntyres Lane that is classed in the DCP as a collector road, fronts land zoned R5 Large Lot Residential and remains unsealed is some 760 metres in length. The eastern end of this unsealed segment starts at the northern boundary of 202 McIntyres Lane and terminates at the western side of land known as

89 Clyde Essex Drive that has dual frontage to McIntyres Lane. In this segment the development potential is deemed to be a maximum of 18 additional lots.

Vegetation/biodiversity and/or drainage constraints affect most of these allotments and hence, the likely yield could reasonably be expected to be 50% of the maximum yield and will also depend on whether new developments take access off McIntyres Lane or choose other access via Clyde Essex Drive or Bloodwood Grove (if applicable).

The section of McIntyres Lane east of Sheehan's Lane is not classified as collector road in the DCP.

#### **Access roads (part S4.7)**

There are no specifically identified access roads. In relation to funding the DCP states:

*All works on access roads running through residential neighbourhoods shall be undertaken by the developers of adjoining frontage land (Please refer to Council's Section 94 Plan for detail of costings).*

#### **Cul-de-sacs (part S4.8)**

There are no specifically identified cul-de-sacs. In relation to funding the DCP states:

*All works on cul-de-sacs situated in residential neighbourhoods shall be undertaken by the developers of adjoining frontage land.*

The DCP requires that road design *must comply with the standards in the NR Design Manuals*. The Northern Rivers Development and Design Manual (NRD&DM) has different standards for roads in residential subdivision road networks (which relate specifically to the road hierarchies in the DCP) or rural roads, which nominates road standards based on estimated traffic generation.

The rural road design standard for "minor road up to 1000 AADT" with traffic in the 500 – 1000 Annual Average Daily Traffic (AADT) range has been adopted for the design of McIntyres Road. The current Annual AADT for the road is approximately 200 vehicles per day (vpd), discounting the traffic generated by the Pacific Highway upgrade.

It is predicted traffic volumes on McIntyres Lane will increase significantly post sealing. Although the traffic volumes are predicted to be still be under 1,000 vpd, they are well expected to exceed 500 vpd.

The rural road design standards nominated in the NRD&DM are:

<b>Minor no through road up to 150 AADT</b>	<b>Minor road up to 1000 AADT</b>	<b>Major road over 1000 AADT</b>	<b>Rural Residential</b>
6m seal 0.5m shoulders	150 – 500 AADT 6m seal 1m shoulders	7.5m seal 1.5m shoulders	6m seal 1m shoulders
	500 – 1000 AADT 7m seal 1.0 m shoulders		

- c) **A thorough costing being available for Council's June meeting, there be conditional approval as follows:**
- i. **Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).**

Design Investigations

Following the April 2019 resolution Council staff have continued further investigations into the high risk components of the concept design. This has centred on the issues of utilities and foundations.

While utilities were identified in the initial survey of the road, their exact location can be difficult to determine until they are located on ground either by a service locator or by pot-holing the utility. Since the last report to Council the services have been located by a service locator. The results indicate telecommunications cables crossing the road and an optic fibre cable close to and parallel with the concept alignment. While the concept design will be reviewed in an attempt to minimise these conflicts it is likely that some utility relocation will be required. These relocations are typically expensive to complete.

The current concept proposes lowering part of McIntyres Lane at the crest. Preliminary pavement investigation has identified the presence of rock in this area, which depending on its hardness could slow down construction significantly

There are currently some risk areas with the concept design that require further consideration which may also impact on the final estimated cost. These include:

- Property boundary issues on the curves that need to be resolved
- The road alignment provide suitable road geometry taking into account the unknowns associated with the foundation
- The road is narrow so excavation under traffic may be difficult.

As indicated previously, the design will be managed in an attempt to minimise impacts with conditions and services. This may include adopting a lower speed design standard for the road which could potentially reduce costs through the reduction in required earthworks. Consideration will also be given to construction methodology and the closure of the road or parts thereof to allow greater efficiency during construction

Current Project Estimate

The current draft estimate for the project is \$906,775. The increase in costs from previous estimates is due to allowances for utilities relocation and additional time and cost for rock removal in the foundation.

It also needs to be noted that the current estimate is based on the current level of investigation, and that there is still a level of risk that has not been quantified in the estimate. Conversely potential modifications to the design (albeit through the reduction of speed design standards) could reduce potential costs.

- c) **A thorough costing being available for Council's June meeting, there be conditional approval as follows:**
- ii. **The General Manager consult with RMS regarding Council's programing of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.**

Staff have consulted with Pacific Complete as representatives of the Roads and Maritime Services (RMS) over the potential construction of McIntyres Lane to the west of the overpass bridge. Pacific Complete has identified some conflict areas, being:

- Increased traffic on McIntyres Lane between the Pacific Highway and the overpass; and
- Increased risk at the McIntyres Lane/Pacific Highway intersection with increased traffic movements.

Council plant will be located to the east of the overbridge, so there is little potential for construction conflict. There is potential for conflict in truck movements to and from the site, as this traffic will pass

through the section of McIntyres Lane utilised by the Pacific Highway upgrade traffic as well as increased traffic at the Pacific Highway intersection.

At the completion of the Pacific Highway upgrade part of the approach to the McIntyres overpass will be transferred to Council. There is a formal process under which this occurs. If the work to upgrade McIntyres Lane east of the overpass is undertaken in 2019/20, this will precede this formal process. As the McIntyres Lane work will need to integrate with this part of the overpass, Council will effectively waive any claims it may have with the work completed as part of the Pacific Highway upgrade where these two projects meet. This is a risk that council needs to consider.

Should Council determine to undertake the works in the 2019/2020 year, the project would not likely commence until May 2020 based upon the current works program.

- c) **A thorough costing being available for Council's June meeting, there be conditional approval as follows:**
- iii. **The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.**

No issues were raised by Pacific Complete and none have been identified by Council staff other than those listed above.

- c) **A thorough costing being available for Council's June meeting, there be conditional approval as follows:**
- iv. **Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.**

RA11150 – IR – Infrastructure Assets Renewal Reserve: There is some funding available in this reserve that could be utilised for this construction. \$500,000 has been nominated from this reserve toward the 2020/21 capital works program. This funding could be allocated to the upgrading of McIntyres Lane, noting that this would decrease the available funding in 2020/21.

Roads to Recovery Grant: Council has been advised of additional funding to be received under this grant. In addition Council has also received funding under the Bridges Renewal grant for work on two bridges (reported to the May 2019 meeting), which has subsequently freed up funding that was programmed to be funded from Roads to Recovery. As a result there is currently adequate funding available in the Roads to Recovery grant to fund these works.

#### IMPACT UPON ROAD NETWORK

As indicated above it is anticipated that a significant increase in traffic will result once the road is fully sealed. As a consequence there could be a number of impacts on the road network and the community. These include:

- The Brooms Head Road/Sheehans Lane intersection is likely to require an upgrade to increase the capacity of the intersection (for example provision of turning lanes);
- The Sheehans Lane/McIntyres Lane intersection may require an upgrade, especially if further development of land east of Sheehans Lane utilises this intersection;
- An increased level of complaint from residents adjoining and using Sheehans Lane and McIntyres Lane due to general increased traffic related issues; and
- There is likely to be an increase in sealed maintenance requirements of the surrounding road network due to the increase in traffic. However it is to be noted that there will be a decrease in unsealed maintenance due to the sealing of McIntyres Lane.

**COUNCIL IMPLICATIONS****Budget/Financial**

The financial implications of these works are detailed above.

**Asset Management**

Any upgrade to McIntyres Lane will be reflected in Council's Asset Register.

**Policy or Regulation**

Council's Residential Zones Development Control Plan 2011 applies to the upgrade of McIntyres Lane.

**Consultation**

There has been numerous letters over the years regarding the upgrade of McIntyres Lane. Council staff have discussed the matter with Pacific Complete.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Previously distributed under Item 6c.19.014 - 25 June 2019

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<b>ITEM</b>	<b>6a.19.008</b>	<b>MONTHLY INVESTMENT REPORT – MAY 2019</b>
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<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

**SUMMARY**

This report was presented to the June Ordinary Council meeting Item 6c.19.021 but was deferred and is now presented to the July Council meeting.

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

**OFFICER RECOMMENDATION**

That the report indicating Council's funds investment position as at 31 May 2019 be received and noted.

**CORPORATE, GOVERNANCE & WORKS COMMITTEE RECOMMENDATION**

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Kingsley, Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**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*.

**KEY ISSUES****Source of Funds Invested**

The funds invested are funds held under internal and external restrictions. External Restricted Funds 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 2018 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	3.97%	Plant Equipment Reserve	12.00%
Water Supply Funds	21.57%	Regional Landfill Reserves	7.44%
Developer Contributions	15.72%	Fin. Assist Grants paid in advance	5.00%
Unexpended Grants	6.71%	Infrastructure Assets Renewals	4.83%
Domestic Waste Management	1.15%	Clarence Care & Support	3.45%
Clarence Coast Reserve	2.85%	Employee Leave Entitlements	2.46%
Deposits, Retentions and Bonds	1.47%	Roads & Quarries Reserves	1.68%
Other External	1.69%	Strategic Building Reserve	1.21%
		Building Asset Renewals	0.91%
		Waste Management Reserves	0.75%
		Other (refer attachment for further detail)	5.14%
	<u>55.13%</u>		<u>44.87%</u>
		Total External & Internal Reserves	<u>100.00%</u>

### Portfolio Credit Limits

Tabled below is a summary of Council's investments as at 31 May 2019 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 31 May 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,467,528	5.26%	Yes
AA	100.00%	34,337,938	27.92%	Yes
A	60.00%	34,680,912	28.20%	Yes
BBB	50.00%	47,505,110	38.62%	Yes
<b>TOTAL INVESTMENTS</b>		<b>122,991,488</b>	<b>100.00%</b>	

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.

**Individual Institution or Counterparty Limits**

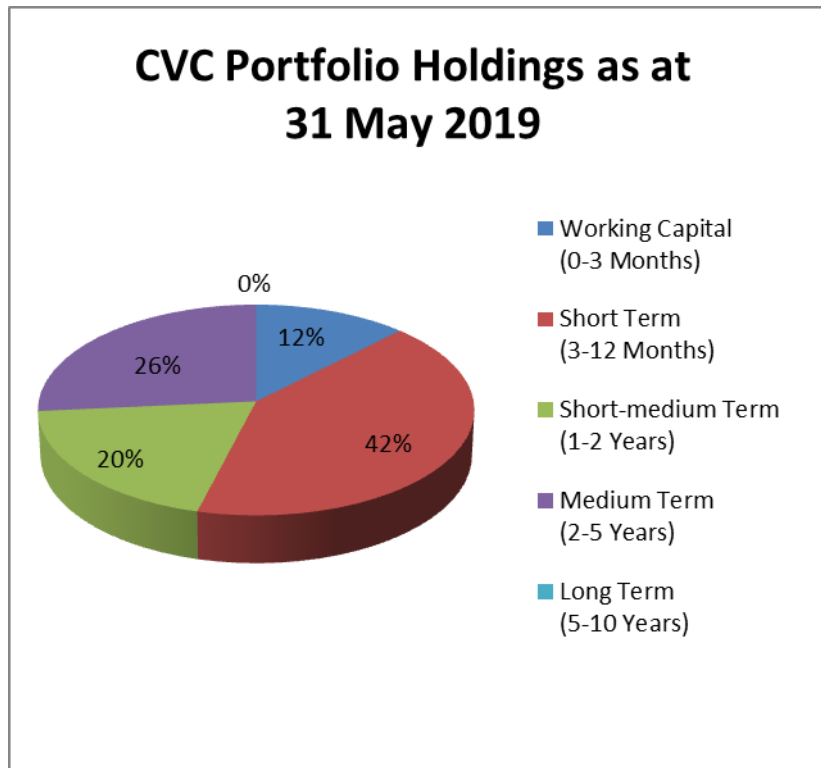
Tabled below is a summary of Council's investments as at 31 May 2019 which details compliance with Council's Investment Policy Counterparty Limits.

<b>Individual Institution or Counterparty Limits as at 31 May 2019</b>					
<b>Financial Institution</b>	<b>Credit Rating Long Term</b>	<b>Investment Policy Maximum Holding</b>	<b>Total Investments Held</b>	<b>% of Total Investments</b>	<b>Complies with Policy (yes/no)</b>
<b>TERM DEPOSITS &amp; FRNs*</b>					
AMP	A	15.00%	6,000,000	4.88%	Yes
ANZ*	AA-	30.00%	2,018,560	1.64%	Yes
BoQ	BBB+	15.00%	15,000,000	12.20%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.69%	Yes
Bendigo*			1,005,110	0.82%	
Rural Bank			5,000,000	4.07%	
CBA*	AA-	30.00%	2,023,840	1.65%	Yes
Credit Union Australia	BBB	15.00%	3,000,000	2.44%	Yes
Defence	BBB	15.00%	9,000,000	7.32%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.81%	Yes
IMB	BBB	15.00%	1,000,000	0.81%	Yes
ING Direct	A	15.00%	14,000,000	11.38%	Yes
ME Bank	BBB	15.00%	4,000,000	3.25%	Yes
NAB	AA-	30.00%	16,000,000	13.01%	Yes
NAB*			1,005,080	0.82%	
P&N	BBB	15.00%	3,000,000	2.44%	Yes
People's Choice	BBB	15.00%	1,000,000	0.81%	Yes
RaboDirect	A+	15.00%	11,000,000	8.94%	Yes
Westpac	AA-	30.00%	7,000,000	5.69%	Yes
Westpac*	AA-		1,523,205	1.24%	
<b>TOTAL TERM DEPOSITS &amp; FRNs*</b>			<b>110,575,795</b>	<b>89.91%</b>	
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	1,967,528	1.60%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>1,967,528</b>	<b>1.60%</b>	
<b>FUNDS AT CALL</b>					
AMP	A	15.00%	4,680,912	3.81%	Yes
ANZ	AA-	30.00%	272,903	0.22%	Yes
CBA	AA-	30.00%	5,494,350	4.47%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>10,448,165</b>	<b>8.50%</b>	
<b>TOTAL INVESTMENTS</b>			<b>122,991,488</b>	<b>100.00%</b>	



**Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council’s investments by maturity as at 31 May 2019. Excluding “at-call” working capital, 43.91% of Council’s investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 May 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>WORKING CAPITAL (0-3 MONTHS)</b>					
T-CorpIM Cash Fund	1,967,528	1.60%	At-Call	2.04%	AAA
AMP Bank Ltd	4,680,912	3.81%	At-Call	2.05%	A
ANZ Banking Group Ltd	272,903	0.22%	At-Call	1.80%	AA-
Commonwealth Bank of Australia	5,494,350	4.47%	At-Call	1.40%	AA-
Bank Of Queensland Ltd	1,000,000	0.81%	17/06/2019	3.55%	BBB+
Defence Bank	2,000,000	1.63%	3/06/2019	2.75%	BBB
<b>TOTAL WORKING CAPITAL (0-3 MONTHS)</b>	<b>15,415,693</b>	<b>12.53%</b>		<b>2.00%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	2,000,000	1.63%	23/07/2019	3.05%	A-
AMP Bank Ltd	1,000,000	0.81%	30/08/2019	2.70%	A-
AMP Bank Ltd	3,000,000	2.44%	6/03/2020	2.75%	A-
Bank Of Queensland Ltd	1,000,000	0.81%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.63%	29/07/2019	2.70%	BBB
Bendigo Bank	1,000,000	0.81%	6/08/2019	2.78%	BBB
Bendigo Bank	2,000,000	1.63%	21/11/2019	2.70%	BBB+
Bendigo Bank	2,000,000	1.63%	18/12/2019	2.85%	BBB+
Credit Union Australia	2,000,000	1.63%	4/03/2020	2.80%	BBB
Defence Bank	1,000,000	0.81%	18/03/2020	4.00%	BBB-
G&C Mutual Bank	1,000,000	0.81%	6/11/2019	2.87%	A
IMB	1,000,000	0.81%	8/11/2019	2.85%	A
ING	1,000,000	0.81%	10/12/2019	2.87%	A
ING	1,000,000	0.81%	14/02/2020	2.87%	A
ING	2,000,000	1.63%	20/02/2020	2.89%	A
ING	2,000,000	1.63%	2/03/2020	2.87%	A
ME Bank Ltd	2,000,000	1.63%	28/10/2019	2.95%	BBB+
National Australia Bank	2,000,000	1.63%	29/07/2019	2.76%	AA-
National Australia Bank	2,000,000	1.63%	5/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.44%	5/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.63%	13/09/2019	2.75%	AA-
National Australia Bank	2,000,000	1.63%	11/12/2019	2.75%	AA-
P&N Bank	3,000,000	2.44%	12/12/2019	2.77%	BBB
People's Choice Credit Union	1,000,000	0.81%	14/08/2019	2.85%	A+
RaboDirect (Australia) Ltd	2,000,000	1.63%	10/02/2020	2.85%	BBB+
RaboDirect (Australia) Ltd	2,000,000	1.63%	4/03/2020	2.80%	BBB+
Rural Bank Ltd	2,000,000	1.63%	4/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,005,110	0.82%	21/02/2020	2.66%	BBB+
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>51,005,110</b>	<b>41.65%</b>		<b>2.82%</b>	
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.81%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2020	3.60%	BBB+
Credit Union Australia	1,000,000	0.81%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.63%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.63%	09/03/2021	3.00%	BBB
ING	2,000,000	1.63%	06/05/2020	3.11%	BBB
ING	1,000,000	0.81%	08/05/2020	2.30%	BBB
ING	3,000,000	2.44%	10/11/2020	2.92%	A
National Australia Bank	2,000,000	1.63%	20/05/2020	2.20%	AA-
Rural Bank Ltd	2,000,000	1.63%	05/03/2021	3.00%	AA-
Westpac Bank	1,000,000	0.81%	11/05/2020	3.00%	BBB
Westpac Bank	2,000,000	1.63%	12/01/2021	3.65%	BBB+
Westpac Bank	2,000,000	1.63%	11/03/2021	3.82%	BBB
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>24,000,000</b>	<b>19.51%</b>		<b>3.07%</b>	

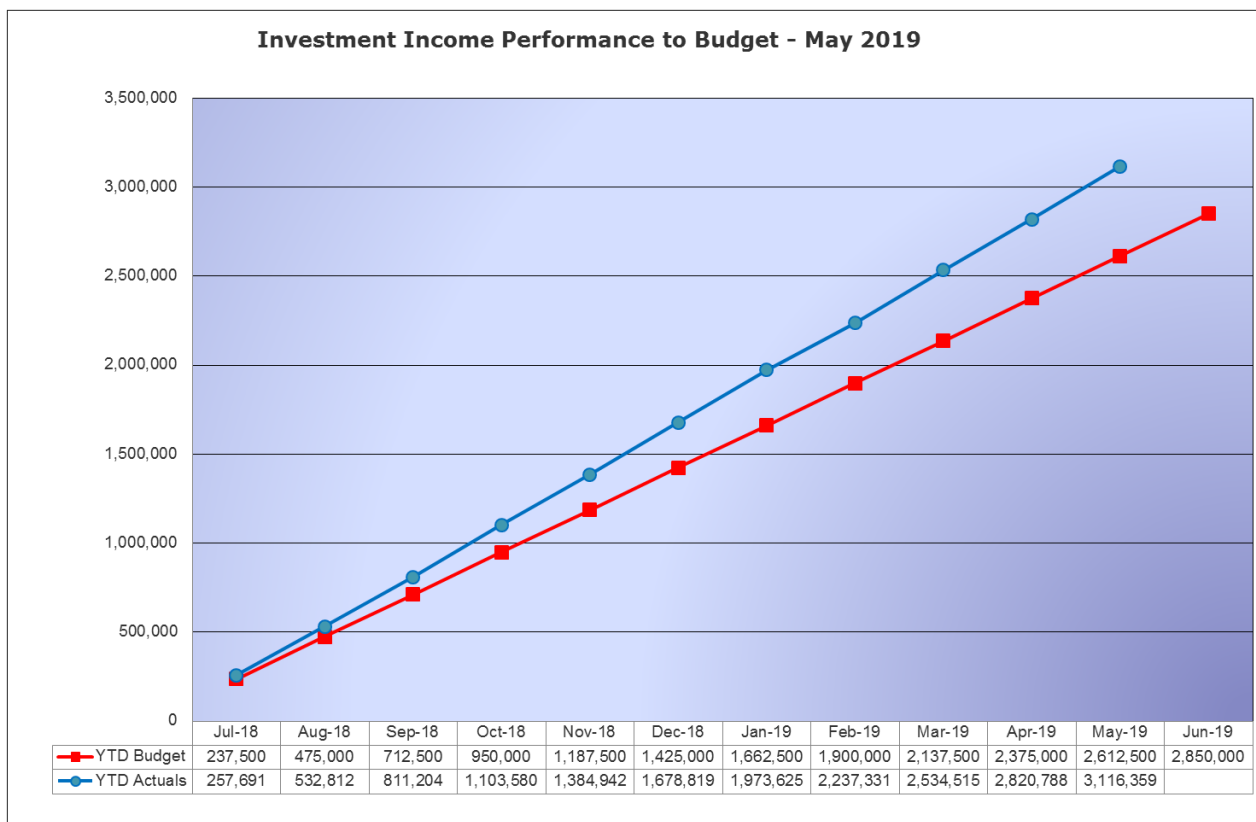
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>MEDIUM TERM (2-5 YEARS)</b>					
Bank Of Queensland Ltd	2,000,000	1.63%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.63%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.81%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.63%	21/08/2023	3.60%	BBB+
Defence Bank	2,000,000	1.63%	14/06/2021	3.02%	A+
ING	2,000,000	1.63%	04/10/2022	3.66%	A
ME Bank Ltd	2,000,000	1.63%	18/07/2022	3.05%	AA-
National Australia Bank	3,000,000	2.44%	13/03/2023	2.95%	AA-
RaboDirect (Australia) Ltd	2,000,000	1.63%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.63%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.81%	19/09/2023	3.40%	A+
Rural Bank Ltd	1,000,000	0.81%	16/11/2021	2.83%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,018,560	1.64%	06/12/2023	2.91%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,005,660	0.82%	25/04/2023	2.36%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,018,180	0.83%	11/01/2024	2.83%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,005,080	0.82%	10/02/2023	2.45%	AA-
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,523,205	1.24%	24/04/2024	2.83%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>32,570,685</b>	<b>26.48%</b>		<b>3.19%</b>	
<b>LONG TERM (5-10 YEARS)</b>					
					AA-
<b>TOTAL LONG TERM (5-10 YEARS)</b>	-	<b>0.00%</b>		<b>0.00%</b>	
<b>TOTAL INVESTMENTS</b>	<b>122,991,488</b>	<b>100.18%</b>		<b>2.87%</b>	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 May 2019			
	Actual	Budget 2018/19	Over/(Under)
<b>This Month</b>			
Cash Deposits & FRNs	\$292,210	\$235,800	\$56,410
Managed Funds	\$3,361	\$1,700	\$1,661
	<b>\$295,571</b>	<b>\$237,500</b>	<b>\$58,071</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$3,066,304	\$2,593,800	\$472,504
Managed Funds	\$50,056	\$18,700	\$31,356
	<b>\$3,116,360</b>	<b>\$2,612,500</b>	<b>\$503,860</b>

- Actual results have shown that total interest income to 31 May 2019 is \$0.504M above the 2018-19 budget of \$2.612M.
- As at 31 May 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$61,975.

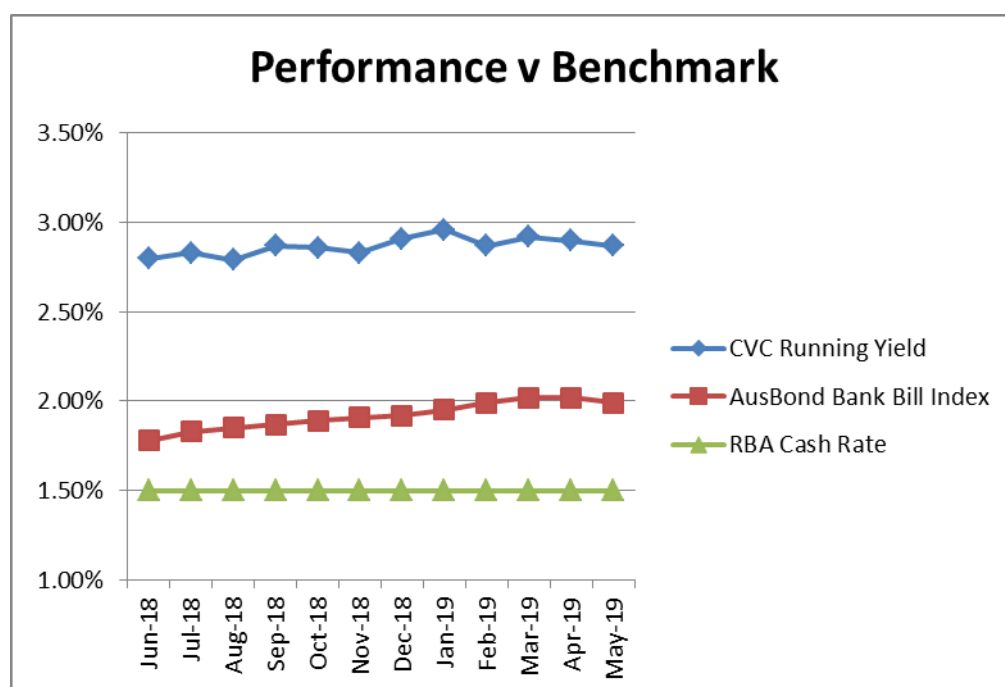


- Running yields\* to 31 May 2019 have been:

AMP Business	1.80%
AMP 31 Day Notice	2.30%
ANZ Premium Business	1.80%
CBA General	1.35%
24hr Call Account	1.45%
T-CorpIM Cash Fund	2.04%
Floating Rate Notes	2.72%
Term Deposits	3.01%
Total	2.87%

\*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 May was 1.50%. The benchmark AusBond Bank Bill Index was 1.99% for May.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.87% (April 2.90%).



- The following investments have been arranged since the previous report:
  - ME Bank \$2.0m TD matured 08/05/19, reinvested for 12 months at 2.30% - matures 08/05/2020
  - NAB \$3.0m TD matured 20/05/19, reinvested for 12 months at 2.20% - matures 20/05/2020

**Asset Management**

N/A

**Policy or 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 impact of current investment portfolio has not been undertaken. Investments are driven by the current Investment Policy.

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Prepared by	Vickie Stacey - Finance Officer (Accounting) & Kirsty Gooley – Assistant Financial Accountant (Reporting & Assets)
Attachment	Previously distributed under Item 6c.19.021 - 25 June 2019

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<b>ITEM</b>	<b>6a.19.009</b>	<b>REQUEST FOR TEMPORARY SUSPENSION OF ALCOHOL FREE ZONE FOR EAT STREET YAMBA EVENT, COLDSTREAM STREET AND COLDSTREAM LANE, YAMBA</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	23 July 2019
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Director - Environment, Planning & Community (Des Schroder)	
<b>Attachment</b>	Yes	

### SUMMARY

<i>Applicant</i>	Rotary Club of Yamba
<i>Owner</i>	Clarence Valley Council
<i>Address</i>	Coldstream Street (between River Street and Yamba Street) and Coldstream Lane, Yamba
<i>Submissions</i>	N/A

Council has received an application to hold the 2019 Yamba Eat Street event in Coldstream Street and Coldstream Lane on 6 October 2019. In addition to the gourmet food markets, the sale of alcohol is proposed for consumption by patrons within the event area. The public roads within the event area are designated Alcohol Free Zones under Section 644 of the Local Government Act 1993. As such, a resolution of Council is required to temporarily suspend the Alcohol Free Zone within the event area and permit the consumption of alcohol during the event.

This report provides an overview of the event and seeks a Council resolution to temporarily suspend the Alcohol Free Zone for one Eat Street Yamba event held annually.

### OFFICER RECOMMENDATION

That Council temporarily suspend the Alcohol Free Zone over Coldstream Street (between River Street and Yamba Street) and Coldstream Lane, for the purpose of both the 2019 and future annual Yamba Eat Street event, subject to:

- a) Only one event being held annually;
- b) An application being lodged with Council for each event under the provisions of Section 68 of the Local Government Act 1993; and
- c) Separate approval being obtained from the NSW Department of Industry – Liquor and Gaming to serve alcohol in association with the event.

### LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.2 We will have a safe, active and healthy region

Strategy 1.3.1 Support arts, learning, cultural services, community events and festivals

### BACKGROUND

Yamba Eat Street is an annual food market event organised by the Rotary Club of Yamba. The first Eat Street event was held in Coldstream Street (between River Street and Yamba Street) and Coldstream Lane (roads closed to traffic) in October 2017 and attracted an estimated 6,000 people. A similar event was held the following year, in September 2018.

Council approved a temporary suspension of the Alcohol Free Zone for the 2018 event at the July 2018 Council Meeting (Item 14.079/18). That approval was specifically for the 2018 event and did not extend to any future events.

Council has received an application (ACT2019/0104) to hold another Yamba Eat Street event in the same location on Sunday, 6 October 2019 from 4.00pm to 9.00pm. The event requires a licence from Council under Section 68 of the Local Government Act 1993 as it is being held on public land. A map showing the location of the event area is included at Attachment 1. The expected number of attendees for the event is between 4,000-5,000 people.

As in previous years, it is proposed to make alcohol available for consumption by attendees within the event area. This requires a temporary suspension of the Alcohol Free Zone over the section of Coldstream Street and Coldstream Lane in which the event will take place.

### KEY ISSUES

The Eat Street Yamba event is becoming a standard annual event, with no or minor changes in the operation of the event from year to year. Previous reports to Council have sought temporary suspension of the Alcohol Free Zone for that particular event only. As the events are occurring annually in a standard format, it is considered that a resolution could be made by Council to extend the temporary suspension to allow one event to occur annually in the same location (subject to relevant approvals being obtained). This would alleviate the need to report the matter to Council each year for this event.

As part of the application to Council under the Local Government Act for each event, the applicant is to have adequate public liability insurance and provide a risk assessment which includes measures to prevent and manage any incidents and antisocial behaviour arising from alcohol consumption at the event. The suitability of these documents is assessed by relevant Council staff for each individual event.

The approval issued by Council for the 2018 Eat Street Yamba event included the following conditions relating to the sale and consumption of alcohol:

- Separate approval is required from the NSW Department of Industry – Liquor and Gaming to serve alcohol in association with the event.
- Alcohol is to only be consumed in a designated area within the licenced area. Entry and exit points are to be controlled by security to prevent alcohol entering and/or leaving the designated area.
- During liquor trading hours, any drink (whether or not it contains liquor) sold or supplied for consumption on the licensed premises must not be served in a glass container. In this condition glass means a drinking vessel, or a container (such as a bottle or jug) from which drinks can be poured, that is made wholly or principally of glass.
- During liquor trading hours, any drink (whether or not it contains liquor) sold or supplied for consumption on the licensed premises must be served in a shatterproof container.
- Light alcohol must also be available for sale.

No complaints regarding the sale or consumption of alcohol for the 2018 event are registered against the event application in Council's records management system.

It is proposed that similar conditions will apply to the 2019 Eat Street Yamba event in regards to the sale and consumption of alcohol. For future events after 2019, the assessment of the proposal, its potential impacts and applicable legislation will determine the relevant conditions to be applied.

The sale and service of alcohol at the event will require a liquor licence from NSW Department of Industry – Liquor and Gaming which will include conditions to ensure that alcohol is sold and consumed in a responsible manner. As part of the process, the NSW Police Force is notified of the proposal to ensure they have no objections to the event.



It is considered that adequate arrangements will be in place to manage the service and consumption of alcohol in a responsible manner and maintain a safe and enjoyable environment for members of the community at the annual event. As such it is considered that Council can grant a temporary suspension of the Alcohol Free Zone over the event area, for up to one event each year.

### COUNCIL IMPLICATIONS

#### Budget/Financial

N/A

#### Asset Management

N/A

#### Policy or Regulation

Local Government Act 1993

Yamba CBD Alcohol Free Zone

#### Consultation

The following sections of Council were consulted over the proposed temporary suspension of the Alcohol Free Zone for the event:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Open Spaces and Facilities	No objections raised

#### Legal and Risk Management

As part of the application to Council for each event, the applicant is to:

- a) Have adequate Public Liability Insurance (for an amount specified by Council – currently a minimum of \$20,000,000) and provide Council a copy of the Public Liability Certificate of Currency; and
- b) Provide a risk management plan for the event which includes measures to prevent and manage any incidents and antisocial behaviour arising from alcohol consumption at the event.

#### Climate Change

A temporary suspension of the alcohol free zone for this event in 2019 and future years will not be affected by, or have adverse effects on, climate change and related factors.

Prepared by	Sarah Sozou, Development Planner
Attachment	Yamba Eat Street Event location plan

<b>ITEM</b>	<b>6a.19.010</b>	<b>REVIEW OF CODE OF CONDUCT POLICY</b>
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<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

The Code of Conduct Policy has been reviewed and is submitted to Council for adoption.

**OFFICER RECOMMENDATION**

That the Code of Conduct Policy V8 be adopted.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

The Office of Local Government (OLG) prescribed a new Model Code of Conduct which was adopted by Council on March 2019, Item 15.041/19.

**KEY ISSUES**

It has come to our attention that there is a slight discrepancy between the adopted policy and the Model Code when it was being reviewed.

A comparison between our adopted code and the Office of Local Government's model code has resulted in the changes highlighted in the attached document, noted as Code of Conduct V8.

As these changes are regulatory it is not necessary to place this policy on exhibition.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

Model Code of Conduct for Local Councils in NSW and Procedures

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Revised Code of Conduct V8

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<b>ITEM</b>	<b>6a.19.011</b>	<b>LEASING OF GLENREAGH RAIL PRECINCT FROM ARTC</b>
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<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	General Manager	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

This report presents to Council the outcomes of discussions held with the ARTC regarding the potential for Council or the Glenreagh Rail and Station Preservation Society Inc leasing the Glenreagh Rail Precinct from the ARTC in order to restore and preserve the site.

**OFFICER RECOMMENDATION**

That Council engage an appropriately qualified consultant to undertake a risk assessment of the Glenreagh Rail Precinct and that this report be presented back to Council by October 2019, with the Council report to include details of any legal/and or insurance implications for Council entering into a lease agreement with the Australian Rail Track Corporation and/or the Glenreagh Rail and Station Preservation Society Inc for the management of the Glenreagh Rail Precinct.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.2 Respect the heritage of the region by highlighting and enhancing our unique characteristics

**BACKGROUND**

Council considered a Notice of Motion from Cr Toms at the April 2019 meeting (refer Item 17.008/19) seeking Council's support to assist the Glenreagh Rail and Station Preservation Society Inc. (GRASPS) to acquire a lease over the Glenreagh Rail Precinct from the Australian Rail Track Corporation (ARTC) and resolved as follows:

*"That*

- 1. The General Manager investigate the possibility of Council leasing (and sub-leasing) and/or the Glenreagh Rail and Station Preservation Society Inc. directly leasing the precinct from ARTC.*
- 2. The General Manager report back to Council by the July 2019 Council meeting".*

**KEY ISSUES**

Contact has been made with ARTC's Sydney Property Manager, Mr Derek Rogers who has provided the following comments regarding the proposal for GRASPS to lease the Glenreagh Rail Precinct.

- Due to the large asset base, ARTC welcomes a suitable Agreement/Lease or License for management of the sites or specific buildings like at Glenreagh if an outcome can be achieved.
- ARTC cautions in relation to ensuring community groups have capacity to deliver. Reference was made to the Dorrigo agreement, and limited capacity of the group to deliver.
- ARTC considers a suitable Agreement with Council is more appropriate than one with a community group.

- In signing an Agreement, Council accepts delegated responsibility for managing the rail corridor, and work performed in and subject to the Agreement, in accordance with the National Rail Safety Regulation <https://www.onrsr.com.au/about-onrsr/legislation>, as governed by the National Rail Safety Regulator.
- The Glenreagh Rail and Station Preservation Society, could be listed as a third party on the Agreement, or Council could have its own arrangement with the group.
- ARTC's preference is for any initial agreement to be short term with limited scope so all sides are able to gauge progress before signing up to a longer term arrangement.

A key issue for Council is to establish whether GRASPS has the capacity to manage and fund the restoration and preservation of the Glenreagh Rail Precinct, at no cost to Council. GRASPS were incorporated on 8 June 2018 with their primary purpose being to protect the remaining infrastructure within the Glenreagh Railway Yard.

GRASPS have prepared a business plan (copy attached) for their proposed activities to restore the Glenreagh Railway Yard infrastructure. The business plan estimates that the total project cost over 20 years is to be in the range of \$1.3 million to \$2.1 million. This includes building restoration and maintenance over that time. The business plan states that GRASPS will be seeking government grants in the order of \$500k (in the first 5 years of the plan) to support the works required to upgrade the building and associated infrastructure.

ARTC have indicated that management of the rail corridor has to be in accordance with the National Rail Safety Regulations. GRASPS have stated as part of Stage 1 of business plan that they would seek to become accredited with the Office of the National Rail Safety Regulator (ONRSR) as an infrastructure manager and four GRASPS members would commence nationally recognised training as protection officers in line with ARTC requirements.

ARTC have also advised that any initial agreement should be short term with limited scope so all sides (Council, GRASPS and ARTC) are able to gauge progress. Before Council progresses the establishment of a lease with either ARTC or GRASPS it is recommended that a risk assessment of the site be completed and legal advice obtained so that Council understands the potential risks and liabilities we may have by Council being responsible for the Glenreagh Rail Precinct.

## **COUNCIL IMPLICATIONS**

### **Budget/Financial**

There have been no costs incurred to date other than Council staff wages incurred during consultation with GRASPS and ARTC representatives.

If the recommendation is adopted the risk assessment and associated legal/insurance advice of Council entering into a lease agreement with ARTC and/or GRASPS for the management of the Glenreagh Rail Precinct can be funded from the General Manager's consultants budget for 2019/20.

### **Asset Management**

N/A

### **Policy or Regulation**

N/A

### **Consultation**

I met with representatives of GRASPS on 27 June 2019 to discuss progress with making contact with ARTC and the Director Corporate & Governance has consulted with Mr Rogers from ARTC.

**Legal and Risk Management**

A risk assessment of the Glenreagh Rail Precinct has not been completed. It is recommended that this be completed before Council considers entering into a lease agreement with ARTC or GRASPS.

**Climate Change**

N/A

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Prepared by	Ashley Lindsay, General Manager
Attachment	GRASPS - Glenreagh Station and Yard Business Plan

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ITEM	6a.19.012	WORKS REPORT
<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Tim Jenkins)	
<b>Attachment</b>	Yes	

## SUMMARY

Reports on capital and major maintenance works carried out by the Works and Civil Group up until late June 2019.

## OFFICER RECOMMENDATION

That the Works Report be received and noted.

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

## BACKGROUND

Works are undertaken to maintain Council assets and undertake construction within budgets and timeframes established by Council. Departures from set programs and budgets are reported to Council as part of the works program reporting.

## KEY ISSUES

The summary of works undertaken in June is attached.

## COUNCIL IMPLICATIONS

### Budget/Financial

Financial details are provided in the attached works summary.

### Asset Management

Maintenance standards are undertaken in accordance with that detailed in the relevant Asset Management Plan. Capital works are as detailed in the Delivery Plan and Operational Plan.

### Policy or Regulation

There are no policy or regulation implications.

### Consultation

Consultation has been held internally with Civil Services Section and Water Cycle Section and Open Spaces and Facilities Section.

### Legal and Risk Management

There are no legal or risk management implications.

**Climate Change**

N/A

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Prepared by	Tim Jenkins, Greg Mashiah, David Sutton
Attachment	Works Program

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**b. ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE**

**MINUTES** of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday 16 July 2019 commencing at 3.32 pm.

**PRESENT**

Cr Andrew Baker (Chair), Cr Debrah Novak, Cr Richie Williamson, Cr Jim Simmons

Cr Karen Toms, Cr Arthur Lysaught, Cr Peter Ellem, Mr Ashley Lindsay (General Manager), Ms Laura Black (Director – Corporate & Governance), Mr Des Schroder (Director – Environment, Planning & Community) and Mr Troy Anderson (Director – Works & Civil) were in attendance.

**APOLOGY****MOTION**

Williamson/Novak

That a leave of absence be granted to Cr Greg Clancy.

Voting recorded as follows

For: Simmons, Baker, Williamson, Novak

Against: Nil

**DISCLOSURE AND DECLARATIONS OF INTEREST - Nil**

<b>ITEM</b>	<b>6b.19.013</b>	<b>DA2018/0738 ASPHALT PLANT, LOT 11 AND LOT 12 DP1187818, TYSON STREET, SOUTH GRAFTON</b>
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<b>Meeting</b>	Environment, Planning & Community Committee	16 July 2019
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager Environment, Development & Strategic Planning (David Morrison)	
<b>Attachment</b>	Yes	

**SUMMARY**

<i>Applicant</i>	Colas NSW
<i>Owner</i>	P.A. & C.C. McLennan
<i>Address</i>	Tyson Street. South Grafton, Lot 11 & 12 DP1187818
<i>Submissions</i>	19 submissions

DA2018/0738 is a development proposal to construct and operate a mobile asphalt plant which will produce between 30,000 to 100,000 tonnes of asphalt per year. The plant will be located on a property with access from Tyson Street, South Grafton with demountable buildings, hard stand areas, a mixing tower 20 metres in height and two bitumen silos 12.5 metres in height.

The Environment Protection Authority is the relevant authority for all matters relating to the *Protection of the Environment Operations Act 1997* and General Terms of Approval have been issued for the development.

Following numerous requests Council has not received comments back from the Natural Resource Access Regulator (NRAR) in regard to a Controlled Activity Approval required for developments that are within 40 metres of a natural water body. It is proposed that any requirements of an approval from NRAR can be required as a condition of consent.

This application is referred to Council to consider the potential impacts, issues raised in the submissions and request to vary the 9 metre height specified on the Height of Buildings Map of Council's Local Environmental Plan (the LEP). The proposed variation is outside of staff delegation of 10% variation (the proposal is for a 122.2% variation for the tower and 38.8% variation for the silos). This report provides an assessment of the application and a recommendation for Council consideration.

**OFFICER RECOMMENDATION**

That Council:

1. Approve the requested variations to the LEP Height of Building Map to allow variations to the maximum building height for a 20 metre high mixing tower and two 12.5 metre high silos.
2. Approve DA2018/0738 subject to the schedule of draft conditions.

**COMMITTEE RECOMMENDATION**

Williamson/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Simmons, Baker, Williamson

Against: Novak

**LINKAGE TO OUR COMMUNITY PLAN**

Theme	5 Leadership
Objective	5.1 We will have a strong, accountable and representative Government
Strategy	5.1.4 Provide open, accountable and transparent decision making for the community

**BACKGROUND**

DA218/0738 was lodged with Council on 29 November 2018 supported with an Environmental Impact Statement. The proposal is to construct and operate a mobile asphalt plant which will produce between 30,000 to 100,000 tonnes of asphalt per year. After considering 2 other sites the proposed location is the preferred option due to the location and being industrial zoned land on which the proposal is permitted.

The proposal is Designated Development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and the proposal has been notified and advertised in accordance with the Environmental Planning and Assessment Regulation 2000 and Council's Industrial Zones Development Control Plan (the DCP).

The development application is not scheduled under the *Protection of the Environment Operations Act 1997* (POEO Act) and does not require an Environmental Protection Licence. However, as the intended maximum production capacity is greater than 30,000 tonnes per annum the Environment Protection Authority (EPA) has advised that it is the regulatory authority for all matters relating to the POEO Act. The EPA has considered the proposal and General Terms of Approval have been issued in regard to water quality management including the protection of Musk Valley Creek for polluted discharges, air quality impacts particularly relating to bitumen odour and dust management, noise impacts, waste management, hours of operation, fuel and chemical storage and benchmarking against industry best practice.

The site directly adjoins Musk Valley Creek and has been referred to the Natural Resource Access Regulator as the proposal is Integrated Development requiring a Controlled Activity Approval under the Water Management Act 2000. NRAR has not provided Council with a response to the integrated referral which was been with the regulator since 22 January 2019. The Environmental Planning and Assessment Regulation 2000 requires that an approval body must give written notice to a consent authority within 21 days of being notified of the last of the submissions made during the submission period. The regulation also provides that a consent authority is not prevented from having regard to an approval body's general terms of approval after the expiration of the relevant period. NRAR has been provided with a copy of the submissions and the 21 day referral period concluded on 28 June 2019. It is proposed that the consent be conditioned to comply with the requirements of NRAR for a Controlled Activity Approval under the *Water Management Act 2000*.

Construction works that are proposed include driveways, concrete pad, stockpile areas and bunding areas with 11 demountable buildings/shipping containers, two 12m silos and a 20m mixing tower. There will be up to 6 workers on-site (2 asphalt operators, 2 laboratory technicians, a contract administrator and a project manager/engineer) and 14 workers off-site.

The site is zoned IN1 Industrial and is adjoined by rural zoned land (RU2 Rural Landscape) and similarly industrial zoned land. There are a number of residences in close proximity 30m and 100m (one is directly opposite the site access driveway) and the Glenwood Tourist Park being 350m away. A 2 metre high noise wall is proposed to be constructed on the property boundary between the adjoining residence at 3D Tyson Street and the plant. The residence at 7947-7949 Pacific Highway has been purchased by the land owner on which the plant will be constructed for future industrial use.

A 2 metre high noise wall is proposed on the western side of the site adjacent to 3D Tyson Street to mitigate noise impacts on that residence. The details of the fence will be required to be submitted to

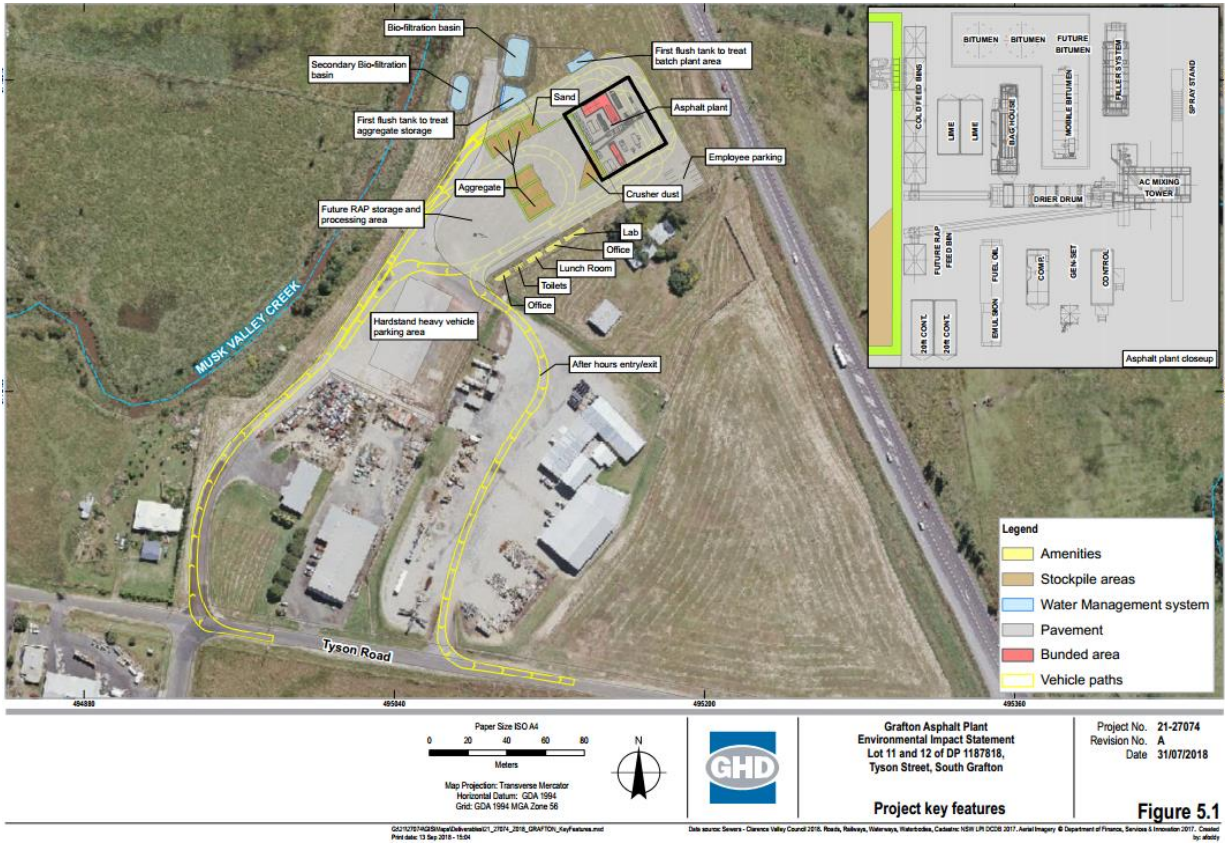
Council for approval prior to the issue of a construction certificate. This is also a requirement of the EPA's GTA.

The construction of the plant is estimated to take a maximum of 2 months and will be required to adhere to the recommended hours for construction works. It has been submitted that the operational period of the plant is not likely to exceed 10 years.

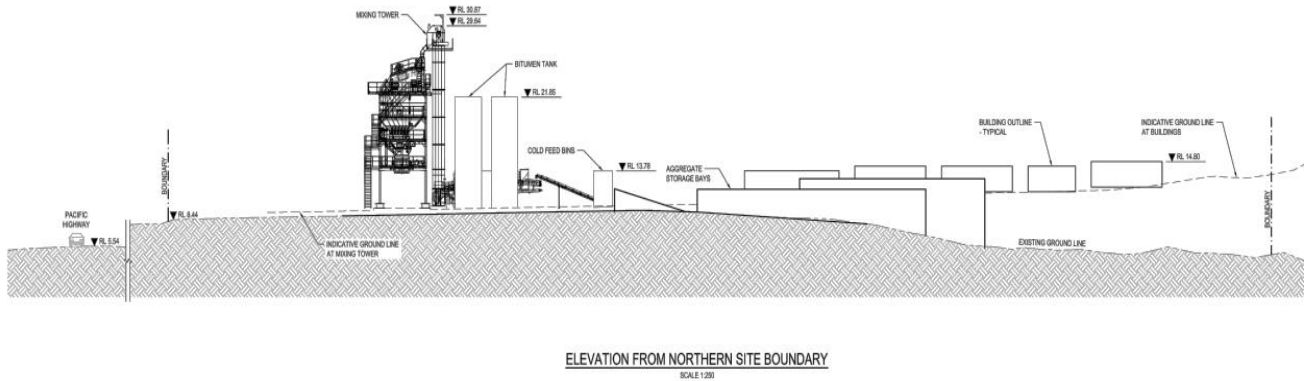
Location Plan



Concept plan/site layout:



North Elevation



KEY ISSUES

Issue 1 – Variation to height restriction under the LEP

The Height of Buildings Map of Council’s Local Environmental Plan 2011 has a maximum height of 9 metres for the site. It is proposed that the building height requirements be varied to allow a mixing tower of 20 metres in height and two bitumen silos of 12.5 metres in height. The applicant has sought a variation to the maximum height of 9 metres specified on the Height of Buildings Map of the Clarence Valley Local Environmental Plan 2011 (the LEP).

### Comment

The application has included a written request and justification under clause 4.6 of the LEP to vary the maximum height specified on the Height of Buildings Map of the LEP. The applicant has submitted the following conclusion:

## **4. Conclusion**

The proposed asphalt plant at Lot 11 and 12 DP 1187818, Tyson Road, South Grafton exceeds the maximum building height of 9 m prescribed by Clause 4.3(2A) of the *Clarence Valley Local Environmental Plan 2011*. This report seeks to use Clause 4.6 to enable Council to vary this development standard.

In this instance flexibility in the application of building height control is justified and warranted.

The proposed variation facilitates a proposed industrial use of the land that meets both the objectives of Clause 4.1 and the relevant zone objectives. The variation applies only to the mixing tower and two bitumen silos associated with the asphalt plant, where height is a critical design component that allows for the successful operation of the plant. All other ancillary structures on site do not exceed the maximum building height as prescribed within Clarence Valley LEP 2011.

The increased building height for the mixing tower is considered justified on the following environmental planning grounds:

- The asphalt plant is compatible with the height, bulk and scale of a development of this nature and complies with the desired future character and development at the site.
- The asphalt plant would not result in any undue visual impact, disruption of views, loss of privacy or loss of solar access for any existing development within or external to the site as it is located within an isolated area where development of a similar nature is typically expected.
- The subject site has been historically cleared of native vegetation and substantially modified due to past agricultural purposes and more recently the subject site has been used for the storage of machinery and equipment ancillary to industrial purposes. Given the industrial setting and highly modified nature of the site, impacts on local biodiversity would be minimal.
- There are no heritage items that would be impacted and as such the proposed asphalt plant would not impact upon the value of any heritage item

Based on the above, it is hoped the proposed asphalt plant will be viewed by Council as a structure that will positively contribute to the economy of the Clarence Valley and surrounding areas. The project is required to service a number of current and future infrastructure projects in the region and will be a source of employment for the duration of its operation.

### Comment

The site is one that is elevated and highly visible from the southern entrance to Grafton and is located within an area of mixed rural and industrial land uses. The surrounding rural lands present the potential for land use conflicts and in particular to the residences on those lands, though the proposal is not out of character with existing industrial uses along this entrance including Jim Pearson Transport and McLennan Earthmoving on Tyson Street and further on Notaras & Sons Timber milling on Schwinghammer Street. The height variations are for the mixing tower and silos only. In regard to the bulk and scale of the proposal it is not considered to be inconsistent with what would be typically expected for an industrial zone and what is already approved in the area. There are sufficient environmental planning grounds to justify the contravention of the maximum heights as proposed.

### Issue 2 – Hours of operation including night shifts

The proposed hours of operation are Monday to Saturday 5.00 am to 6.00 pm with up to 10 Sundays and 50 night shifts per year if required (N.B. these have been amended by the EPA's GTA).

During the operation of the plant there will be an average of 130 heavy vehicle movements, 12 light vehicle movements as well as staff traffic movements each day. Access will be from the Pacific Highway onto Tyson Street and into the site during daylight hours and to use the existing access of McLennan Earthmoving off Tyson Street during night shifts.

Comment

The EPA is the regulatory authority for the proposal and has reviewed the information provide by the applicant, including a supplementary submissions report and issued General Terms of Approval (GTA):

- 7.00 am to 6.00 pm Monday to Friday
- 8.00 am to 5.00 pm Saturday
- No work on Sundays or Public Holidays

Where additional hours are proposed outside of the hours specified by the EPA they can be approved subject to conditional requirements as outlined in the GTA including written agreement of the nearest residences; works being inaudible at the nearest receivers; works being agreed to by Clarence Valley Council and do not exceed 50 night shifts per year; deliveries required by the NSW Police Force or other authority for safety or emergency reasons.

The following issues have been raised in the submissions:

Issue 3 – Generation of pollutants, dust, odours and noise; proximity to Musk Valley CreekComment

The EPA has advised that it is the regulatory authority for matters subject to all matters relating to the Protection of the Environment Operations Act 1997 including the protection of Musk Valley Creek for polluted discharges.

Issue 4 – Visual impacts and impacts on property values, residences and businessesComment

The application has been supported with a Visual Impact Assessment outlining impacts and proposed mitigation measures. The heights of the mixing tower and silos and associated impacts have been commented under issue 1 and are considered to be acceptable for this location.

Impacts on the value of property or land are subject to independent assessment and not a matter assessed in regard to the environmental impacts of the proposal.

Issue 5 - Potential for fireComment

The storage of fuels and chemicals in accordance with the Australian Standard and will be regulated by the EPA under the General Terms of Approval that have been issued.

Issue 6 – Initial consultation and newsletter misleadingComment

The initial consultation of the proposal is outlined in the Environmental Impact Statement and included Clarence Valley Council, the local community and relevant government authorities. The development application has been advertised and notified in accordance with the relevant planning instruments and Council's Industrial Zones Development Control Plan.

The applicant has provided a response to the EPA and in response to the issues raised in the submissions. The EIS – Submissions Report is provided as an attachment to this report.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

The following planning and legislative instruments were consulted:

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- Clarence Valley Local Environmental Plan 2011.
- Development in Industrial Zones Development Control Plan.

**Consultation**

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Building Surveyor	Conditions provide
Development Engineer	Conditions provide
Environmental Officer - Environment	Assessment completed
Trade Waste Officer	Conditions/requirements provide

**Legal and Risk Management**

Should the applicant be dissatisfied with Council's decision, they may exercise a right of appeal to the Land and Environment Court.

**Climate Change**

Consistent with Council's Climate Change Policy the proposal has been assessed against and benchmarked against industry best practice and relevant standards. Appropriate sustainable development controls are to be adopted in regard to the potential impacts on climate change.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> <li>1. Plans and elevations</li> <li>2. Section 4.15 Evaluation Report</li> <li>3. Environmental Impact Statement – to be tabled</li> <li>4. Submissions</li> <li>5. EIS – Submissions report</li> <li>6. Visual Impact Assessment</li> <li>7. EPA – General Terms of Approval</li> </ol>



**Schedule 1**  
**Draft Advices and Conditions of Consent for DA2018/0738**

**ADVICES**

1. Civil Construction Certificate (**Civil CC**) approvals, issued by Council and/or accredited private certifier are required for this development.
  - a A private certifier accredited for Civil Construction under the NSW Building Professionals Act 2005 (Categories B and/or C), may be engaged for all or part of civil works (subdivision and/or on private property) other than public infrastructure water and sewer reticulation works.
  - b Connection to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act.
  - c Accreditation of private certifiers for public sewer and water reticulation works is not offered under the Building Professionals Act 2005.
  - d Works within public road reserves require the approval of the Road Authority as defined in the NSW Roads Act.
  - e A **Civil CC** application to Council for public and/or private property works requires payment in accordance with the Council's adopted 'Fees and Charges'. The application form may be downloaded from Council's website.

2. No civil construction works, including the removal of vegetation or topsoil, shall be commenced until a **Civil CC** has been issued by Council and/or accredited private certifier.

A private certifier who issues a **Civil CC** must forward a copy of the Certificate along with a copy of the approved plans and **ITP** to Council two days before work commences on the development.

Council attendance at any required inspections will be charged in accordance with the adopted 'Fees & Charges' current at the time of the inspections. Payment is required prior to any inspections.

3. To obtain a Certificate of Compliance for water and or sewer works, Council requires completion of any works on Council's water or sewer infrastructure specified as a condition of this consent and payment of contributions in accordance with Section 64 of the Local Government Act, 1993, which applies Section 306 of the Water Management Act, 2000. The application form for a Certificate of Compliance is available on Council's website.

The proposed development has been assessed as contributing an additional 0.07 ET loading on Council's sewerage system. This includes an applicable credit of 1.0 ET for pre-existing uses. The headworks charges at 2018/19 financial year rates are:

Sewer Headworks \$6,700.00 x 0.07 additional ET = \$ 469.00

The contribution(s), as assessed, will hold for a period of 12 months from the date of this approval. Contributions not received by Council within 12 months of the date of this determination will be adjusted in accordance with the adopted Schedule of Fees and Charges current at the time of payment.

Where any works are required on Council's water or sewer infrastructure, as a condition of this consent, they must be completed in accordance with the conditions of consent prior to the release of the Certificate of Compliance.

4. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted “on maintenance” and/or “practical completion” being granted for private property works
5. All building and construction work, which includes subdivision and civil works, which cost \$25,000 or more require the payment of the long service levy prior to a Construction Certificate being issued. The levy is required under the Building and Construction Industry Long Service Payments Act 1986. The total value of works must be included on the Construction Certificate Application form.
6. Council does not have concurrence from Department of Industry – Water to issue trade waste approval for this development. If trade waste is proposed to be discharged to Councils sewerage system, an application for the activity will need to be referred to the Department for their concurrence.
7. No construction is to be commenced until a Building Construction Certificate has been issued.
8. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be submitted to Council at least two (2) days before work commences.
9. All excavated or filled areas are to be battered to a slope of not greater than 45 degrees to the horizontal, or alternatively, be retained by a retaining wall. Where the height of the retaining wall exceeds 1m, a compliance certificate or other form of documentary evidence from a structural engineer stating the structural adequacy of the design is to be forwarded to the Principal Certifying Authority. All excavated and filled areas are to be drained to prevent surface water affecting neighbouring properties.
10. Prior to building work commencing approval under the Plumbing and Drainage Act 2011 shall be obtained from Council for sewer work, water plumbing and stormwater work. Two copies of hydraulic plans to AS 3500 detailing the size and location of water, sewer, stormwater and fire services shall be submitted to Council for approval.
11. Access to the building for disabled persons shall be provided and constructed in accordance with the requirements of Part D3 of the Building Code of Australia and AS 1428.1-2009.
12. Accessible facilities for the use of the disabled shall be provided as specified in Clause F2.4 of the Building Code of Australia and shall be constructed to the requirements of AS 1428.1-2009.
13. Car parking spaces for people with disabilities are to be provided as required by Part D3.5 of Building Code of Australia.

**CONDITIONS:**

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plans:
  - Concept General Arrangement Plan, Drawing No. C – SK01, dated 10.10.18, Project No. 14798,
  - Concept General Arrangement Plan, Drawing No. C – SK02, dated 10.10.18, Project No. 14798,
  - Concept Waste Management Plan, Drawing No. C – SK03, dated 10.10.18, Project No. 14798,
  - Site Sections – Sheet 1 & 2, Drawing No. C – SK10 & C- SK11, dated 12.11.18, Project No. 14798, drawn by Lindsay Dynan,

- Project Key Features plan, Figure 5.1, Project 21-27074, dated 31/07/2018, drawn by GHD, as amended in red, or where modified by any conditions of this consent.

2. Payment to Council of the contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act:

\$40,000.00

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This amount is based on the following calculation

- a Proposed cost of carrying out the development is up to and including Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$4,000,000.00

The contributions are to be paid to Council prior to release of the Construction Certificate. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

3. The development is to comply with any Controlled Activity Approval under the *Water Management Act 2000* issued by the Natural Resources Access Regulator prior to commencement of works or as otherwise required by the approval.
4. The development is to comply with and implement the mitigation measures as described in Table 6.1 of the Environmental Impact Statement Submissions Report.
5. Details of and the exact location of the 2 metre high fence on the western side of the site adjacent to 3D Tyson Street is to be submitted to Council for consideration and approval prior to the issue of a Construction Certificate.
6. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
7. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate, for each and every stage of the development. This may require payment of a fee.
8. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
9. An **ITP** must be submitted for approval with the application for a **Civil CC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one business day's notice to attend inspections.

Hold Point, Witness Point and Audit inspections must be documented by the ITP and include the following works (but not limited to):

- a Pre-start Meeting (Attended by Council and/or Accredited Private Certifier, Principal Contractor & Supervising Engineer and/or Registered Surveyor)

- b Erosion & Sedimentation Controls
- c Stormwater Drainage
- d Sewer
- e 'On Maintenance' (Public Infrastructure)
- f Practical Completion (Works on Private Property)
- g 'Off Maintenance' (Acceptance of Public infrastructure by Council)

10. Prior to commencement of works, a sign must be erected in a prominent position on any work site on which work is being carried out:

- a Stating that unauthorised entry to the work site is prohibited;
- b Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside of working hours, and
- c Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign is to be removed when the work has been completed.

11. For any part of the site that comes under the jurisdiction of another Government department, a Controlled Activity Approval (or similar approval) may be required. Any such approval must be obtained and provided to Council prior to issue of the Construction Certificate.

12. Prior to release of the Occupation Certificate, the water supply infrastructure must be completed or arrangements made to Council's satisfaction for the provision of water services. The water supply must be available and operational prior to issue of any Occupation Certificate.

13. Prior to release of the Occupation Certificate sewerage reticulation infrastructure is to be provided to service the site in accordance with the requirements and specifications of Clarence Valley Council's Sewer & Water Connection Policy and NRDC.

14. A Sewerage Reticulation Design plan must be submitted for approval with the application for a **Civil CC**. It is advised that the applicant liaise with Council's Water Cycle Section prior to submission of design plans.

Connection to the public sewerage reticulation system requires the approval of Council under the NSW Local Government Act.

Any upgrade to the existing sewerage service to the property will be subject to the costs outlined in Council's list of fees and charges.

15. All stormwater falling on the property is to be collected within the property and discharged in accordance with the relevant parts of the applicable Clarence Valley Council Development Control Plans and **NRDC**. The Stormwater Management Plan (SWMP) that demonstrates **NorBe** must be prepared in accordance with **NRDC**.

The SWMP is to be generally in accordance with the submitted plan titled Concept General arrangement Plan Drawing No. C – SK01.

16. The SWMP must consider any adjacent property or infrastructure affected by the development. Design details of the drainage system and point of discharge must be submitted with the Stormwater Management Plan for approval by Council and/or accredited Private Certifier prior to issue of the **Civil CC**. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

The Stormwater Management Plan must include a management plan for any **WSUD** systems. The management plan must consider construction and operational phases.

17. Prior to the release of any Occupation Certificate, which dedicates additional infrastructure to Council, a completed asset register works return must be submitted to Council. The return is to be in the format approved by Council.
18. In accordance with **NRDC** and prior to the release of the Occupation Certificate, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

Where sewer works are involved the **WAE** must include sewer junction sheet records in accordance with the requirements of Clarence Valley Council.

For the construction of **WSUD** systems the **WAE** shall include detailed records of the materials used, inspection and testing.

19. Where internal access is required to pass through lots other than Lots 11 and 12 DP1187818, a right of way for access must be created to ensure legal access is provided to each lot prior to the issue of an Occupation Certificate.
20. Car parking, driveways, manoeuvring and access areas must be constructed, sealed, line marked and drained for a minimum of 10 car parking spaces in accordance with the DA approved plan and made available thereafter. The car parking classification is Class 1 for the internal parking and is to be designed in accordance with AS2890, the relevant parts of the applicable Council DCP and **NRDC**. All car parking spaces must be accessible by B99 vehicles.
21. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and **NRDC**. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued or the development is accepted 'Off Maintenance'.
22. During the course of the works, the applicant must ensure that vehicles and plant associated with the works do not adversely impact on the roadways to such an extent that cause them to become hazardous for other road users particularly during wet weather. Any such damage is to be rectified by the contractor immediately.
23. During dry weather, standard dust suppressions methods are to be used as often as it necessary to ensure that adjoining properties are not adversely affected by undue dust.
24. An application to discharge liquid trade waste for Concurrence Classification C dischargers shall be submitted to Council for assessment with the Construction Certificate Application if trade waste is proposed to be discharged to Council's sewer.
25. Prior to release of the Construction Certificate, concurrence must be obtained from the Trade Waste Regulation Team, Department of Industry to discharge liquid trade waste to Council's sewerage system. Any requirements stipulated by the Department shall be implemented
26. Prior to release of the Occupation Certificate, approval to discharge liquid trade waste to Council's sewerage system must be obtained from Council.

27. Prior to Council issuing the trade waste approval, certification shall be provided to Council, from an appropriately qualified person, that all trade waste pre treatment equipment and systems have been installed and commissioned in accordance with relevant standards, the Trade Waste Regulation Team Department of Industry requirements, relevant regulations and manufacturers requirements.
28. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Construction Certificate. This may require payment of a fee.
29. Working hours on the construction project being limited to the following:  
  
7.00 am to 6.00 pm 6 days per week No work permitted on Sundays and public holidays  
  
The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
30. Site Safety Management Building equipment and/or materials shall be contained wholly within the site and shall not be stored or operated on the footpath or roadway, unless specific written approval has been obtained from Council beforehand.
31. All excavations and back filling associated with the erection and demolition of a building must be executed safely and in accordance with appropriate professional standards and must be properly guarded and protected to prevent them from being dangerous to life or property.
32. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:  
a A hoarding or fence must be erected between the work site and the public place.  
b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.  
c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.  
D Any such hoarding, fence or awning is to be removed when the work has been completed.
33. Toilet Facilities - are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:  
a A standard flushing toilet, connected to a public sewer, or  
b An approved temporary chemical closet.  
  
The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.
34. Imported fill shall not come from a contaminated source. Any imported fill shall be free of building and other demolition waste and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 of the Protection of the Environment Operations Act 1997. Written details of the source of fill shall be submitted to Council for its records at completion of the mound.
35. The filling of the site is not to adversely affect adjacent properties or local drainage patterns. Provision is to be made for the free passage of surface stormwater away from affected sites.
36. All erosion and sediment control measures are to be installed prior to the commencement of any work, including cutting and filling and are to be constructed and maintained to prevent sediment from leaving the site or entering downstream properties, drainage lines or watercourses.

37. All erosion and sediment control measures are to be regularly maintained in good working order at all times and inspected for adequacy following any rainfall event.
38. A suitable enclosure shall be provided on site, during construction, for depositing waste materials that could become wind blown. Waste materials shall be disposed of to an approved recycling service or waste depot. No burning of waste materials shall occur.
39. All building work shall be constructed wholly within the boundaries of the property. The location of the boundary shall be verified by a registered surveyor prior to construction commencing. A copy of this survey shall be submitted to Council at the footing/slab inspection.
40. The vehicular crossing to the kerb and guttering and access to the allotment is to be constructed in accordance with the requirements of Council's Operations Section and completed prior to issue of an Occupation Certificate. An application for driveway access crossing is to be submitted and approved prior to any work commencing.
41. A fully dimensioned and notated work as executed sewer drainage and storm water plan is to be submitted to Council and the property owner upon completion of all drainage lines. A Certificate of Compliance for Plumbing and Drainage Work shall be submitted to Council upon completion of work.
42. Council's assets (e.g. footpath, roadway, kerb, stormwater pits, manholes, etc.) shall be protected from damage during demolition/construction works. Any damage to Council's assets during work shall be paid for by the principal contractor prior to completion of work or issue of the occupation certificate. The principle contractor is encouraged to photograph any existing damage to footpaths, etc. prior to commencing works for their records. Where unmade or grassed footpaths are disturbed by the passage of builder/suppliers' vehicles, the footpaths are to be graded and restored to original level with top soil.
43. A landscape plan, for vegetation screening along all boundaries of the development, prepared by a person competent in the field, is to be submitted to Council for approval prior to the issue of a Construction Certificate. The plan shall indicate the mature height, location, quantity and species of all plantings and shall provide details of soil conditions, the planting method and maintenance program.
44. All landscaping works are to be completed in accordance with the approved plan prior to the Occupation Certificate being issued. The landscaping is to be maintained on a regular basis, to comply with the approved plans.
45. Compliance with the General Terms of Approval of the NSW Environment Protection Authority, as contained in their letter dated 19 June 2019, Notice No. 1579332, consisting of eight (8) pages, and as attached to this Notice of Determination.

**ITEM 6b.19.014 DEVELOPMENT APPLICATIONS**

<b>Meeting</b>	Environment, Planning & Community Committee	16 July 2019
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (David Morrison)	
<b>Attachment</b>	Nil	

**SUMMARY**

The report provides an update on Development Applications received, estimated value of works, applications approved and average processing times. A summary of where Council has exercised assumed concurrence to vary development standards under Clause 4.6 of the Clarence Valley Local Environmental Plan 2011 (LEP) is also provided within the report.

**OFFICER RECOMMENDATION**

That the update on Development Applications be noted.

**COMMITTEE RECOMMENDATION**

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Simmons, Baker, Williamson, Novak

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

The calculation method for the numbers of days an application is held by Council has been changed to include all calendar days including weekends and public holidays. The method is now consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*.

The figures from 1 July 2018 to 30 June 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
828	771	\$122,648,827.81	132	54 days (including stop-the-clock days)

Of the 771 approved Development Applications between 1 July 2018 and 30 June 2019, 374 were determined within 40 days or less (48%).



As of 1 July 2019 there were 146 outstanding development applications, which have been with Council for the following:

<b>Less than 40 days</b>	84
<b>41 - 60 days</b>	12
<b>61 - 80 days</b>	15
<b>81+ days</b>	35

A detailed table outlining the reasons for each outstanding Development Application over 40 days is provided in the table on page 2 of this report.

#### Exceptions to Development Standards under Clause 4.6 of the LEP

The following table provides details of the use of Clause 4.6 during June 2019.

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
SUB2018/0018	3 Blaxlands Flat Road, Blaxlands Creek (lot 128, 153 & 155 DP 752810, lot 3 & 4 DP 814385)	Clause 4.2B Minimum 40 hectare lot size for dwellings	39ha in 40ha minimum lot size area, 2.5%	Council assumed concurrence under PS18-003. The variation sought to the development standard is only minor being 2.5%. A reduction in the land size by 1ha under the minimum lot size of 40ha does not compromise the objectives of the zone or diminish the viability of undertaking agricultural activities on the subject land. The proposal complies with other planning requirements and the proposal only contained one lot under the relevant minimum lot size.
DA2017/0528	Bostock Road, Tucabia (lot 109 DP 751365)	Clause 4.2B Minimum 40 hectare lot size for dwellings	38.6ha in a 40ha minimum lot size area, 3.5%	Council assumed concurrence under PS18-003. The proposed variation is only a minor variation. A variation of 3.5% will allow the use and development of the land to still achieve the objectives of the zone and maintain the rural landscape and natural character. Due to the topography of the land and landscape it is unlikely that the land would lend itself to being used for agricultural endeavours therefore the land will be of suitable size to accommodate a dwelling house and accommodate asset protection zones, effluent disposal and services. Allowing for 5 properties of 40ha will result in better management of the land compared to if the lots were larger.

#### Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0259	20/05/2019	41	Awning to commercial premises	172 Ryan Street, SOUTH GRAFTON NSW 2460	Currently being assessed*
DA2019/0256	17/05/2019	44	Remove existing jetty and replace with water recreation structure (pontoon)	31 Westringia Place, YAMBA NSW 2464	Currently being assessed*
DA2019/0255	17/05/2019	44	Additions to shop/office	38 Charles Street, ILUKA NSW 2466	Currently being assessed*
DA2019/0254	16/05/2019	45	Dwelling and secondary dwelling	31 Riverside Drive, WOOLI NSW 2462	Information submitted (amended Plans) and currently on exhibition.
DA2019/0253	16/05/2019	45	Upgrade to Equine veterinary hospital	160 Old Lilypool Road, SOUTH GRAFTON NSW 2460	Awaiting additional information (Stormwater management plan and amended plans).

SUB2019/0015	15/05/2019	46	15 lot residential subdivision	25 Mookin Street, TUCABIA NSW 2462	Awaiting additional information (Stormwater management plan and site history).
DA2019/0248	14/05/2019	47	Regrading land (cut and fill)	Arthur Street, GRAFTON NSW 2460	Awaiting external referral (NRAR).
DA2019/0242	13/05/2019	48	Secondary Dwelling	47 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (OSM upgrade).
DA2019/0243	13/05/2019	48	Shipping container building with playground, cafe and rooftop restaurant	383 North Street, WOOLI NSW 2462	Awaiting additional information (setbacks, access and parking).
DA2019/0241	10/05/2019	51	Shed	52 McHugh Street, GRAFTON NSW 2460	Staff to liaise with applicant regarding proposal (issues with flood impacts)
DA2019/0238	8/05/2019	53	Dwelling	44 Nottingham Drive, GLENREAGH NSW 2450	Awaiting additional information (Amended Site Plan, BASIX Commitments and access).
DA2019/0230	3/05/2019	58	Shed	2 Merle Ann Court, ASHBY NSW 2463	Currently being assessed*
DA2019/0225	30/04/2019	61	Dwelling	22 Church Street, YAMBA NSW 2464	DCP variation currently being assessed*
DA2019/0223	29/04/2019	62	Alterations and Additions	27 Westringia Place, YAMBA NSW 2464	Awaiting additional information (DCP Variation).
DA2019/0220	29/04/2019	62	Dwelling alterations & additions & secondary dwelling	195 Nicholsons Lane, HARWOOD NSW 2465	Awaiting additional information (BASIX Commitment).
DA2019/0215	26/04/2019	65	Filling of land	2 Micalo Road, MICALO ISLAND NSW 2464	Awaiting external referral (DPI – Fisheries).
DA2019/0214	26/04/2019	65	Dwelling	Lewis Lane, MORORO NSW 2469	Awaiting additional information (land contamination assessment).
DA2019/0212	24/04/2019	67	Additions to dwelling & carport	1D Spenser Street, ILUKA NSW 2466	Awaiting additional information (access).
DA2019/0208	23/04/2019	68	Redevelopment & refurbishment of Pacific Hotel (including demolition of beach house & northern section of hotel, construction of new tourist accommodation & ancillary works)	16 Pilot Street, YAMBA NSW 2464	Awaiting additional information (Additional photomontages, noise assessment, Sediment and erosion control plans and assessment against steep land provisions of the DCP).
DA2019/0207	23/04/2019	68	Alterations and additions to aged care facility	3-7 Rannoch Avenue, MACLEAN NSW 2463	Currently being assessed*
SUB2019/0010	23/04/2019	68	Two lot subdivision (includes lot size variation)	401 Kungala Road, KUNGALA NSW 2460	Awaiting external referral (RFS), still needs to be exhibited and referred to Department of Planning for concurrence.
DA2019/0206	18/04/2019	73	Extension to Decks	116 Emu Drive, WOOMBAH NSW 2469	Being determined
DA2019/0205	18/04/2019	73	Dwelling	18-30 Kerry Street, MACLEAN NSW 2463	Awaiting additional information (bushfire report or ecological report if dwelling to remain in proposed location).
DA2019/0204	18/04/2019	73	Swimming Pool, Pergola and 2 x Carports	4 Church Street, YAMBA NSW 2464	DCP variation currently being assessed*
DA2019/0203	18/04/2019	73	Carport	13 Harold Tory Drive, YAMBA NSW 2464	Currently on exhibition.
DA2019/0195	15/04/2019	76	Additions to caravan park - 33 cabins for long term use	42 Marandowie Drive, ILUKA NSW 2466	Awaiting additional information (Amended bushfire report).
DA2019/0194	15/04/2019	76	Dwelling	Lot 137, Wants Road, LAWRENCE NSW 2460	Awaiting additional information (BASIX and bushfire report).
DA2019/0186	10/04/2019	81	As built shed extension	162 Coaldale Road, THE PINNACLES NSW 2460	Awaiting additional information (plans of fuelling area and sanitary facilities).
SUB2019/0007	29/03/2019	93	Subdivision of seven lots into four lots	961 Woolli Road, PILLAR VALLEY NSW 2462	Awaiting additional information (revised bushfire assessment and compliance with Clause 4.1B of the LEP).
DA2019/0165	29/03/2019	93	41 storage sheds and 2 industrial sheds	27 Mulgi Drive, SOUTH GRAFTON NSW 2460	Additional information submitted and on exhibition until 13/6.

DA2019/0160	29/03/2019	93	New vehicle repair workshop, construction of three sheds for storage, advertng sign and demolition of existing shed	9 Bultitude Street, TRENAYR NSW 2460	Awaiting additional information (Stormwater Management Plan, Amended Plans, use of various shed and of site).
DA2019/0152	26/03/2019	96	Temporary use of land (function centre)	Micalo Road, MICALO ISLAND NSW 2464	Additional information submitted and currently being assessed*
DA2019/0128	19/03/2019	103	Machinery shed	1 Youngs Lane, HARWOOD NSW 2465	Awaiting additional information (Contaminated land assessment and geotechnical report of mound).
DA2019/0126	19/03/2019	103	Vegetation management control	35 Victoria Street, GRAFTON NSW 2460	Applicant to respond on how to proceed with application.
DA2019/0124	18/03/2019	104	Shed fence and hardstand area (existing waste transfer station)	Minnie Water Road, MINNIE WATER NSW 2462	Awaiting external referral (NTS Corp).
DA2019/0111	13/03/2019	109	Dwelling & shed	200 McIntyres Lane, GULMARRAD NSW 2463	Submissions received and waiting for subdivision certificate to be released and currently being assessed *
DA2019/0089	6/03/2019	116	Deck	128 Main Street, WOOLI NSW 2462	Awaiting internal comment regarding coastal erosion.
DA2019/0085	4/03/2019	118	Shed	Vere Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Additional Plans) and still needs to be exhibited.
DA2019/0078	26/02/2019	124	Recreational vehicle campground (8 sites)	50 Coldstream Street, ULMARRA NSW 2462	Awaiting additional information (OSM).
SUB2019/0002	6/02/2019	145	13 large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Awaiting additional information (Applicant to respond to OEH comments regarding BDAR).
DA2019/0044	5/02/2019	145	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Deferred to August Council meeting.
SUB2019/0001	24/01/2019	157	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Awaiting additional information (Contaminated land assessment, access and heritage).
DA2019/0011	11/01/2019	170	Primitive Camp Ground	Stockyard Creek Road, COALDALE NSW 2460	Awaiting additional information (Baseline ecological assessment).
DA2018/0787	21/12/2018	191	Alterations and additions to existing dwelling and secondary dwelling	21 The Crescent, ANGOURIE NSW 2464	Being determined.
DA2018/0777	17/12/2018	195	Shop top housing in existing premises	80 River Street, MACLEAN NSW 2463	Awaiting additional information (BASIX).
DA2018/0738	29/11/2018	213	Asphalt Plant	Tyson Street, SOUTH GRAFTON NSW 2460	To July Council meeting.
DA2018/0632	17/10/2018	256	Demolish shed & erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans).
DA2018/0630	16/10/2018	257	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Awaiting additional information (Geotechnical assessment of riverbank and OSM).
SUB2018/0030	16/10/2018	257	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
SUB2018/0027	8/10/2018	265	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire).
DA2018/0579	24/09/2018	279	Cut and fill of land (to create house pad)	Pacific Highway, COWPER NSW 2460	Awaiting external referral (Water NSW).
DA2018/0574	20/9/2018	283	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix).
DA2018/0567	18/9/2018	285	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Revised Koala Plan of Management).
SUB2018/0021	7/9/2018	296	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater).
DA2018/0445	6/08/2018	328	Seniors independent living (24 villas)	4 Freeburn Street, YAMBA NSW 2464	To be withdrawn by the applicant.
DA2018/0449	6/08/2018	328	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues).

DA2018/0419	26/07/2018	339	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Awaiting additional information (Amend Plans to comply with Essential Energy).
DA2018/0102	5/03/2018	482	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Applicant to respond to EPA comments and submit noise assessment.
SUB2018/0004	23/02/2018	492	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Amended Plans and amended ecological report).
DA2017/0671	18/10/2017	620	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i> ).
DA2017/0527	22/08/2017	677	Dwelling	Bostock Road, TUCABIA NSW 2462	Applicant to respond to Biodiversity Offset method confirmed.
SUB2015/0034	11/12/2015	1297	162 lot residential subdivision & new roads	Hickey Street, ILUKA NSW 2466	Report to September JRPP meeting (not yet confirmed).

\*Currently being assessed under Section 4.15 of the *Environmental Planning & Assessment Act, 1979*

#### KEY ISSUES

N/A

#### COUNCIL IMPLICATIONS

##### Budget/Financial

N/A

##### Asset Management

N/A

##### Policy or Regulation

N/A

##### Consultation

N/A

##### Legal and Risk Management

N/A

Prepared by	James Hamilton, Development Planner
Attachment	Nil

<b>ITEM</b>	<b>6b.19.015</b>	<b>PLANNING PROPOSAL REZ2018/0001 TO REDUCE THE MINIMUM LOT SIZE AT 112 AND 134 SCHOOL LANE, SOUTHGATE</b>
<b>Meeting</b>	Environment, Planning & Community Committee	16 July 2019
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	Manager - Environment, Development & Strategic Planning (David Morrison)	
<b>Attachment</b>	Yes	

## SUMMARY

This report advises of the outcome of a Gateway determination recently issued by the Department of Planning and Environment.

## OFFICER RECOMMENDATION

That Council note the report advising of the outcome (Not to Proceed) of Planning Proposal REZ2018/0001 to reduce the minimum lot size at 112 and 134 School Lane, Southgate.

## COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Simmons, Baker, Williamson, Novak

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.6 Ensure decisions reflect the long-term interest of the community and support financial and infrastructure sustainability

## BACKGROUND

Council on 11 December 2018 considered and supported a planning proposal to amend the Clarence Valley Local Environmental Plan 2011 to reduce the minimum lot size at Lot 12 DP820691, Lots 2, 3 and 4 DP574006, also known as 112 and 134 School Lane, Southgate, entirely conditional upon registration of a covenant on the Southgate Ferry Road properties in favour of Council to the effect that dwelling construction is prohibited on the subject properties.

The planning proposal was referred to the Department of Planning and Environment on 17 December 2018 with a request that it issue a Gateway determination.

On 12 June 2019 Council received a Gateway determination (date 4 June 2019) that determined that the proposal should NOT PROCEED for the following reasons:

1. The proposal lacks strategic merit;
2. The proposal is inconsistent with the Clarence Valley Settlement Strategy and the North Coast Regional Plan 2036;

3. The proposal is inconsistent with the rural subdivision principles as set out under State Environmental Planning Policy (Primary Production and Rural Development) 2019;
4. The proposal is inconsistent with Section 9.1, Directions 1.5 Rural Lands and 5.10 Implementation of Regional Plans;
5. The proposal is inconsistent with the objectives of the RU1 Primary Production zone and the nature of existing surrounding development; and
6. The proposal, if supported, may set an undesirable precedent for similar development in the area and other rural areas in the local government area.

A copy of the Gateway determination documentation is at Attachment 1.

### KEY ISSUES

The reasons for the NOT PROCEED determination are referred to above and in the Gateway determination documentation in the Attachments.

In email dated 12 June 2019 the proponent was advised of the determination as well as of the provisions available to request Minister or delegate alter/review a Gateway determination. This advice was as follows:

*"It is open to the proponent for the planning proposal to request the Minister or delegate [to] alter a Gateway determination in certain circumstances. A proponent or a council, when it is the planning proposal authority (PPA) for a proposal, may request the Minister or delegate alter/review a Gateway determination in certain circumstances including where a "should not proceed determination" is made.*

*The "gateway review" provisions are outlined in Section 6.4 of the Departments "A guide to preparing local environmental plans", copy attached for your information. It is noted that the PPA or proponent has 42 days from being notified by the Department to request a review. I am not certain if the 42 days starts from the date of the determination (4/06/19) or from when Council received the determination (12/06/19).*

*Should you or your client be contemplating a review you may wish to contact the Regional office, Grafton of the Department (6643 6420) to discuss procedural and other aspects of the review process. I am not sure if a fee is applicable when requesting a Gateway review. Carlie Boyd is the contact in the Grafton office for this matter."*

If the proponent does not request or lodge a "review" or indicate their intention to do so within the 42 day timeframe the planning proposal will be regarded as concluded or terminated.

### COUNCIL IMPLICATIONS

#### **Budget/Financial**

The applicant paid the initial rezoning application fee, which covers the cost of Council considering the matter and referral of a planning proposal to the Gateway.

#### **Asset Management**

N/A

#### **Policy or Regulation**

Environmental Planning and Assessment Act 1979 - including relevant State Environmental Planning Policies and Minister's Section 9.1 Directions.

#### **Consultation**

No consultation has been undertaken to date.

**Legal and Risk Management**

The proponent has been advised of the avenues available to request a review of the Gateway determination if they are dissatisfied with the determination.

**Climate Change**

N/A

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Prepared by	Terry Dwyer, Strategic Planning Coordinator
Attachment	Gateway determination

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<b>ITEM</b>	<b>6b.19.016</b>	<b>RECLAIM 'CITY STATUS' FOR GRAFTON WITHIN THE NORTH COAST REGIONAL PLAN 2036</b>
<b>Meeting</b>	Environment, Planning & Community Committee	16 July 2019
<b>Directorate</b>	Environment, Planning & Community	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Nil	

## SUMMARY

At the April Council meeting through a NOM submitted by Cr Novak, Council resolved to investigate the regional 'City Status' for Grafton as contained in the North Coast Regional Plan. The General Manager was to consult with the NSW Department of Planning and Environment on this and bring a report back with findings for further action.

## OFFICER RECOMMENDATION

That Council notes it is arranged for the Department of Planning's Chief Planner, Mr Gary White to address the Council at the September 2019 workshop on the Department's opinion on the likelihood of Grafton being reclassified as a 'City'.

## COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Simmons, Baker, Williamson, Novak

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

## BACKGROUND

At the April Council meeting the Council resolved:

*That:*

- 1. Council undertake an investigation to reclaim the regional 'City Status' for Grafton as contained within the North Coast Regional Plan.*
- 2. The General Manager consult with NSW Department of Planning and Environment (DPE) with regard to instigating a review of the decision made in 2016 to downgrade Grafton through the North Coast planning instruments from a regional city to a strategic centre.*
- 3. The General Manager report back to Council no later than the July 2019 Committee meeting with his findings for further action.*



**KEY ISSUES**

Through the North Coast Regional Director, now Planning, Industry and Environment, it was suggested that Mr Gary White, the Department of Planning's Chief Planner, be invited to address the Council at the earliest opportunity to discuss the proposal for Grafton to be reclassified as a 'city' under the North Coast Regional Plan. Mr White was involved in the change in status for Lismore to a 'city' and can talk about the strategic process involved and how this is impacted by the Local Strategic Planning Statement's process required to have a draft to be developed by regional councils by December 2019 .

**COUNCIL IMPLICATIONS****Budget/Financial**

Not applicable at present, although a change to 'city' status may potentially give greater access to Government funding in the long term.

**Asset Management**

N/A

**Policy or Regulation**

North Coast Regional Plan

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

The interaction of communities through efficient transport options has the potential to reduce climate emissions impacts and good strategic planning with the ability to help adaptation.

Prepared by	Des Schroder, Director Environment, Planning & Community
Attachment	Nil

**CLOSE OF COMMITTEE MEETING**

There being no further business the Environment, Planning & Community Committee closed at 4.16 pm.

**c. CORPORATE GOVERNANCE AND WORKS COMMITTEE**

**MINUTES** of a meeting of the **CORPORATE, GOVERNANCE & WORKS COMMITTEE** of Clarence Valley Council held in the Council Chambers, Grafton on Tuesday 16 July 2019 commencing at 2.00 pm.

**PRESENT**

Cr Karen Toms (Chair), Cr Arthur Lysaught, Cr Peter Ellem, Cr Jim Simmons

Cr Andrew Baker, Cr Debrah Novak, Cr Richie Williamson, Mr Ashley Lindsay (General Manager), Ms Laura Black (Director – Corporate & Governance), Mr Des Schroder (Director – Environment, Planning & Community) and Mr Troy Anderson (Director – Works & Civil) were in attendance.

**APOLOGY**

**MOTION**

Simmons/Ellem

That a leave of absence be granted to Cr Jason Kingsley.

Voting recorded as follows

For: Simmons, Lysaught, Ellem, Toms

Against: Nil

**DISCLOSURE AND DECLARATIONS OF INTEREST - Nil**

<b>ITEM</b>	<b>6c.19.022</b>	<b>VOLUNTARY CONTRIBUTION FOR DUST SEALING OF UNSEALED (GRAVEL) ROADS</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Troy Anderson)	
<b>Attachment</b>	Yes	

**SUMMARY**

At the March 2019 Council meeting (Item 15.030/19) Council resolved in part to “Investigate the development of an Unsealed Road Dust Sealing Policy and present a report to a future Council meeting.” A draft Policy has been developed and is submitted for consideration.

**OFFICER RECOMMENDATION**

That Council:

1. Adopt the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads.
2. Undertake community consultation in accordance with the attached community engagement plan for the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads for a minimum of 28 days.
3. Receive a report following the close of advertising detailing any submissions received, and subsequent recommended changes to the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads.

**COMMITTEE RECOMMENDATION**

Toms/Lysaught

That Council:

1. Adopt the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads, for public consultation purposes.
2. Undertake community consultation in accordance with the attached community engagement plan for the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads for a minimum of 28 days.
3. Receive a report following the close of advertising detailing any submissions received, and subsequent recommended changes to the draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

**BACKGROUND**

At the March 2019 Council meeting (Item 15.030/19) Council resolved as part of a resolution relating to the Roads Policy:

*That Council:*

1. *Adopt the revised Road Maintenance Policy.*

2. *Review the adopted policy on an annual basis to reflect any revised road grading frequencies and other variations to roads and road lengths to be maintained resulting from Council resolutions.*
3. *Investigate the development of an Unsealed Road Dust Sealing Policy and present a report to a future Council meeting.*

This report relates to point 3 of the resolution.

A draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads has been prepared and is presented for consideration.

### KEY ISSUES

As indicated by the title, the draft Policy provides a mechanism by which Council will receive contributions towards the sealing of currently unsealed (gravel) roads and the conditions and future maintenance obligations that ensue.

### COUNCIL IMPLICATIONS

#### **Budget/Financial**

All costs associated with the sealing of currently unsealed roads on a voluntary contribution basis is to be met by ratepayers concerned. Once the road is sealed it will become an asset of Council for future maintenance.

#### **Asset Management**

Once a road is sealed the upgraded asset will be recorded in Council's asset register.

#### **Policy or Regulation**

Once adopted the draft Policy will become a Policy of Council.

#### **Consultation**

Community consultation will be undertaken in accordance with the attached community engagement plan.

#### **Legal and Risk Management**

N/A

#### **Climate Change**

N/A

Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Draft Voluntary Contribution for Dust Sealing of Unsealed (Gravel) Roads Community engagement plan

ITEM	6c.19.023	LOCAL TRAFFIC COMMITTEE
<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Tim Jenkins)	
<b>Attachment</b>	Yes	

## SUMMARY

This report lists the recommendation made at 2 July 2019 meeting of the Clarence Valley Council Local Traffic Committee.

## OFFICER RECOMMENDATION

That the recommendations of the Local Traffic Committee included in the Minutes of its 2 June 2019 meeting be adopted by Council.

## COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

## BACKGROUND

The following items were discussed at the Local Traffic Committee held on 7 May 2019.

### ITEM 015/19 MACFARLANE BRIDGE – TRAFFIC MANAGEMENT

That the current 'Give Way' sign remain in place.

### ITEM 016/19 PARKING RESTRICTIONS – CROWN STREET, ILUKA

That a 'No Stopping' zone be implemented in Crown Street, Iluka on the eastern side of the road for 10 m from the property boundary in Queen Street.

### ITEM 017/19 JACARANDA FESTIVAL ROAD CLOSURES

That Council accept the Special Events Traffic Management Plans for the Jacaranda Festival and Dragon Boat Races to be held between 26 October 2019 and 2 November 2019, subject to final confirmation of the Plans by the NSW Police and the Roads and Maritime Service.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct)
2. NSW Police approval is obtained

3. Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.
4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
  - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.
  - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites
  - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
  - d. Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police
  - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
9. Community and affected business consultation including adequate response/action to any raised concerns
10. Arrangements made for private property access and egress affected by the event
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
12. That the applicant organise for the events to be listed on council's web page

**ITEM 018/19 EVENT APPLICATION – YAMBA ROTARY EAT STREET MARKETS 2019**

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~)
2. NSW Police approval is obtained – Approval attached.
- ~~3. Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
- ~~4. National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
  - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours.

- b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites
  - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event
  - d. ~~Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~
  - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner
  8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event
  9. Community and affected business consultation including adequate response/action to any raised concerns
  10. Arrangements made for private property access and egress affected by the event
  11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints
  12. That the applicant organise for the events to be listed on council's web page

#### ITEM 019/19 EVENT APPLICATION – YAMBA ROD RUN 2019

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~) - *Provided*
2. NSW Police approval is obtained – *Approval lodged with Police.*
3. ~~Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
4. ~~National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein - *Provided*
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
  - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Provided*
  - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites - *Provided*
  - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
  - d. ~~Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~

- e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
9. Community and affected business consultation including adequate response/action to any raised concerns – *to be undertaken by applicant prior to event after approval*
10. Arrangements made for private property access and egress affected by the event – *to be undertaken by applicant prior to event after approval*
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval*

#### ITEM 020/19 EVENT APPLICATION – YAMBA TWILIGHT MARKETS

That this event be approved subject to the compliance to the relevant conditions below.

1. Valid public liability insurance being held by the event organiser (minimum \$20,000,000 ~~where event uses a Roads and Maritime asset such as a bridge, Motorway or viaduct~~) - *Provided*
2. NSW Police approval is obtained – *Application lodged awaiting approval confirmation.*
3. ~~Roads and Maritime Services approval is obtained by way of a Road Occupancy License where event is on a state road or where the event may impact the state road network.~~
4. ~~National Heavy Vehicle Regulator approval is obtained as required where road closures of approved Restricted Access Vehicles routes require identification of new routes for traffic detours.~~
5. The submission and approval of relevant council event application/s and compliance with any conditions imposed therein - *Provided*
6. Local Traffic Committee advice is sought for the event Traffic Management Plan prior to approval of traffic control devices. This includes a Risk Management Plan and Traffic Control Plan/s. The following traffic control conditions shall also be observed;
  - a. Traffic Control Plans to include a map indicating any alternative routes required for traffic detours. – *Provided*
  - b. Traffic Control Plans to be drawn to scale and indicate the provision of passageways and clearances for pedestrian and emergency access. Plans should be prepared in accordance with Roads & Maritime Services Guide to Traffic Control at Worksites - *Provided*
  - c. All signage erected for the event should not cause a hazard for motorists or pedestrians and be removed immediately following the completion of the event – *As per Traffic Control Plan provided.*
  - d. ~~Temporary Speed Zone Authorisation is obtained from the roads authority for any reduced speed limit/s required as part of the traffic control for the event. Where local council is the roads authority, notification of any reduced speed limit should be forwarded to Roads and Maritime Service and NSW Police~~
  - e. Conformance with approved Traffic Management Plan and associated Traffic Control Plans which shall be implemented and controlled by Roads & Maritime Services accredited persons – *Approved contract supplier*
7. Consultation with emergency services (Fire & Ambulance) and any identified issues addressed in a timely manner – *to be undertaken by applicant prior to event after approval*
8. Consultation with bus and taxi operators and arrangements made for provision of services during conduct of the event – *to be undertaken by applicant prior to event after approval*
9. Community and affected business consultation including adequate response/action to any raised concerns – *to be undertaken by applicant prior to event after approval*



10. Arrangements made for private property access and egress affected by the event – *to be undertaken by applicant prior to event after approval*
11. The event organiser notifies local community of the impact of the event/s by advertising in the *local paper/s* a minimum of one week prior to the operational impacts taking effect. The advertising must include the event name, specifics of any traffic impacts or road closures and times, alternative route arrangements, event organiser, a personal contact name and a telephone number for all event related enquiries or complaints – *to be undertaken by applicant prior to event after approval*
12. That the applicant organise for the events to be listed on council's web page – *to be undertaken by applicant prior to event after approval*

**ITEM 021/19 DISABLED CAR PARKING SPACES – GRAFTON**

1. That the following disabled car parking space be removed:
  - Fitzroy Street, Grafton (north side), approximately 43 m from Prince Street (double parking space).
2. That the following disabled car parking space be provided:
  - Fitzroy Street, Grafton (north side), 27 m from Prince Street.
3. That a concept design be completed for a potential disabled car parking site:
  - Prince Street, Grafton (east side) adjacent to the mid-block crossing point.

**ITEM 022/19 ACCESS TO TIARA CLOSE, GRAFTON**

That consultation be held with Roads and Maritime Services and then the community over potential options to improve access and safety at Tiara Court, Grafton, including altering linemarking to a TWRTL intersection.

**ITEM 023/19 SCHOOL CROSSING REQUEST – VICTORIA STREET, GRAFTON**

That:

1. A children's crossing be approved approximately mid-block on Victoria Street, Grafton between Duke Street and Villiers Street, subject to the Clarence Valley Anglican School confirming that they will arrange the display of the "Children's Crossing" flags or signs during and only during the specified period of operation 8.00am – 9.30am and 2.30pm – 4.00pm and when necessary at other times such as school excursions and school sport days;
2. A detailed design of the crossing point be completed; and
3. Council seek funding for the crossing (50%) from Roads and Maritime Service, noting that Council will need to contribute 50% at the time of construction.

**ITEM 024/19 NAIDOC WEEK MARCH**

That the march along Prince Street, Grafton from Market Square to the Clarence Valley Council Civic Centre on 8 July 2019 from 9:30 am to 10:00 am be noted.

**KEY ISSUES**

Agenda, minutes and attachments are attached.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Tim Jenkins – Manager Civil Services
Attachment	Traffic Committee Minutes

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<b>ITEM</b>	<b>6c.19.024</b>	<b>COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	Yes	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

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

**COMMITTEE RECOMMENDATION**

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

A formal monthly report is required for each Council meeting to include the full checklist from the previous month and any outstanding actions from earlier meetings.

**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 prior month's meeting and the status/progress on all Council resolutions that have not yet been fully implemented.

**COUNCIL IMPLICATIONS****Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

Local Government Act 1993 S335 (1)

**Consultation**

Staff and Managers

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Karlie Chevalley, Executive Support Assistant
Attachment	Checklist

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<b>ITEM</b>	<b>6c.19.025</b>	<b>ULMARRA RIVERSIDE AND VILLAGE PRECINCT (URVP) PLAN</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	To be tabled	

**SUMMARY**

The implementation of an Ulmarra Riverside and Village Precinct (URVP) Plan is a significant step towards achieving aspirations outlined in the Ulmarra Community Economic Development plan. Council resolved (15.075/19) to place the URVP Plan on public exhibition for a period of 28 days.

This report addresses the feedback received during the period of public exhibition and advises any amendments made to the plan and seeks Council's adoption of the Plan.

**OFFICER RECOMMENDATION**

That Council adopt the Ulmarra Riverside and Village Precinct Plan.

**COMMITTEE RECOMMENDATION**

Toms/Ellem

That Council

1. Adopt the Ulmarra Riverside and Village Precinct Plan.
2. Seek quotes for a detailed design to meet the objectives of the Ulmarra Riverside and Village Precinct Plan and that funding from Section 94A contributions be used for this purpose.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.1 Encourage vibrant and welcoming towns and villages

**BACKGROUND**

The aim of the Ulmarra Riverside and Village Precinct (URVP) Plan is to guide a number of infrastructure goals identified during the 2018 Ulmarra Community Economic Development Plan consultation. In line with the successful Riverside Precinct Plans for Grafton and Maclean, the URVP Plan will be used opportunistically to gain funding for implementation.

The URVP Plan was required to address the following;

- configure the streetscape such that human scale is achieved
- ensure diversity of public uses and activities
- expand options for pedestrian river access
- assessable to a diverse range of locals and visitors

- responsive to the characteristics of the land and the heritage significance of Ulmarra village
- a development that is creative, innovative and consistent with good ecological sustainability principles
- reflective of the Clarence River Way themes
- facilitate investment in heritage and waterfront orientated development and marina
- create linkages between the wharf, the river front parks (Memorial and Bailey), the village commercial centre and showground
- offer solutions that denote a sense of arrival to the village when travelling along 'Small Street' (current A1 Pacific Highway)
- safeguard Ulmarra as a place of character and quality, creating both a tourism asset and a boost to the village's amenity

In accordance with council's procurement processes, CLOUSTON Associates were engaged to develop the draft URVP Plan.

## KEY ISSUES

It should be noted that the draft URVP Plan is a concept plan; issues relating to developing and access to private lands will be addressed at the time of detailed design. Similar to the Maclean Riverside Precinct Plan, the main focus is on land controlled or owned by council. This is a key driving principle to ensure the delivery of the ultimate desired outcome can be achieved in stages and is not reliant on any particular stage or stakeholder for its successful implementation.

The goals and expectations of the Ulmarra community were important in the development of the URVP Plan. These were identified in the community consultation that occurred as part of developing the Ulmarra Community Economic Development Plan. Over 100 people attended three workshops, which took place in March, May and July 2018.

### *URVP Plan consultation:*

- Site visit, preliminary consultations and community conversations 21 and 22 February
- A community drop in session in Ulmarra on Monday 25 March (over 50 residents)
- Internal council project team workshop, Tuesday 26 March; in attendance were Planning, Economic Development, Open Spaces, Water Cycle, Civil Services and Community Services.
- Telephone interviews with RMS, Crown Lands, DPI, Destination North Coast and Woolitji Cooperative.

### *Public Exhibition Submissions:*

The URVP Plan was on public exhibition for 28 days from Friday 31 May to Friday 28 June 2019. The exhibition period was promoted via:

- Council's newspaper column three times
- Council Facebook pages and shared through Ulmarra Community pages
- Email databases (1050 email addresses)
- Hard copies of the draft plan were available for viewing at Customer Service Centres in Grafton and Maclean, and the Coldstream Gallery in Ulmarra
- Council's website for the entire exhibition period. The submission page on the website was viewed 146 times by 115 unique users

A total of 11 written submissions were received. A summary of those along with recommended actions is attached. All submissions were positive. Feedback from the community reflected items that will be considered during the detailed design phase.

## COUNCIL IMPLICATIONS

### **Budget/Financial**

Nil. When adopted, the Plan provides opportunity to secure external funding for implementation.

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

Consultation with Ulmarra residents, broader community and internal project management team.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	David Newberry, Project Officer
To be tabled	Public Exhibition Feedback Ulmarra Riverside & Village Precinct Plan

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<b>ITEM</b>	<b>6c.19.026</b>	<b>REVIEW OF POLICIES</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Nil	

**SUMMARY**

The report recommends adoption of policies which have been reviewed.

**OFFICER RECOMMENDATION**

That the following policies be adopted as having been reviewed with little or no substantial changes:

- a. Dirty Water – name change to Water Quality Management
- b. Regional Library – Fines and Fee Waiving Policy
- c. Sewer & Water Capital Contribution Credits for Properties Not Paying Available Charges as at 28 June 2005
- d. Sustainable Procurement
- e. Climate Change
- f. Dangerous Dog Revocation
- g. Disposal of Council Assets (other than Land & Buildings)
- h. Borrowing
- i. Investment Policy and Investment Strategy
- j. Financial Planning
- k. Non-Current Asset Accounting

**COMMITTEE RECOMMENDATION**

Ellem/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.1 We will have a strong, accountable and representative Government

Strategy 5.1.4 Ensure transparent and accountable decision making for our community

**BACKGROUND**

All Council policies are scheduled for review at least once during the term of the elected body.

**KEY ISSUES**

The following policies were reviewed by staff and changes were made as indicated:



- a. Staff recommended that the Dirty Water Policy name be updated to Water Quality Management Policy and some incorrect referencing or naming has been changed within the document.
- b. Regional Library – Fine and Fee Waiving Policy – minor deletion on page 2 “When school access to the Mobile Library has been cancelled for teaching purposes”.
- c. Sewer & Water Capital Contribution Costs – minor changes to document for clarification.
- d. Sustainable Procurement – minor change to include word “sustainable” in document.
- e. Climate Change – minor change to include “climate emergency” as resolved by Council in April Item 15.057/19.
- f. Dangerous Dog Revocation – no changes required.
- g. Disposal of Council Assets – minor change as follows: The responsible Manager must advise the Finance Section (Assets) and/or Asset Section of the item being disposed to enable the Technical and Financial Asset Register to be managed effectively.
- h. Borrowing – no change.
- i. Investment Policy and Strategy – updated as per CPG review.
- j. Financial Planning – changed references to the Local Government Code of Accounting Practice and Financial Reporting.
- k. Non-Current Asset Accounting – no change.

### COUNCIL IMPLICATIONS

#### Budget/Financial

N/A

#### Asset Management

N/A

#### Policy or Regulation

As listed.

#### Consultation

- All policies were reviewed in consultation with relevant staff.

#### Legal and Risk Management

N/A

#### Climate Change

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	Policies as listed

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**ITEM 6c.19.027 2018/19 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 30 JUNE 2019**


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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	To be tabled	

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**SUMMARY**

This report provides the final quarterly review on Council's performance of fulfilling its actions, services, projects and programs in the 2018/19 Operational Plan.

**OFFICER RECOMMENDATION**

That the Quarterly Operational Plan outcomes as at 30 June 2019 be noted.

**COMMITTEE RECOMMENDATION**

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

**BACKGROUND**

On 26 June 2018 Council adopted the 2018/19 Operational Plan, which specifies the objectives, strategies and activities to be achieved in this financial year.

*The Clarence 2027* identified five themes which are then broken down into objectives for Council to aspire to when setting the strategies and activities for the 2018/19 financial year.

**KEY ISSUES**

The one year Operational Plan is a sub-plan of the 2017/21 Delivery Program, which identifies activities (programs, services and projects) to be delivered by Council during the 2018/19 financial year. The General Manager is required to ensure regular progress reports are provided to Council with respect to the principal activities.

Detailed progress updates for the final quarter are contained in the attached report.



The report shows that as at the end of June 2019, the Council’s programs, projects and services are 99% completed.

**COUNCIL IMPLICATIONS**

**Budget/Financial**

Actions contained in the 2018/19 Operational Plan that have a financial implication are included in the adopted budget, which is reported to Council each month.

**Asset Management**

N/A

**Policy or Regulation**

Section 404(5) of the Local Government Act 1993

**Consultation**

Outcomes based on information provided by all section Managers and Directors.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
To be tabled	Quarterly Progress Report

<b>ITEM</b>	<b>6c.19.028</b>	<b>BENCHMARK AND REPORT CARD 2018/19</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	General Manager - Ashley Lindsay	
<b>Attachment</b>	To be tabled	

**SUMMARY**

The Benchmark and Report Card report gives Council and community oversight of our services and how we compare against industry averages and, how we are tracking toward goals. It also provides some key information about the quantity of activity being undertaken. This report represents activity results for 2018/19

**OFFICER RECOMMENDATION**

That the Benchmark and Report Card for 2018/19 report be received and noted.

**COMMITTEE RECOMMENDATION**

Ellem/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

**BACKGROUND**

The Benchmark and Report Card document makes transparent our activity and our progress toward goals. Information is collated quarterly and is reported at the first Ordinary Meeting following the end of the quarter. Future reports will enable oversight of trends as the reported quarter's activity will be comparable to previous quarters.

**KEY ISSUES**

Reports for some activity are not currently available without system, or system report writing, upgrade. As we improve systems and visibility of data, the document will become more comprehensive. The document includes some Key Performance Indicators that are also included in our quarterly report of achievement against the Delivery Program and Operational Plan. Over time it is anticipated as we review our Delivery Program and Operational Plan following the next local government election, the two will become integrated.

**COUNCIL IMPLICATIONS**

**Budget/Financial**

N/A

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

N/A

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Prepared by	Laura Black, Director Corporate & Governance
To be tabled	Benchmark and Report Card 2018/2019

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ITEM	6c.19.029	CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES –MINUTES OF MEETINGS
<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Yes	

## SUMMARY

This report provides a copy of the minutes of the meetings and recommendations from the Clarence and Lower Clarence Sports Committees for Council's information.

## OFFICER RECOMMENDATION

That Council receive and note the Minutes from 13 May, 2019 Clarence Sports Committee and Lower Clarence Sports Committee meetings.

## COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

Objective 1.1 We will have proud and inviting communities

Strategy 1.1.3 Support, encourage and celebrate community participation, community organisations and volunteerism

## BACKGROUND

Two Sports Committees operate within the Clarence Valley, the Clarence Sports Committee and the Lower Clarence Sports Committee. The Clarence Sports Committee meet in Grafton Chambers at 4:30pm and the Lower Clarence Sports Committee meet in Maclean Chambers at 7:00pm on the second Monday of the month, at three month intervals.

This report provides a copy of the minutes of the meetings that were held on 13 May 2019.

## KEY ISSUES

Summary of General Business – Clarence Sports Committee

- Sports Awards – report for the sub-committee
- Update – Grant Funding
- Sports Committee funded projects – update from delegates
- Online Booking System
- Grant Funding Applications
- General business and updates from sporting delegates

## Summary of General Business – Lower Clarence Sports Committee

- Sports Awards – report for the sub-committee
- Update – Grant Funding
- Sports Committee funded projects – update from delegates
- Motion: That Council endorse and support the Lower Clarence Sports Committee to meet bi-monthly.
- Online Booking System
- Office of Sports – Upcoming Events
- General business and updates from sporting delegates

**COUNCIL IMPLICATIONS****Budget/Financial**

Council has allocated an amount of \$35,000 grant funding to the Clarence Sports Committee and an amount of \$35,000 grant funding to the Lower Clarence Sports Committee to undertake capital works. Funding is on a dollar for dollar (1:1) basis with applicants.

**Asset Management**

Ongoing maintenance is required at many of Council's sporting facilities, however applications for funding through the sports committee must be made by the individual sports.

**Policy or Regulation**

The following references are applicable to this report:

- Sports Committees (Clarence and Lower) are committees of Council being appointed under s.355 of the Local Government Act
- Asset Management Policy V 3.0
- Clarence Valley Sports Facilities Plan – November 2011
- Clarence and Lower Clarence Committee Constitutions
- Guidelines for Funding

**Consultation**

Consultation occurred with delegates at the Clarence Sports Committee and Lower Clarence Sports Committee meetings on 13 May, 2019.

**Legal and Risk Management**

N/A

**Climate Change**

N/A

Prepared by	Gavin Beveridge
Attachment	Minutes – Clarence Sports Committee Meeting – 13 May, 2019 Minutes – Lower Clarence Sports Committee Meeting – 13 May, 2019

<b>ITEM</b>	<b>6c.19.030</b>	<b>PROGRESS REPORT CONSTRUCTION OF CELL 4B GRAFTON LANDFILL</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	A/Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Nil	

**SUMMARY**

The following report provides a status update on construction progress of Cell 4B at the Grafton Regional Landfill.

**OFFICER RECOMMENDATION**

That Council receive and note the construction progress report on Cell 4B Grafton Landfill.

**COMMITTEE RECOMMENDATION**

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 4 Environment

Objective 4.2 We will foster a balance between development and the environment considering climate change impacts

Strategy 4.2.3 Provide efficient and effective solid waste management services which prioritises resource recovery and minimises environmental impacts

**BACKGROUND**

At the 29 March 2019 ordinary meeting of Council, the tender from Valley Earthworks to construct the second stage of cell 4 at the Grafton Regional Landfill was accepted with Council resolving the following [Item 16.004/19].

*That Council:*

1. Accept the tender from Valley Earthworks Pty Ltd for T19/001 the construction of Cell 4B at the Grafton Regional Landfill at a lump sum contract cost of \$1,910,794.77 (GST inclusive), to be funded from Regional Landfill Augmentation (PJ530217, Cost Centre 875) and the Council seal be attached.
2. Set the project construction budget at \$2,184,503 (ex GST) from IR 10790 (Regional Landfill Augmentation Reserve) to fund the lump sum contract which is inclusive of:
  - a. 20% construction contingency and
  - b. \$100,000 allowance for the provision of quality assurance services.
3. Authorize the General Manager to approve contract variations that are within the limit of the budget identified in Point 2.
4. Receive 2 monthly progress reports for the construction of the landfill cell, with those reports clearly identifying any incurred and forecast project variations.



5. Note that the project will carry over to the 2019/20 financial year.

**KEY ISSUES**

**Project Progress**

Work commenced on the 29 April 2019 and is progressing well. The following elements have been achieved:

- bulk excavation completed removing approximately 180,000 tonnes of clay to get to the design level
- 1m thick clay liner 90% complete

Following the completion of the clay liner the HDPE liner and leachate drainage system will be installed. This work will see the completion of civil works enabling the completion of quality assurance testing & certification and EPA approval to operate. A photograph of works in progress is shown in Figure 1.



**Figure 1** – Installation of clay liner

Program

The project is assessed to be 60% complete. As at 28 June 2019 a total of 8.5 days have been lost due to wet weather. The current scheduled completion date for civil works is 26 August 2019.

**Contract Variations**

As at 30 June 2019 the following variations have been approved:

Incurred

No.	Description	Value
1	Additional permeability testing of clay liner stockpile	\$660
2	Surveyor adjustment to design model	\$2,296
	Total	\$2,956

## Forecast

No.	Description	Value
1	Design changes to the method of tie-in with original Cell 1 & Cell 3 to reflect actual site conditions	\$45,000 (estimated)
2	Error in calculating the bill of quantities provided by design Consultant for tendering purposes*	\$165,000 (estimated)
Total		\$210,000

\* The calculation error in bill of quantities provided by design consultant has meant that the actual quantity of excavation and lining undertaken to comply with cell design is more than the quantity provided in the tender documentation, resulting in a variation estimate of \$165,000. The tendered scheduled of rates will apply to the additional quantities.

The error has been raised with the design consultant and a resolution is pending.

**COUNCIL IMPLICATIONS****Budget/Financial**

The project is funded from Landfill Augmentation reserve (Cost Centre 875 PJ 530217). The project including identified variations is on track to be completed within project allocation as detailed below. The project is now 60% complete and all of the key potential areas of financial risk have been identified and addressed.

<b>Cell 4B Budget Reconciliation (ex GST)</b>			
Description	Budget	Contract	Variation
Project Budget	\$2,184,503		
Construction Contract		\$1,737,086	
Quality Assurance Consultant		\$88,420	
Approved Variations			\$2,956
Anticipated Variations			\$210,000
Subtotal	\$2,184,503	\$1,825,506	\$212,956
<b>Project Balance</b>			<b>\$146,041</b>

Project budget consists of \$1,737,086 (construction value); \$347,417 (20% contingency); \$100,000 (quality assurance services).

The approved and anticipated variations being valued at \$212,956 are within the contingency, the quality assurance services valued at \$88,420 are within the \$100,000 allowance resulting in the project cost being within limit of the budget identified in Point 2 of Council Resolution 16.004/19.

**Asset Management**

N/A

**Policy or Regulation**

N/A

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

Waste management in particular landfill is Councils highest generator of greenhouse gas. The development of Cell 4B will increase the landfill physical and emissions footprint. At this point in time there is no alternative for residual waste in the Clarence Valley other than landfill. Council actively promotes reuse and recycling opportunities to divert waste from landfill and the landfill gas capture and flaring system will be extended to the new cell area.

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Prepared by	Ken Wilson, Waste and Sustainability Coordinator
Attachment	Nil

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<b>ITEM</b>	<b>6c.19.031</b>	<b>REHABILITATION OF FORMER MACLEAN, TOWNSEND &amp; ILARWILL SEWAGE TREATMENT PLANTS – UPDATE REPORT</b>
<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Director - Works & Civil (Troy Anderson)	
<b>Attachment</b>	Nil	

## SUMMARY

This report updates Council on progress with rehabilitation of the Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP).

## OFFICER RECOMMENDATION

That Council receive and note the update report on rehabilitation of the former Sewage Treatment Plant sites at Maclean, Townsend and Ilarwill.

## COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

## LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.1 Maintain and renew water and sewer networks

## BACKGROUND

At its meeting of 15 November 2016 Council awarded a Tender for rehabilitation of Maclean, Townsend and Ilarwill Sewage Treatment Plants (STP) to Ledonne Constructions Pty Ltd and engaged Public Works Advisory to undertake Project Management services of the contract (Resolution 16.023/16).

## KEY ISSUES

### a) Ilarwill STP

The site auditors' final site audit statement was issued to Council on 16 April 2019. The property was offered for sale in accordance with point 6 of resolution 16.023/16 and Council's offer has been verbally accepted.

### b) Maclean STP

The site remediation validation report was submitted to the Contaminated Land Site auditor on 13 May 2019, and the site audit statement will take up to 6 weeks to issue following receipt. A registered surveyor has been engaged to undertake the boundary adjustment at this site to enable future sale of the portion not required to be retained by Council.

**c) Townsend STP**

The site auditors' final site audit statement was issued to Council on 21 June 2019. Contracts for sale of this parcel have been exchanged and settlement was completed on 5 July.

**d) Rezoning of sites**

The rezoning of the three STP sites has been completed.

**COUNCIL IMPLICATIONS****Budget/Financial**

At its meeting of 15 November 2016 Council adopted a revised budget of \$1.950 million for this project, which included a 15% allowance for variations. As outlined in previous updates the major variation relates to additional testing, sampling and reporting required by the EPA accredited site auditor for approval of the Remediation Action Plans (RAP) for each site.

Project costs to date are summarised in the table below (ex GST):

Item	Cost
Original Contract Sum (Ledonne Constructions)	\$1,450,353.00
Approved Ledonne contract variations and increases in provisional sums	\$2,363,690.84
Original project management sum (Public Works Advisory)	\$146,853.00
Approved Public Works Project Management variation	\$7,280.00
Expert Biosolids Advice	\$2,350.00
<b>Total Expenditure and Commitments to date</b>	<b>\$3,970,526.84</b>

Foreshadowed increases in provisional rate items and contracts variations are:

Item	Cost
Public Works Project Management variation for 16 months extension to Jun 2019	\$11,648.00
Additional stock proof fencing – Maclean STP site	\$5,200.00

The project's current financial position is:

Item	Cost
<b>Estimated Project cost</b>	<b>\$3,987,374.84</b>
Current approved project budget	\$1,950,000.00
<b>Projected project budget shortfall</b>	<b>\$2,037,374.84</b>

The variation will be funded from the sewer fund. Modelling of the sewer fund indicates that a budget variation of this magnitude will not have an adverse impact on the performance of the sewer fund.

**Asset Management**

The former STP sites are decommissioned assets which are assessed as having no residual value.

**Policy or Regulation**

Contaminated Land Management Act, 1997

**Consultation**

Public Works Advisory; Ledonne Constructions

**Legal and Risk Management**

The timetable for issuing the Maclean site audit statements will depend on any additional issues raised by the audit.

**Climate Change**

Not applicable for consideration for this project as site works are complete.

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Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

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<b>ITEM</b>	<b>6c.19.032</b>	<b>MONTHLY INVESTMENT REPORT – JUNE 2019</b>
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<b>Meeting</b>	Corporate, Governance & Works Committee	16 July 2019
<b>Directorate</b>	Corporate & Governance	
<b>Reviewed by</b>	Director - Corporate & Governance (Laura Black)	
<b>Attachment</b>	Yes	

**SUMMARY**

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

**OFFICER RECOMMENDATION**

That the report indicating Council's funds investment position as at 30 June 2019 be received and noted.

**COMMITTEE RECOMMENDATION**

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows

For: Lysaught, Ellem, Toms, Simmons

Against: Nil

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

**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*.

**KEY ISSUES****Source of Funds Invested**

The funds invested are funds held under internal and external restrictions. External Restricted Funds 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 2018 figures, funds have been sourced from the following areas:

External Reserves		Internal Reserves	
Sewerage Funds	3.97%	Plant Equipment Reserve	12.00%
Water Supply Funds	21.57%	Regional Landfill Reserves	7.44%
Developer Contributions	15.72%	Fin. Assist Grants paid in advance	5.00%
Unexpended Grants	6.71%	Infrastructure Assets Renewals	4.83%
Domestic Waste Management	1.15%	Clarence Care & Support	3.45%
Clarence Coast Reserve	2.85%	Employee Leave Entitlements	2.46%
Deposits, Retentions and Bonds	1.47%	Roads & Quarries Reserves	1.68%
Other External	1.69%	Strategic Building Reserve	1.21%
		Building Asset Renewals	0.91%
		Waste Management Reserves	0.75%
		Other (refer attachment for further detail)	5.14%
	<u>55.13%</u>		<u>44.87%</u>
		Total External & Internal Reserves	<u>100.00%</u>

### Portfolio Credit Limits

Tabled below is a summary of Council's investments as at 30 June 2019 which details compliance with Council's Investment Policy Portfolio Credit Limits.

Portfolio Credit Limits as at 30 June 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,470,814	5.36%	Yes
AA	100.00%	34,039,941	28.20%	Yes
A	60.00%	34,687,638	28.74%	Yes
BBB	50.00%	45,506,530	37.70%	Yes
<b>TOTAL INVESTMENTS</b>		<b>120,704,923</b>	<b>100.00%</b>	

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.



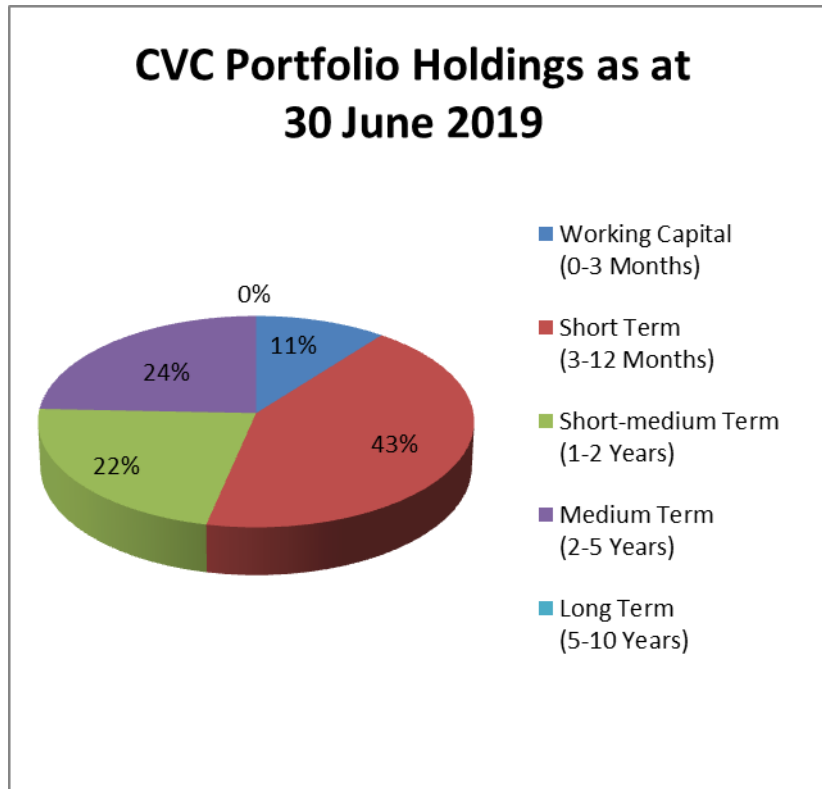
**Individual Institution or Counterparty Limits**

Tabled below is a summary of Council's investments as at 30 June 2019 which details compliance with Council's Investment Policy Counterparty Limits.

<b>Individual Institution or Counterparty Limits as at 30 June 2019</b>					
<b>Financial Institution</b>	<b>Credit Rating Long Term</b>	<b>Investment Policy Maximum Holding</b>	<b>Total Investments Held</b>	<b>% of Total Investments</b>	<b>Complies with Policy (yes/no)</b>
<b>TERM DEPOSITS &amp; FRNs*</b>					
AMP	A	15.00%	6,000,000	4.97%	Yes
ANZ*	AA-	30.00%	2,010,120	1.67%	Yes
BoQ	BBB+	15.00%	14,000,000	11.60%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.80%	Yes
Bendigo*			1,006,530	0.83%	
Rural Bank			5,000,000	4.14%	
CBA*	AA-	30.00%	2,015,430	1.67%	Yes
Credit Union Australia	BBB	15.00%	3,000,000	2.49%	Yes
Defence	BBB	15.00%	9,000,000	7.46%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.83%	Yes
IMB	BBB	15.00%	-	0.00%	Yes
ING Direct	A	15.00%	14,000,000	11.60%	Yes
ME Bank	BBB	15.00%	4,000,000	3.31%	Yes
NAB	AA-	30.00%	16,000,000	13.26%	Yes
NAB*			1,005,030	0.83%	
P&N	BBB	15.00%	3,000,000	2.49%	Yes
People's Choice	BBB	15.00%	1,000,000	0.83%	Yes
RaboDirect	A+	15.00%	11,000,000	9.11%	Yes
Westpac	AA-	30.00%	7,000,000	5.80%	Yes
Westpac*	AA-		1,513,755	1.25%	
<b>TOTAL TERM DEPOSITS &amp; FRNs*</b>			<b>108,550,865</b>	<b>89.93%</b>	
<b>MANAGED FUNDS</b>					
TCorp	AAA	40.00%	1,970,814	1.63%	Yes
<b>TOTAL MANAGED FUNDS</b>			<b>1,970,814</b>	<b>1.63%</b>	
<b>FUNDS AT CALL</b>					
AMP	A	15.00%	4,687,638	3.88%	Yes
ANZ	AA-	30.00%	273,237	0.23%	Yes
CBA	AA-	30.00%	5,222,369	4.33%	Yes
<b>TOTAL FUNDS AT CALL</b>			<b>10,183,244</b>	<b>8.44%</b>	
<b>TOTAL INVESTMENTS</b>			<b>120,704,923</b>	<b>100.00%</b>	

**Portfolio Holdings by Maturity**

Illustrated and tabled below is a summary of Council’s investments by maturity as at 30 June 2019. Excluding “at-call” working capital, 43.09% of Council’s investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 30 June 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>WORKING CAPITAL (0-3 MONTHS)</b>					
T-CorplM Cash Fund	1,970,814	1.63%	At-Call	2.04%	AAA
AMP Bank Ltd	4,687,638	3.88%	At-Call	1.80%	A
ANZ Banking Group Ltd	273,237	0.23%	At-Call	1.55%	AA-
Commonwealth Bank of Australia	5,222,369	4.33%	At-Call	1.15%	AA-
<b>TOTAL WORKING CAPITAL (0-3 MONTHS)</b>	<b>12,154,058</b>	<b>10.07%</b>		<b>1.55%</b>	
<b>SHORT TERM (3-12 MONTHS)</b>					
AMP Bank Ltd	2,000,000	1.66%	23/07/2019	3.05%	A-
AMP Bank Ltd	1,000,000	0.83%	30/08/2019	2.70%	A-
AMP Bank Ltd	3,000,000	2.49%	6/03/2020	2.75%	A-
Bendigo Bank	2,000,000	1.66%	28/10/2019	2.95%	BBB+
Bendigo Bank	1,000,000	0.83%	21/11/2019	2.70%	BBB+
Bendigo Bank	2,000,000	1.66%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.66%	18/12/2019	2.85%	BBB+
Credit Union Australia	1,000,000	0.83%	29/07/2019	2.70%	BBB
Credit Union Australia	2,000,000	1.66%	6/08/2019	2.78%	BBB
Defence Bank	1,000,000	0.83%	4/03/2020	2.80%	BBB
G&C Mutual Bank	1,000,000	0.83%	18/03/2020	4.00%	BBB-
ING	1,000,000	0.83%	6/11/2019	2.87%	A
ING	2,000,000	1.66%	8/11/2019	2.85%	A
ING	2,000,000	1.66%	10/12/2019	2.87%	A
ING	3,000,000	2.49%	14/02/2020	2.87%	A
ING	2,000,000	1.66%	20/02/2020	2.89%	A
ING	2,000,000	1.66%	2/03/2020	2.87%	A
National Australia Bank	2,000,000	1.66%	29/07/2019	2.76%	AA-
National Australia Bank	2,000,000	1.66%	5/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.49%	5/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.66%	13/09/2019	2.75%	AA-
National Australia Bank	2,000,000	1.66%	11/11/2019	2.73%	AA-
National Australia Bank	2,000,000	1.66%	11/12/2019	2.75%	AA-
People's Choice Credit Union	1,000,000	0.83%	12/12/2019	2.77%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.66%	14/08/2019	2.85%	A+
Rural Bank Ltd	2,000,000	1.66%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	2,000,000	1.66%	4/03/2020	2.80%	BBB+
Rural Bank Ltd	1,000,000	0.83%	4/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,006,530	0.83%	21/02/2020	2.66%	BBB+
<b>TOTAL SHORT TERM (3-12 MONTHS)</b>	<b>52,006,530</b>	<b>43.09%</b>		<b>2.83%</b>	
<b>SHORT - MEDIUM TERM (1-2 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.83%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.66%	12/01/2021	3.65%	BBB+
Defence Bank	2,000,000	1.66%	11/05/2020	3.00%	BBB
Defence Bank	2,000,000	1.66%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.66%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.66%	09/03/2021	3.00%	BBB
ING	1,000,000	0.83%	10/11/2020	2.92%	A
ME Bank Ltd	2,000,000	1.66%	06/05/2020	3.11%	BBB
ME Bank Ltd	2,000,000	1.66%	08/05/2020	2.30%	BBB
National Australia Bank	3,000,000	2.49%	20/05/2020	2.20%	AA-
P&N Bank	3,000,000	2.49%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.66%	05/03/2021	3.00%	AA-
<b>TOTAL SHORT-MEDIUM TERM (1-2 YEARS)</b>	<b>27,000,000</b>	<b>22.37%</b>		<b>3.04%</b>	

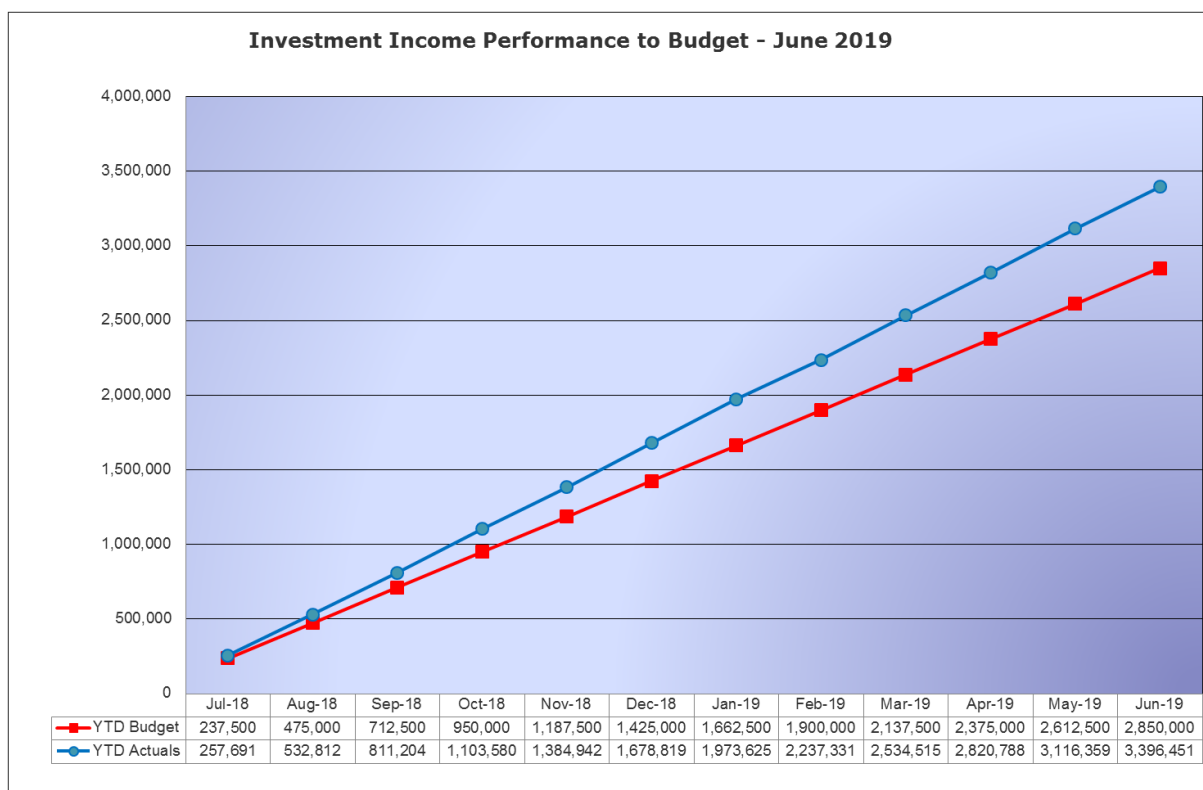
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
<b>MEDIUM TERM (2-5 YEARS)</b>					
Bank Of Queensland Ltd	1,000,000	0.83%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.83%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.66%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.66%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.83%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.66%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	2,000,000	1.66%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.83%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.66%	19/09/2023	3.40%	A+
Westpac Bank	1,000,000	0.83%	16/11/2021	2.83%	AA-
Westpac Bank	2,000,000	1.66%	18/07/2022	3.05%	AA-
Westpac Bank	2,000,000	1.66%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,010,120	1.67%	06/12/2023	2.41%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,005,410	0.83%	25/04/2023	2.36%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,010,020	0.84%	11/01/2024	2.83%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,005,030	0.83%	10/02/2023	2.45%	AA-
		0.00%			
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,513,755	1.25%	24/04/2024	2.83%	AA-
<b>TOTAL MEDIUM TERM (2-5 YEARS)</b>	<b>29,544,335</b>	<b>24.48%</b>		<b>3.16%</b>	
<b>TOTAL INVESTMENTS</b>	<b>120,704,923</b>	<b>100.00%</b>		<b>2.83%</b>	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 30 June 2019			
	Actual	Budget 2018/19	Over/(Under)
<b>This Month</b>			
Cash Deposits & FRNs	\$276,806	\$235,800	\$41,006
Managed Funds	\$3,286	\$1,700	\$1,586
	<b>\$280,092</b>	<b>\$237,500</b>	<b>\$42,592</b>
<b>Year to Date</b>			
Cash Deposits & FRNs	\$3,343,110	\$2,829,600	\$513,510
Managed Funds	\$53,342	\$20,400	\$32,942
	<b>\$3,396,452</b>	<b>\$2,850,000</b>	<b>\$546,452</b>

- Actual results have shown that total interest income to 30 June 2019 is \$0.546M above the 2018-19 budget of \$2.850M.
- As at 30 June 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$66,163.

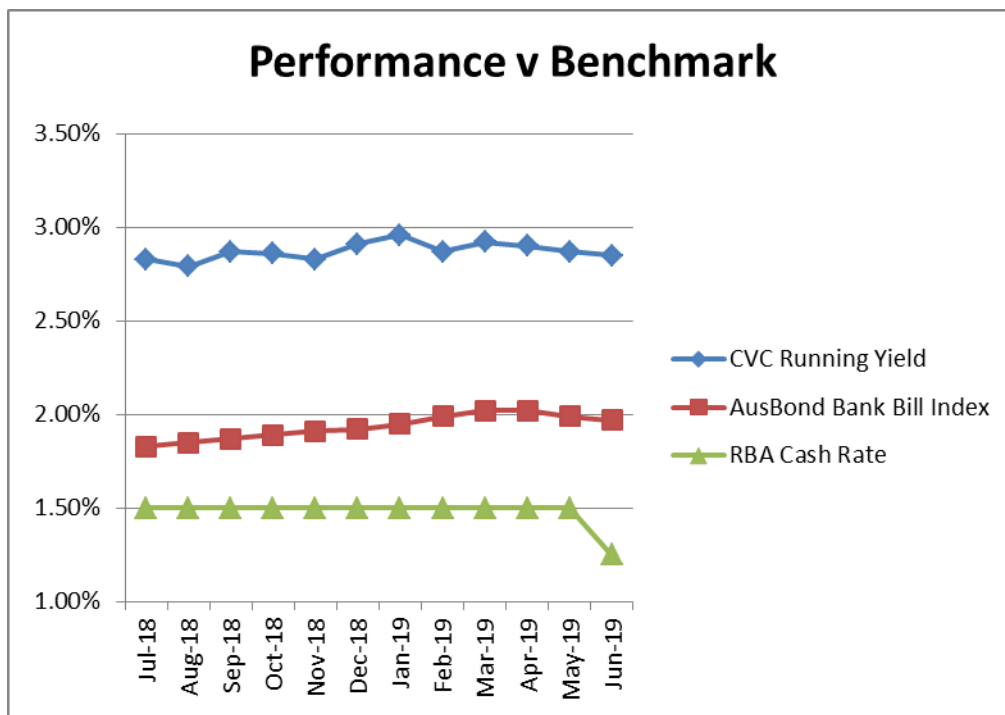


- Running yields\* to 30 June 2019 have been:

AMP Business	1.55%
AMP 31 Day Notice	2.05%
ANZ Premium Business	1.55%
CBA General	1.10%
24hr Call Account	1.20%
T-CorpIM Cash Fund	2.04%
Floating Rate Notes	2.58%
Term Deposits	3.00%
Total	2.83%

\*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 June was 1.25%. The benchmark AusBond Bank Bill Index was 1.97% for June.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.83% (May 2.87%).



- The following investments have been arranged since the previous report:
  - IMB Bank \$1.0m TD matured 03/06/19, redeemed
  - BOQ \$1.0m TD matured 17/06/19, redeemed

**Asset Management**

N/A

**Policy or 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 impact of the current investment portfolio has not been undertaken. Investments are driven by the current Investment Policy.

Prepared by	Vickie Stacey - Finance Officer (Accounting) & Kirsty Gooley – Assistant Financial Accountant (Reporting & Assets)
Attachment	A: Movement of funds between months and Other Internal Reserves (detail)

**CLOSE OF COMMITTEE MEETING**

There being no further business the Corporate, Governance & Works Committee closed at 2.26 pm.

**d. INFORMATION ITEMS***Nil***e. TENDERS**

ITEM	6e.19.004	PIPPY BEACH PUBLIC AMENITIES RENEWAL – ON CROWN LAND
<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Open Spaces & Facilities (David Sutton)	
<b>Attachment</b>	Confidential	

**SUMMARY**

At its meeting 28 May 2019 Council as Crown Land Manager resolved to award a contract to CM & RL Whyte Builders for the construction of the Pippi Beach Public Toilet [Item 16.019/19]. After numerous requests to proceed, CM & RL Whyte Builders withdrew their tender due to resourcing challenges. This report seeks Council as Crown Land Manager endorsement to award the contract for the construction of the Pippi Beach Public Toilet project to the next most advantageous offer being that of Jeremy Short Constructions.

**OFFICER RECOMMENDATION**

That Council as Crown Land Manager:

1. Note the withdrawal of CM & RL Whyte Builders for the construction of new amenities building on the Public Reserve - Pippi Beach, Yamba.
2. Accept the quotation from Jeremy Short Constructions for the construction of new amenities building consisting of 2 accessible toilets on the Public Reserve - Pippi Beach, Yamba at a lump sum contract cost of \$132,599.09 (GST exclusive) to be funded from Pippi Beach Public Amenities Planning – Upgrade (PJ 994769, Cost Centre 870).
3. Accept that the additional cost of \$3,140.91 (GST exclusive) be taken up from the project contingency.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.4 Manage and enhance our parks, open spaces and facilities

**BACKGROUND**

The existing toilet block servicing Pippi Beach being located on Lot 7027 DP1114310 (Prop No. 118187) part Reserve 58617 needs to be upgraded. The existing facility consists of 2 pans (1 male; 1 female) and 1 urinal. It is proposed that the existing facility be demolished and a new amenities building consisting of 2 accessible toilets (one left/right hand accessible toilet) be constructed.



Quotations were sought for the demolition and construction of a new accessible toilet block and access. The contract was awarded to CM & RL Builders in line with Council Resolution 16.019/19. After numerous requests to proceed CM & RL Builders did not accept the letter of award and withdrew their tender submission due to inability to resource the project.

#### **KEY ISSUE**

Jeremy Short Constructions quotation was assessed to be the second most advantageous offering similar value for money, construction experience and ability to complete the project. Following the withdrawal of CM & RL Whyte Builders, staff contacted Jeremy Short Construction and it has been confirmed that Jeremy Short Constructions will honour their quotation and has the capacity to complete the work.

As CM & RL Whyte Builders have withdrawn their offer, it is recommended that Council withdraw the letter of award from CM & RL Whyte Builders and accept the quotation from Jeremy Short Constructions for items 1, 3, 4 and 5 as detailed in their quotation dated 12 May 2019 (confidential attachment) the construction of new amenities building consisting of 2 accessible toilets on the Public Reserve - Pippi Beach, Yamba at a lump sum contract cost of \$132,599.09 (GST exclusive).

#### **COUNCIL IMPLICATIONS**

##### **Budget/Financial**

Jeremy Short Constructions lump sum contract cost is \$132,599.09 (GST exclusive) being \$3,140.91 (GST Exclusive) more than that of CM & RL Whyte Builders to construct the new amenities building. It is recommended that the increase in price is taken up from the project contingency.

##### **Asset Management**

The existing public amenities have reached the end of their useful life and require renewal. The public amenities service Pippi Beach Reserve and surrounding areas of public open space consisting of public playground, BBQ and picnicking facilities, and Pippi and Convent Beaches.

The proposed structure will be constructed with materials suitable for an exposed coastal environment to achieve the greatest useful life. Maintenance and operations budgets are available to service the existing facility, these will be rolled over for use by the new facility.

##### **Policy or Regulation**

The following references are applicable to this report:

- State Environmental Planning Policy (Infrastructure) 2007
- Local Government Act 1993
- Native Title Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Clarence Valley Sports Facilities Plan
- Asset Management Policy
- Clarence Valley Open Spaces Strategic Plan 2012

##### **Consultation**

Internal stakeholder consultation has been completed covering off the onsite waste water handling, property tenure and native title status.

##### **Legal and Risk Management**

Native Title has been extinguished over Lot 7027 DP1114310 (Prop No. 118187). An Aboriginal Land Claim has been lodged, the claim remains unresolved.

**Climate Change**

This project will have a minor impact on climate change, however, this impact has been minimised by

- The old materials concrete materials being disposed of at Grafton Landfill where they will be recycled.
- The lighting will be LED's and turned off and on, on sensors and timers.
- The existing septic tank will be repaired and reused.

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Prepared by	Justin Menzies, Project Manager
Confidential Attachment	Jeremy Short quotation schedule

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ITEM	6e.19.005	TENDER EXEMPTION FOR SUPPLY OF PROPRIETARY BRIDGE COMPONENTS
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<b>Meeting</b>	Council	23 July 2019
<b>Directorate</b>	Works & Civil	
<b>Reviewed by</b>	Manager - Civil Services (Tim Jenkins)	
<b>Attachment</b>	Confidential	

**SUMMARY**

It is proposed that the proprietary bridge system supplied by InQuik Pty Ltd is used for two of the bridge replacement projects in Council's 2019/20 Capital Works Program. The proposed bridge system is only available from InQuik Pty Ltd and therefore competitive tenders cannot be obtained.

A comparison of the InQuik system and other types of bridge system used for bridge replacement projects in recent years has been undertaken and it is determined that the InQuik system will provide a cost and time effective solution for these projects.

**OFFICER RECOMMENDATION**

That:

1. Council procure the proprietary bridge components for the replacement of the Middle Creek Bridge, Kungala Road and Burnt Hut Creek Bridge, Bald Hills Road be procured from InQuik Pty Ltd under the provisions of section 55(3) (i) of the *Local Government Act 1993*, without inviting tenders.
2. The procurement detailed in point 1 of this resolution is undertaken due to the unavailability of competitive tenderers for the proprietary components.

**LINKAGE TO OUR COMMUNITY PLAN**

Theme 2 Infrastructure

Objective 2.1 We will have communities that are well serviced with appropriate infrastructure

Strategy 2.1.5 Provide safe and effective vehicular and pedestrian networks that balance asset conditions with available resources

**BACKGROUND**

A desktop comparison of the estimated time and cost associated with the construction of replacement bridge structures over Middle Creek on Kungala Road and Burnt Hut Creek on Bald Hills Road has been undertaken to determine the best construction solution for these projects.

The InQuik bridge system is a proprietary system that has been introduced to the industry in the past two years and has been successfully utilised for over 30 bridge replacement projects, including a large number of local government bridge replacements. The InQuik system has been designed to reduce project costs and accelerate construction by using prefabricated components which have two key parts: a metal formwork tray to define the shape of the finished component, and the steel reinforcement cage inside the tray. The prefabricated components are assembled in a factory environment and are then delivered to site requiring minimal onsite resources to assemble the components and fill them with concrete. Information on the bridge system is available at [www.inquick.com.au](http://www.inquick.com.au)

**KEY ISSUES**

The desktop comparison of the estimated time and cost associated with the two bridge replacements included a comparison of: 1. Spaced prestressed concrete plank (PSC Plank) type bridge, which has been used for a large number of Council's bridge replacement projects in recent years; and 2. InQuik type bridge.

The compared cost and program for the replacement of the bridge structure for these projects using the two different systems is shown in Table 1 which is provided as a confidential attachment. Note this does not include the roadworks costs or program days associated with these projects, which remain the same regardless of the bridge system used.

It can be seen in Table 1 the InQuik system provides both cost and time savings for both sites. The time savings are particularly important for both of these projects as they will require a complete road closure and associated detouring of traffic during construction.

**COUNCIL IMPLICATIONS****Budget/Financial**

The projects are included in the 2019/20 adopted capital works program and will be funded as shown below:

Project	Bridges Renewal Program	Roads to Recovery Program			Total
			RA 91200	SRV	
Middle Creek Bridge, Kungala Road	\$ 344,515	\$ 137,806	\$ 206,709		\$ 689,030
Burnt Hut Creek Bridge, Bald Hills Road				\$ 232,032	\$ 232,032

**Asset Management**

Replacement of the Romiaka Channel Bridge will address the following specific level of service objectives stated in Council's Transport Asset Management Plan:

Community Level of Service Objectives

- Bridges meet transport requirements without restriction
- Bridge geometry meets current design requirements for current traffic

Technical Level of Service Objectives

- Bridges to be upgraded where the bridges do not meet current capacity requirements or where timber bridge structural defects are beyond economic repair and it is more cost-effective to replace the bridge with a concrete structure, subject to the availability of

**Policy or Regulation**

The Clause 55 (3) (i) of the *Local Government Act 1993* allows Councils to decide by resolution that a satisfactory result would not be achieved by inviting tenders due to extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers.

**Consultation**

N/A

**Legal and Risk Management**

N/A

**Climate Change**

The prefabrication of the InQuik abutment components in a factory environment will require less plant and equipment than if the abutments were constructed on site. This is due to the use of electric powered gantry cranes, compared to diesel powered mobile cranes, more efficient transport costs associated with material deliveries to factory due to economies of scale.

The transport of the lighter InQuik deck panels will require approximately two truck deliveries, compared to PSC planks which would require four truck deliveries.

These differences associated with using the InQuik bridge system will result in reduced fossil fuel consumption and reduced carbon emissions associated with the project.

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Prepared by	Adele McGeary, Bridges Engineer
Confidential Attachment	Table 1

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**7. NOTICE OF MOTIONS**

*Nil*

**8. CONFIDENTIAL BUSINESS**

*Nil*

**9. LATE ITEMS OF BUSINESS AND MATTERS ARISING**

09.19.001 Donation Request – Waanyji Yaegl Men’s Group  
(To be distributed separately)

**10. CLOSE OF ORDINARY MEETING**