



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Maclean Chambers

Tuesday, 17 December 2019 -

2.00 pm

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MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Maclean, 17 December 2019, commencing at 2.00 pm.

PRESENT

Cr Jim Simmons (Mayor), Cr Jason Kingsley, Cr Andrew Baker, Cr Arthur Lysaught, Cr Peter Ellem, Cr Karen Toms, Cr Debrah Novak, Cr Richie Williamson, General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), Director Works & Civil (Troy Anderson), Director Corporate & Governance (Laura Black) and Minutes Secretary (Lesley McBay).

OPENING PRAYER – The opening prayer was said by Ps Gavin Sanders.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the Yaegl peoples, traditional custodians of these lands on which this meeting is taking place and pay tribute and respect to the Elders both past and present of the Bundjalung, Gumbaynggirr and Yaegl nations which lie within the Council boundaries.

ANNOUNCEMENT

All present are advised that this meeting is being broadcast and audio recorded. The recordings of the non-confidential parts of the meeting will be made available on Council's website once the Minutes have been finalised. Speakers are asked not to make insulting or defamatory statements and to take care when discussing other people's personal information. No other persons are permitted to record the meeting unless specifically authorised by Council to do so.

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION – 02.19.001

Williamson/Kingsley

That a leave of unavoidable absence be granted for Councillor Clancy.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

03.19.007 - DISCLOSURES AND DECLARATIONS OF INTEREST

Summary of Declarations to Council

| <i>Name</i> | <i>Item</i> | <i>Nature of Interest</i> | <i>Reason/Intended Action</i> |
|-------------|-------------|---|--|
| Cr Toms | 6b.19.061 | <input type="checkbox"/> Pecuniary <input checked="" type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary | Reason: President Yamba Evening VIEW Club Intended action: Leave the Chamber |
| Cr Ellem | 6b.19.055 | <input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary | Reason: Previously worked for the same company as neighbour and objector Tim Howard, but not at same location. Intended action: Remain in the Chamber |

| <i>Name</i> | <i>Item</i> | <i>Nature of Interest</i> | <i>Reason/Intended Action</i> |
|-------------|-------------|---|---|
| Cr Ellem | 6d.19.006 | <input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary | Reason: Wife is Minutes Secretary for Wooloweyah Parks & Reserves Committee Intended action: Leave the Chamber |
| Cr Novak | 6b.19.062 | <input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary | Reason: Applicant Intended action: Leave the Chamber |

CONFIRMATION OF MINUTES

COUNCIL RESOLUTION – 04.19.007

Kingsley/Ellem

That the Minutes of the Ordinary Meeting of Council dated 26 November 2019, copies of which have been circulated, be taken as read and be confirmed.

Voting recorded as follows:

For: Simmons, Baker, Lysaught, Ellem, Toms, Williamson, Novak, Kingsley

Against: Nil

6. REPORTS**a. GENERAL MANAGER**

| ITEM | 6a.19.037 | CLARENCE CARE + SUPPORT |
|--------------------|----------------------------------|-------------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Office of General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | Nil | |

SUMMARY

This report seeks to explain the consequence of a resolution carried at the 26 November 2019 Ordinary meeting (MIN 6c.19.035), correct a procedural anomaly relating to a resolution carried at the 27 August 2019 Ordinary meeting (MIN 08.19.002) and clarify Council's intention in relation to Clarence Care + Support.

Since 2018, Council's intention has been to divest its interest in delivering community care services currently provided by Clarence Care + Support. Of critical importance to Council is that services currently provided in the local community are continued or expanded and improved. It is also important that the services are provided by a community based not for profit entity with experience in the sector, and capacity to continue the good reputation that Clarence Care + Support has developed.

OFFICER RECOMMENDATION

1. That Council
 - i. notes that Min 6c.19.035 is sufficiently flawed that it is 'unlawful' and does not constitute a decision of Council.
 - ii. reaffirms its decision (Min 08.19.002) to decline to transfer all of Clarence Care + Support (CC&S) from Council to a non-Council, not-for-profit entity as proposed at a cost to Council in excess of \$1.9 million.
 - iii. notes that the EOI process undertaken to transfer services delivered by Clarence Care + Support, to another entity, did not result in a satisfactory outcome.
 - iv. proceeds to open tender, to ensure transparency in its actions, for services currently provided by Clarence Care + Support.
 - v. endorses inclusion of a budget variation of \$20,000, in the December Quarterly Budget Review Statement to be tabled at the Corporate Governance & Works Committee meeting scheduled for February 2020, for preparation of tender documentation that supports the continuation or expansion and improvement of services currently provided by Clarence Care and Support in the local community, by a community based not for profit entity.
2. That a report be tabled at the April 2020 Ordinary meeting of Council, at the latest, with the results of the tender process detailing a clear path for progressing the Council's intention to divest its interest in the provision of community care services.

COUNCIL RESOLUTION – 6a.19.037

Baker/Toms

1. That Council
 - i. notes that Min 6c.19.035 is sufficiently flawed that it is 'unlawful' and does not constitute a decision of Council.

- ii. reaffirms its decision (Min 08.19.002) to decline to transfer all of Clarence Care + Support (CC&S) from Council to a non-Council, not-for-profit entity as proposed at a cost to Council in excess of \$1.9 million.
 - iii. notes that the EOI process undertaken to transfer services delivered by Clarence Care + Support, to another entity, did not result in a satisfactory outcome.
 - iv. proceeds to open tender, to ensure transparency in its actions, for services currently provided by Clarence Care + Support.
 - v. endorses inclusion of a budget variation of \$20,000, in the December Quarterly Budget Review Statement to be tabled at the Corporate Governance & Works Committee meeting scheduled for February 2020, for preparation of tender documentation that supports the continuation or expansion and improvement of services currently provided by Clarence Care and Support in the local community, by a community based not for profit entity.
2. That a report be tabled at the April 2020 Ordinary meeting of Council, at the latest, with the results of the tender process detailing a clear path for progressing the Council's intention to divest its interest in the provision of community care services.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Council has been working towards a transfer of the community care services offered by Clarence Care + Support (CCS) since it was identified that the changing legislative and commercial nature of aged and disability services is not sustainable under the local government framework. This was first considered by Council at its April 2018 (refer Item 22.004/18) meeting, which resulted in Council authorising the General Manager to prepare a brief and select a consultant to investigate and recommend the best option for the operation and management of Clarence Care + Support. This process has been reported to Council on a number of occasions and it is not the intention of this report to repeat that information. This report seeks to ensure transparency of decision making and clarity of direction to achieve the desired outcome and ensure the viability of community care services currently provided by Clarence Care + Support.

KEY ISSUES

Advice sought provides that Council Resolution (6c.19.035) carried at the 26 November 2019 Ordinary meeting of Council (printed as follows)

"That Council:

Firstly, reject all the tenders received at the 22 March 2019 meeting for item 22.002.19 and in accordance with clause 178.3(e) of the Local Government Act, enter negotiations with the 3 organisations identified as 2, 3 and 4 in Key Issues with a view to making an agreement in relation to the operation of Clarence Care and Support; and

Secondly, continue implementation of Resolution 08.19.002 after exclusion of Point 2 of that resolution by:

1. Enabling, subject where necessary to the consent of the Minister for Local Government, a takeover of all Clarence Care & Support (CC&S) operations by:
 - a) a suitable existing community based not-for-profit legal entity or in the event a suitable entity is unable to be adopted,
 - b) a community based not-for-profit legal entity created for the purpose, where such take-over arrangements will be on the basis of Council satisfying all legal obligations in the winding up of its CC&S business including obligations to employment arrangements, funding, leasing and NDIS contract obligations and with the existing or new entity to be entirely responsible for control of its own governance, management, accommodation, recruitment, employment, funding, leasing and NDIS contract obligations and all business arrangements.
2. Continue to inform the current recipients of CC&S services, all CC&S employees and the general public of the intent and provisions of this resolution.
3. Disband the CC&S committee and receive reports when necessary on at least matters arising in the implementation of Point 1. of this resolution.
4. Commence, after adoption of a course of action from 1a. and 1b. above, a 60-day public consultation period on the intended outcomes to be achieved by this action.
5. Where 1b. above is adopted as the course of action; initiate a process during the consultation period to appoint suitable independent skills-based community members tasked with the process of establishing a suitable new entity that is beyond Council control.
6. Where 1b. is adopted and a governing body constituted; assist the governing body of the new entity in the recruitment and appointment of a Chief Executive Officer or interim chief operating officer and provide advance loan funding if necessary, to enable early employment of a suitable executive officer.
7. Where either of 1a. or 1b. is adopted; make all arrangements necessary to enable transfer of relevant CC&S operations, liabilities, operating assets, functions and accommodation occupancy if required, with such arrangements to be at commercial rates to the entity and in such manner to ensure uninterrupted continuation of current CC&S operations from commencement.

8. Where either of 1a. or 1b. is adopted; give consideration to an offer of interest-only loan funding at zero interest for 3 years to enable the entity to accommodate transitional, startup and cashflow needs.

is sufficiently flawed because it fails to comply with the Local Government Regulation, that it is 'unlawful'. While the resolution states that all tenders previously called for are to be rejected, it fails to provide reasons for this decision.

Regulation 178(4) provides that (emphasis added):

'If a council resolves to enter into negotiations as referred to in subclause (3)(e), the resolution must state the following—

(a) the council's reasons for declining to invite fresh tenders or applications as referred to in subclause (3)(b)–(d),

*(b) the council's reasons for determining to enter into negotiations with the person or persons referred to in subclause (3)(e)'.
'*

Note: both subclauses (a) and (b) must be dealt with within the resolution.

Regulation 178(3) provides that:

'A council that decides not to accept any of the tenders for a proposed contract or receives no tenders for the proposed contract must, by resolution, do one of the following—

- (a) *postpone or cancel the proposal for the contract,*
- (b) *invite, in accordance with clause 167, 168 or 169, fresh tenders based on the same or different details,*
- (c) *invite, in accordance with clause 168, fresh applications from persons interested in tendering for the proposed contract,*
- (d) *invite, in accordance with clause 169, fresh applications from persons interested in tendering for contracts of the same kind as the proposed contract,*
- (e) *enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender,*
- (f) *carry out the requirements of the proposed contract itself.'*

Providing reasons for Council's decision is mandated by the Act, therefore giving reasons is not optional as indicated by use of the words '*the resolution must state*' and '*must, by resolution*'. Advice also provided that the direction provided by the Resolution was ambiguous and did not clearly identify Council's intent.

If Min 6c.19.035 is 'unlawful', the last 'lawful' decision made by Council in relation to this matter was 27 August 2019 (MIN 08.19.002), printed as follows:

"That Council, having completed a thorough investigation and consultation period of some 12 months:

1. Decline to transfer all of Clarence Care + Support (CC&S) from Council to a non-Council, not-for-profit entity as proposed at a cost to Council in excess of \$1.9 million.
2. Retain sole ownership and control of CC&S by the creation, subject to the consent of the Minister for Local Government, of a wholly owned not-for-profit legal entity to take over the governance control, management and the continuing operation and function of CC&S commencing 1 July 2020 with the new entity to have primary purposes of at least;
 - a. delivery of a service level, at not less than the current level of service, to current service recipients resident in the Council area and,
 - b. creation of no disadvantage to existing service recipients resident within the Council area and,
 - c. creation of no disadvantage to current employees for a period of 3 years and,
 - d. the provision of community care and support services and the provision of any other community benefit functions allowable to not-for-profit entities as recommended by the governing body and approved by the Council and,
 - e. a Constitution that ensures the governing body is made up in such a way that elected Councillors make up at least one more than one-half of the directors of the governing body.
3. Immediately inform the current recipients of CC&S services, all CC&S employees and the general public of the intent and provisions of the preceding point 2 of this resolution.
4. Form a committee of the Mayor, Deputy Mayor and all Councillors to work with the General Manager, a legal practitioner experienced in setting up and governance of not-for-profit entities, and any financial advisor considered necessary by the committee, to receive and consider by end of October 2019, a business case, a draft constitution, an operating model and a funding model suitable to the successful operation of the proposed new entity.
5. Receive from the Committee at the November 2019 meeting a proposed constitution and a report on any other transitional and loan funding requirements required to enable an orderly transfer of CC&S to the new not-for-profit entity on 1 July 2020.

6. Commencing 1 December 2019 and subject to adoption of a constitution and any other transitional and loan funding arrangements, commence a 60 day public consultation on the proposed new entity arrangements and, if required by the constitution, invite nominations for community directors during the public consultation period.
7. At the February 2020 meeting, consider appointment of community directors to the governing body if such appointments are required by the adopted constitution of the new entity.
8. At the February 2020 meeting, appoint the Mayor and Councillors as required by the Constitution to the governing body of the new entity and disband the committee formed at point 4 of this resolution.
9. Assist the governing body of the new entity in the recruitment and appointment of a Chief Executive Officer or interim chief operating officer of the new entity and provide advance loan funding if necessary to enable early employment of a suitable executive officer.
10. Make all arrangements necessary to enable transfer of all CC&S operations, operating assets, functions and accommodation occupancy to the new entity in such manner to ensure uninterrupted continuation of CC&S operations from 1 July 2020."

Advice provides that MIN 08.19.002, which was formed from a motion put on the floor, has the effect of rescinding previous decisions of Council, without explicitly stating so, in relation to transferring Clarence Care + Support and its services to another entity. As such, under s372(1) of the Local Government Act and s3.11 of the Code of Meeting Practice notice should have been given as follows:

S.372(1) of the Local Government Act:

'A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with the council's code of meeting practice.'

S.3.11 of that Code of Meeting Practice:

'A councillor may give notice of any business they wish to be considered by council at the next appropriate ordinary meeting by way of a notice of motion, provided in writing to the general manager. To be included on the agenda of the meeting, the notice of motion must be submitted in writing, seven (7) business days before the meeting is to be held'.

This is considered a procedural error that for reasons of probity and transparency, should be corrected by giving notice of Council's consideration through inclusion on the Agenda of a subsequent meeting. Correcting a procedural error in this manner does not provide Council an opportunity to revisit the decision, merely to correct how it was made.

However, since resolving MIN 08.19.002 in August 2019, Council has given further consideration to the path that should be followed and this is what MIN 6c.19.035 (November 2019) was intending to correct.

In considering how Council achieves the intended outcome to ensure the continuation and/or expansion and improvement of community care services, currently provided by Clarence Care + Support by a community based not for profit entity, it is critical that consideration is given to tendering requirements within the Local Government Act. It is considered that the most transparent way for Council to achieve its intent is through open tender.

Advice therefore provides that at the December Ordinary meeting of Council, the intent of Council to rescind previous decisions to transfer Clarence Care + Support through an EOI process and be duly notified and clarify the means by which Council will seek to divest interest in the provision of community care services, be provided. This report and the officer's recommendation intend this.

COUNCIL IMPLICATIONS**Budget/Financial**

If endorsed the budget variation of \$20,000 will be tabled in the December Quarterly Budget Review Statement.

Asset Management

NIL

Policy or Regulation

The Local Government Act 1993

The Local Government (General) Regulation 2005

The Code of Meeting Practice

Consultation

NIL

Legal and Risk Management

The intent of the report is to mitigate risk identified and ensure transparency in Council's decision making and actions.

Climate Change

NIL

| | |
|-------------|-------------|
| Prepared by | Laura Black |
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| ITEM | 6a.19.038 | LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2019 |
|-------------|------------------|--|

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| Meeting | Council | 17 December 2019 |
| Directorate | General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | Yes | |

SUMMARY

The Local Government NSW (LGNSW) Annual Conference for 2019 was held at Warwick Farm from Monday, 14 October to Wednesday, 16 October 2019. Council was represented by Mayor Jim Simmons and General Manager Ashley Lindsay. Cr Clancy was registered to attend but due to unforeseen health reasons he was unable to attend.

This report is presented to Council in accordance with the requirements of the Policy for Councillor Attendance at Conferences.

OFFICER RECOMMENDATION

That Council receive and note the Local Government NSW Annual Conference 2019 report.

COUNCIL RESOLUTION – 6a.19.038

Williamson/Toms

That Council receive and note the Local Government NSW Annual Conference 2019 report.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.5 Represent our community at Regional, State and Federal levels

BACKGROUND

The 2019 LGNSW conference was co-hosted by the City of Liverpool and ran from Monday, 14 October to Wednesday, 16 October 2019. Mayor Simmons was Council's voting delegate at the conference. This approval was provided by Council at its February 2019 meeting refer Item 13.003/19.

KEY ISSUES

A summary of the conference program is attached (refer attachment).

On the Monday morning 14 October of the conference a meeting the Politicians Breakfast was held. There were addresses from:

- The Hon. Gladys Berejiklian MP, Premier of NSW

- The Hon. Shelley Hancock MP, Minister for Local Government; and
- Ms Jodi McKay, Leader of the Opposition

Followed by the politician's panel:

- The Hon. John Barilaro MP, Deputy Premier, Minister for Regional NSW Trade and Industry
- The Hon. Shelley Hancock MP, Minister for Local Government
- The Hon. Melinda Pavey MP, Minister for Water, Property and Housing
- The Hon. Adam Marshall MP, Minister for Agriculture and Western NSW
- Mr Greg Warren MP, Shadow Minister for Local Government
- Mr David Shoebridge, MLC

The conference then commenced at 10.00am on Monday, with workshops being held on various different topics throughout the day.

Mayor Simmons attended the following workshops:

- Workshop 1a – Financial Decision-Making in Local Government
- Workshop 2b – Update on the Code of Conduct
- Councillor Workshop 3b – Speaking and Debating Skills

General Manager Ashley Lindsay attending the following:

- Workshop 1b – Understanding and Measuring Social Impact
- Workshop 2b – Update on the Code of Conduct
- Workshop 3a – Local Government Procurement: Efficiencies and Opportunities

The proceedings of Tuesday, 15 October were chaired by the LGNSW President Cr Linda Scott. The opening address included demonstration of voting units, adoption of standing orders, a presentation of the auditor's report, a general financial report and operating report to members, business session and consideration of motions.

The conference considered 127 Motions. A copy of the conference record of decisions can be found via this link: [LGNSW Conference](#)

COUNCIL IMPLICATIONS

Budget/Financial

A summary of the GST exclusive costs incurred for attendance at the conference is tabled below:

| Type of Costs | Mayor Simmons | General Manager |
|--------------------------|-------------------|-------------------|
| Conference Registration | \$763.64 | \$763.64 |
| Conference Workshops | \$120.00 | \$120.00 |
| Conference Dinner | N/A | \$100.00 |
| Accommodation – 3 nights | \$457.78 | \$520.49 |
| Flight fares | \$382.23 | \$382.22 |
| Hire Car fees | \$68.55 | \$230.64 |
| Toll fee | N/A | \$39.85 |
| Taxi fares | N/A | \$28.55 |
| Meals – 4 days | \$100.46 | \$50.36 |
| Total Cost | \$1,892.66 | \$2,235.75 |

All costs are covered by delegates expenses for Councillors within Cost Centre 552 and the General Manager's conference budget for 2019/20 of \$4,896 (PJ 992002-51-7001-2053). Council staff have requested refunds for the fees paid for Cr Clancy.

Asset Management

N/A

Policy or Regulation

Councillor Attendance at Conferences

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Karlie Chevalley – Executive Support Assistant |
| Attachment | Summary 2019 LGNSW Annual Conference Program |

| | | |
|-------------|------------------|---|
| ITEM | 6a.19.039 | RESTORATION OF FIRE DAMAGED ASSETS |
|-------------|------------------|---|

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|--------------------|----------------------------------|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | Nil | |

SUMMARY

This report provides Council with an update of the restoration works that have been undertaken to date in response to recent fire activity within the Local Government Area (LGA).

OFFICER RECOMMENDATION

That Council receive the Restoration of Fire Damaged Assets Report and its contents be noted.

COUNCIL RESOLUTION – 6a.19.039

Toms/Ellem

That Council receive the Restoration of Fire Damaged Assets Report and its contents be noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2.1.2 Ensure adequate natural disaster management

BACKGROUND

Significant amounts of infrastructure have been affected in the recent fires to which restoration works are either: underway; or being planned and procured.

KEY ISSUES**General Works**

At the time of writing this report the following items are in progress:

Clearing of roads

32 of the effected 47 roads have been cleared of debris and dangerous trees. It is predicted that the remainder of the roads will be completed by 20 December 2019.

Dangerous trees

Works to clear dangerous trees are continuing. These works are being performed with the assistance of contractors. To date approximately:

900 trees greater than 500mm diameter have been removed from the road reserve

1400 trees less than 500mm diameter have been removed from the road reserve

Roadside furniture

Guard rail replacement on Armidale road has commenced. To date 600m of guard rail has been removed and replaced, with another 900m yet to be installed. The contractor's current program is to have the guard rail replacement works completed by Christmas.

Quotations have been sought for the replacement of traffic signage and installation will commence as soon as practicable.

Bridges

The fire update report presented to the November 2019 meeting detailed a number of damaged bridges. To date no further damaged bridges have been discovered.

Purchase orders have been placed for replacement bridges for Hortons Creek Bridge – Armidale Road, Ramornie Station Road at Brickmakers Creek; and Kangaroo Creek and the construction of these bridges will commence in January 2020.

COUNCIL IMPLICATIONS**Budget/Financial**

All costs associated with the emergency and restoration works will be claimed through the provisions of the Disaster Recover Funding Arrangements (DRFA). Council will be required to contribute these works in accordance with the DRFA, however, at this point in time, the contribution sum is unknown.

The purchase orders associated with the supply and installation of guard rail and the supply of the bridges were made under the emergency purchasing provisions of the *Local Government Act 1993*.

Asset Management

Council's asset records will be updated to reflect and replacement or repair works that are undertaken.

Policy or Regulation

NSW Natural Disaster Essential Public Asset Restoration Guidelines
Commonwealth Disaster Recovery Funding Arrangements

Consultation

N/A

Legal and Risk Management

Thorough inspections of infrastructure assets need to be undertaken to ensure that the risk to Council and the public is minimised.

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Troy Anderson – Director (Works & Civil) |
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b. ENVIRONMENT, PLANNING AND COMMUNITY REPORTS

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| ITEM | 6b.19.055 | PROPOSED MULTI-UNIT HOUSING DEVELOPMENT, 47 TURF STREET, GRAFTON – CONSIDERATION OF REVISED PLANS FOLLOWING LAND & ENVIRONMENT S34 COURT CONCILIATION CONFERENCE (CLASS 1 APPEAL OF DA2017/0501, LEC CASE NO. 2019-0075665) |
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| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | Yes plus Confidential Attachment | |

SUMMARY

| | |
|--------------------|-------------------------------------|
| <i>Applicant</i> | Richard van Dorp Architects Pty Ltd |
| <i>Owner</i> | Joshua Watts |
| <i>Address</i> | 47 Turf Street, Grafton |
| <i>Submissions</i> | N/A |

This application is reported to Council following an Appeal to the NSW Land and Environment Court and a Section 34 Conciliation Conference held on 5 November 2019 (LEC Case No. 2019/0075665). No agreement was reached and the conciliation conference was terminated by the Commissioner. The matter has been listed for hearing before the Land and Environment Court in June 2020.

While the Section 34 conciliation phase has been terminated Council is still able to liaise with the applicant for the purpose of resolving the dispute. Discussions have been held between Council staff, the applicant, consultants and legal representatives for both sides and amended plans have been submitted for Council to consider.

This application is reported to Council to consider the amendments made to the application and to make a resolution in regard to reaching an agreement on the matters that are in dispute under the Appeal.

OFFICER RECOMMENDATION

That Council:

1. Support the applicant's amendments under revised plans Revision Ha (dated 29 November 2019) as the reasons for refusal in Council's resolution of 18 September 2018 (Item 14.103/18) have been sufficiently addressed subject to suitable conditions; and
2. Note that the recommendation at Item 1 above is supported by legal advice which is a confidential attachment to this report.

COUNCIL RESOLUTION – 6b.19.055

Baker/Williamson

That Council:

1. **Support the applicant's amendments under revised plans Revision Ha (dated 29 November 2019) as the reasons for refusal in Council's resolution of 18 September 2018 (Item 14.103/18) have been sufficiently addressed subject to suitable conditions; and**
2. **Note that the recommendation at Item 1 above is supported by legal advice which is a confidential attachment to this report.**
3. **Amend Condition 34 to ensure all vehicular access to the lots is via Maud Lane only.**

Voting recorded as follows:**For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms****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

Council resolved to refuse DA2017/0501 after considering a report (see Item 14.103/18) at its meeting on 18 September 2018 as follows:

“That Council refuse DA2017/0501 on the grounds it does not meet front setbacks, garage setbacks and landscape area.”

A determination of the development application to refuse DA2017/0501 was issued by Council on 21 September 2018. The application was then considered under an application for review of the determination under REV2018/0008.

A report was submitted to Council on 26 February 2019 (see Item 14.001/19) and Council resolved to uphold the decision of refusal as follows:

That Council:

- 1. In determining REV2018/0008 uphold its decision to refuse DA2017/0501 with the grounds for this decision being that the revised plans submitted with REV2018/0008 do not resolve all of the grounds on which Council refused DA2017/0501 and further, the revised plans result in further noncompliance with the landscaped area criteria in Council’s DCP for Development in Residential Zones and non-compliance with the minimum private open space dimension in Council’s DCP for Development in Residential Zones for the 5 units and the applicant has not provided adequate justification on planning grounds for the requested variations.*
- 2. Review the classification of Maud Lane as a 2-way street due to the inadequate width that results from the refusal in point 1.*

KEY ISSUES

A Class 1 Appeal Application was lodged in the NSW Land and Environment Court on 1 March 2019 against the determination made under DA2017/0501. A Directions hearing was held on 8 April 2019 and directions issued to file and serve a Statement of Facts and Contentions prior to the Section 34 Conciliation Conference on 5 November 2019. The applicant filed a Notice of Motion to rely on amended plans being the same plans submitted to Council (Revision F) under REV2018/0008.

The Section 34 Conciliation Conference was presided over by Commissioner O’Neil and there was a general reluctance by the applicant to compromise on the proposal as reflected in the amended plans and the conciliation conference was terminated after it was apparent that no agreement was likely to be reached.

The matter was set down for a further Directions hearing on 12 November 2019 and the Court made the following directions:

- The proceedings are listed for a two day hearing on **15 and 16 June 2020**, commencing at **10:00am**;*

- *The parties are to approach the Court by online Court on 15 November 2019 to confirm whether there is any objection to Commissioner O'Neill hearing the matter and whether the hearing is to commence with an onsite inspection or in Court.*
- *The parties are to approach the Court by online Court by 28 February 2020 to seek orders for expert evidence.*

Council staff have been liaising with the applicant for the purpose of resolving the dispute prior to the matter going to a full hearing. Amended plans were provided by the applicant on 15 November 2019 (Revision G). A preliminary review of these plans by Council officers raised a number of inconsistencies in detail and the need for clarification.

Revised plans dated 29 November 2019 were then submitted in response (Revision Ha) and those plans are attached to this report. A written submission from Richard van Dorp, dated 29 November 2019, outlines the changes made in regard to Revision Ha plan (dated 29/11/2019) and that submission is also an attachment to this report.

A number of changes have been made to the plans and the following table shows the changes that have been made from Revision D on 2 July 2018 to Revision Ha on 29 November 2019 in regard to the reasons for refusal being that the development does not meet Council's requirements for the setbacks, garage setbacks and landscape area following the refusal of DA2017/0501.

| Reason for refusal | Comments Plan Revision D 2/7/2018 | Comments Plan Revision Ha 29/11/2019 |
|--------------------------------|---|--|
| Front Setbacks | The DCP requires a 3.5m setback to a secondary frontage. A 3m setback was proposed. | Setback to the lane is now increased from 2.5m to 3.5m The walls of the units will be setback 3.5m to allow sufficient landscaping. |
| Setbacks of garages to laneway | The DCP requires a 4.5m setback to garages fronting a laneway. The setback to the building is down to 3.0m and setback to the garages down to 3.46m. | Garages are setback 5m to the boundary fronting Maud Lane. (The whole of the lane width will be constructed to 5m seal). |
| Landscaped area | The DCP requires a minimum of 45% of the site area to be available as landscaped area and only 40.5% is provided in the proposal. | Landscaped area has gone up from 40% to 47.08% |

Under the review of the application Council also raised an issue in its resolution in regard to the minimum dimension of the POS. Under Revision F dated (dated 30 December 2018) the minimum dimension of the POS for each of the five units was reduced to 3.6m in part. The remainder of the POS for each of the five units met the minimum 4.5m dimension requirement.

On the latest plans (Revision Ha) the minimum dimension is increased to 3.705m wide for each unit with the remainder of the POS areas for each unit having a width dimension of 4.705m (refer to attached plans). In addition, the applicant has confirmed that the adjacent pergola floor area is level with the adjacent grassed area in the POS consistent with requirements contained in Council's DCP.

The applicant has amended the development to address the issues that formed the basis of Council's refusal as well as other issues that have been identified in regard to the development including removing the door to the study, fencing between units, garage for unit 6 off Maud Lane and garbage storage area. The change to the existing garage of the existing dwelling was requested during discussions at the

Conciliation Conference as the existing driveway servicing the dwelling at 47 Turf Street was deemed to be non-compliant with Council's Engineering Specification due to the proximity of the driveway to the Maud Lane/Turf Street intersection.

The changes to the study and reduced dimensions of internal living spaces reduced overall site coverage of the development and present a better outcome, and the development as amended is more compliant.

As discussed above, the minimum dimension has been increased by 0.105m to 3.705m though does not meet the minimum 4.5m. It is noted that a variation to Council's requirements is not uncommon where a development cannot meet the required development control. The DCP provides that Council can grant consent to a development proposal that does not comply with the specific requirements of this DCP after considering the particular merits of a development proposal.

The applicant has previously provided the following justification:

The required areas for each unit are all well above the 50 sqm required and generally have the minimum size required. However it has not been possible to maintain the minimum dimension of 4.5m over the whole of the open space areas due to our desire to have the living areas protrude into this area. However it is considered that this small reduction in size directly in front of the living areas is ameliorated by two circumstances. Firstly the offending wall is virtually all large opening glass sliding doors opening the living areas out onto the open space so that it all becomes one large indoor outdoor area anyway. Secondly the reduced dimension is more than compensated by the private open spaces all being significantly larger than required.

Council has also referred the latest amendments to the application to expert planning consultant Jeff Mead who has been engaged for the Appeal proceedings. Mr Mead's comments are included in a confidential attachment to this report.

Given that the issues have been narrowed considerably in regard to the reasons for refusal Council has the option of agreeing to the amendments to the proposal if it considers that its reasons for refusal are now satisfied by the latest revised plans. The alternative is that they not be supported and application will remain set down for hearing and be determined by the Court. This alternative is not recommended by Council staff.

If an agreement is reached then a Section 34 Agreement can be executed and the matter relisted before a Duty Commissioner for approval of the Section 34 Agreement. If the Commissioner makes the orders sought in accordance with the Agreement the matter will be settled and the hearing and hearing dates would be vacated.

If the amended plans are supported it is proposed that the plans and the draft advices and conditions (attached to this report) be submitted to the Court for orders to be made.

Council's consideration of the previous application/s has applied considerable weight to concerns presented to Council by nearby residents. These considerations and copies of written submissions have been provided to Council with previous Council reports.

COUNCIL IMPLICATIONS

Budget/Financial

Legal costs in relation to this matter are currently in the order of \$13,000. Further expenses will be incurred. Participation in a contested hearing is likely to increase Council's current costs significantly (estimated 2-3 times current).

Asset Management

The existing Maud Lane is a gravel lowly trafficked thoroughfare. Any development on land at 47 Turf Street like that proposed would, if approved, be required to upgrade the laneway and intersection with Turf Street to bitumen surface and current standards.

Policy or Regulation

Council's planning instruments, the CVC LEP and the Residential Zones DCP, were consulted in assessment of this application.

Consultation

Council has consulted with legal advisers, Marsdens Law Group, who has obtained expert town planning advice on Council's behalf. Comments are included in the 'Legal and Risk Management' section below or in a confidential attachment (as applicable).

The following internal referral has been completed:

| <i>Internal Section or Staff Member</i> | <i>Comment</i> |
|---|---------------------------------|
| Engineering services | Comments provided in discussion |

Legal and Risk Management

The decision of Council to refuse DA2017/0501 and uphold its decision under review REV2018/0008 is subject to an appeal in the Land and Environment Court (LEC Case No. 2019/0075665). A Conciliation Conference or hearing was held in Grafton on 5 November 2019. The hearing included a site inspection attended by Commissioner O'Neil, the applicant, the developer/s, two nearby residents who filed submissions, Council staff as well as an legal representatives and town planning experts for both the applicant and Council. The Conference was discontinued when the Commissioner concluded that the parties would not be reaching an agreed outcome on the day. Despite that, there was agreement to the applicant submitting revised plans in order to address the grounds for Council's refusal so that a report could be prepared for Council to further consider the matter. The alternative is that the matter would be scheduled for a contested hearing in June 2020.

Council's legal representatives, Marsdens Law Group has provided the following information to clarify the potential pathways to resolve this matter depending on the decision Council makes at this meeting. The advice is as follows:

In the event that Council considers the revised proposal and confirms a refusal then the matter will remain listed for the contested hearing on 15 and 16 June 2020. If there are additional grounds for refusal then the Statement of Facts and Contentions can only be amended with the leave of the court. It would therefore be necessary to file a Notice of Motion seeking this leave.

If they however decide that the new proposal should be granted consent then it would be necessary to bring the matter back before the court for approval. The s34 conciliation phase has been terminated however if all matters are agreed with the Applicant concerning conditions then we would have the parties execute a s34 Agreement reflecting the orders to be made and conditions and apply to relist the matter before a Duty Commissioner for approval of the s34 Agreement. If the Commissioner makes the orders sought in accordance with the Agreement then the hearing dates would also be vacated. It is a simple matter to have the matter relisted for this purpose.

Climate Change

The development of additional residential development within the established Grafton urban area closer to services is considered a more sustainable outcome in that reduced travel associated with the residential living produces less carbon emissions over the longer term. Construction of new buildings using new building materials includes generation of extra carbon emissions. This is just one issue to consider in making a determination on this matter.

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| Prepared by | Patrick Ridgway, Senior Development Planner and Scott Lenton, Development Services Coordinator |
| Attachment | 1. Revision plans version Ha, dated 29 November 2019 2. Applicant's submission, dated 29 November 2019 |
| Confidential | Legal advice from Marsdens Law Group and expert town planner |

Schedule 1
Draft Advices and Conditions of Consent for DA2017/0501

Definitions

NRDC the current civil engineering standards in accordance with the relevant parts of the following guidelines

- a Northern Rivers Local Government Development and Design Manual (AUS-SPEC)
- b Northern Rivers Local Government Construction Manual (AUS-SPEC)
- c Northern Rivers Local Government Handbook of Stormwater Drainage Design (AUS-SPEC)
- d Northern Rivers Local Government Handbook for Driveway Access To Property (AUS-SPEC)
- e Clarence Valley Council 'MUSIC' Guidelines (Draft)
- f Clarence Valley Council Street lighting Strategy

AUS-SPEC documents can be obtained from a link under the 'Planning & Building' section of the Clarence Valley Council webpage. For 'MUSIC' guidelines and policy documents contact Council's development engineer.

Civil Works may include -

- a Roadworks (including car parking and/or driveways)
- b Drainage works
- c Provision of Utility Services including Street lighting

NATA means National Association of Testing Authorities

RMS means Roads and Maritime Services

Civil CC is a 'Construction Certificate (Civil Engineering)' and applies to a:

Section 138 & 139 Roads Act 1993 (road opening) approval issued by Council and/or **RMS**;

Section 68 Local Government Act (drainage, water & sewer) approval; and

A **Civil CC** may be issued by Council and/or accredited private certifier subject to the applicable NSW legislation.

ITP means Inspection and Testing Plan in accordance with **NRDC**.

TCP means Traffic Control Plan in accordance with the **RMS** 'Traffic Control at Worksites' guideline.

ET means an 'equivalent tenement'. This is the demand or loading a development will have on infrastructure in terms of water consumption or sewage discharge for an average residential dwelling or house.

Advices

1. The owner is advised that prior consent is required for work comprising demolition or partial demolition, new fences, tree removal, new structures, and alterations to the exterior, including changes to fabric, finish and appearance, such as re-roofing and repainting. Maintenance and minor works can generally be approved through the heritage exemptions clause 5.10(3) Clarence Valley Local Environmental Plan 2011 through a 'no fee' application form. Please refer to Council's website or contact Council for further information.
2. No construction is to be commenced until a Construction Certificate has been issued.
3. All plumbing and drainage work to be in accordance with AS 3500 and the Plumbing Code of Australia.

4. The following house numbers shall be prominently displayed prior to final inspection: Units 1-6/47 Turf Street with the front dwelling being unit 1.
5. An amended basix certificate shall be submitted with the Construction Certificate application as the design has changed and the number of new dwellings has reduced. All basix commitments shall be detailed on the plans.

Details of the proposed method of achieving the BCA fire, sound and impact ratings for party walls dividing dwellings shall be detailed on the Construction Certificate plans.

6. The subject property is flood prone and receives a level of flood protection from the Grafton flood levee system. To meet Council's current Floodplain Management Controls the floor level of the primary habitable floor level is to be a minimum of 6.4 metres Australian Height Datum (AHD). Council's records indicate ground levels at the property exceed this height, ranging from 6.6m - 7m AHD.

However, you are advised that the latest BMT-WBM 'Lower Clarence Flood Model Update 2013' study indicates that the 1:100 year flood level (1% annual exceedance probability flood level) in the vicinity of the subject site is 6.87m Australian Height Datum (AHD) and the extreme flood level is 9.18m AHD. Council is currently reviewing the flood planning levels for North Grafton based on consideration of the revised flood model (Council resolution 13.043/14). Until that review is completed and a revised minimum floor level for primary habitable areas of dwellings in North Grafton is determined the current minimum of 6.4m AHD will continue to apply. It is recommended that you take into consideration the findings of the latest BMT-WBM 'Lower Clarence Flood Model Update 2013' when determining the floor level of the primary habitable areas of the proposed dwellings.

Development on the site must be undertaken in compliance with the flood plain management controls listed in the Council **DCP** for the relevant land use zone. All works are to minimise the adverse effects of flooding in accordance with the relevant parts of the Clarence Valley Council Development Control Plans and **NRDC**.

7. Prior to building work commencing approval under Section 68 of the Local Government Act 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 and stormwater services shall be submitted to Council for approval.
8. 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.

9. A completed 'Design Certification Report' with supporting documentation, in accordance with the requirements of **NRDC** must be submitted to Council and/or accredited private certifier with the submission of the **Civil CC** application.

Approval of a **Civil CC** will be current for a period of two years after which time Council may require the alteration to the Engineering Design to comply with current standards. Engineering plans for the **Civil CC** are required in electronic format to be confirmed with Council before lodgement.

10. 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.

11. 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 2.80 ET demand on Council's water supply, and an additional 3.75 ET loading on Council's sewerage system. This includes an applicable credit of 1 ETs for pre-existing uses. The headworks charges at 2017/18 financial year rates are:

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| Water Headworks \$4,898.00 x 2.80 additional ET | = \$13,714.40 |
| Sewer Headworks \$6,700 x 3.75 additional ET | = \$25,125.00 |

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.

12. Any activity to be carried out on any part of the road reservation requires the prior approval of Council under the NSW Roads Act 1993.
13. Certification of constructed Civil Works by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance".
14. 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.

15. A 5.0m wide road construction is required for the full frontage of the development including the intersection in Turf Street. The design and construction must be in accordance with Council's Design & Construction Standard (NRDC).
The following options may be considered:-
- a. Reverse crown with flush kerb on each side. The existing side entry pit shall be replaced with a manhole and trafficable stormwater pits constructed to collect the water on the road and connect into the new stormwater manhole.
or
Single crossfall towards the development side. Construct kerb and gutter on the development side and flush kerb on the opposite side. Stormwater will be collected along the kerb and gutter and be terminated in a low point on the road with a side entry pit. The existing side entry pit on the opposite side shall be upgraded into a stormwater manhole. The stormwater collected on the road shall be connected into the upgraded stormwater manhole.
 - b. The intersection of Turf Street and Maud Lane must be upgraded to provide a 5m return radius.
 - c. All stormwater generated by the development shall be connected into the new stormwater system in Maud Lane adjacent to the development.

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 plan(s) 'Site & Floor Plan', Ref: A102, 'Elevations and Section' Ref: A103, Revision D, Dated: 2/7/2018, (2) sheets, submitted/drawn by Richard van Dorp Architects Pty Ltd, as amended in red, or where modified by any conditions of this consent.
2. Payment to Council of the contributions pursuant to Section 94 of the Environmental Planning and Assessment Act:

Clarence Valley Contribution Plan 2011 Open Space/Recreation Facilities

Rate per other Residential Accommodation dwelling

Grafton and surrounds \$2,568.35 x 5 = **\$12,841.75** GL S94CVCOSGrafton

Clarence Valley Contributions Plan 2011 Community Facilities

Rate per other Residential Accommodation dwelling

Grafton and surrounds \$2,568.35 x 5 = **\$12,841.75** GL S94CVCCFGrafton

Clarence Valley Contributions Plan 2011 Plan of Management

Rate per Other Residential Accommodation Dwelling \$48.45 x 5 = **\$242.25**
GL S94CVCPoMOResAcco

N.B.

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

The contributions are to be paid to Council prior to release of the Construction Certificate.

In the event of any subsequent amendment to the approved Development Plans, the calculated

contribution amounts may vary and if so will become the contribution payable. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

3. A full schedule of conservation and reconstruction works to the existing heritage item is to be submitted to Council and approved prior to release of the Construction Certificate including the following elements:

- a) All repair works shall be 'like for like' to original details.
- b) Original joinery is to be maintained and repaired, not replaced. Non original joinery may be adapted or replaced with sympathetic new material.
- c) Any future re-roofing is to be carried out in custom orb Galvanised Steel Z600.
- d) Guttering is to be non perforated, low front quad profile.
- e) Downpipes are to be round or rectangular metal and painted to match background.
- f) The brick chimney is to be carefully retained and any repointing is to be carried out using a lime based mortar matching composition of original.

4. Security screens are not to be installed to the exterior of the heritage item. (Note: changes to fabric finish and appearance require prior consent and security screens are not exempt development in relation to a heritage item.)

5. The development is not to be occupied or used until such time as an Occupation Certificate has been issued.

6. Working hours on construction or demolition shall be 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 is 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.

7. **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. 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.

8. **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.

9. 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, and
- 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, and

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

10. Roof water, including overflow from a tank, is to be discharged into the most appropriate street gutter. Provide non breakable fittings where the stormwater pipe meets the kerb. Where the gutter is unformed, concrete protection is to be provided to the end of the pipe.
11. Prior to the issue of an Occupation Certificate all requirements listed in the relevant Basix Certificate for this development shall be completed/installed.
12. The waste management plan submitted with this application shall be complied with during demolition/construction work and all measures required for the ongoing use of waste management facilities in the development shall be in place prior to the issue of the Occupation Certificate.
13. All erosion and sediment control measures are to be installed and maintained in accordance with the Statement for Sediment and Erosion Control that was submitted with the development application.
14. The current slotted box roof guttering on the front dwelling shall be replaced with quad guttering as part of the redevelopment to be more in keeping with the heritage values of the area. All new buildings shall also have quad guttering.
15. A Certificate of Compliance for Water and or Sewer works must be obtained from Council prior to issue of the Building Occupation Certificate. This may require payment of a fee.
16. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
17. The developer must design and construct all civil works, in accordance with **NRDC** and the approved **Civil CC**. Civil construction works must be supervised by a suitably qualified and experienced engineer or registered surveyor who must certify the completed works prior to the release of the Occupation Certificate. The Council will hold a bond in accordance with Council's fees and charges for constructed public infrastructure works until such time as Council accept the works 'Off Maintenance'.
18. 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 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 (1) 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 Roadworks
- d Stormwater Drainage

- e On Maintenance
- f Off Maintenance

19. Prior to the issue of the Occupation Certificate, Council will require satisfactory evidence that all requirements of the relevant telecommunications and power authorities have been complied with and all required contributions have been lodged.
20. A **TCP** must be prepared and submitted to Council showing how vehicle and pedestrian traffic will be safely managed within the work site and road reserve. This plan must be prepared by a person authorised by the **RMS** to prepare **TCP's** and must be endorsed by Council prior to the occupation of the road reserve and commencement of work.
21. Construction & Traffic Management Plans (C&MP's) are required to be endorsed by Council prior to commencement of work. These plans must document workplace health and safety, traffic management (pedestrian & vehicular) and the proposed methods of work within the development work site and the associated public road network.

Associated TCPs must be prepared by a person authorised by the RMS to prepare TCPs.

22. The approval of Council under the Roads Act 1993 is required for construction works within and occupation of the road reserve. The road reserve is classed as the property boundary to opposite property boundary and includes roadway, nature strip and footpath.
23. 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.

24. A separate property service with water meter shall be provided in an accessible location for maintenance and reading purposes for each dwelling. The water meters must be of a type approved by Council or purchased from Council.

Property Connection Sewer, Water service connection and meter must be in accordance with Council's Sewer and Water Connection Policy.

25. A Road Network Design Plan must be submitted for approval with the application for a **Civil CC**. Design and construction is to be in accordance with the applicable Clarence Valley Council Development Control Plans and **NRDC**.

Works to and on public road reserve requires the approval of Council or other Roads Authority under the NSW Roads Act.

Maud Lane must be upgraded for the full frontage of the development site including the intersection.

26. Preliminary road pavement designs, in accordance with **NRDC**, must be submitted to Council as part of the **Civil CC** approval. The asphaltic concrete wearing surface must be a minimum 30mm compacted depth. Final pavement design will be subject to in-situ CBR tests.

Stabilised pavement and concrete road pavement suitable for the intended design loadings may be used subject to submission of alternative designs for the approval of Council.

27. Dedication of 1.04m of land is required for widening of Maud Lane, at no cost to Council.
28. All road intersections must satisfy safe intersection sight distance requirements for the speed zone of the road servicing the development in accordance with NRDC. Sight distance diagrams must be provided with the **Civil CC** plans.
29. 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. A Stormwater Management Plan must be prepared to reflect these standards and guidelines.

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.

A detailed analysis must be conducted of the internal stormwater drainage of the site. The detailed design and construction of the internal drainage and the connection into the stormwater system in Maud Lane must be submitted with the Civil CC.

30. The legal and practical point of stormwater discharge of the development is nominated as stormwater drainage in Maude Lane.
31. Prior to the release of Occupation Certificate, 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.
32. 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.
33. Prior to release of the Occupation Certificate, where the total value of works to become Council infrastructure is greater than \$10,000, a maintenance bond is required for 5% of the contract value for works that will become Council infrastructure or \$2,500 whichever is greater. This is required in each stage of the development

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' as certified by Council.

At the end of the Maintenance Period an 'Off Maintenance' inspection must be held with Council or accredited private certifier to confirm the compliance and performance of the constructed works, in accordance with **NRDC**.

Where constructed works to become public infrastructure have been controlled by private certifier Council must attend the 'Off Maintenance' inspection. The documentation, compliance and performance of the constructed works must be in accordance with **NRDC** for Council to accept responsibility for the infrastructure.

34. A detailed plan of the proposed driveways of the development must be submitted for approval with the **CivilCC**. A manoeuvring area along Turf Street must be constructed to provide access to the existing dwelling. All accesses to the new dwellings must be via Maud Lane.
- A 'No Parking' sign must be painted on the manoeuvring/driveway in front of the garage of each dwelling fronting Maud Lane.
- Any Council approved enclosed parking spaces situated less than 6 metres from the property boundary are to be provided with remote control gates or doors which must be in an operational condition whenever closed.
- Any existing driveway accessing Maud Lane adjacent to the development must be reconstructed in accordance with Council's standard.
35. Any existing vehicular crossings rendered unnecessary by this development are to be removed. The removal of the existing vehicular crossings must form part of the Civil Construction Certificate.
36. A detailed Erosion and Sediment Control Management Plan for development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **Civil CC**. This shall be compatible with the Stormwater Management Plan and must include procedures for clean-up and restoration of public / private property and infrastructure. All such remedial works are to be completed to the satisfaction of Council or accredited private certifier.
37. 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.
38. 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.

| | | |
|-------------|------------------|---|
| ITEM | 6b.19.056 | CONSTRUCTION OF AFFORDABLE SENIORS HOUSING GRAFTON BY CLARENCE VILLAGE LIMITED |
|-------------|------------------|---|

| | | |
|--------------------|-----------------------------------|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | Yes | |

SUMMARY

Clarence Village Limited is applying for assistance from the Federal Government Building Better Regions Round 4 – Drought Support funding to build 22 affordable seniors housing units at 95 Armidale Road, South Grafton. These units will be offered to seniors who are eligible for Commonwealth Rent Assistance for 25% of their single pension per fortnight. In the current commercial market a comparable property costs 55% of the single aged pension. Clarence Village Limited is asking for assistance from Council to waive section 64 funds; section 7.11 (old section 94) are already eligible to be waived for seniors housing.

OFFICER RECOMMENDATION

That

1. Council waive section 64 funds of \$175,000 for Clarence Village Limited if the Building Better Regions application to build 22 seniors affordable housing units is successful.
2. Funding for this be provided by the Clarence Care and Support Administration Reserve RA10240 if the grant is successful.

COUNCIL RESOLUTION – 6b.19.056

Ellem/Lysaught

That

1. **Council pay the section 64 funds of \$175,000 on behalf of Clarence Village Limited if the Building Better Regions application to build 22 seniors affordable housing units is successful and at the completion of the property transfer of 95 Armidale Road, South Grafton to the ownership of Clarence Village Limited.**
2. **Funding for this be provided by the Clarence Care and Support Administration Reserve RA10240 if the grant is successful.**

Voting recorded as follows:

For: Ellem, Lysaught, Novak, Williamson, Kingsley, Simmons

Against: Baker, Toms

AMENDMENT TO MOTION - WITHDRAWN

Kingsley/Novak

That

1. Council waive section 64 funds of \$175,000 for Clarence Village Limited if the Building Better Regions application to build 22 seniors affordable housing units is successful and at the completion of the property transfer of 95 Armidale Road, South Grafton to the ownership of Clarence Village Limited.
2. The waiver of the \$175,000 is subject to an amendment of the Development Application (through application by Clarence Village Limited to Council) to insert a condition requiring that rentals be no more than 25% of the single pension per fortnight.
3. Funding for this be provided by the Clarence Care and Support Administration Reserve RA10240 if the grant is successful.

LINKAGE TO OUR COMMUNITY PLAN

| | |
|-----------|---|
| Theme | 1 Society |
| Objective | 1.2 We will have a safe, active and healthy region |
| Strategy | 1.2.2 Improve outcomes for the Clarence Valley through partnerships with key agencies and community organisations |

BACKGROUND

There is a lack of affordable rental housing for seniors in the Clarence Valley as shown by the Council's Affordable Housing Strategy and other studies. Given the ageing population there is a growing demand for affordable seniors' rental housing, especially at ground accessible units/townhouses.

Under the Clarence Valley Contributions Plan 2011 Seniors Housing is exempt from paying section 7.11 (old section 94) contributions under section 2.8 of the plan.

KEY ISSUES

The water and sewer funds cannot be used to subsidise section 64 contributions and must be funded from a recurrent source, it is therefore recommended if Council decides to support the request from Clarence Village Limited that the \$175,000 is funded from the Clarence Care and Support Reserve if the funding application to Building Better Regions is successful.

COUNCIL IMPLICATIONS**Budget/Financial**

The current balance in the Clarence Care and Support Administration Reserve is \$3.28 million.

Asset Management

N/A

Policy or Regulation

Clarence Valley Affordable Housing Strategy 2010
Clarence Valley Contributions Plan 2011
Building Better Regions Funding Guidelines

Consultation

N/A

Legal and Risk Management

N/A

Climate Change

Smaller units rather than large houses are more energy efficient.

| | |
|-------------|--|
| Prepared by | Des Schroder, Director Environment, Planning & Community |
| Attachment | Letter requesting the waiver from Clarence Village Limited |

| | | |
|--------------------|--|---|
| ITEM | 6b.19.057 | BUSHFIRE RECOVERY DEVELOPMENT APPLICATION FEES |
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | Nil | |

SUMMARY

This report acknowledges the impact of development application and other related fees on bushfire impacted households wanting to rebuild and considers measures to assist in the recovery process.

OFFICER RECOMMENDATION

That Council waive the following fees for rebuilding existing lawful dwellings that were uninsured at the time of the bushfire disaster declared on 31 August 2019, if lodged prior to 23 December 2021:

- DMU fees
- Development Application (Inc Plan First fee)
- DA archiving
- Construction Certificate
- Principal Certifier (inspections)
- Construction Certificate archiving
- Plumbing inspection
- On-site sewage
- Live on site
- Rural road number plaque

COUNCIL RESOLUTION – 6b.19.057

Toms/Novak

That Council waive the following fees for rebuilding existing lawful dwellings that were uninsured at the time of the bushfire disaster declared on 31 August 2019, if lodged prior to 23 December 2021:

- DMU fees
- Development Application (inc Plan First fee)
- DA archiving
- Construction Certificate
- Principal Certifier (inspections)
- Construction Certificate archiving
- Plumbing inspection
- On-site sewage
- Live on site
- Rural road number plaque

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

AMENDMENT TO MOTION

Kingsley/Lysaught

That Council waive the following fees for rebuilding existing lawful dwellings that were uninsured at the time of the bushfire disaster declared on 31 August 2019, if lodged prior to 23 December 2022:

- DMU fees
- Development Application (Inc Plan First fee)
- DA archiving
- Construction Certificate
- Principal Certifier (inspections)
- Construction Certificate archiving
- Plumbing inspection
- On-site sewage
- Live on site
- Rural road number plaque

Voting recorded as follows:

For: Lysaught, Ellem, Novak

Against: Toms, Williamson, Baker, Kingsley, Simmons

The Amendment to Motion was put and declared LOST. The original motion was then considered.

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 4.2.2 Plan, resource and respond to natural hazards and disasters taking into account impacts from climate change

BACKGROUND

The recent bushfire disaster has resulted in the destruction of approximately 180 dwellings throughout the Clarence Valley area. Council staff have been receiving enquiries concerning the development application requirements for the rebuilding of bushfire damaged dwellings, particularly in regard to any assistance that may be available in the reduction or waiving of the applicable fees. Specific factsheets dealing with the repairing and rebuilding of bushfire affected dwellings and clean up procedures have been prepared and distributed but they only refer to the technical requirements and currently don't mention the various application fees that are applicable. Many State and Federal Government agencies have waived their fees in respect of processes associated with the recovery for impacted households. Neighbouring Richmond Valley Council which has had 44 dwellings destroyed by the bushfires has recently resolved to waive all Council levied fees in respect of applications to rebuild bushfire damaged buildings until 8 October 2021.

KEY ISSUES

A development application for the rebuilding of a lawfully erected dwelling is required to be lodged and can be accepted and determined by Council. A lawfully erected dwelling is one that was the subject of a building approval, building certificate or development consent, or was erected in rural areas of the former shires prior to the introduction of building control in those areas (generally in the late 1960's / early 1970's for most of the Local Government Area and 1989 in the former Copmanhurst area). A development application for the rebuilding of an unlawful dwelling can also be accepted provided that the subject property has a dwelling eligibility. Many rural properties in the valley are affected by the Clarence Valley

LEP sunset clause deadline of 23 December 2021 and will lose any current dwelling eligibility if a lawful dwelling does not exist on the property or a development application for a dwelling is not received by that date. As it sometimes can be difficult to establish if a previously existing dwelling was lawful or unlawful it is considered that if any waiving of fees is granted by Council then it should not extend beyond that date to encourage those affected property owners to lodge applications for rebuilding before that date.

It is also anticipated that there will be instances where an unlawful dwelling was destroyed by the bushfires on a property that does not have a dwelling eligibility and development consent for a replacement dwelling cannot be issued. In instances where a lawfully erected dwelling is being rebuilt and alternate off site accommodation cannot be sourced, a temporary live on site approval could be issued for the occupation of a shed, caravan or similar arrangement subject to adequate sanitary facilities being provided and connected to a compliant On-Site Sewage Management System. Adequate bushfire protection measures would also need to be provided.

The typical development application and other fees associated with a new modest rural dwelling valued at \$250,000.00 are as follows:

| | |
|--|-------------------|
| DMU fee | \$ 320.00 |
| Development Application (Inc Plan First fee) | \$1,104.80 |
| DA Archiving | \$ 36.00 |
| Construction Certificate | \$1,013.85 |
| Principal Certifier (inspections) | \$ 732.50 |
| CC Archiving | \$ 36.00 |
| Plumbing Inspection | \$ 146.50 |
| On-Site Sewage | \$ 436.10 |
| Live on Site | \$ 102.50 |
| Rural Road Number Plaque | \$ <u>39.95</u> |
| Total | \$3,968.20 |

A long service levy fee of \$875.00 would also be payable by the applicant. This fee must be collected by Council prior to issue of any Construction Certificate for works valued over \$25,000 and forwarded to the Long Service Levy Payments Corporation. Council cannot waive this fee.

Residential insurance policies usually include coverage for Council application fees as part of the rebuilding costs, however, it is anticipated that there will be many affected property owners with no or inadequate insurance to cover those costs. If a waiver of fees were to apply only to uninsured households it would be very difficult for staff to determine who would be eligible for assistance due to the various applicable privacy restrictions that are currently in place. However, those persons with adequate insurance should be able to meet the relevant rebuilding costs including the Council application fees.

COUNCIL IMPLICATIONS

Budget/Financial

It is anticipated that many owners of the 180 bushfire destroyed dwellings will want to rebuild and will need to lodge a development application prior to doing so. Assuming average fees of \$3,648.00 per application and assuming at least 150 applications will be lodged over an approximate 2 year period the waiving of fees for both insured and uninsured households would result in a loss of revenue of approximately \$547,200.00. It should be noted that this revenue would not normally have been received if the bushfire disaster did not occur as those applications would not have been expected to be lodged and that revenue would not have been included in budgets.

The processing of 150 additional development and associated applications for replacement dwellings in remote areas over a 2 year period will not be able to be accommodated without the allocation of additional staff resources or existing service levels will dramatically deteriorate. Additional funding will need to be

allocated to provide the necessary staff resources either via overtime by existing staff or utilisation of casual or temporary staff. Future budgets will need to take this into account.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

Ongoing consultation is being held with similarly impacted neighbouring councils in an attempt to adopt a standardised approach to processing applications for the rebuilding of bushfire destroyed buildings.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Kerry Harre, Building and Environmental Services Coordinator |
| Attachment | Nil |

| | | |
|-------------|------------------|-------------------------------------|
| ITEM | 6b.19.058 | COMMUNITY PARTICIPATION PLAN |
|-------------|------------------|-------------------------------------|

| | | |
|--------------------|--|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | Yes | |

SUMMARY

The purpose of this report is to advise Council of the outcomes from the public exhibition of Council's draft Community Participation Plan (CPP) and make recommendations regarding the finalisation of the CPP in line with relevant legislation.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Community Participation Plan as amended and as attached to this report.
2. Repeal *Part B Notification and advertising of development applications* of the following development control plans:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011
3. Give public notice of its intention to repeal *Part B Notification and advertising of development applications* of the following development control plans:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011

Source requirement – clause 23 of the *Environmental Planning and Assessment Regulation 2000*

4. Provide the following reason for its intention to repeal Part B of its development control plans:

“Council intends to repeal Part B Notification and advertising of development applications of its development control plans (DCPs) as it has prepared and adopted a Community Participation Plan (CPP) which outlines the minimum notification requirements for development assessment, strategic planning, plan making and plans of management. The provisions in Part B of Council's DCPs have been transferred into the CPP as required by legislation”.
5. After 14 days from the publication of its notice referred to in RECOMMENDATION 3 above give public notice of its decision to repeal *Part B Notification and advertising of development applications* of the following development control plans, effective on the date the amended CPP is published on the NSW ePlanning portal and on the date of publication of the public notice in a local newspaper:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011

Source requirement – clause 22 of the *Environmental Planning and Assessment Regulation 2000*

COUNCIL RESOLUTION – 6b.19.058

Lysaught/Williamson

That Council:

1. Adopt the Community Participation Plan as amended and as attached to this report.
2. Repeal *Part B Notification and advertising of development applications* of the following development control plans:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011
3. Give public notice of its intention to repeal *Part B Notification and advertising of development applications* of the following development control plans:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011

Source requirement – clause 23 of the *Environmental Planning and Assessment Regulation 2000*

4. Provide the following reason for its intention to repeal Part B of its development control plans:

“Council intends to repeal Part B Notification and advertising of development applications of its development control plans (DCPs) as it has prepared and adopted a Community Participation Plan (CPP) which outlines the minimum notification requirements for development assessment, strategic planning, plan making and plans of management. The provisions in Part B of Council’s DCPs have been transferred into the CPP as required by legislation”.
5. After 14 days from the publication of its notice referred to in RECOMMENDATION 3 above give public notice of its decision to repeal *Part B Notification and advertising of development applications* of the following development control plans, effective on the date the amended CPP is published on the NSW ePlanning portal and on the date of publication of the public notice in a local newspaper:
 - (a) Clarence Valley Business Zones Development Control Plan 2011
 - (b) Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - (c) Clarence Valley Rural Zones Development Control Plan 2011
 - (d) Clarence Valley Industrial Zones Development Control Plan 2011
 - (e) Clarence Valley Residential Zones Development Control Plan 2011

Source requirement – clause 22 of the *Environmental Planning and Assessment Regulation 2000*

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.3 Engage with the community to inform decision making

BACKGROUND

Council on 22 October 2019 resolved to adopt, for the purpose of public exhibition, a draft Community Participation Plan and place it on public exhibition for a minimum period of 28 days. The report to Council's 22 October 2019 meeting provides more background to the requirement by the Department of Planning, Industry and Environment to have CPPs in place by 1 December 2019.

The draft CPP was publicly exhibited in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) from 1 November to 2 December 2019. No submissions were received in this period.

The purpose of the CPP is to consolidate Council's engagement on planning matters into a single document. Once adopted, the CPP will supersede the provisions for notification and advertising contained in Part B of Council's various Development Control Plans (DCPs).

In this regard the *Environmental Planning and Assessment Regulation 2000* (the Regulation) provides that a council may repeal a DCP (or part of a DCP) provided that it gives the appropriate public notice of:

- (i) its intention to repeal a DCP; and
- (ii) its decision to repeal a DCP.

A copy of the exhibited CPP document is at Attachment 1.

KEY ISSUES**Purpose and context of CPP**

As mentioned above the purpose of the CPP is to consolidate Council's engagement on planning matters into a single document.

The Council's CPP outlines the minimum notification requirements for development assessment, strategic planning, plan-making and plans of management. The document represents a compromise position between previous notification provisions and will standardise the notification periods across the LGA. It is considered that the provisions within the CPP balance community participation in the development process with the need for an efficient and timely assessment of applications.

Once adopted the CPP will supersede the provisions for notification and advertising contained in Part B of Council's various DCPs. The fundamental difference between the notification and advertising provisions contained in Part B of Council's current DCPs and the proposed CPP is that the CPP will also include the engagement, notification and advertising terms and provisions for strategic planning, plan-making and plans of management. Further, the exhibited draft CPP also proposes streamlining some of the notification and advertising provisions from the current Part B of the DCPs that were considered either onerous or superfluous.

Associated administrative procedures

As the CPP will supersede the provisions for notification and advertising contained in Part B of Council's various Development Control Plans (DCPs) it will be necessary to make the appropriate arrangements to repeal the relevant part of these DCPs.

This includes:

- (i) Resolving to repeal Part B Notification and advertising of development applications of the following development control plans:
 - Clarence Valley Business Zones Development Control Plan 2011
 - Clarence Valley Council Development Control Plan - Development in E and other zones 2011
 - Clarence Valley Rural Zones Development Control Plan 2011

- Clarence Valley Industrial Zones Development Control Plan 2011
 - Clarence Valley Residential Zones Development Control Plan 2011
- (ii) Giving public notice of its intention to repeal Part B of the above DCPs as per clause 23 of the Regulation, including providing reasons for doing so.
- (iii) Giving public notice of its decision to repeal Part B of the above DCPs as per clause 22 of the Regulation after 14 days of the public notice referred to in (ii) above.

Minor corrections

The need for minor corrections has been detected at page 20. These are described below:

| Change from | Change to |
|--|--|
| Page 20 - <i>“These plans are prepared under the Local Government Act 1993 for either council owned land or Crown land under the management and control of council”.</i> | Page 20 - <i>“These plans are prepared under the Local Government Act 1993 for either council owned land or Crown land under the control and management of council”.</i> |
| Page 20 - <i>“The approach and method will be tailored having regard to the scale of the nature of the plan and its impact on the community”.</i> | Page 20 - <i>“The approach and method will be tailored having regard to the scale and nature of the plan and its impact on the community”.</i> |

An amended CPP document has been produced for the purposes of adoption and is Attachment 2.

Conclusion

In conclusion, it is considered that the attached CPP should be adopted by Council, subject to the minor changes referred above and be submitted to the NSW Government Department of Planning, Industry and Environment after the associated administrative procedures referred to above have been completed.

COUNCIL IMPLICATIONS

Budget/Financial

Preparation of the draft CPP was carried out with contract assistance.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Clarence Valley Business Zones Development Control Plan 2011

Clarence Valley Council Development Control Plan - Development in E and other zones 2011

Clarence Valley Rural Zones Development Control Plan 2011

Clarence Valley Industrial Zones Development Control Plan 2011

Clarence Valley Residential Zones Development Control Plan 2011

Consultation

The content of the exhibition draft was subject to review by and feedback from Council staff. The draft CPP was publicly exhibited in accordance with requirements of the Act from 1 November to 2 December 2019. No submissions were received in this period.

Legal and Risk Management

The draft CPP has been prepared to comply with legislative requirements and DPIE guidelines. On this basis, there are no foreseeable legal and risk management implications.

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Terry Dwyer, Strategic Planning Coordinator |
| Attachment | <ol style="list-style-type: none">1. Draft Community Participation Plan, as exhibited2. Community Participation Plan, as proposed to be amended |

ITEM 6b.19.059 (DRAFT) FERRY PARK PLAN OF MANAGEMENT

| | | |
|--------------------|--|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | To be tabled | |

SUMMARY

A draft plan of management has been prepared for Ferry Park, Maclean. The preparation of a plan of management for the park is a statutory requirement of the *Local Government Act 1993* for land classified as 'community' land.

OFFICER RECOMMENDATION

That Council:

1. Note the preparation of a draft plan of management for Ferry Park, Maclean.
2. Resolve to place the draft plan of management on public exhibition for a period not less than 28 days as required under the *Local Government Act 1993*.
3. Conduct a public hearing (in Maclean) in regards to the proposed categorisation as per the requirements of section 40A and s47G of the *Local Government Act 1993*.
4. Accept submissions on the draft plan of management for a period not less than 42 days from the date the plan is placed on public exhibition; and
5. Subject to any submission being received that requires review of the intent of the draft Ferry Park Plan of Management as exhibited, the Plan of Management be adopted on completion of the submission period.

COUNCIL RESOLUTION – 6b.19.059

Toms/Novak

That Council:

1. **Note the preparation of a draft plan of management for Ferry Park, Maclean.**
2. **Resolve to place the draft plan of management on public exhibition for a period not less than 28 days as required under the *Local Government Act 1993*.**
3. **Conduct a public hearing (in Maclean) in regards to the proposed categorisation as per the requirements of section 40A and s47G of the *Local Government Act 1993*.**
4. **Accept submissions on the draft plan of management for a period not less than 42 days from the date the plan is placed on public exhibition; and**
5. **Subject to any submission being received that requires review of the intent of the draft Ferry Park Plan of Management as exhibited, the Plan of Management be adopted on completion of the submission period.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

Maclean Shire Council sought to classify Ferry Park as 'Operational' land in 1994. However, during the land rationalisation project in 2016 it was identified that this classification was invalid and the land defaulted to the 'Community' land classification (refer Council Resolution - 13.025/16).

Public sentiment during the LEP process to re-classify public land that was found to be incorrectly classified during the land rationalisation project meant that Ferry Park and several other land parcels that had a high public focus should remain as 'Community' even though the intent of previous Shire Councils was to manage this land as operational land.

The *Local Government Act 1993* requires that Community land to be used and managed in accordance with:

- a plan of management applying to the land;
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- the requirements of Part 2 Public Land, Division 2 Use and management of community land of the Local Government Act 1993 as they relate to the land.

Ferry Park consists of one land parcel, being Lot 434 DP823599 (area 7,188m²), and is zoned SP3 Tourist under the Clarence Valley LEP 2011.

The Ferry Park complex also includes land that is road reserve under the control of the RMS (land that is part of the Pacific Highway) and road reserve under the control of Council as the local roads authority (part of Cameron Street).

KEY ISSUES

The *Local Government Act 1993* (LG Act) states that the (draft) plan of management for the land must identify the category of the land. Category options under the LG Act include:

- (a) a natural area,
- (b) a sportsground,
- (c) a park,
- (d) an area of cultural significance,
- (e) general community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following:

- (a) bushland,
- (b) wetland,
- (c) escarpment,
- (d) watercourse,
- (e) foreshore.

The presence of *Casuarina glauca* (swamp oak) and its association with the Swamp Oak Floodplain Forest of the New South Wales North Coast, an endangered ecological community, means that the riparian edge of the Ferry Park complex needs to be categorised as 'Natural Area (Foreshore)' while the remaining area of the complex is to be categorised as 'General Community Use'.

The LG Act specifies core objectives for the management of the areas to be categorised as 'Natural Area (Foreshore)' and 'General Community Use'. These core objectives provide the basis for the management and use of the land.

Section 38 of the LG Act also states that a council must give public notice of a draft plan of management:

- The period of public exhibition of the draft plan must be not less than 28 days.
- The public notice must also specify a period of not less than 42 days after the date on which the draft plan is placed on public exhibition during which submissions may be made to the council.
- The council must, in accordance with its notice, publicly exhibit the draft plan together with any other matter which it considers appropriate or necessary to better enable the draft plan and its implications to be understood.

In addition, a council must conduct a public hearing in relation to proposed plans of management (including a plan of management that amends another plan of management) if the proposed plan would have the effect of categorising, or altering the categorisation of, community land under section 36 (4).

COUNCIL IMPLICATIONS

Budget/Financial

The draft plan of management has been prepared in-house using the resources of Council. A cost will be associated with the public notice and exhibition of the draft plan. However, this cost will be largely absorbed by Council's existing arrangement with media outlets in the provision of weekly public notices and the use of Council resources to prepare documents for public exhibition.

There will also be a cost in the conduct of the public hearing. Council owned public meeting places will be used to host this hearing. However, an independent facilitator needs to be contracted to conduct the hearing and provide a report to Council on the outcomes of the meeting as per the requirements of s47G of the Act.

Asset Management

The Ferry Park complex is an existing Council asset.

Policy or Regulation

Local Government Act 1993 & Regulations

Consultation

Internal consultation with Council's Strategic Planning and Open Spaces section was conducted.

External consultation was undertaken with current lessees of the Ferry Park complex being Oliver's and the Lower Clarence Arts and Crafts representatives.

Legal and Risk Management

A plan of management is a statutory document that aims to satisfy the requirements of both the *Local Government Act 1993* and the *Local Government Amendment (Community Land Management) Act 1998*.

The (draft) Ferry Park Plan of Management details how Council will manage the land, and in particular indicates how the land may be used and further developed.

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Dr Danny Parkin, Senior Strategic Planner (Public Land/Native Title) Jasmine Oakes, Plans of Management Officer |
| To be tabled | Draft Ferry Park Plan of Management |

ITEM 6b.19.060 DONATION – DA FEE WAIVER – LAWRENCE MUSEUM

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment, Planning & Community (Des Schroder) | |
| Attachment | Nil | |

SUMMARY

A request has been received from Lawrence Museum for the donation of the Development Application fee paid for the placement of the cane barge and ferry upon Lot 12 DP1034955 Havelock Street, Lawrence.

OFFICER RECOMMENDATION

That Council waive 100% of the DA fees being \$321 with respect to the following:

Lawrence Museum for the placement of the cane barge and ferry upon Lot 12 DP1034955 Havelock Street, Lawrence.

| | |
|------------------|-----------------|
| DA Fees | \$285.00 |
| Archiving Fee | \$ 36.00 |
| Advertising Fee | <u>\$481.75</u> |
| Total DA/CC Fees | <u>\$802.75</u> |

Note: Council will not donate any portion of these fees that relate to long service leave contributions, advertising or Plan First contributions. These fees will be required to be paid in full by the applicant in all circumstances.

Thus, the total DA fees to be waived is \$321.00

COUNCIL RESOLUTION – 6b.19.060

Lysaught/Williamson

That Council waive 100% of the DA fees being \$321 with respect to the following:

Lawrence Museum for the placement of the cane barge and ferry upon Lot 12 DP1034955 Havelock Street, Lawrence.

| | |
|-------------------------|------------------------|
| DA Fees | \$285.00 |
| Archiving Fee | \$ 36.00 |
| Advertising Fee | <u>\$481.75</u> |
| Total DA/CC Fees | <u>\$802.75</u> |

Note: Council will not donate any portion of these fees that relate to long service leave contributions, advertising or Plan First contributions. These fees will be required to be paid in full by the applicant in all circumstances.

Thus, the total DA fees to be waived is \$321.00

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Development Application DA2017/0775 approved the removal of the ferry and cane barge from the Ferry Park site in Cameron Street, Maclean. The ferry and cane barge are listed as items of local heritage under Schedule 5 of the Clarence Valley Local Environmental Plan 2011 and are considered to be historically significant as they demonstrate the importance of river transport in the Maclean district.

As part of the application for DA2017/0775, a Statement of Heritage Impact was prepared by Cosmos Archaeology Pty Ltd which considered a number of options as part of the impact assessment including the removal of the vessels from Ferry Park to another location for conservation.

At the time of approval of the original DA, a site to relocate the vessels to had not been secured. The application was then deferred to allow more time to secure an appropriate location (refer Council Minutes October 2018 Item No. 14.127/18).

Since the October Council report, the Lawrence Museum has secured a lease with the adjoining land owners (Broadcast Australia) to house the vessels. As such, they now seek approval for the relocation of the vessels to that site.

KEY ISSUES**1. Non Compliance with Council's Donations Policy**

Clause 8.1 of the Donations Policy states that Council will consider applications to donate DA, CC, archive and Compliance and Occupation Certificate fees as follows:

8.1.1 in respect of buildings on Council owned land or Crown Land by community based non-profit organisations –

8.1.1.1 where the facility is for the exclusive use of the organisation – 50% donation, and

8.1.1.2 where the facility is for general public use – 100%

8.1.2 in respect of buildings on private property by community based non-profit organisations – 30% donation, and

8.1.3 in respect of Rural Fire Service brigade sheds – 100% donation.

Comment

Clause 8.1.2 of the policy applies as the museum is located on privately owned land and is run by a community based non-profit organisation. The request to waive 100% of the DA and CC fees does not comply with the Donations Policy. However, given the overall community benefit of the project and the fact that the cane barge and ferry are Heritage Items on Council owned land, staff support a 100% waiver of the DA fees in this instance.

COUNCIL IMPLICATIONS**Budget/Financial**

Should Council approve these donation requests from Lawrence Museum, there are sufficient funds held in Cost Centre 930 (PJ# 997113-58-7043-2534).

Asset Management

N/A

Policy or Regulation

Donations Policy

Consultation

Consultation has been carried out with the Development Services and Open Spaces & Facilities sections of Council in relation to the waiver of DA fees for the Lawrence Historical Society Inc and the recommendation reflects the advice received from those sections.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Sammy Lovejoy, Community Projects Officer (Community Grants) and Carmen Landers, Development Planner (Systems) |
| Attachment | Nil |

| | | |
|-------------|------------------|--|
| ITEM | 6b.19.061 | 2019/2020 COMMUNITY INITIATIVES PROGRAM – ROUND 2 |
|-------------|------------------|--|

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Director - Environment, Planning & Community (Des Schroder) | |
| Attachment | Yes | |

SUMMARY

This report summarises the assessment of applications received from community organisations for a donation from Council as part of the 2019/2020 Community Initiatives Program Round 2.

OFFICER RECOMMENDATION

That Council approve donations under the 2019/2020 Community Initiatives Program – Round 2 to the value of \$19,925.11 in accordance with the recommendations set out in the attached schedule.

Having declared an interest in this item, Cr Toms left the Council meeting at 3.15 pm and returned at 3.15 pm.

COUNCIL RESOLUTION – 6b.19.061

Ellem/Baker

That Council approve donations under the 2019/2020 Community Initiatives Program – Round 2 to the value of \$19,925.11 in accordance with the recommendations set out in the attached schedule.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught

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

Organisations seeking a donation from Council are asked to apply for Community Initiatives Program funding. Round 2 of this program was open for 8 weeks from 1 September to 31 October 2019, and promoted through the local print media, on Council's website, and via email notification through the Community Projects Officer's extensive database of contacts.

Applications were submitted online via the SmartyGrants link on Council's website, with applications from 20 organisations received. Applications were considered in line with the Program Guidelines and Donations Policy and recommendations for funding have been made in relation to each one. The recommendations appear in the attached schedule.

Objectives of Council's adopted Donations Policy are:-

- To establish guidelines for determining donations to be made by Council within the adopted budget allocation.
- To establish an annual calendar for the processing of all donation requests.
- To provide clear guidance on the criteria by which donation applications will be assessed and allocations

Applications under the program are assessed against one or more of the following criteria:

- Not for profit community organisations providing a community service within the Clarence Valley region where there is a demonstrated community need or benefit;
- Educational institutions in the Clarence Valley for award presentations only;
- Sporting Associations to assist with sponsorship of an event or an award (as distinct from funding for an event itself -see Festivals and Events Development Program) only;
- Organisations involved in cultural development within the Clarence Valley;
- Financial viability of the organisations or groups making the applications;
- Organisations that provide a valuable service or benefit for which there are no alternate funding sources.
- Preference will be given to donations that:
 - (a) assist to provide a service that falls within Council's area of responsibility, or
 - (b) benefit or assist a target group or activity identified in one of Council's strategic plans,
 - (c) benefit areas where there is an obvious and documented community/local need.
- The donation request must be for an activity or service to be provided within the financial year for which the donation is approved by Council.
- Council will only make one donation to any organisation each year.

KEY ISSUES

Budget and equity considerations mean that it is not possible to fund all requests fully and as a result, in some cases, a smaller than requested donation has been allocated as reflected in the attached schedule.

COUNCIL IMPLICATIONS

Budget/Financial

The 2019/2020 Donations budget allocation is \$99,996 (Service 4200 - Cost Centre 930 – PJ# 997113-58-7353-2534). This budget is for donations granted through the Community Initiatives Program Rounds 1 and 2, the Sport & Cultural Trust fund, and DA fee waiver requests received throughout the year.

| | | |
|---|--------------|---------------------|
| Approved budget 25 June 2019, 6b.19.008 | | \$ 99,996.00 |
| Reserved funds for Cultural & Sports Trust Fund applications 19/20 | \$ 5,000.00 | \$ 94,996.00 |
| Less June – 6b.19.008 Community Initiatives Round 1 – Rates | \$ 26,318.56 | \$ 68,677.44 |
| Less June – 6b.19.008 Community Initiatives Round 1 – Fee Waivers | \$ 7,654.80 | \$ 61,022.64 |
| Less June – 6.19.008 Community Initiatives Round 1 – Cash | \$ 20,996.18 | \$ 40,026.46 |
| Less: July - 09.19.001 Late Report (GM) Waanyji Yaegl Men's Group | \$ 2,425.00 | \$ 37,601.46 |
| Less Nov – Kangaroo Creek Coutts Crossing Charity Sports Club DA fee waiver | \$ 457.84 | \$ 37,143.62 |

Available funds remaining at 30 November 2019 - \$37,143.62

Balance remaining after consideration of Round 2 recommendations will be \$17,218.51

Asset Management

N/A

Policy or Regulation

Donations Policy

Community Initiatives Program Guidelines

Consultation

Internal consultation has been undertaken to ensure compliance with the current Donations Policy with particular reference to only approving one donation per financial year and not funding retrospectively.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Sammy Lovejoy, Community Projects Officer – Community Grants |
| Attachment | Schedule of Recommendations – Community Initiatives Program 2019/2020 – Round 2 |

| | | |
|-------------|------------------|---------------------------------|
| ITEM | 6b.19.062 | DEVELOPMENT APPLICATIONS |
|-------------|------------------|---------------------------------|

| | | |
|--------------------|--|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | 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.

Having declared an interest in this item, Cr Novak left the Council meeting at 3.15 pm and returned at 3.16 pm.

COUNCIL RESOLUTION – 6b.19.062

Ellem/Lysaught

That the update on Development Applications be noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Williamson, Lysaught, Toms

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 includes all calendar days including weekends and public holidays. This method is consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*. A small percentage of development applications (DAs) approved have been with Council for a substantial amount of time and hence, these applications upwardly skew the average processing time. Hence, the median (or middle score) processing time for DAs has been included to give an additional indication of the amount of time taken to approve development applications during the reporting period. As Council has commenced taking applications electronically through the NSW Planning Portal the received date and the total number of days often does not match. The reason for this being that the application number is generated once Council accepts the application through the portal and issues the proponent with an invoice, the clock starts once payment of the application fees has been received which is usually not on the same day.

KEY ISSUES

The figures from 1 July 2019 to 30 November 2019 are:

| No. of Applications Received | No of Applications Approved | Value of Approved Works | No of Lots Approved | Processing Times (including stop-the-clock days) |
|------------------------------|-----------------------------|-------------------------|---------------------|--|
| 320 | 288 | \$63,497,081.00 | 191 | Average : 70 days Median: 49 days |

Of the 288 approved Development Applications between 1 July 2019 and 30 November 2019, 120 (42%) were determined within 40 days or less.

As of 1 December 2019 there were 173 outstanding development applications, which have been with Council for the following timeframes:

| | |
|-------------------|----|
| Less than 40 days | 82 |
| 41 - 60 days | 18 |
| 61 - 80 days | 16 |
| 81+ days | 57 |

The table below shows undetermined DAs that have been with Council for over 40 days with reasons for their current status.

Reasons for Undetermined Applications over 40 days

| Application No. | Received Date | Days | Description | Property | Reason |
|-----------------|---------------|------|--|---|--|
| DA2019/0565 | 18/10/2019 | 42 | Swimming pool | 12 Lady Nelson Place, YAMBA NSW 2464 | Currently being assessed* |
| DA2019/0570 | 21/10/2019 | 42 | Dual Occupancy | Morelia Way, WOOMBAH NSW 2469 | Ecological impact of proposed currently being assessed. |
| DA2019/0574 | 22/10/2019 | 42 | Dwelling | 351 Kungala Road, KUNGALA NSW 2460 | Currently being assessed* |
| DA2019/0575 | 22/10/2019 | 42 | Shed and demolition of existing shed | 20 Clarence Street, BRUSHGROVE NSW 2460 | Additional information requested - amend plan or lodge variation to DCP |
| DA2019/0561 | 16/10/2019 | 43 | Dwelling | 6 Boundary Street, GLENREAGH NSW 2450 | Currently being assessed* |
| DA2019/0566 | 18/10/2019 | 46 | Alterations and additions | 28 Borellan Avenue, YAMBA NSW 2464 | Currently being assessed* |
| DA2019/0568 | 18/10/2019 | 46 | Shed and awning | 38 Archer Street, SOUTH GRAFTON NSW 2460 | Additional information submitted (amended plans) and currently being assessed* |
| DA2019/0569 | 18/10/2019 | 46 | Deck extension | 117 Cambridge Park Lane, SOUTH ARM NSW 2460 | Additional information requested (bushfire assessment report). |
| DA2019/0539 | 3/10/2019 | 47 | Monthly Twilight Markets | Clarence Street, YAMBA NSW 2464 | Additional information requested (owners consent). |
| DA2019/0562 | 17/10/2019 | 47 | Deck and awning | 526 Yamba Road, MACLEAN NSW 2463 | Additional information submitted (amended plans) and currently being assessed* |
| DA2019/0564 | 17/10/2019 | 47 | Swimming pool | 503 Palmers Channel North Bank Road, PALMERS ISLAND 2463 | Currently being assessed* |
| DA2019/0557 | 14/10/2019 | 49 | Dwelling | Stuart Street, LAWRENCE NSW 2460 | Currently being assessed* |
| DA2019/0560 | 15/10/2019 | 49 | Alterations and additions to dwelling and two carports | 142 Lakes Boulevard, WOOLOWEYAH NSW 2464 | Currently being assessed* |
| DA2019/0551 | 10/10/2019 | 53 | Patio roof | 10 Roseland Avenue, YAMBA NSW 2464 | Currently being assessed* |
| DA2019/0552 | 11/10/2019 | 53 | Alterations and additions to residential unit | 2/27 The Crescent, ANGOURIE NSW 2464 | Additional information requested (site plan for notification and owners consent from strata management). |
| DA2019/0555 | 11/10/2019 | 53 | Shed | Braunstone Road, BRAUNSTONE NSW 2460 | Currently being assessed* |
| DA2019/0548 | 10/10/2019 | 54 | Dwelling | 31 Silky Oak Close, LAWRENCE NSW 2460 | Additional information submitted (OSM application) and currently being |

| Application No. | Received Date | Days | Description | Property | Reason |
|-----------------|---------------|------|--|---|---|
| | | | | | assessed* |
| DA2019/0546 | 9/10/2019 | 55 | Shed | 7 Lasiandra Street, BROOMS HEAD NSW 2463 | Additional information received (amended plans) and currently being exhibited. |
| DA2019/0538 | 3/10/2019 | 56 | Demolition | 6 Shelley Street, ANGOURIE NSW 2464 | Currently being assessed* |
| DA2019/0540 | 4/10/2019 | 60 | Dwelling | 239 Woodford Dale Road, WOODFORD ISLAND NSW 2463 | Additional information requested (amended plans and Clause 4.6 Variation to vary minimum lot size for dwelling). |
| DA2019/0527 | 1/10/2019 | 61 | Dwelling additions and alterations and new garage | 18 South Terrace, WOOLI NSW 2462 | Applicant to amend application or submit application to upgrade OSM system. |
| DA2019/0532 | 1/10/2019 | 61 | Demolish and construct new reception building & amenities block | 31-65 Yamba Road, YAMBA NSW 2464 | Awaiting internal referral and currently being assessed. |
| DA2019/0537 | 2/10/2019 | 62 | Dual Occupancy | 12 Ash Avenue, GRAFTON NSW 2460 | Additional information requested (compliance with Private Open Space requirements of DCP). |
| DA2019/0525 | 27/09/2019 | 63 | Additions to dwelling, garage, carport and rear patio | 41 Queen Street, YAMBA NSW 2464 | Currently being assessed* |
| DA2019/0530 | 1/10/2019 | 63 | As-built dwelling and alterations and additions | 271 Skinners Road, PILLAR VALLEY NSW 2462 | Additional information requested (engineers details, details of OSM system, extent of clearing and amended plans). |
| DA2019/0534 | 1/10/2019 | 63 | Dwelling | 85 Exmouth Street, LAWRENCE NSW 2460 | Currently being assessed* |
| DA2019/0524 | 27/09/2019 | 67 | Alterations and additions to dwelling | 19 Golding Street, YAMBA NSW 2464 | Currently being assessed* |
| DA2019/0516 | 24/09/2019 | 70 | Dwelling alterations and additions | 4 Boronia Street, BROOMS HEAD NSW 2463 | Additional information requested (submit OSM application to upgrade system). |
| DA2019/0518 | 24/09/2019 | 70 | Dwelling | 59 OKeefes Lane, PALMERS ISLAND NSW 2463 | Additional information submitted (contamination report) and currently being assessed* |
| DA2019/0513 | 23/09/2019 | 71 | Dwelling (As built) | 129 Featherstones Road, SHERWOOD NSW 2450 | Currently being assessed* |
| DA2019/0514 | 23/09/2019 | 71 | Retention of existing hardstand area and new earthworks | 21 Through Street, SOUTH GRAFTON NSW 2460 | Additional information requested (contamination assessment of existing site). |
| DA2019/0506 | 19/09/2019 | 75 | Dwelling | 27 Lakes Boulevard, WOLOWEYAH NSW 2464 | Submissions received and currently being assessed* |
| DA2019/0507 | 19/09/2019 | 75 | As built amenities block | 302 Gwydir Highway, WATERVIEW NSW 2460 | Applicant to liaise with Essential Energy and currently being assessed* |
| DA2019/0504 | 18/09/2019 | 76 | Additions to dwelling and shed | 32 Binnacle Court, YAMBA NSW 2464 | Submissions received and currently being assessed* |
| DA2019/0493 | 10/09/2019 | 84 | Alterations and additions to dwelling | 2 Wentworth Street, PALMERS ISLAND NSW 2463 | Currently being assessed* |
| DA2019/0494 | 10/09/2019 | 84 | Dual Occupancy (attached) | 4 Moorhead Drive, SOUTH GRAFTON NSW 2460 | Additional information requested (further justification to vary minimum finished floor level requirement). |
| DA2019/0489 | 6/09/2019 | 85 | Dwelling | 13 The Glen, MACLEAN NSW 2463 | Awaiting external referral (RFS). |
| DA2019/0492 | 9/09/2019 | 85 | Additional filling of land (20,000m3) | 52-54 Miles Street, YAMBA NSW 2464 | Awaiting external referral to NRAR. |
| DA2019/0466 | 28/08/2019 | 90 | Alterations and additions for metal fabrication business and boundary adjustment | 20 Through Street, SOUTH GRAFTON NSW 2460 | Awaiting additional information (SOEE, amended site plan, stormwater management plan and vehicular access details). |
| DA2019/0483 | 3/09/2019 | 91 | Convert existing garage to studio and construct new shed | 30 Clarence Street, ASHBY NSW 2463 | Currently being assessed* |
| DA2019/0478 | 30/08/2019 | 92 | Dwelling | 191 Dirty Creek Road, DIRTY CREEK NSW 2456 | Additional information requested (Revised Plans, OSM Application and Bushfire Report). |
| DA2019/0468 | 28/08/2019 | 95 | Additions to school | 68-86 Centenary Drive, | Awaiting external referral from RFS. |

| Application No. | Received Date | Days | Description | Property | Reason |
|-----------------|---------------|------|---|---|---|
| | | | (Performance centre) | CLARENZA NSW 2460 | |
| DA2019/0472 | 29/08/2019 | 95 | As built shed and addition to shed | 55 Nottingham Drive, GLENREAGH NSW 2450 | Currently being assessed* |
| DA2019/0476 | 30/08/2019 | 95 | Shed and dwelling envelope | Gardiners Road, JAMES CREEK NSW 2463 | Additional information requested (Statement of environmental effects, bush fire report, revised site plan, and baseline ecological assessment). |
| DA2019/0471 | 29/08/2019 | 96 | Dual Occupancy and two sheds | 114 River Road, PALMERS ISLAND NSW 2463 | Awaiting internal referrals. |
| SUB2019/0034 | 28/08/2019 | 97 | 40 lot subdivision | Old Glen Innes Road, WATERVIEW HEIGHTS NSW 2460 | Awaiting external referral to RFS and DPIE for SEPP 44. |
| DA2019/0465 | 26/08/2019 | 98 | Dwelling and garage | 5 Young Street, WOLOWEYAH NSW 2464 | Currently being assessed* |
| DA2019/0459 | 22/08/2019 | 103 | Coastal protection works (rock riverbank protection) | 383 North Street, WOOLI NSW 2462 | Awaiting external referral (NRAR) |
| SUB2019/0033 | 20/08/2019 | 105 | Boundary adjustment and consolidation of Lot 10 DP752845 & Lot 32 DP 752845 | 900-1278 Laytons Range Road, KANGAROO CREEK NSW 2460 | Additional information requested (access and servicing of proposed lots, details of vegetation removal (if any) and liaise with Local Aboriginal Land Council). |
| SUB2019/0030 | 14/08/2019 | 111 | 305 lot staged residential subdivision | 52-54 Miles Street, YAMBA NSW 2464 | Additional information requested (Compliance with DCP, Contamination Assessment, Revised Acid Sulfate Soil Assessment and various Engineering matters servicing, road layout). |
| DA2019/0436 | 13/08/2019 | 112 | Deck | 8 Clarence Street, ASHBY NSW 2463 | Currently being assessed* |
| SUB2019/0029 | 13/08/2019 | 112 | Boundary adjustment (two lots) | 198 Gardiners Road, JAMES CREEK NSW 2463 | Baseline Ecological Assessment submitted and currently being assessed. |
| DA2019/0423 | 8/08/2019 | 113 | 255 manufactured home estate with community facilities | Brooms Head Road, GULMARRAD NSW 2463 | Additional information submitted and currently being assessed* |
| DA2019/0429 | 9/08/2019 | 116 | Dwelling | 63 Warregah Island Road, WARREGAH ISLAND NSW 2469 | Currently being assessed* |
| DA2019/0426 | 8/08/2019 | 117 | Extension to Industrial Shed, Caretakers Dwelling and Carport | 14 Uki Street, YAMBA NSW 2464 | Council staff to write to applicant following November Council meeting resolution regarding discouraging the establishment of caretaker or ancillary dwellings in industrial zones. |
| DA2019/0427 | 8/08/2019 | 117 | Vehicle sales area and shed | 18-20 Clyde Street, MACLEAN NSW 2463 | Additional information received and currently being assessed* |
| DA2019/0417 | 7/08/2019 | 118 | Additions to existing waste transfer station | 704 Armidale Road, ELLAND NSW 2460 | Additional information requested (amended plans and elevation plans). |
| DA2019/0415 | 6/08/2019 | 119 | Two lot residential subdivision and demolition of carport | 30 Yamba Road, YAMBA NSW 2464 | Additional information received and variation to DCP currently being assessed* |
| DA2019/0403 | 29/07/2019 | 127 | Alterations and additions to dwelling | 458 Murrayville Road, ASHBY NSW 2463 | Additional information requested (amended site plan to show OSM area). |
| DA2019/0399 | 26/07/2019 | 130 | Storage shed/bays and caretakers dwelling | 21-25 Brickworks Lane, SOUTH GRAFTON NSW 2460 | Revised Stormwater Management Plan submitted, Council staff to write to applicant following November Council meeting resolution regarding discouraging the establishment of caretaker or ancillary dwellings in industrial zones. |
| DA2019/0400 | 26/07/2019 | 130 | As built secondary dwelling | 29 Palm Lane, HARWOOD NSW 2465 | Being determined. |
| DA2019/0389 | 19/07/2019 | 137 | Flood mound | Schwonberg Street, TOWNSEND NSW 2463 | Awaiting internal referrals (engineering) and currently being assessed* |
| SUB2019/0024 | 10/07/2019 | 146 | 32 lot residential subdivision | 21 Jubilee Street, TOWNSEND NSW 2463 | Awaiting internal referrals (engineering) and currently being assessed* |
| DA2019/0336 | 19/06/2019 | 159 | Convert shed to dwelling | 170 Bennetts Road, NYMBOIDA NSW 2460 | Additional information required (site plan, BASIX Certificate and building details). |

| Application No. | Received Date | Days | Description | Property | Reason |
|-----------------|---------------|------|---|--|---|
| DA2019/0334 | 19/06/2019 | 167 | Install brewery in backpackers cafe | 26 Coldstream Street, YAMBA NSW 2464 | Additional information requested (trade waste and ventilation). |
| DA2019/0325 | 17/06/2019 | 168 | Industrial activity (wrecking yard) | 11 Bessie Street, SOUTH GRAFTON NSW 2460 | Application to be withdrawn by applicant. |
| DA2019/0321 | 14/06/2019 | 172 | Relocated dwelling | 9 Lorikeet Place, GLENREAGH NSW 2450 | Additional information requested (amended plans)* |
| SUB2019/0018 | 11/06/2019 | 174 | 8 lot residential subdivision | 9 Gundaroo Crescent, ILUKA NSW 2466 | External referral (NRAR) received and currently being assessed* |
| DA2019/0303 | 6/06/2019 | 180 | Backpacker accommodation for up to 74 guests and managers residence | 26-28 Wharf Street, SOUTH GRAFTON NSW 2460 | Additional information submitted and currently being assessed* |
| DA2019/0266 | 22/05/2019 | 195 | Remediation of riverbank erosion and construction of two dams and two flood mounds | Kings Creek Road, LAWRENCE NSW 2460 | NRAR referral received, ongoing consultation with applicant and NRAR required before General Terms of Approval can be issued regarding design. |
| DA2019/0253 | 16/05/2019 | 201 | Upgrade to Equine veterinary hospital | 160 Old Lilypool Road, SOUTH GRAFTON NSW 2460 | Additional information submitted and currently being assessed* |
| DA2019/0254 | 16/05/2019 | 201 | Dwelling and secondary dwelling | 31 Riverside Drive, WOOLI NSW 2462 | Awaiting additional information (amended OSM report and land contamination assessment). |
| DA2019/0243 | 13/05/2019 | 204 | Shipping container building with playground, cafe and rooftop restaurant | 383 North Street, WOOLI NSW 2462 | Applicant has amended proposal to remove rooftop deck area. Awaiting external comment from RFS on revised proposal. |
| DA2019/0208 | 23/04/2019 | 224 | Redevelopment and refurbishment of Pacific Hotel (including demolition of beach house and northern section of hotel, construction of new tourist accommodation and ancillary works) | 16 Pilot Street, YAMBA NSW 2464 | An initial assessment of the DA has been undertaken. Council staff to consult further with the applicant. |
| SUB2019/0010 | 23/04/2019 | 224 | Two lot subdivision (includes lot size variation) | 401 Kungala Road, KUNGALA NSW 2460 | Applicant to amend application to increase lot size to comply with LEP. |
| DA2019/0195 | 15/04/2019 | 232 | Additions to caravan park - 33 cabins for long term use | 42 Marandowie Drive, ILUKA NSW 2466 | Applicant to amend application regarding removal of vegetation from site. |
| SUB2019/0007 | 29/03/2019 | 249 | Subdivision of seven lots into four lots | 961 Woolli Road, PILLAR VALLEY NSW 2462 | Council staff to review applicant's submission regarding compliance with LEP provisions. |
| DA2019/0152 | 26/03/2019 | 252 | Temporary use of land (function centre) | Micalo Road, MICALO ISLAND NSW 2464 | Currently being assessed, staff to liaise with applicant regarding access to the property* |
| DA2019/0130 | 20/03/2019 | 258 | Dwelling and two lot subdivision | 17 Taloumbi Street, MACLEAN NSW 2463 | Applicant has amended proposal and currently being assessed* |
| DA2019/0128 | 19/03/2019 | 259 | Machinery shed | 1 Youngs Lane, HARWOOD NSW 2465 | Awaiting additional information (Contaminated land assessment and geotechnical report of mound). |
| DA2019/0126 | 19/03/2019 | 259 | Vegetation management control | 35 Victoria Street, GRAFTON NSW 2460 | Land to soon be transferred to CVC. Application likely to be withdrawn once land ownership changes. |
| SUB2019/0002 | 6/02/2019 | 300 | 13 large lot residential subdivision | 198 Gardiners Road, JAMES CREEK NSW 2463 | Awaiting additional information (Applicant to respond to OEH comments regarding BDAR). |
| SUB2019/0001 | 24/01/2019 | 313 | Seven lot subdivision (5 additional lots) | 39/57 Chatsworth Road, CHATSWORTH NSW 2469 | Contaminated land and OSM considerations currently being assessed* |
| DA2018/0630 | 16/10/2018 | 413 | Dual Occupancy | 1431 Pacific Highway, ULMARRA NSW 2462 | Applicant to consider how/if this DA will be pursued. Geotechnical assessment of riverbank has determined there is an unacceptable factor of safety without substantial works to the riverbank. Council Staff have spoken to applicant to arrange for meeting to further discuss. |

| Application No. | Received Date | Days | Description | Property | Reason |
|-----------------|---------------|------|--|---|---|
| SUB2018/0030 | 16/10/2018 | 413 | Boundary adjustment | Pacific Highway, TYNDALE NSW 2460 | Awaiting additional information (Contaminated land assessment), third update for status of information request sent. |
| SUB2018/0027 | 8/10/2018 | 421 | Two lot subdivision | 20 The Glen, MACLEAN NSW 2463 | Awaiting additional information (Biodiversity and bushfire). |
| DA2018/0574 | 20/09/2018 | 439 | Dwelling | 61 Williams Crescent, WOOLI NSW 2462 | Awaiting applicant to formalise amendment to proposal. |
| DA2018/0449 | 6/08/2018 | 484 | Viewing deck | 26 Ocean Road, BROOMS HEAD NSW 2463 | Second additional information sent (Amended plans, view sharing issues). |
| DA2018/0102 | 5/03/2018 | 638 | Speedway practice track | 334 School Lane, SOUTHGATE NSW 2460 | Currently being assessed* |
| SUB2018/0004 | 23/02/2018 | 648 | 11 (reduced from 12) large lot residential subdivision | Bloodwood Grove, GULMARRAD NSW 2463 | Stormwater Management Plan submitted for review and currently being assessed* |
| DA2017/0671 | 18/10/2017 | 776 | Caravan Park - Alterations and additions (10 additional sites) and amenities | 391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469 | Awaiting additional information (Building Certificate Application, plans and compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. |

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

Exceptions to Development Standards under Clause 4.6 of the LEP

During the month of November 2019 there was no use of Clause 4.6 for any DAs that were determined.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*

Consultation

Applicants with DAs exceeding 40 days would generally be aware of the reason/s why their DA has not been determined. Staff processing DAs are encouraged to maintain regular contact with Applicants and there remains room to improve this communication. Improvements such as this form one of the outcomes from Council's DA Review Project currently underway.

Correspondence acknowledging receipt of DAs or requesting additional information contains details of the staff member (including direct phone number) responsible for assessment of the DA. Hence, Applicants can easily make contact with the relevant officer if they require assistance or have any questions.

Legal and Risk Management

DAs that have not been determined within a period of 40 days (not including any 'stop-the-clock' days) can be considered by the Applicant to be deemed refusal. This factor is unlikely to apply to most of the DAs listed in the earlier table as the calculation of 40 days used for this report does not exclude 'stop-the-clock' days. However, when the appropriate circumstances apply to a DA then the *Environmental Planning and Assessment Act 1979* provides that an Applicant can lodge an appeal to the Land and Environment Court against the deemed refusal and request the Court to determine the DA. It is rare that Applicants pursue this

course of action as the cost and time associated with pursuing Court action does not generally justify such action, especially if Applicants are confident that their DA will be approved when determined. DAs where a recommendation for refusal is possible are more likely to be subject to such appeal.

Climate Change

The matters discussed in this report have no direct impact on climate change or the effects thereof. Development or works proposed in individual DAs can have implications and these can be considered in assessment of DAs as relevant, eg development on land subject to long term sea level rise and/or coastal erosion.

| | |
|-------------|-------------------------------------|
| Prepared by | James Hamilton, Development Planner |
|-------------|-------------------------------------|

| | | |
|-------------|------------------|---|
| ITEM | 6b.19.063 | DEVELOPMENT APPLICATION PROCESS REVIEW – PROGRESS REPORT |
|-------------|------------------|---|

| | | |
|--------------------|--|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Environment, Planning & Community | |
| Reviewed by | Manager - Environment, Development & Strategic Planning (Adam Cameron) | |
| Attachment | Yes | |

SUMMARY

This report provides a progress status update of the ongoing project to review Council's Development Application process since the February 2019 Council Meeting (Item No. 14.016/19).

OFFICER RECOMMENDATION

That Council note the progress report on the development application process review.

COUNCIL RESOLUTION – 6b.19.063

Toms/Novak

That Council note the progress report on the development application process review.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.3 Engage with the community to inform decision making

BACKGROUND

Since the February 2019 progress report, the DA process has undergone major changes including the introduction of electronic lodgement options to customers through the implementation of the NSW ePlanning Portal and acceptance of applications in electronic format such as USB's.

As of 1 July 2019, Clarence Valley Council became one of approximately 20 other councils to implement the NSW Department of Planning and Industry and Environment ePlanning Portal. The planning portal allows customers to lodge and pay for Development Applications, Complying Development Certificates, Section 4.55 Modifications and Division 8.2 Reviews electronically.

New software and electronic devices to complement the transition to a "paperless" office have also been introduced for staff and all correspondence and approvals are now issued electronically to those who have an email address.

KEY ISSUES

The attached progress report summarises the project to date and upcoming milestones and changes.

The DA Infographic report contained in the attachments provides a snap shot of how many electronic applications were received, requests for additional information, estimated savings and impacts on Council's incoming calls to customer service since the introduction of electronic application lodgement.

The next part of the process review is to include the electronic lodgement of Construction Certificates (both building and engineering), Subdivision Certificates via the planning portal. This is anticipated to be implemented by April next year. We anticipate that the number of applications lodged electronically will substantially increase once Construction Certificates can be lodged online.

COUNCIL IMPLICATIONS

Budget/Financial

Estimates provided in the Infographic report contained in the attachments show that during the first quarter of 2019, we have seen reductions in the cost of postage and printing of approval documents. This will continue to increase as more applications are lodged through the portal and through the acceptance of Construction Certificates.

Asset Management

N/A

Policy or Regulation

Environmental Planning and Assessment Act 1979

Consultation

Two (2) information sessions were delivered in Grafton and Maclean to previous DA applicants and other interested parties to communicate the new electronic process.

Legal and Risk Management

The ePlanning movement provides for a more transparent planning process thereby reducing exposure to risk.

Climate Change

The movement towards an ePlanning environment has reduced the amount of paper use having positive benefits for climate change.

| | |
|-------------|--|
| Prepared by | Carmen Landers, Development Planner (Systems) |
| Attachment | 1. DA Infographic Report Quarter 1 2019/20 2. Project Status Report – Sept/Oct 2019 |

MOTION

Ellem/Lysaught

That the Council meeting be adjourned for a short break at 3.17 pm. CARRIED.

The Council meeting resumed at 3.24 pm.

c. CORPORATE GOVERNANCE AND WORKS COMMITTEE

| ITEM | 6c.19.099 | LAND PURCHASES FOR THE GRAFTON WATERFRONT PRECINCT PLAN |
|--------------------|---|---|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Confidential | |

SUMMARY

Authorise the purchase of land relating to the Grafton Waterfront Precinct Plan.

OFFICER RECOMMENDATION

That Council:

1. Proceed to purchase the lots listed and on terms identified in Confidential Attachment A.
2. Classify the purchased lots as “community” land.
3. Delegate authority to the General Manager to execute documents associated with a subdivision and purchase of the land identified in Confidential Attachment A.
4. Affix the Council Seal to the subdivision and purchase of land documents identified in confidential attachment A.

COUNCIL RESOLUTION – 6c.19.099**Toms/Lysaught**

That Council:

1. **Proceed to purchase the lots listed and on terms identified in Confidential Attachment A.**
2. **Classify the purchased lots as “community” land.**
3. **Delegate authority to the General Manager to execute documents associated with a subdivision and purchase of the land identified in Confidential Attachment A.**
4. **Affix the Council Seal to the subdivision and purchase of land documents identified in confidential attachment A.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

Objective 3.1 We will have an attractive and diverse environment for business, tourism and industry

Strategy 3.1.1 Promote the Clarence region as a wonderful place to invest, live, work and visit

BACKGROUND

Council resolved at its meeting on 21 August 2018, (Item 14.098/18) to allocate funds for the acquisition of land and further resolved at its meetings on 26 February 2019 (Item 13.001/19), 26 March 2019 (Item 13.005/19) and 28 May 2019 (Item 13.013/19) to proceed with the purchase of available land. Further land has now become available for purchase.

KEY ISSUES

Council resolved to acquire land with the priority being by voluntary land acquisition. There is currently an opportunity to progress with acquisition of further sections of the precinct.

Section 31 of the *Local Government Act 1993* provides that the land acquired after 1 July 1993 should be classified. Land purchased for the Grafton Waterfront Precinct Plan will be classified as community land.

The land proposed to be acquired will require a subdivision.

COUNCIL IMPLICATIONS**Budget/Financial**

As per Council resolution on 21 August 2018 (Item 14.098/18), up to \$2 million was allocated from Section 94A funds to progress the Grafton Waterfront Precinct project.

Land purchases will be funded from Reserve 92040 (S94A CVC Development other than residential) and a transfer will be made from the reserve at the time of completion of the land purchase transactions.

Asset Management

Council will own riverfront land forming part of the Grafton Waterfront Precinct Plan. The land will be included in Council's Asset Management plans and register and will be included on Council's maintenance schedule.

Policy or Regulation

Local Government Act 1993

Conveyancing Act 1919

Environmental Planning and Assessment Act 1979

Consultation

Consultation has been undertaken internally.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|--------------|-----------------------------------|
| Prepared by | Kylee Baker, Property Coordinator |
| Confidential | A – Listed items for purchase |

| | | |
|-------------|------------------|--|
| ITEM | 6c.19.100 | ACQUISITION OF PART CROWN RESERVE FOR STORMWATER INFRASTRUCTURE |
|-------------|------------------|--|

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

To consider acquisition of an easement over stormwater infrastructure located on part Lot 3 DP 1005547 being part of Crown Reserve 58617.

OFFICER RECOMMENDATION

That Council:

1. Acquire an easement over the stormwater pipes located on Lot 3 DP 1005547.
2. Enter into a Deed of Agreement with the landowner of Lot 104 DP 1047026 setting out that the landowner is to meet all costs associated with the acquisition and that the easement will be registered separately to the subdivision.

COUNCIL RESOLUTION – 6c.19.100

Lysaught/Toms

That Council:

1. **Acquire an easement over the stormwater pipes located on Lot 3 DP 1005547.**
2. **Enter into a Deed of Agreement with the landowner of Lot 104 DP 1047026 setting out that the landowner is to meet all costs associated with the acquisition and that the easement will be registered separately to the subdivision.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2.1.3 Provide strategic asset management planning

BACKGROUND

Council approved development application SUB2017/0027 for a 19 lot subdivision with roads and drainage reserves upon Lot 104 DP 1047026 and Lot 119 DP 1047026, River Street, Yamba. This estate is known as "The Dunes" and forms part of the last stage of the Masterplan (Precinct 2) for the Beachside development.

Part of the civil works requires construction of stormwater pipes and overland flow path over the adjoining Lot 3 DP 1005547 due to the location of existing detention basin and topography of the land. Lot 3 is part of Crown Reserve 58617 for public recreation. This part of Reserve 58617 devolves on Council to manage. The stormwater will be disposed of to the existing drainage basin located on Lot 119.

Lot 119 is currently in the ownership of Beachside Pty. Ltd. and will eventually be dedicated to Council once all works have been completed satisfactorily under SUB2017/0027. Council currently holds a bond of \$27,880 for the maintenance of the detention basin.

KEY ISSUES

Upon completion of the subdivision, the stormwater infrastructure will become the property of Council as part of the local stormwater drainage network. Council normally relies on Section 191A Power of Entry under the *Local Government Act 1993* but Section 5.50 of the new *Crown Land Management Act 2016*, requires that local councils seek easements from Crown in certain cases when there is an ongoing need to access the land to carry out works. In this instance, all costs associated with the establishment of the easement will be borne by the developer/adjoining landowner.

To enable the development application to proceed, Crown Lands require an application to acquire the easement. This will be completed by the compulsory acquisition process with preference to an agreed compensation amount.

As such, a formal application is required to be lodged by Council to acquire the appropriate easement, however due to current resourcing implications it is proposed to outsource the acquisition and engagement part of the process, in conjunction with and at the full cost of the developer, Beachside Pty Ltd.

In the interim and to allow works to proceed, Council would support the landowner applying directly to Crown Lands for a licence so that they can commence works on Lot 3 that is associated with the subdivision.

COUNCIL IMPLICATIONS

Budget/Financial

Council staff would be required to oversee the acquisition process. All other costs associated with the acquisition are to be borne by the developer/adjoining landowner.

Asset Management

Council will take ownership of the stormwater infrastructure and it would be included in Council's Asset Register and maintenance schedule.

Policy or Regulation

Local Government Act 1993

Crown Land Management Act 2016

Environmental Planning and Assessment Act 1979

Consultation

The following sections of Council were consulted as part of the report considerations:

| <i>Internal Section or Staff Member</i> | <i>Comment</i> |
|---|----------------|
| Development Engineer | Supported |
| Senior Strategic Planner (Public Land/Native Title) | Supported |

Legal and Risk Management

If supported, Council will meet their legal obligations of the *Crown Land Management Act 2016* thereby reducing any associated legal risk with the construction of infrastructure over Crown Land without the appropriate approvals in place.

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Kylee Baker, Property Coordinator/Carmen Landers, Development Planner |
| Attachment | Draft Plan showing easements for drainage over Lot 3 DP1005547 |

| ITEM | 6c.19.101 | ACQUISITION OF LAND FOR ROAD PURPOSES |
|--------------------|---|---------------------------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

Council has received funding for the upgrading of roads in the Harwood, Palmers Island and Yamba area. To proceed with the road upgrades Council has identified private land to be acquired for road purposes.

OFFICER RECOMMENDATION

That Council:

1. Acquire part Lots - Lot 96 DP 751373, Lot 1 DP 826316, Lot 501 DP 703273, Lot 113 DP 751373, Lot 4 DP 746328, Lot 5 DP 1155528 and Lot 5 DP 746328 at Harwood as public road.
2. Acquire Lots 1-2 DP 126896 and part Lots – Lot 1 DP 435557 and Lot 2 DP 523333 at Palmers Island as public road.
3. Acquire part Lots – Lot 101 DP 1188377, Lot 2 DP 576021, Lot 1 DP 1078824 at Yamba as public road.
4. Meet all survey and legal costs.
5. Delegate authority to the General Manager to execute the documents associated with the survey and acquisition of the above mentioned Lots.

COUNCIL RESOLUTION – 6c.19.101

Ellem/Baker

That Council:

1. Acquire part Lots - Lot 96 DP 751373, Lot 1 DP 826316, Lot 501 DP 703273, Lot 113 DP 751373, Lot 4 DP 746328, Lot 5 DP 1155528 and Lot 5 DP 746328 at Harwood as public road.
2. Acquire Lots 1-2 DP 126896 and part Lots – Lot 1 DP 435557 and Lot 2 DP 523333 at Palmers Island as public road.
3. Acquire part Lots – Lot 101 DP 1188377, Lot 2 DP 576021, Lot 1 DP 1078824 at Yamba as public road.
4. Meet all survey and legal costs.
5. Delegate authority to the General Manager to execute the documents associated with the survey and acquisition of the above mentioned Lots.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Toms

Against: Lysaught

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

Council has received funding for upgrading a number of roads in the Harwood area to provide better heavy vehicle access for the Harwood Marine facility. This work has been funded through a Restart NSW grant (88%) and contributions from the Harwood Marine business (12%).

Council also received funding for the upgrade of four intersections on Yamba Road through the Restart NSW grant (77%) and Council funding (23%). The School Road and Yamba Road intersection project also adjoins a stretch of Yamba Road that was funded for reconstruction in the 18/19 financial year. This project was deferred to the 20/21 financial year so that it could be designed and constructed along with the grant project.

Progress updates for these projects have been reported separately.

KEY ISSUES

The preliminary design has been completed for the road upgrades. To complete the design to the required standards, acquisition of part of adjoining private land is required for road widening.

It is preferred to negotiate agreements with the landowners for acquisition of the part of their land. If negotiations are not successful then compulsory acquisition of the land will be commenced.

COUNCIL IMPLICATIONS**Budget/Financial**

Council will meet all survey and legal costs associated with the acquisitions and will pay an agreed compensation to each landowner. If an agreement is not reached and compulsory acquisition is commenced then the compensation will be determined by the Valuer General.

The projects have funding committed under the following budgets:

| Project Description | Project Number |
|--|----------------|
| Harwood Precinct Upgrade - Nicholsons Lane - Wants Lane to Bewleys Lane | 530289 |
| Harwood Precinct Upgrade - Bewleys Lane - Nicholsons Lane to Beckmans Lane | 530290 |
| Harwood Precinct Upgrade - Beckmans Lane - Bewleys Lane to Eggins Lane | 530291 |
| Harwood Precinct Upgrade - Eggins Lane - Beckmans Lane to Careys Lane | 530292 |
| Harwood Precinct Upgrade - Careys Lane - Eggins Lane to River Street East | 530293 |
| Harwood Precinct Upgrade – Miscellaneous | 530294 |
| Harwood Precinct Upgrade - Project Management | 530295 |
| Yamba Road - Intersection Upgrade - Palmers Island | 530296 |
| Yamba Road - Roundabout Construction - Treelands Drive | 530297 |
| Yamba Road - Roundabout Construction - Carrs Drive | 530298 |
| Yamba Road - Roundabout Construction - Shores Drive | 530299 |
| Yamba Road - Roundabout Construction - Project Management | 530302 |
| Yamba Road - Reconstruction/widening from Palmers Island to Romiaka Bridge | 600438 |

Asset Management

The sections of land to be acquired will be dedicated as Public Road and will be added to the road network.

Policy or Regulation

Roads Act 1993

Land Acquisition (Just Terms Compensation) Act 1991

Consultation

Council's Civil Services section is undertaking the road upgrades and has identified the properties to be acquired and consultation/negotiations has commenced with the affected landowners.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|-----------------------------------|
| Prepared by | Kylee Baker, Property Coordinator |
| Attachments | Plans |

| | | |
|--------------------|---|---|
| ITEM | 6c.19.102 | CLOSURE AND SALE OF PART QUEEN STREET ILUKA ROAD RESERVE – CONCEPT DESIGN PLAN |
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

The report seeks Council's consideration of the detailed concept design for part of the Queen Street road reserve closure in Iluka.

OFFICER RECOMMENDATION

That Council:

1. Approve the concept design plan as per Attachment A subject to:
 - a) A minimum of 40 car parking spaces being provided as public car parking area.
 - b) The car parking area being constructed to Council standards and including kerb and guttering.
 - c) The inclusion of suitable street landscaping.
 - d) A foot path being incorporated into the design.
 - e) The existing water main being relocated.
 - f) The construction of the car parking being completed within 5 years from the date of settlement of the transfer of the road reserve or as part of the development of the premise on the adjoining land Lots 4-5 Section 2 DP 758535, whichever occurs first.
2. Proceed with the closure, survey and sale of the road reserve as per Points 1-7 of Item 15.216/18 of 11 December 2018 meeting.

COUNCIL RESOLUTION – 6c.19.102

Toms/Ellem

That:

1. Council approve the concept design plan as per Attachment A subject to:
 - a) A minimum of 40 car parking spaces being provided as public car parking area.
 - b) The car parking area being constructed to Council standards and including kerb and guttering.
 - c) The inclusion of suitable street landscaping.
 - d) A foot path being incorporated into the design.
 - e) The existing water main being relocated.
 - f) The construction of the car parking being completed within 5 years from the date of settlement of the transfer of the road reserve or as part of the development of the premise on the adjoining land Lots 4-5 Section 2 DP 758535, whichever occurs first.
2. Council proceed with the closure, survey and sale of the road reserve as per Points 1-7 of Item 15.216/18 of 11 December 2018 meeting.
3. Income received from the sale of the road be retained for roadworks within the village of Iluka.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Queen Street Iluka is a Council public road. The section adjoining Lots 4-5 Section 2 DP 758535 is unformed. It is currently used as an informal car park area predominantly for the patrons of the Sedgers Reef Hotel.

- Minute June 2006 – Council opposes in principle, the sale of any land on the Queen Street road reserve.
- Minute 16/8/2011 Item 13.157/11 – Resolution to not sell any part of Queen Street Iluka road reserve.
- Minute 19/2/2013 Item 13.004/13 – Council invites public comments and formal application.
- Minute 20/8/2013 Item 14.115/13 – Council resolved to further consider the closure and sale subject to a detailed concept design.
- Minute 11/12/2018 Item 15.216/18 – Council resolved to close and sell part road reserve subject to detailed concept design.

KEY ISSUES

The loss of public parking space was a main issue to be addressed in association with any development of the adjoining land. Council staff have assessed the plan and provide the following comments.

CAR PARKING

The car parking capacity over Queen and Crown Streets has been assessed and it is considered that an offset of 40 spaces is adequate. As such, this is the minimum amount of spaces required to address the closure of the road reserve and the loss of public parking space as a result of the closure.

The concept plan submitted shows a total of 46 spaces so this adequately meets the required number of spaces for the offset.

It should be noted that these spaces are recognised as a replacement for the loss of public parking spaces on the road reserve only, and are not part of any parking requirements of any future development of the hotel premises. Further parking needs will be assessed at the time of future development.

The car park would be required to be built to Council standards and incorporate kerb and guttering. The timing of construction of the car park is still to be determined.

LANDSCAPING

The plan should include street landscaping to improve the visual amenity of the area and it is suggested that 6 excess parking spaces along Crown Street be changed to tree planting/landscaping spaces and spaced out evenly. This would reduce the number of parking spaces to 40 which still meets the parking requirements.

FOOTPATH

A foot path should be incorporated into the design. This would be between the car parking spaces and the property boundary and would run from the existing Charles Street footpath and link in to the footpath on the water front along Queen Street.

WATER MAIN

There is an existing water main located about 5.4 metres from the edge of the bitumen and will therefore be located under the car parking and gutter proposed.

There are two hydrants in this section of main and due to the age of the main, we consider there is a high and unacceptable risk (to Council) that the construction of the car parking spaces and gutter will damage the existing water main and therefore these cannot be located in a designated car parking area.

The water main is required to be replaced with a new main located at least 1 metre to the west of the car parking (i.e. between the car parking and the road/property boundary). The minimum one metre separation is required to enable machinery to dig down to the main without damaging the gutter. The new main could be located under the footpath.

The applicant has been advised of the above considerations.

COUNCIL IMPLICATIONS

Budget/Financial

No financial requirements related to the design. As per report considered by Council on 11 December 2018 Item 15.216/18, income received from the sale of the road is to be spent on road related matters. It is proposed that 70% of the income be retained for road heavy patching and resealing works and 30% of the income will be retained in RA 10898 – IR – Roads – Road Resumptions.

Asset Management

This section of road is currently listed in Council's Asset register and if closed and sold the register and the Asset Management Plan will be amended accordingly to show the remaining section of road.

Policy or Regulation

Roads Act 1993

Local Government Act 1993

Consultation

Consultation on the detailed design plan has been undertaken with Council's Civil Services, Open Spaces and Development Planning sections.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|-----------------------------------|
| Prepared by | Kylee Baker, Property Coordinator |
| Attachment | A –Concept Design Plan |

| | | |
|-------------|------------------|--|
| ITEM | 6c.19.103 | HARWOOD COMMUNITY ECONOMIC DEVELOPMENT PLAN |
|-------------|------------------|--|

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

The Harwood Community Economic Development (CED) Plan has been implemented to address and plan the needs and aspirations of the Harwood community.

OFFICER RECOMMENDATION

That Council

1. Endorse the Harwood Community Economic Development (CED) Plan.
2. Match the funding (\$20,000) from the Biirrinda & Harwood Island Committee and allocate \$20,000 to develop a Harwood Riverside & Village Precinct Plan.

COUNCIL RESOLUTION – 6c.19.103

Toms/Novak

That Council

1. Endorse the Harwood Community Economic Development (CED) Plan.
2. Match the funding (\$20,000) from the Biirrinda & Harwood Island Committee and allocate \$20,000 to develop a Harwood Riverside & Village Precinct Plan.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

Objective 3.1 We will have an attractive and diverse environment for business, tourism and industry

Strategy 3.1.2 Grow the Clarence Valley economy through supporting local business and industry

BACKGROUND

The Woolgoolga to Ballina project will upgrade 155km of Pacific Highway. The project starts about six kilometres north of Woolgoolga (north of Coffs Harbour) and ends approximately six kilometres south of Ballina. As part of this upgrade, a new bridge has been constructed across the Clarence River at Harwood.

A number of community groups and individuals have made representations to Council for funding of various community projects. The Biirrinda and Harwood Island Community Committee submitted a petition requesting Council explore the option of acquiring land under the new bridge for a car park. The Harwood Public Hall Committee has requested that Council construct public toilet facilities on this same land, as current facilities at the community hall are inadequate.

As a result of various requests from the Harwood community, Council resolved on 25 June 2019 to undertake a Community Economic Development Plan (Item 6b.19.004):

That Council:

- 1. Pursue use of the land under and near the new Harwood Bridge with a view to securing rights over the land as a future carpark with the Roads and Maritime Services (RMS), including the management, legal arrangements and costs associated with the land.*
- 2. Work with the Harwood community to prepare a Community Economic Development Plan (CEDP) and report the plan to Council.*
- 3. Adopt the Hall's outside-toilet on a temporary basis as a public toilet with Council responsible for pumping out, cleaning and provisioning (to be funded from the General Fund Public Amenities cost centre) until receipt of the Community Economic Development Plan (CEDP).*

KEY ISSUES

The role of the Harwood CED Plan is to:

- act as a framework to direct activities identified by the Harwood community
- to document the outcomes of the community planning workshops
- to facilitate cooperative relationships between the community and external partners
- to formalise the goals and objectives of the community to prioritise issues and project activity.

The Harwood CED Plan includes a number of actions developed by the community to create opportunities for Harwood. The identified actions were prioritised by the community to determine those of highest importance as well as those that can be 'Instant wins', 'Things with barriers' and 'Someday maybe'. These were grouped into categories: business development, events, marketing and promotions, and infrastructure.

At the most recent meeting held on 30 September 2019, community leaders nominated to champion some of the Plan's actions. The Community and Industry Engagement (CIE) team will now focus on assisting these leaders and coordinating within the organisation to progress the implementation. The CIE team will also assist the businesses in Harwood to work together and implement the actions in the Business Development category.

The breadth of the infrastructure projects highlighted by the Harwood community demonstrated the need to investigate the creation of an integrated Harwood Riverside & Village Precinct Plan (HRVP Plan). Historically, the development of urban design type concept plans has been a very successful approach by Clarence Valley Council to attract 'shovel ready' funding, for example: Grafton Waterfront, Maclean Riverside Precinct Plan and Ulmarra Riverside & Village Precinct Plan. Therefore, it is anticipated the HRVP Plan would be used by the community and Council to leverage future opportunities for funding.

COUNCIL IMPLICATIONS

Budget/Financial

There is no specific budget allocation for the Harwood Riverside & Village Precinct Plan.

Council can fund the \$20,000 contribution from RA 92022 – S94 CVC Community Facilities – Maclean Surrounds which has a balance of \$168,940.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

The community was widely consulted with over 60 (in total not individual) Harwood community members attending two public meetings facilitated by the Community & Industry Engagement team.

The program included two workshops in Harwood. The aim of the workshops was to better understand the needs and priorities of the community. The first encouraged a community conversation. The second follow up meeting was held to develop a series of actions to drive this vision.

A draft Harwood Community Economic Development Plan was distributed to the Harwood community for feedback. It was distributed by email to workshop attendees and hardcopies were placed in the Harwood Post Office and other businesses. Feedback was invited from Monday 21 October until Friday 22 November 2019.

Community Consultation:

- Community Conversation – 27 August 2019
- Action planning workshop to review the Plan and identify community project leaders – 30 September 2019
- Draft Plan distributed to the Harwood community for comment for 28 days.
 - Meeting attendees received hard copies and electronic versions
 - Hard copies were made available to members of the public at the Harwood Hotel and Post Office

Positive verbal feedback was received from workshop participants including the Harwood Hall Committee, Biirinda & Harwood Island Committee and local business owners. In addition, two positive pieces of feedback was received by email. No negative feedback was recorded or received during the 28 day period.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | David Newberry, Industry and Engagement Officer |
| Attachment | Draft Harwood Community Economic Development (CED) Plan Harwood Riverside Precinct Vision and Concept by James Moloney Biirinda and Harwood Island Community Committee Inc – Letter re financial contribution |

ITEM 6c.19.104 CLARENCE VALLEY COUNCIL SIGNAGE STYLE GUIDE

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

This report seeks endorsement of the signage concept.

OFFICER RECOMMENDATION

That Council endorse the Clarence Valley Council signage concept.

COUNCIL RESOLUTION – 6c.19.104

Toms/Ellem

That Council endorse the Clarence Valley Council signage concept.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

In accordance with the council resolution earlier this year the attached signage style guide was presented at the Councillor workshop in October.

At the Councillor workshop it was decided to give Clarence Valley Council Executive the decision between the two versions of signage style presented. The two options were distinguished by a difference in shape only - curved or angled. The Executive endorsement was:

1. Curved option is agreed.
2. A high level signage concept be prepared for Council endorsement, including Aboriginal recognition and corporate colour use.

KEY ISSUES

Signage – design solution for problems/concerns identified:

- Restricted footprint in road reserves – vertical signage
- Road reserves of varying size – vertical signage ensures that it fits multiple locations
- Signage is not distracting to drivers (requirement) – clear design means minimal distraction i.e. not too busy or too difficult to read.
- Signage does not pose a physical risk (requirement) – frangible signage

- Graffiti/damage – external material is a type of vinyl enabling easy and cost effective replacement
- Equity for Aboriginal community – enables equal font size e.g. Gumbaynggirr and Yaegl
 - Note previous dot point – opportunity to easily replace if dual naming is introduced
- Different length of town names – vertical signage enables equal font size e.g. Wooloweyah and Iluka
- Land ownership may not be CVC e.g. Crown, NPWS, RMS therefore needs to be minimal impact.
- Sign pollution – colours lessen the impact of signage pollution
- Ease of maintenance – base of signage designed for easy mowing etc.
- Signage looks like CVC – design meets adopted CVC Style Guide

COUNCIL IMPLICATIONS

Budget/Financial

The development and construction of any signs will be within the Open Spaces and Civil Services budget allocations, with a program of installation commencing 2020/2021.

Asset Management

N/A

Policy or Regulation

Detailed design of signage will meet Australian Standards and Roads & Maritime guidelines.

Consultation

Consultation - Clarence Valley Council Councillor Workshop, Open Spaces, Civil Services, signage specialists and the Clarence Valley Aboriginal Advisory Committee

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Louise Gumb, Marketing and Brand Officer |
| Attachment | Clarence Valley Council Signage Style Guide |

| ITEM | 6c.19.105 | VIBRANT PLACES TRIAL |
|--------------------|---|----------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | Yes | |

SUMMARY

Vibrant Places report on the 12 month trial.

OFFICER RECOMMENDATION

That:

1. The Vibrant Places program continues across the Local Government area.
2. Findings from the trial inform the future planning of Prince Street, Grafton after the opening of the new Grafton Bridge.

MOTION

Toms/Novak

That

1. Council note the Vibrant Places end of trial report and continues the program across the local government area.
2. A review be undertaken of Council's Mobile Signs, Articles, Merchandise and Entertainment on Public Land Policy to remove the necessary parts to align with the Vibrant Places intent without removing the specific criteria in the management of the public land ensuring the objectives (we will have access and equity of services) and the strategy (work with community and partners to inform develop and maintain an inclusive and equitable community) of the policy remain.
3. Report the review back to Council by March 2020.
4. Should Council decide to continue with the Vibrant Places initiative of not charging or requiring approval or public liability insurance as necessary under Section 68 of the Local Government Act a (LAP) Local Approvals Policy be developed which exempts such approval.
5. The Access Committee and Councillors be invited to attend the proposed walk of the Grafton CBD with Chamber representatives in early 2020.
6. Council thank the Business Chambers and representatives from Council's Access Committee, Dave Moran and Lyndel Bosman (Guide Dogs NSW), for their participation during the trial.

AMENDMENT TO MOTION

Williamson/Baker

That

1. Council note the Vibrant Places end of trial report and continues the program across the local government area.
2. A review be undertaken of Council's Mobile Signs, Articles, Merchandise and Entertainment on Public Land Policy to remove the necessary parts to align with the Vibrant Places intent without removing the specific criteria in the management of the public land ensuring the objectives (we will have access and equity of services) and the strategy (work with community and partners to inform develop and maintain an inclusive and equitable community) of the policy remain.
3. Report the review back to Council by March 2020.

4. The Access Committee and Councillors be invited to attend the proposed walk of the Grafton CBD with Chamber representatives in early 2020.
5. Council thank the Business Chambers and representatives from Council's Access Committee, Dave Moran and Lyndel Bosman (Guide Dogs NSW), for their participation during the trial.

Voting recorded as follows:

For: Ellem, Williamson, Baker, Kingsley, Lysaught, Simmons

Against: Novak, Toms

The Amendment to Motion was put and declared CARRIED. The Amendment became the substantive motion.

COUNCIL RESOLUTION – 6c.19.105

Toms/Novak

That

1. Council note the Vibrant Places end of trial report and continue the program across the local government area.
2. A review be undertaken of Council's Mobile Signs, Articles, Merchandise and Entertainment on Public Land Policy to remove the necessary parts to align with the Vibrant Places intent without removing the specific criteria in the management of the public land ensuring the objectives (we will have access and equity of services) and the strategy (work with community and partners to inform develop and maintain an inclusive and equitable community) of the policy remain.
3. Report the review back to Council by March 2020.
4. The Access Committee and Councillors be invited to attend the proposed walk of the Grafton CBD with Chamber representatives in early 2020.
5. Council thank the Business Chambers and representatives from Council's Access Committee, Dave Moran and Lyndel Bosman (Guide Dogs NSW), for their participation during the trial.

Voting recorded as follows:

For: Ellem, Williamson, Baker, Kingsley, Lysaught, Simmons Novak, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 3 Economy

Objective 3.1 We will have an attractive and diverse environment for business, tourism and industry

Strategy 3.1.2 Grow the Clarence Valley economy through supporting local business and industry

BACKGROUND

At its meeting October 2018 Council resolved (Item 14.122/18) to commence the Vibrant Places Trial.

That Council:

1. Commence a twelve (12) month 'Vibrant Places' initiative to waive fees for A-frame signs, merchandise displays, non-commercial street stalls, outdoor dining, and buskers & performers in the Clarence Valley Local Government Area.
2. Nominate Grafton CBD and Ulmarra village as the pilot locations.
3. Work with the Chambers of Commerce and business representatives to implement.
4. Work with the nominated Access Committee members, being Dave Moran and Lyndel Bosman (Guide Dogs NSW), to provide feedback to Council on the trial, and

5. *At the end of the trial period a report is brought back to Council on the trial outcomes and recommendations.*

As a result, the trial commenced on 1 November 2018 and concluded 31 October 2019. Council's Community and Industry Engagement team has undertaken ongoing monitoring of pilot locations (Grafton and Ulmarra) and benchmarked pre-trial activity.

An update on the trial was provided to Council at the 6 month mark. The results to date are the content of this report.

KEY ISSUES

At the completion of the 12 months, the number of Clarence Valley businesses that have signed up for the Vibrant Places trial via the Council website was 33. The majority are Grafton businesses, this being a pilot location, and has been where most face to face monitoring has occurred.

| Community | Applications Received |
|---|-----------------------|
| Grafton (pilot) | 23 |
| Ulmarra (pilot) | 3 |
| Rest of Clarence Valley LGA (non pilot) | 7 |

Throughout the trial Yamba, Iluka and Maclean main streets continued to maintain high levels of vibrancy. Prior to the trial commencing (October 2018), Council's Community and Industry Engagement team undertook an audit of footpath signage, merchandise and outdoor dining in the pilot locations of Grafton and Ulmarra as well as in Maclean, Yamba, Iluka and South Grafton. Follow up audits were undertaken in March and October 2019 to ascertain the change in footpath use.

| Community | Footpath Signs | | | Merchandise/Displays | | | Outdoor dining | | |
|-------------------------|----------------|--------|--------|----------------------|--------|--------|----------------|--------|--------|
| | Oct 18 | Oct 19 | Change | Oct 18 | Oct 19 | Change | Oct 18 | Oct 19 | Change |
| Grafton (Prince Street) | 45 | 45 | - | 11 | 13 | +2 | 7 | 9 | +2 |
| Ulmarra | 6 | 10 | +4 | 4 | 6 | +2 | 1 | 2 | +1 |
| Maclean | 17 | 20 | +3 | 7 | 15 | +8 | 4 | 5 | +1 |
| Yamba | 40 | 35 | -5 | 19 | 26 | +7 | 12 | 16 | +4 |
| Iluka | 19 | 19 | - | 2 | 6 | +4 | 4 | 4 | - |
| South Grafton | 6 | 11 | +5 | 1 | 2 | +1 | 4 | 4 | - |

Feedback from the businesses, community and Clarence Valley Chambers of Commerce indicate strong support for the initiative. Monitoring of Vibrant Places trial has been undertaken by the Community and Industry Engagement team and the Access Committee representatives. Inspections and feedback to businesses on Prince Street, Grafton were conducted on the 8 November and 13 December 2018, 17 April 2019, 3 September 2019. Casual inspections were also conducted on a regular basis in both Grafton and Ulmarra.

The trial has highlighted general issues with the current design and amenity of Prince Street in Grafton. This has impacted on how businesses have participated. The uneven surface of some footpaths and parking issues have had consequences for how and where businesses use the footpath for signage, outdoor dining and merchandise.

The Access Committee has provided feedback that there is no uniform approach from businesses with regards to how they interpret the trial.

Discussions with the Grafton business chamber regarding its involvement in encouraging businesses use of the footpath have resulted in a proposed walk of Grafton CBD with Chamber representatives in early 2020, to undertake an assessment.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

- Outdoor Dining Policy
- Mobile Signs, Articles, Merchandise and Entertainment on Public Land Policy

Consultation

Ongoing consultation with businesses, Chambers of Commerce and the Council's Access Committee continued throughout the trial period.

An overview of these findings was presented to the Access Committee at its April meeting. In addition, this report was forwarded to the Access Committee for consultation.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | David Newberry, Industry and Engagement Officer |
| Attachments | Letters of Support from Grafton Chamber of Commerce and Ulmarra Village Inc. |

| | | |
|--------------------|--|---|
| ITEM | 6c.19.106 | REVIEW OF POLICY – HARDSHIP NATURAL DISASTER – ORDINARY RATES AND ANNUAL CHARGES |
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Manager - Organisational Development (Alex Moar) | |
| Attachment | Yes | |

SUMMARY

This report recommends that the draft Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy be placed on exhibition and subject to no significant submissions be adopted.

OFFICER RECOMMENDATION

That the Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy be placed on public exhibition for a period of 28 days and pending there being no submissions that change the intent of the policy, it be adopted.

COUNCIL RESOLUTION – 6c.19.106

Toms/Novak

That the Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy be placed on public exhibition for a period of 28 days and pending there being no submissions that change the intent of the policy, it be adopted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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. Public exhibition of 28 days is required for all new policies, or policies that change significantly following review.

KEY ISSUES

Rates and Annual Charges are levied under legislation, and councils are unable to waive or defer payment, but can work with the ratepayer to ensure payment over a period of time. While the percentage of interest chargeable is set by the State Government, the charging of interest on over due rates and annual charges, is discretionary. Interest income is intended to offset operational outgoings associated with cost recovery and to act as a deterrent to defaulting on payment to ensure a steady income for councils.

The intent of the Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy is to provide affected ratepayers with a guaranteed position of assistance in the event that financial hardship is faced

following natural disaster. The policy provides that interest will be waived for applicants who enter a payment plan to spread payment of rates and annual charges over 48 months.

COUNCIL IMPLICATIONS

Budget/Financial

The impact of this decision is considered to have minimal impact on the budget. Payment of rates and annual charges may be spread over 48 months, rather than collected within the year they are levied. However, as the payment plan must include quarterly payments at a minimum, the effect of this is minimised. Interest on overdue rates and annual charges is not budgeted for and therefore waiving has no impact on the budget.

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy

Consultation

Internal consultation with policy stakeholders for review and revision of documentation.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Monique Ryan, Governance Officer |
| Attachment | Hardship Natural Disaster – Ordinary Rates and Annual Charges Policy |

| ITEM | 6c.19.107 | COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN |
|--------------------|---|---|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Director - Corporate & Governance (Laura Black) | |
| Attachment | 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.

COUNCIL RESOLUTION – 6c.19.107

Williamson/Ellem

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

| | |
|-------------|--|
| Prepared by | Karlie Chevalley – Executive Support Assistant |
| Attachment | Checklist |

ITEM 6c.19.108 2019/20 MONTHLY FINANCIAL REPORT – NOVEMBER 2019

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Manager - Finance & Supply (Kate Maginnity) | |
| Attachment | Yes | |

SUMMARY

The purpose of this report is to provide financial data at the end of each month for actual income and expenditure, for all Funds and provide advance notice of potential budget variations.

This report is submitted to Council in addition to the statutory reporting requirements of the Quarterly Budget Review Statements.

Budget variations identified in this report impact the General Fund end of year result, decreasing the deficit by (\$56,052) to an expected end of year deficit of \$297,758.

The reserve fund variations identified in this report will decrease the reserve funds by \$398,444.

OFFICER RECOMMENDATION

That Council:

1. Receive and note the monthly financial information report for November 2019, attached to this report.
2. Endorse the proposed General Fund variations as set out in this report totalling (\$56,052) for inclusion in the December 2019 Quarterly Budget Review Statement to be presented to Council in February 2020.
3. Endorse the proposed variations, which decrease Financial Reserves by \$398,444 for inclusion in the December 2019 Quarterly Budget Review Statement to be presented to Council in February 2020.

COUNCIL RESOLUTION – 6c.19.108

Lysaught/Novak

That Council:

1. **Receive and note the monthly financial information report for November 2019, attached to this report.**
2. **Endorse the proposed General Fund variations as set out in this report totalling (\$56,052) for inclusion in the December 2019 Quarterly Budget Review Statement to be presented to Council in February 2020.**
3. **Endorse the proposed variations, which decrease Financial Reserves by \$398,444 for inclusion in the December 2019 Quarterly Budget Review Statement to be presented to Council in February 2020.**
4. **A current list of all Council reserves be provided with the December Quarterly Budget Review.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

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

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

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

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2019/20 budget. The mechanism for revising the adopted budget is the Quarterly Budget Review Statement (QBRS) in compliance with Clause 203 of the *Local Government (General) Regulation 2005*.

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

KEY ISSUES***Major Budget Variations Proposed***

Following is a list of the major proposed variations for the month of November 2019.

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|--|--|--|-----------------------------|
| 712 | <p>Service – Finance & Supply Sub-Service – Management Accounting</p> <ul style="list-style-type: none"> • Transfer balances from various internal reserves to new RA 11023 – IR - Strategic Roads Improvement Reserve (\$891,159): RA 10458 – IR - Sports Building Renewals \$12,157 RA 10575 – IR - Parks & Reserves Signage \$4,330 RA 10576 – IR - Parks BBQ Replacements | \$Nil | \$Nil | 6a.19.030 |

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|---|---|--|--|
| | \$6,627 RA 10584 – IR – Parks - Furniture Renewal Program \$6,000 RA 10587 – IR - PKs-Glenreagh Shannon Pk \$5,000 RA 10588 – IR - Parks & Reserves – Building \$25,374 RA 10589 – IR - Parks & Reserve s – Shadesails \$4,700 RA 10652 – IR - Nursery Operations \$ 14,870 RA 10700 – IR - Oncost Reserve Workers Compensation \$689,043 RA 10736 – IR - PubHall-Jim Thompson Pavilion \$347 RA 10009 – IR – Sick Leave Insurance Reserve \$22,711 RA 10277 – IR - Public Liability Excess \$100,000 | | | |
| 806 | Service – Roads Sub-Service – Rural Roads <ul style="list-style-type: none"> • Allocate voluntary contribution towards DA 2016/0206 from RA 91999 – Voluntary Planning Agreements to fund Yamba Road - Roundabout Construction - Treelands Drive | \$Nil | \$40,000 | N/A |
| 830 | Service – Emergency Services and Natural Disasters Sub-Service – Natural Disaster Management <ul style="list-style-type: none"> • Contribution from Office of Emergency Management (NSW Disaster Assistance Guideline) for running costs of BlazeAid as base-camp Ewingar Hall to assist with disaster recovery activities (\$40,000) • Offer specific help to the isolated Communities of Ewingar \$6,000 and Dundurrabin \$6,000 • Offer specific help to the isolated Community of Nymboida • Provide potable water replenishment to fire effected households | \$Nil \$12,000 \$16,500 \$60,000 | \$Nil \$Nil \$Nil \$Nil | N/A 05.19.004 05.19.006 05.19.006 |
| 840 | Service – Parks & Open Spaces Sub-Service – Parks and Open Spaces <ul style="list-style-type: none"> • Allocate NSW Department of Planning, Industry and Environment - Crown Lands - Crown Reserves Improvement Fund (CRIF) grants to: <ul style="list-style-type: none"> ➤ Upgrade canteen floor at Jabour Park (\$4,178) ➤ Upgrade stable facilities at Maclean | Nil | \$Nil | N/A |

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|--|--|--|-----------------------------|
| | Showground (\$27,273) | | | |
| 841 | <p>Service – Sporting Facilities Sub-Service – Sporting Facilities</p> <ul style="list-style-type: none"> Remove duplicated Stronger Communities Funding towards Rushforth Park Kiosk – Replace Aged Facility \$500,000 Remove recurring budget from project completed 2017/18 - Provision of Sewer Connection to Yamba Rugby League Field | <p>\$Nil</p> <p>(\$1,548)</p> | <p>\$Nil</p> <p>\$Nil</p> | <p>N/A</p> <p>N/A</p> |
| 852 | <p>Service – Natural Resource Management Sub-Service – Weed Management</p> <ul style="list-style-type: none"> Allocate NSW Department of Planning, Industry and Environment - Crown Lands - Crown Reserves Improvement Fund (CRIF) grant control of weeds on various Crown Reserves within the Clarence Valley (\$40,909) | \$Nil | \$Nil | N/A |
| 853 | <p>Service – Natural Resource Management Sub-Service – Bushfire Management</p> <ul style="list-style-type: none"> Reduce allocated Rural Fire Service Hazard Reduction operating grant in line with 2019/20 allocation \$17,262 | \$Nil | \$Nil | N/A |
| 854 | <p>Service – Natural Resource Management Sub-Service – Coastal & Estuary Management</p> <ul style="list-style-type: none"> Sandon River Estuary & Coastal Management Plan not to commence in current form due to change to legislative requirements | (\$45,000) | \$Nil | N/A |
| 883 | <p>Service – Saleyards Sub-Service – Saleyards</p> <p>Saleyard - Truck Wash Upgrade to be funded from grant funds to replace funding from RA 10910 – IR - Saleyards:</p> <ul style="list-style-type: none"> ➤ RMS Fixing Country Truck Washes Program grant (\$153,835) ➤ Restart NSW Fund grant (\$148,366) Fund additional cost from RA 10910 – IR - Saleyards of: <ul style="list-style-type: none"> ➤ Temporary contract staff to cover Scales Operator and Saleyard Operator whilst on leave \$14,004 ➤ Additional legal expense for one-off boundary adjustment \$1,636 | <p>\$Nil</p> <p>\$Nil</p> | <p>(\$302,201)</p> <p>\$15,640</p> | <p>6e.19.012</p> <p>N/A</p> |
| 886 | <p>Service – Water Supply Sub-Service – Water Operation Maintenance Renewals</p> <ul style="list-style-type: none"> Allocate funds to Reservoirs - Renewals | \$Nil | \$223,748 | 6e.19.016 |

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|---|--|--|-----------------------------|
| | Expenses Project to cover variation in Contract 19/003 price due to latent condition regarding the existing asbestos material in the Lawrence and Southgate reservoirs from RA 79010 – ER - Water Bank Account | | | |
| 892 | <p>Service – Sewerage Services Sub-Service – Sewer Construction</p> <ul style="list-style-type: none"> Allocate funds to STP Rehabilitation - Maclean, Townend, Ilarwill Project to cover variation in works exceeding original budget from RA 79025 ER - Sewer Fund Reserve | \$Nil | \$56,510 | 6c.19.093 |
| 900 | <p>Service – EP&C Management Sub-Service – Directorate Mgmt EP&C Services</p> <ul style="list-style-type: none"> Allocate funds from RA 91140 - S94 - Roads & Bridges (Table 01-14) Copmanhurst to prepare funding application for Building Better Regions Fund to upgrade Clarence Way | \$Nil | \$30,000 | 6a.19.034 |
| 921 | <p>Service – Development and Environmental Services Sub-Service – Building and Environmental Services</p> <ul style="list-style-type: none"> Fund ecological assessments from RA 10375 - IR - Biodiversity Management Strategy | \$Nil | \$15,000 | 14.008/19 |
| 931 | <p>Service –Youth Services Sub-Service – Youth Services</p> <ul style="list-style-type: none"> Allocate additional Dept Family & Community Services grant funds (\$1,174) per 2019/20 indexation | \$Nil | \$Nil | N/A |
| 940 | <p>Service –Libraries Sub-Service – Clarence Regional Library</p> <ul style="list-style-type: none"> Per Clarence Regional Library Committee Minutes 16.5.19 Item 8.1 No. 2/19: <ul style="list-style-type: none"> ➤ Increase contribution from Clarence Valley Public Libraries based on 2019 per capita ABS data (\$41,102) ➤ Increase contribution from Bellingen Public Library based on 2019 per capita ABS data (\$10,182) ➤ Decrease contribution from Public Libraries of State Library Subsidy and Special Local Projects funding to be retained for Public Library use Clarence Valley \$213,500 and Bellingen \$59,531 And fund from RA 41125 – ER – Regional Library Accumulated Surplus Reserve | \$Nil | \$221,747 | N/A |

| Sub Service | Variation Comments | Net Impact to General Fund Decrease / (Increase) | Net Impact to Reserves Decrease / (Increase) | Previous Council Resolution |
|-------------|--|--|--|-----------------------------|
| 961 | Service – Land Use Planning Sub-Service – Land Use Planning <ul style="list-style-type: none"> Precinct Planning for Highway Bypass to be funded from RA 14073- IR - PLAN - Precinct Planning for Highway Bypass | (\$98,004) | \$98,000 | N/A |
| | TOTAL Proposed General Fund / Reserve Balance Impact | (\$56,052) | \$398,444 | |

Explanation of Attachment

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

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

COUNCIL IMPLICATIONS

Budget/Financial

General Fund Budget (Surplus)/Deficit

| | | |
|--|------------------|----------------|
| Original Budget | \$140,398 | Deficit |
| Q1 Revised Budget | \$397,227 | Deficit |
| Q2 Proposed Budget Variations - October | (\$43,417) | Surplus |
| Q2 Proposed Budget Variations - November | (\$56,052) | Surplus |
| Proposed Movement of General Fund 19/20 Budget Result November 2019 | \$297,758 | Deficit |

With respect to the above projected deficit position of \$297,758, it should be noted that the budget is yet to be varied for the Emergency Service Levy reduction, which will reduce the projected deficit position by approximately \$219,000. Revenue NSW has advised that councils are still required to pay the increased Emergency Services Levy for 2019, but will receive funding equal to their percentage contribution for the 2019/20 increase via a grant payment. Once these grant monies are received by Council, the budget will be amended accordingly.

Proposed Impact on External and Internal Financial Reserve Funds Result

Reserve Movements

| | | |
|---|---------------------|-----------------|
| Original Budget | (\$2,329,333) | Increase |
| Q1 Revised Budget | \$15,742,330 | Decrease |
| Q2 Proposed Budget Variations - October | \$423,864 | Decrease |
| Q2 Proposed Budget Variations - November | \$398,444 | Decrease |
| Proposed Movement of Reserve Funds 19/20 Budget Result November 2019 | \$16,564,638 | Decrease |

Asset Management

N/A

Policy or Regulation

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

Consultation

This report has been prepared after consultation with the Management Accounting Team.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|---|
| Prepared by | Christi Brown, Management Accountant Coordinator |
| Attachment | Income and Expenditure Statements by Fund & Sub Service |

| ITEM | 6c.19.109 | CLARENCE AND LOWER CLARENCE SPORTS COMMITTEES –MINUTES OF MEETINGS |
|--------------------|--|--|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Open Spaces & Facilities (Peter Birch) | |
| Attachment | 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:

1. Receive and note the Minutes from 11 November 2019 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. Endorse the following recommendations by the Clarence Sports Committee to:
 - a) Approve the application for funding of up to \$6,602.27 (ex GST) to Grafton Netball for the construction of a slab and shade shelter.
 - b) That if the T20 funding application is successful, approve the application for funding of up to \$9,845.00 (ex GST) towards the shade shelter project at JJ Lawrence Fields.
3. Endorse the recommendations by the Clarence Sports Committee that Big River Canoe Club and Grafton Street O/Bush n Beach Orienteering be accepted as members of the Clarence Sports Committee.
4. Endorse the recommendations by the Lower Clarence Sports Committee that Lawrence Golf Club and Maclean Mantra Rays Swimming Club be accepted as members of the Lower Clarence Sports Committee.

COUNCIL RESOLUTION – 6c.19.109

Williamson/Baker

That Council:

1. Receive and note the Minutes from 11 November 2019 Clarence Sports Committee and Lower Clarence Sports Committee meetings.
2. Endorse the following recommendations by the Clarence Sports Committee to:
 - a) Approve the application for funding of up to \$6,602.27 (ex GST) to Grafton Netball for the construction of a slab and shade shelter.
 - b) That if the T20 funding application is successful, approve the application for funding of up to \$9,845.00 (ex GST) towards the shade shelter project at JJ Lawrence Fields.
3. Endorse the recommendations by the Clarence Sports Committee that Big River Canoe Club and Grafton Street O/Bush n Beach Orienteering be accepted as members of the Clarence Sports Committee.
4. Endorse the recommendations by the Lower Clarence Sports Committee that Lawrence Golf Club and Maclean Mantra Rays Swimming Club be accepted as members of the Lower Clarence Sports Committee.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 met in Grafton Chambers at 4:30pm and the Lower Clarence Sports Committee met 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 Monday, 11 November 2019.

KEY ISSUES

Summary of General Business – Clarence Sports Committee

- Sports awards – report from the sub-committee
- Grant funding – update from Council
- Sports Committee funded projects – update from delegates
- Online booking system
- 2019/20 – Round 1 Sports Committee funding applications
- Stronger Country Communities Fund, Round 3 applications
- NSW Government, T20 World Cup 2020 Legacy Fund
- NSW Government, Infrastructure Grants
- Combined Sports Committee Meeting
- Mental Health Sports Funding opportunity
- Facilities – Occupancy Agreements
- Application for Sports Committee Membership
- General Business and updates from sporting delegates

Summary of General Business – Lower Clarence Sports Committee

- Sports awards – report for the sub-committee
- Grant funding – update from Council
- Sports Committee funded projects – update from delegates
- Online booking system
- 2019/20 – Round 1 Sports Committee funding applications
- NSW Government, Infrastructure Grants
- Combined Sports Committee Meeting
- Mental Health Sports Funding opportunity
- Facilities – Occupancy Agreements
- Application for Sports Committee Membership
- General Business and updates from sporting delegates

Sports Committee Funding

Council supports two Sports Committees in the Clarence Valley. The Clarence and Lower Clarence Sports Committees make recommendations to Council for the annual allocation of funds (currently \$35,000) for projects of a capital nature that enable the participation in sport in the Clarence Valley.

Received applications, after assessment by Council Officers against the Application Guidelines and Criteria for Sports Committee Funding Assistance, will be reported to, and considered at, the next available Sports Committee meeting. Recommendations made by the Sports Committees are then reported to Council for consideration and endorsement at the next available meeting of Council.

The 2019-20 Sports Committee Funding (Round 1) applications opened on Monday, 12 August 2019 and closed on Monday, 28 October 2019.

Summary of Sports Committee Funding – Clarence Sports Committee

| Application | Officer Recommendation based on assessment against Funding Guidelines | Committee Recommendation |
|--|--|--|
| Grafton Netball - Construction of a Slab and Shade Shelter. Allocation Requested: \$6,602.27 (ex GST) Total Project Cost: \$13,204.55 (ex GST) | Project meets application guidelines. Recommended for funding. | That Council approve the application for funding of \$6,602.27 (ex GST) to Grafton Netball for the construction of a slab and shade shelter. |
| Clarence Valley Council – Shade Shelter project. Allocation Requested: \$9,845.00 (ex GST) Total Project Cost: \$30,690 (ex GST) | Project meets application guidelines. Recommended for funding. | That if the T20 funding application is successful Council approves the application for funding of \$9,845.00 (ex GST) towards the shade shelter project at JJ Lawrence Fields. |

Summary of Sports Committee Funding – Lower Clarence Sports Committee

No completed applications were received from the Lower Clarence Sports Committee for 2019-20 Sports Committee Funding (Round 1).

Sports Committee Membership

Membership is available to the Sports Committees for all sports, as stated in their adopted Constitutions.

The Clarence Sports Committee received two applications for membership at the meeting held on Monday, 11 November 2019. The Committee recommended that Big River Canoe Club and Grafton Street O/Bush n Beach Orienteering be accepted as members of the Clarence Sports Committee.

The Lower Clarence Sports Committee received two applications for membership at the meeting held on Monday, 11 November 2019. The Committee recommended that Lawrence Golf Club and Maclean Mantra Rays Swimming Club be accepted as members of the Lower Clarence Sports Committee.

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.

The 2019-20 Sports Committee Funding (Round 1) applications opened on Monday, 12 August 2019 and closed on Monday, 28 October 2019.

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 organisation.

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 Monday, 11 November 2019.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|-------------|--|
| Prepared by | Gavin Beveridge, Parks and Recreation Officer |
| Attachment | Minutes – Clarence Sports Committee Meeting – 11 November 2019 Minutes – Lower Clarence Sports Committee Meeting – 11 November 2019 |

| | | |
|-------------|------------------|--|
| ITEM | 6c.19.110 | GRANT FUNDING – KEN LEESON OVAL ILUKA |
|-------------|------------------|--|

| | | |
|--------------------|--|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Troy Anderson) | |
| Attachment | Yes | |

SUMMARY

This report is to accept an offer of \$500,000 in grant funding from the Federal Government under the Community Development Program.

The funding will improve the amenity and canteen facilities at Ken Leeson Oval Iluka and enable the community to increase their use of the playing fields through hosting carnivals, events, training programs as well as presentation and gala days and passive recreational activities. The upgrade will also improve facilities that can be used for school sport programs, the local markets, events and cultural celebrations.

OFFICER RECOMMENDATION

That Council accept the funding offer of \$500,000 (GST exclusive) from the Community Development Grants Program for the Upgrade of Facilities at Ken Leeson Oval in Iluka.

COUNCIL RESOLUTION – 6c.19.110

Williamson/Baker

That Council accept the funding offer of \$500,000 (GST exclusive) from the Community Development Grants Program for the Upgrade of Facilities at Ken Leeson Oval in Iluka.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

A funding offer of \$500,000 from Infrastructure, Transport and Regional Development under the Federal Government Community Development Grants Program to provide improved amenities or renovate and extend the old clubhouse has been received. At the time of writing the report consultation with community user groups is scheduled in December to inform the scope of the project.

KEY ISSUES

The funding was announced by the Federal Government in response to representations made by the local community.

The project will involve removal of the existing detached toilet block near the tennis courts. The scope and location of upgraded amenities is yet to be finalised and will follow consultation with user groups. The current facility and toilet block are non-compliant with the access requirements.

COUNCIL IMPLICATIONS

Budget/Financial

The \$500,000 in grant funding is the total funds being provided to the project. The scope of the works will align with this budget and will include all planning and project management.

Asset Management

The funding will assist to remove older amenities in fair to poor condition and improve current built assets at the sports ground.

Policy or Regulation

The funding is being provided through the Federal Government Community Development Program.

Consultation

Currently being undertaken.

Legal and Risk Management

There is some risk that the user groups may not all agree on the scope of the works or that the budget may be insufficient to meet community expectations. Consultation with community groups is yet to be finalised while a bill of quantities to confirm budget will be undertaken as part of planning and design.

Climate Change

The project will allow removal of aging facilities while using energy efficient lighting and management systems will have a positive net benefit on climate change impacts.

| | |
|-------------|-------------------------------------|
| Prepared by | Leah Munro, Program Support Officer |
| Attachment | A – Letter of Grant Offer |

ITEM 6c.19.111 COAST AND ESTUARY MANAGEMENT COMMITTEE – ADDITIONAL MEMBER

| | | |
|--------------------|--------------------------------------|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Water Cycle (Greg Mashiah) | |
| Attachment | Yes | |

SUMMARY

A request to nominate as a member of Council's Coast and Estuary Management Committee has been received from the Clarence Cane Growers Association. The Committee Constitution currently provides for six community persons, and as there are currently six members appointed, the Constitution would need to be modified to allow a seventh member. This report provides information on the nomination and seeks Council's endorsement of the nominee.

OFFICER RECOMMENDATION

That:

1. Clause 3.1 of the Clarence Valley Coast and Estuary Management Committee Constitution be modified to increase the community membership to up to seven persons, with the number of representatives from estuary catchments increased to four.
2. Council appoint a Clarence Cane Growers Association representative for the remaining term of the CVC Coast and Estuary Management Committee.

COUNCIL RESOLUTION – 6c.19.111

Williamson/Baker

That:

1. **Clause 3.1 of the Clarence Valley Coast and Estuary Management Committee Constitution be modified to increase the community membership to up to seven persons, with the number of representatives from estuary catchments increased to four.**
2. **Council appoint a Clarence Cane Growers Association representative for the remaining term of the CVC Coast and Estuary Management Committee.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

Against: Nil

LINKAGE TO OUR COMMUNITY PLAN

Theme 4 Environment

Objective 4.1 We will preserve and enhance our natural environment

Strategy 4.1.1 Manage our coastal zone, waterways, catchments and floodplains in an ecologically sustainable manner

BACKGROUND

Council's Coast and Estuary Management Committee has existed since 2004 and provides input primarily towards management direction contained in coastal zone management plans.

At its meeting of 11 July 2017 Council appointed four community members to the Committee - Mrs Imelda Jennings (Angourie), Mr Peter Maslen (Gulmarrad), Mr Kevin Sheehan (Brooms Head) and Ms Danielle Adams (General Manager, Clarence River Fishermen's Co-Operative Ltd, Maclean) (Resolution 14.070/17). At its meeting of 28 May 2019 Council appointed two further representatives (Resolution 15.090/19) – Roslyn Woodward from Valley Watch Incorporated (with Nick O'Brien as the alternative) and Ross Roberts, representing Harwood Marine.

An expression of interest to join the Committee has been received from the Clarence Cane Growers Association (see attachment).

KEY ISSUES

This Committee has traditionally been an essential component of CVC consultation in the development of Coastal Zone Management Plans (now called Coastal Management Programs).

Council resolved at its September 2016 meeting to re-establish the Coast and Estuary Management Committee for the 2016-2020 term of Council. Cr Clancy is the current Chair of the Committee.

The Committee Constitution provides for up to six community persons so the Constitution would need to be modified were Council to appoint an additional community member. The Cane Industry has expressed a genuine interest in Committee issues and will bring with them skills and knowledge that will benefit the Committee and broaden its diversity.

COUNCIL IMPLICATIONS

Budget/Financial

The benefits to Council far outweigh the minimal administrative cost to organise this Committee.

Asset Management

N/A

Policy or Regulation

NSW Coastal Management Act 2016

Consultation

N/A

Legal and Risk Management

The operation of the Committee provides a convenient forum for relevant agencies, CVC and public persons to deliberate on coast and estuary management matters. Having these discussions is considered to reduce short and longer term risk to Council and other managers of the coastal zone.

Climate Change

This Committee will assist Council in completing its Coastal Management Programs, in line with the requirements of the NSW Coastal Management Act 2016, which aims to mitigate current and future risks from coastal hazards, taking into account the effects of climate change.

| | |
|-------------|---|
| Prepared by | Peter Wilson, Coast and Estuary Coordinator |
| Attachment | Current Clarence Valley Coast and Estuary Management Committee Constitution Request from Clarence Cane Growers Association |

| ITEM | 6c.19.112 | GRAFTON POOL MASTER PLAN DESIGN – LOCATED ON CROWN LAND |
|--------------------|--|---|
| Meeting | Corporate, Governance & Works Committee | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Open Spaces & Facilities (Peter Birch) | |
| Attachment | To be tabled | |

SUMMARY

This report addresses item 3 of Council resolution 15.099/18 presenting a return on investment analysis, including an evaluation on a whole of life costings and associated impacts, on the long term financial plan for the Grafton Olympic Pool Master Plan. In doing so, and supported by advice from Royal Life Saving NSW and specialists consultants in aquatic recreation planning, it is recommended that an alternate Master Plan be adopted.

OFFICER RECOMMENDATION

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rec A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool, and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.
4. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its Draft 2020/2021 budget.
5. Actively seek Government support for the project and apply for suitable external funding.
6. Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out short term temporary repairs to reduce water loss to the pool structures and associated services.
7. Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 6, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.

MOTION (1)

Kingsley/Baker

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rev A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Reconfirm its previous adoption of Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.
4. Seek an estimate of cost for the construction of a new diving pool and associated infrastructure including towers and boards and report these costs to its April 2020 meeting.
5. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its 2020/2021 budget.
6. Actively seek Government support for the project and apply for suitable external funding.
7. Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out

short term temporary repairs to reduce water loss to the pool structures and associated services.

8. Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.

AMENDMENT TO MOTION (1)

Williamson/Lysaught

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rev A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool, and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.
4. Seek an estimate of cost for the construction of a new diving pool and associated infrastructure including towers and boards and report these costs to its April 2020 meeting.
5. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its 2020/2021 budget.
6. Actively seek Government support for the project and apply for suitable external funding.
7. Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out short term temporary repairs to reduce water loss to the pool structures and associated services.
8. Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.

Voting recorded as follows:

For: Lysaught, Novak, Ellem, Toms, Williamson, Baker

Against: Simmons, Kingsley

The Amendment to Motion was put and declared CARRIED. The Amendment became the substantive motion.

COUNCIL RESOLUTION – 6c.19.112

Kingsley/Baker

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rev A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool, and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.
4. Seek an estimate of cost for the construction of a new diving pool and associated infrastructure including towers and boards and report these costs to its April 2020 meeting.
5. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its 2020/2021 budget.
6. Actively seek Government support for the project and apply for suitable external funding.
7. Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out short term temporary repairs to reduce water loss to the pool structures and associated services.

8. Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.

Voting recorded as follows:

For: Williamson, Ellem, Novak, Baker, Lysaught, Simmons

Against: Kingsley, Toms

AMENDMENT TO MOTION (2)

Toms/Novak

That Council, as Crown Land Manager of the Grafton Westward and General Douglas MacArthur Park Reserve (R540035):

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rev A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool, and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018 and that it be placed on exhibition until end of February 2020.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs to its April 2020 meeting.
4. Seek an estimate of cost for the construction of a new diving pool and associated infrastructure including towers and boards and report these costs to its April 2020 meeting.
5. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its 2020/2021 budget.
6. Actively seek Government support for the project and apply for suitable external funding.
7. Allocate \$50,000 from the general fund to investigate the water leaks, and where practicable carry out short term temporary repairs to reduce water loss to the pool structures and associated services.
8. Receive a report to its March 2020 meeting which details the findings of the works undertaken in point 7, and provides a risk analysis of potential failure of the pool structure and associated infrastructure.

Voting recorded as follows:

For: Toms, Novak, Kingsley

Against: Ellem, Williamson, Baker, Lysaught, Simmons

The Amendment to Motion was put and declared LOST. The substantive motion was then considered.

FORESHADOWED MOTION

Williamson

That this item be deferred to February 2020.

LINKAGE TO OUR COMMUNITY PLAN

Theme 1 Society

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

Strategy 1.2.1 Provide, maintain and develop sport and recreational facilities and encourage greater utilisation and participation

BACKGROUND

Adoption of Concept Masterplan 2016/17

The Grafton Olympic Pool Master Plan was the subject of a report to the Trust June 2016 (Item 15.054/16) where it was resolved to 'place the Grafton Olympic Pool concept Master Plan on public exhibition for a period of 28 days and seek input from relevant stakeholders and user groups'. The outcome of the public exhibition period was reported to the Trust December 2016 (Item 15.152/16) where it was resolved to progress the Master Plan design.

Elements of Master Plan

Liquid Blu Pty Ltd (Liquid Blu) were engaged to advance the Master Plan, incorporating all elements of Council resolution 15.152/16 into the plan. The elements included:

- a. Heated indoor learn to swim / program pool
- b. Refurbished 50 metre pool, widened to 8 lanes including new/refurbished grandstand/s
- c. Gym and fitness activity / equipment
- d. Splash pad / zero depth water play area
- e. Waterslide upgrade
- f. Shade
- g. Heated indoor 25m Lap pool
- h. Heated beach entry leisure pool
- i. Refurbished dive pool
- j. Ramp access to the 50m pool, the 25m heated indoor lap pool and the learn to swim pool

Strength Compression and Chemical Testing

To inform a final Master Plan, strength, compression and chemical testing was undertaken on the diving pool and 50m pool structures. This testing determined the condition of the structures and the implications of incorporating them 'as is' in the future design of the facility. The results formed part of the December 2017 report [Item 15.257/17], a summary of the findings being; the walls were detected to be 170 – 200mm thick, the floor was 320mm thick in the diving pool & 200mm thick in the 50m swimming pool. Both pools tested positive for chlorides and sulphates concentrates in the concrete, the level of chlorides were border-line acceptable, and the level of sulphates were greater than the allowable limit. The results concluded that the pool structures currently met the required strength and compression limits however the chlorides and sulphates concentrations required some form of action (liner / renewal) within the next five years for the 50m pool, and twenty years for the diving pool.

Considering the requirement for significant works in the near term to the 50m pool, and the major modifications requested by the community, it was determined that it was unlikely to be a positive cost benefit for the renovation of the existing structure versus the construction of new pool. A new 50m pool creates the opportunity to relocate the pool to address community feedback, improve circulation and solar orientation. At the time of developing the Master Plan (Option 1), it was decided to retain the existing location of the diving pool.

Adoption of Masterplan Design 2018

Council adopted Master Plan (Option 1) (refer Figure 1) at its June 2018 meeting (Item 15.099/18) and resolved:

That Council:

1. **Endorse the Masterplan design for the Grafton Olympic Pool.**
2. **Actively seek Government support for the project and apply for suitable external funding.**
3. *Undertake a return on investment analysis including an evaluation on a whole of life costings and associated impacts on the long term financial plan for the development of the Grafton Olympic Pool to be funded from RA 10690 Aquatic Facilities Reserve.*

Return on Investment Analysis 2018/19

Liquid Blu with assistance from Otium Planning (aquatic recreation planning specialists) were engaged to undertake the required return on investment (ROI) analysis and evaluation of whole of life (WOL) costing with an associated impact assessment for the Master Plan design. Both organisations have extensive experience in aquatic recreation planning and project management across Australia.

Through the process of completing the ROI and WOL analysis, the following information was considered:

- efficiency savings
- the demographics of the Grafton and greater Grafton area
- the location of the learn to swim pool in relation to the café
- location of the splash pad in relation to other aquatic features
- industry trends and best practice for all elements
- safety impacts including the deep water of the dive pool at the front entry
- safety issues with the recreational diving structure
- an additional full time lifeguard (and costs) would be required to supervise the diving pool and structure if opened at all times
- operating costs including numbers of lifeguard personnel
- efficiency savings with the consolidation of plant and equipment.

Alternate Master Plan

When considering the above points with Master Plan (Option 1) it was then determined that alternative layout options need to be considered to achieve the greatest ROI and WOL costs. Further design configurations were developed and an alternate updated Master Plan [Master Plan (Update - Option 2)] as shown in Figure 2 was created. Master Plan (Update - Option 2) was tested against the above considerations and determined that it would achieve better cost efficiencies than the previously endorsed Master Plan (Option 1). Master Plan (Update - Option 2) is detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 and is shown in Figure 2 below.

An overview of the two Master Plan options is provided in Key Issues, the key differences being the provision of a dive pool; reorientation of entry point; connectivity and the refined location of other structures.

KEY ISSUES

The two options considered for the facility include the following:

Master Plan (Option 1)

A summary of key elements of Option 1 are:

- New entry on Oliver Street
- Main building to be extensively refurbished
- Indoor learn to swim and beach entry leisure accessible pool for all year round swimming
- Kiosk and administration area adjacent to the new main entry off Oliver Street
- Store room and amenities in the new pool hall near the leisure pool
- 8 lane 25m accessible pool for all year round swimming
- Splash pad
- 8 lane 50m accessible pool in a new location, near western boundary, Turf Street for summer season swimming
- Retention of existing dive pool – to be refurbished (summer season only)
- 2 x new waterslides



Figure 1: Option 1 – Adopted Master Plan Design Retaining the Dive Pool

Table 1 provides a SWOT analysis of Option 1.

Table 1 – Option 1 SWOT analysis

| Strengths | Weakness |
|---|--|
| <ul style="list-style-type: none"> * The provision of the 8 lane 50m pool protects traditional use * The provision of enclosed/semi-enclosed 8 lane 25m pool provides year round access for lap swimming and program activities including learn to swim * The water depth could be suitable for a variety of use * The combined leisure and learn to swim pool provides an environment for children to be active and occupied pre and post swimming lessons which has proved to be successful in other facilities * Subject to programming, the warm water pool could be used for rehabilitation and recovery * All ability access is provided into all pools and the splash pad * The inclusion of waterslides, learn to swim and water play activities like a splash pad supports a higher proportion of children within the catchment | <ul style="list-style-type: none"> * Water temperature requirements vary depending on pool use and can up to a 6° difference * Each of the pools are seperated, which will increase the lifeguarding cost * The segmented layout will decrease income from secondary spend as most pools are too far away from the cafe * This layout seperates the splash pad from the cafe area which will decrease second spend * The seperated pool layout will mean that patrons will need to transverse between indoor/outdoor pools, adversely impacting the user experience * Limited green space available will restrict the potential outdoor fitness activities. Health and fitness elements provide a higher return per m2 compared to the pools and therefore have a positive impact on the overall viability of the centre * Two plant rooms will seperate operations staff, increase requirements for chemical deliveries * As it does not meet FINA standards, the dive pool can not be used for competition. As a recreational item, it is subjected to increased risk of customer injury |
| Opportunities | Threats |
| <ul style="list-style-type: none"> * The 8 lane pool provides opportunities for the competitive, training and fitness markets | <ul style="list-style-type: none"> * Location of the dive pool results in patrons entering the facility having to walk past the deepest water on site in order to access all other pools * Lifeguard supervision within the dive pool area will be intensified resulting in increased operating costs |

Master Plan – Update (Option 2)

A summary of key elements of Option 2 are:

- Retain existing entry including the refurbishment of existing building and connection to indoor water bodies
- Indoor learn to swim with beach entry leisure accessible pool (in current position of dive pool) for all year round swimming
- Warm water accessible program pool, likely 5/6 lane but 25m, also for all year round swimming for rehabilitation, recovery and lap swimming
- Splash pad
- Accessible amenities and changing places room located in the new pool hall
- Plant room consolidating all equipment at the rear of the lot
- 2 x waterslides
- 8 lane 50m accessible pool in a new location, near western boundary, Turf Street, for summer season swimming, possibly with a bulkhead that would create two 25m summer pool options.
- It could be possible to include a slightly deeper end if a small (e.g. 1m high) dive platform was installed to the 50m pool in lieu of the loss of the dive pool. This option would be much more efficient than having a separate dive pool as currently exists but still retain some diving experience.
- Retains greater area of existing green space to the eastern side of the site for potential outdoor fitness activity.



Figure 2: Option 2 – Proposed Master Plan Design Removing the Dive Pool

Table 2 provides a SWOT analysis of Option 2.

Table 2 – Option 2 SWOT analysis

| Strengths | Weakness |
|--|---|
| <ul style="list-style-type: none"> * The provision of the 8 lane 50m pool protects traditional use * The provision of enclosed/semi-enclosed 8 lane 25m pool provides year round access for lap swimming and program activities including learn to swim * The water depth could be suitable for a variety of use * The combined leisure and learn to swim pool provides an environment for children to be active and occupied pre and post swimming lessons which has proved to be successful in other facilities * Subject to programming, the warm water pool could be used for rehabilitation and recovery * All ability access is provided into all pools and the splash pad * The design responds better to the demographic characteristics of the Clarence Valley with higher than average older and younger age profiles * The warm water pool is located near the cafe, encouraging secondary spend and increasing revenue * The inclusion of waterslides, learn to swim and water play activities like a splash pad supports a higher proportion of children within the catchment * The layout has the splash pad area closer to the cafe will encourage secondary spend * The layout supports shallow water been the closest to the entry which is preferable from a safety perspective * This layout results in a much closer alignment between pools, potentially reducing lifeguard costs * Patrons accessing the indoor pools will remain indoors from entry to change to pool activity increasing user experience * Increased green space allowing for potential for outdoor fitness * One plant room consolidates operations, increasing efficiencies | <ul style="list-style-type: none"> * Water temperature requirements vary depending on pool use and can up to a 6° difference * The removal of the dive pool will remove an attraction from the facility |
| Opportunities | Threats |
| <ul style="list-style-type: none"> * The 8 lane pool provides opportunities for the competitive, training and fitness markets * A removable bulkhead could provide flexibility around 25m squad and lap swimming, potentially water polo or other team activities * Increased green space allows for various fitness activities to compliment the aquatic environment | |

Clarence Valley – Population Profile

The estimated population of Clarence Valley Council area as at 2017 was 51,570. Population growth of 4,650 persons over twenty years to 2036 is projected.

Key catchment characteristics of the Clarence Valley include:

- 30.5% of households have children (couples and single parents)
- 8.2% of households have a high income (\$2500 or more per week) & 26.9% were low (\$649 or less)
- The median age is 49
- The SEFIA Index has a high level of disadvantage in the Clarence Valley (926.0) compared to Regional NSW (971.0) and New South Wales (1001.0).

Figure 3 highlights the age groups of the population to 2036 highlighting the high concentration of people aged 40 years (64.1%) and over which is consistent with Australia’s population trend of greater aging communities.

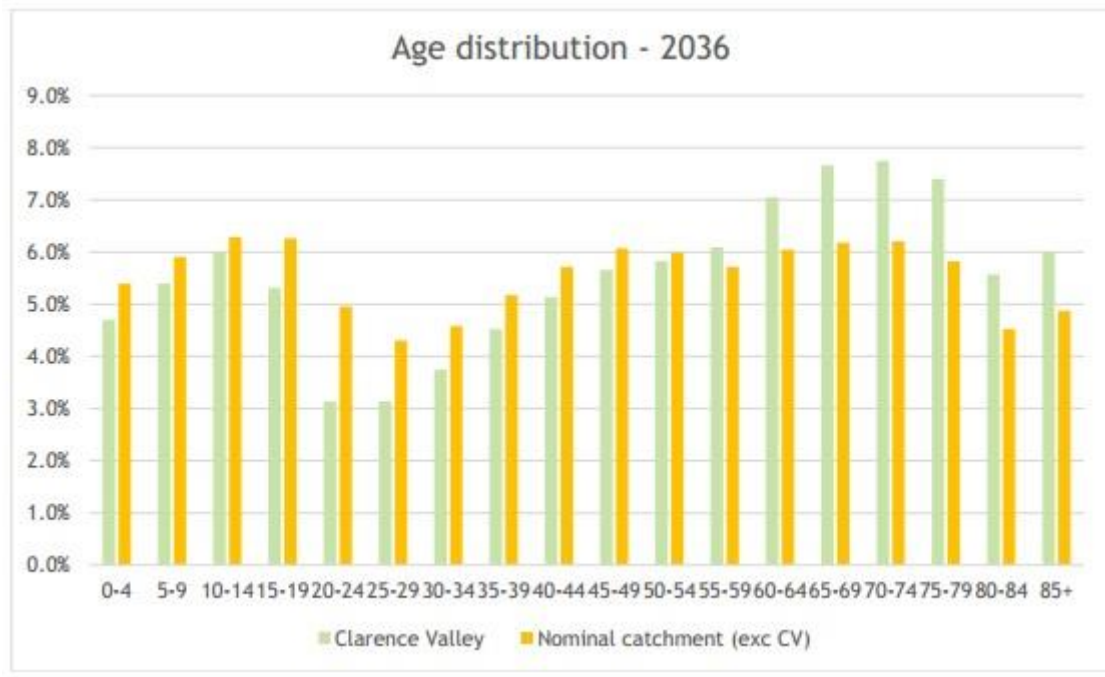


Figure 3: Age Profile to 2036

Pool Entries

The proposed catchment to use the facility on a regular basis includes persons primarily from Grafton & South Grafton in addition to the greater Clarence Valley for special events eg carnivals.

Grafton Olympic Pool

The Grafton Olympic Pool is currently open seasonally from late September to March (aligns with school holiday periods). Pool entries will fluctuate depending on the climatic conditions. Figure 4 indicates the total pool entries for the past four years.

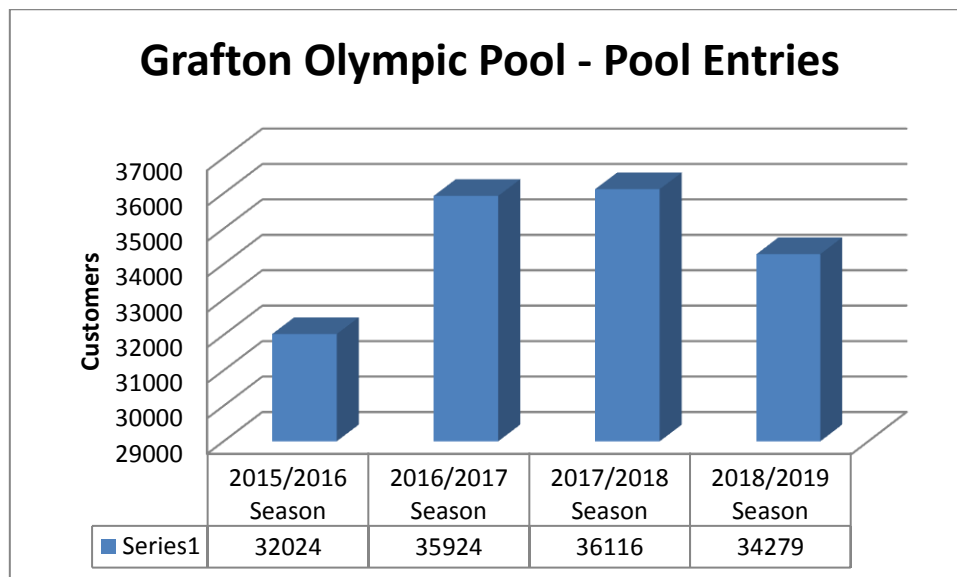


Figure 4: Grafton Pool Entries

South Grafton Pool

The South Grafton Pool is open year round. Figure 5 indicates the total pool entries for the past four years.

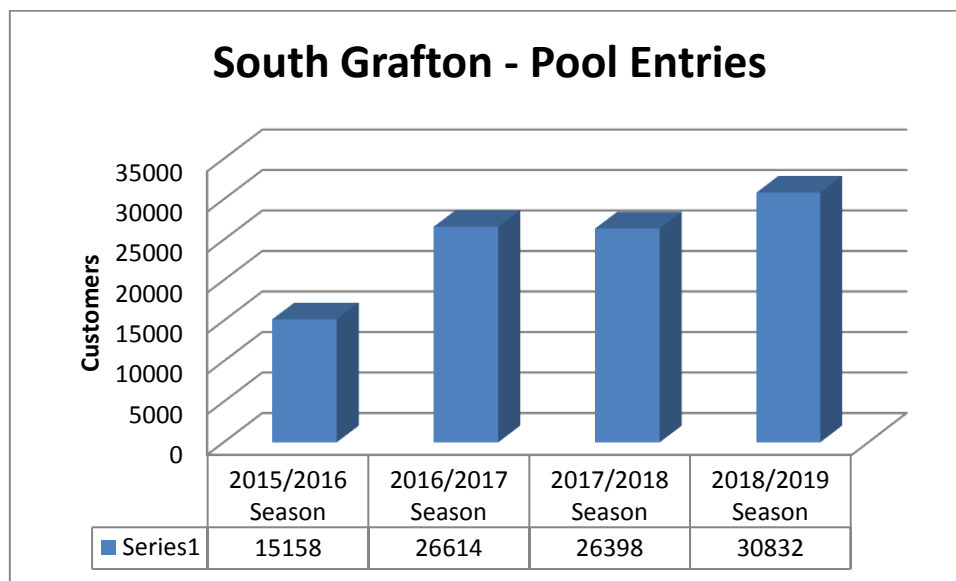


Figure 5: South Grafton Pool Entries

Increased Entry Figures

Entry figures are projected to increase further with the inclusion of additional facilities including the splash pad, warm water pools and two waterslides. These items are expected to encourage patrons to stay longer and spend more money on secondary items (eg food, drinks and swimming accessories).

Desktop Audit and Peer Review

A desktop audit and external peer review of the two options (Option 1 and Option 2) was undertaken by independent aquatic experts, Royal Lifesaving NSW (RL). RL concluded that Option 2 was the more favourable plan based on patron safety and operating conditions. The functional layout of Option 2 ensures that recreation spaces are located away from the deep water environments. Further, the removal of the dive pool eliminates risk associated with deep water, particularly in its current position at the front of the facility. They also note additional supervision and operating costs associated with the retention of the dive pool.

RL identified the primary advantages of Option 2 as:

- provides continuous , accessible paths of travel into the pool hall
- proximity of change and toilet facilities in the pool hall
- the location of recreational space away from deep water environments
- the location of recreational elements including splash pad and slides on the eastern side
- the plan allows for the restriction of access to outdoor spaces during the winter closure
- the removal of the dive pool completely eliminates the risk of unintentional entering of that pool, particularly noting the proximity to the pool entry
- the removal of the dive pool eliminates the public safety risk of injury when used for recreational purposes as well as the increased supervision required
- Efficient use of space which will save on operational expenses including lifeguards
- Efficient plant room design consolidating equipment where possible

RL's assessment was based on the Guidelines for Safe Pool Operation as well as NSW Health Guidelines and other advisory documents. The RL report is included as an attachment.

Detailed Design and Associated Documentation

It is imperative that detailed design and the development of documentation proceed sooner rather than later. Not only is the existing pool nearing the end of its life as advised elsewhere in this report, the project needs to be 'shovel ready' in the case of a grant opportunity being presented. The development of the detailed design and associated documentation would ensure that the required planning and cost estimates would be complete and therefore reduce the risk that is associated with seeking and accepting grant funding without proper design and costing work being undertaken.

It is recommended that quotations be sought for these design works and that they be reported to a future meeting of Council, and that the production of the detailed design and associated documentation is included in the 2020/2021 delivery plan.

Project Delivery

Both Master Plan options enable and allow for the project to be delivered in its entirety, or staged to suit available finance. Each Option has facilities that impact the operation of the facility and each plan requires the demolition and reconstruction of the 50m pool to enable the realisation of the complete plan.

Summary and Recommendation

In consideration of the ROI analysis, the evaluation of WOL costing with an associated impacts assessment for the Master Plan design, and the review from RL in which the appointed industry experts conclusively recommend Master Plan – Update (Option 2) to be the most advantageous arrangement when measured against operational savings, functionality, user experience and risk management, it is therefore recommended that Council:

1. Receive and note the Grafton Aquatic Centre – Adjunct Report Master Plan (Rec A) dated 12 December 2018 and the Royal Lifesaving Desk Top Audit dated February 2019.
2. Adopt Master Plan – Update (Option 2) as detailed on Liquid Blu Plan SK-03 (Rev B) dated 19 November 2018 as the Master Plan for the Grafton Olympic Pool and supersede the previously endorsed Master Plan (Option 1) as detailed on Liquid Blu Plan MP-01 (Rev C) dated 22 May 2018.
3. Seek quotations for the production of the detailed design and associated documentation for the development of Grafton Aquatic Centre and report these costs its April 2020 meeting.
4. Include the production of the detailed design and associated documentation for the Grafton Aquatic Centre in its Draft 2020/2021 budget.
5. Actively seek Government support for the project and apply for suitable external funding.

COUNCIL IMPLICATIONS**Budget/Financial**Projected capital costsOption 1 – Retaining the dive pool (extracted from Attachment A)**Table 17 – GAC Project Budget Funding for Master Plan**

| SOURCE | AMOUNT |
|--|---------------------|
| Stage 1 – Programme / Leisure Pool and Main Building | \$6,066,000 |
| Stage 2 – 50m Pool and Grandstand | \$5,339,000 |
| Stage 3 – Waterslides and Dive Pool | \$1,947,000 |
| Stage 4 – 25m Pool | \$2,548,000 |
| Stage 5 – Splash Pad | \$727,000 |
| Stage 6 – Ancillary Facilities | \$350,000 |
| Total | \$16,977,000 |

Refer to Appendix B for the Quantity Surveyor's GACR preliminary cost estimate breakdown.

Option 2 – Removing the dive pool

A quantity surveyor has not provided an estimate for Option 2, however advice received from Liquid Blu the capital cost of Option 2 should not vary significantly from Option 1 due to inclusion of similar elements/minor changes to structures.

It is not possible to separate existing operational costs between the existing dive pool and the 50m pool or other pools at the complex.

Patronage

The catchment area of the Grafton pool has been determined as primarily Grafton and South Grafton in addition to the greater Clarence Valley for events including carnivals and special events.

Otium Planning estimates an increase in patron numbers due to the additional features including the fitness space/gym, merchandise and café facilities, the aquatic features including the splash pad and waterslides, accessible ramps to the warm water pools. The projected patron numbers have also been compared with similar regional facilities utilising Centre for Environmental and Recreation Management (CERM) data.

Actual patronage of Grafton and South Grafton Pools for the 2018/19 season has also been provided modelling both Options.

Forecasted centre performance and projected operating costs

Otium Planning have reviewed both options and completed modelling of the operating performance of each for a ten-year period.

They have been able to modify the aquatic leisure and cultural community financial model to reflect the exact component area of each option, developing a range of operating and usage assumptions for these components.

The operating forecast is shown in Table 3 and has been based on the year 3 forecasted costs when new centre should be fully operational. This includes the increase in patronage and income / expenditure from the gym / merchandising.

Table 3: Operating costs, based on projected visitations (Otium)

| Item | Option 1 | Option 2 |
|---|--------------------|--------------------|
| Visitation- Aquatic | 206,310 | 245,830 |
| Visitation - Gym/fitness | 24,336 | 24,336 |
| Visitation - Total | 230,646 | 270,166 |
| Income – Aquatic# | \$2,155,930 | \$2,361,959 |
| Income - Gym | \$106,028 | \$106,028 |
| Income - Merchandise/café | \$265,516 | \$367,558 |
| Income - Total | \$2,527,474 | \$2,835,545 |
| Expenditure - Aquatic | \$2,200,439 | \$2,094,119 |
| Expenditure - Gym | \$107,091 | \$109,493 |
| Expenditure - Merchandise | \$246,669 | \$289,061 |
| Expenditure - Undistributed Management cost | \$351,901 | \$381,396 |
| Expenditure - Total | \$2,906,100 | \$2,874,069 |
| Result | \$378,626 | \$38,524 |
| Subsidy | \$1.64 | \$0.14 |

Operating forecasts have used the current fees for the Grafton pool where possible.

Based on these operational forecasts, Option 2 will provide increased visitation and a better financial return.

Actual centre performance and projected operating costs

The actual entries for Option 1 and 10% increase for Option 2 are equivalent to the Otium forecast in Table 3. This analysis does not include income or expenditure for the Gym and Merchandise this being reflective of the current management contracts.

Table 4: Operating costs based on current visitations (actual 2018/19 season)

| Item | Option 1 | Option 2 |
|---|--------------------|--------------------|
| Visitation- Aquatic | 65,111 | 78,133 |
| Visitation - Gym/fitness | 6,511 | 7,813 |
| Visitation - Total | 71,622 | 85,947 |
| Income – Aquatic# | \$669,667 | \$803,600 |
| Income - Gym | \$0 | \$0 |
| Income - Merchandise/café | \$0 | \$0 |
| Income - Total | \$669,667 | \$803,600 |
| Expenditure - Aquatic | \$2,200,439 | \$2,094,119 |
| Expenditure - Gym | \$0 | \$0 |
| Expenditure - Merchandise | \$0 | \$0 |
| Expenditure - Undistributed Management cost | \$351,901 | \$381,396 |
| Expenditure - Total | \$2,552,340 | \$2,475,515 |
| Result | \$1,882,673 | \$1,671,915 |
| Subsidy | \$26.29 | \$19.45 |

Operating forecasts have used the current fees for the Grafton pool where possible.

Based on the actual operational forecasts, as with the Otium Planning forecasted analysis in Table 1, Option 2 continues to provide increased visitation and a better financial return.

Whole of Life Cost

A detailed whole of life costing report has been prepared and is detailed in the attached report. Assumptions for inclusions are in line with industry standards and guidelines and are provided in current dollars and summarised in Table 5.

Table 5 – Annualised Whole of Life Costs for Option 2

| Year | Annual Cost |
|--------------|------------------------|
| 1 | \$ 68,661.25 |
| 2 | \$ 75,111.25 |
| 3 | \$ 82,161.25 |
| 4 | \$ 167,052.00 |
| 5 | \$ 203,902.00 |
| 6 | \$ 199,052.00 |
| 7 | \$ 182,786.24 |
| 8 | \$ 195,952.00 |
| 9 | \$ 203,202.00 |
| 10 | \$ 337,447.24 |
| 11 | \$ 183,082.00 |
| 12 | \$ 210,140.00 |
| 13 | \$ 318,342.00 |
| 14 | \$ 178,636.24 |
| 15 | \$ 513,608.41 |
| 16 | \$ 167,052.00 |
| 17 | \$ 179,716.00 |
| 18 | \$ 393,772.00 |
| 19 | \$ 183,082.00 |
| 20 | \$ 423,583.43 |
| 21 | \$ 216,469.24 |
| 22 | \$ 167,052.00 |
| 23 | \$ 318,342.00 |
| 24 | \$ 208,457.00 |
| 25 | \$ 152,907.00 |
| 26 | \$ 91,940.75 |
| 27 | \$ 169,597.16 |
| 28 | \$ 76,650.75 |
| Total | \$ 5,867,757.19 |

This equates to an average annualised cost of \$238,617.

The full breakdown of inclusions is included in the attached report which has a full maintenance breakdown schedule and details of staging elements and assumptions.

Costs of Master Plan

The costs to date to develop the master plan and implement the requirements of associated Council resolutions are shown in Table 6.

Table 6 – Master plan costs

| Resolution | Item | Cost | Source of funding |
|-------------------------|--|-----------------|---|
| 15.112/17 and 15.257/17 | Master Plan development | \$22,055 | Recurrent expenditure for master plan development |
| 15.099/18 | Whole of life and return on investment reports | \$34,480 | Aquatic Facilities Reserve |
| | Total | \$56,535 | |

The costs associated with undertaking the analysis required by Council resolution 15.099/18 are detailed further in Table 7.

Table 7 - Summary Design and Planning Master Plan Costs

| Discipline | Company | Assessment | Cost |
|-------------------------|----------------------|--|--------------------|
| Aquatic Engineer | Aquatic One | Aquatic Elements | \$5,500.00 |
| Quantity Surveyor | Altus Group | Site and Building Elements | \$4,500.00 |
| Architecture | Liquid Blu | Whole of Life and Return on Investment Reporting | \$9,000.00 |
| Sport & Leisure Planner | Otium Planning Group | Return on Investment Assessment | \$12,100.00 |
| Audit | Royal Life NSW | Design including aquatic and building elements | \$3,740.00 |
| | | | \$34,840.00 |

Asset Management

Most items included in the design were identified in the 2013 Aquatic Facilities Strategy as requiring attention in the short to medium term.

Chemical analysis and structural testing was undertaken to inform the design process. The results from the chemical testing on the existing structure concluded that the chloride content was border-line while the sulphates were too high and in some instances were over the allowable limit.

The result of the testing highlights the decline of the structural integrity and the likely catastrophic failure within the next 5-10 years. Detailed information with regard to the testing was included in Council Report Item 15.257/17 and specifically Attachment E – Cardno Investigation Report.

Refurbishment of the pools to control current leaking and water loss would include the basin and possibly gutters to address the leaks.

A further inspection was undertaken by an external structural engineer in October 2019 on the pool concourse between the dive and 50m pool, (refer to Attachment F). This section of concrete appeared to be moving and has been filled and grinded in the past years to reduce a tripping hazard. The engineer concluded that this section was fit for purpose, however requires improved drainage and waterproofing as a preventative measure against vertical cracks presenting as hazards. The engineer has also recommended that Council engage a suitably qualified engineer to complete a comprehensive investigation on the waterslide structure.

Water Consumption

An outcome of the structural decline is water consumption through leaks in the pool structure and/or pipes. The leaks have been investigated with attempts made to repair, to date these repair works have not been able to stop or slow the leaks. The quantum of water consumption was investigated to determine the level of the issue, with alarming results as indicated in Figure 6.

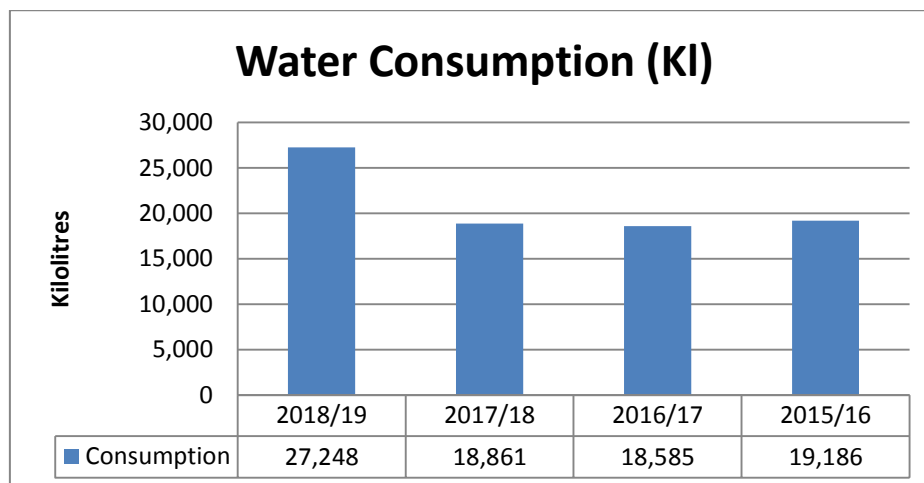


Figure 6 – Water Consumption (KI) at Grafton Pool

This graph indicates the structures are leaking and failing at an alarming rate.

From the figures in Figure 6, the cost of water is:

- 2018/19 - \$122,506 (27,248 kilolitres)
- 2017/18 - \$83,477
- 2016/17 - \$80,941
- 2015/16 - \$73,928

As a comparison the following costs are for Maclean Pool which has similar area of water bodies and is also known to have a leak:

- 2018/19 - \$32,782 (7,256 kilolitres)
- 2017/18 - \$25,492
- 2016/17 - \$29,292

The Grafton Pool, including the 50m, dive and toddler pool drains within 10 days when the equipment is turned off, without any mechanical or manual aids. It is not known where the water goes as there are no visible signs on the surface.

In addition to the general water supply charges, the water consumption results in hidden operating costs for consumables such as chemicals, and electricity.

It is recommended that investigation be undertaken to ascertain the source of water leaks and where practical carry out short term repairs in an attempt to reduce water loss.

Consideration needs to be given to taking actions soon in order to address increasing maintenance costs and potential pool failure. Additionally, if water loss continues and cannot be abated it may be necessary at a foreseeable date, or by next swim season, to shut down some areas of the facility (e.g. dive pool).

Policy or Regulation

The following references are applicable to this report:

- Report Item 15.099/18 – June 2018
- Report Item 15.257/17 – December 2017
- Report Item 15.211/17 – October 2017
- Report Item 15.112/17 – June 2017
- Report Item 13.016/17 – April 2017
- Report Item 15.152/16 – December 2016
- Report Item 15.054/16 – June 2016
- Sports Management Policy

- Asset Management Policy
- Clarence Valley Sports Facilities Plan
- Clarence Valley Aquatic Facility Strategy
- Disability Inclusion Action Plan 2017 – 2021
- NSW Disability Inclusion Act 2014
- Native Title Act 1993

Consultation

Consultation on the original Master Plan occurred with the community and pool stakeholders with results reported to Council in December 2016 [Item 15.152/16].

Council's Strategic Reserves Planner has been consulted and provided some guidance regarding the proposed development and Native Title.

Council staff have met and sought input from the current management contractor on both options.

Legal and Risk Management

As a result of the chemical testing, it has concluded that the 50m pool structure will fail in the coming years. It is recommended that action is taken for future planning of the site now. If no action is taken, due to the age and chemical content, the pool structures, especially the 50m pool, will fail in time resulting in the need to close the part or all of the complex with a likely strong adverse community response.

Delaying action on proceeding with upgrades to the facility will only exponentially increase maintenance costs in the short to medium term.

Option 2 removes the dive pool from the Master Plan, which will decrease Council's risk associated with deep water as well as this type of infrastructure, which in the current form is only used for recreational purposes.

There are currently no dive clubs located in the Clarence Valley and the current infrastructure would not be up to standard to host any diving competitions with removal of the dive pool. RL identified that as the use of the dive platform is only for recreational use, that strategic supervision strategies and administrative controls would need to be implemented for times when the pool and tower are operational.

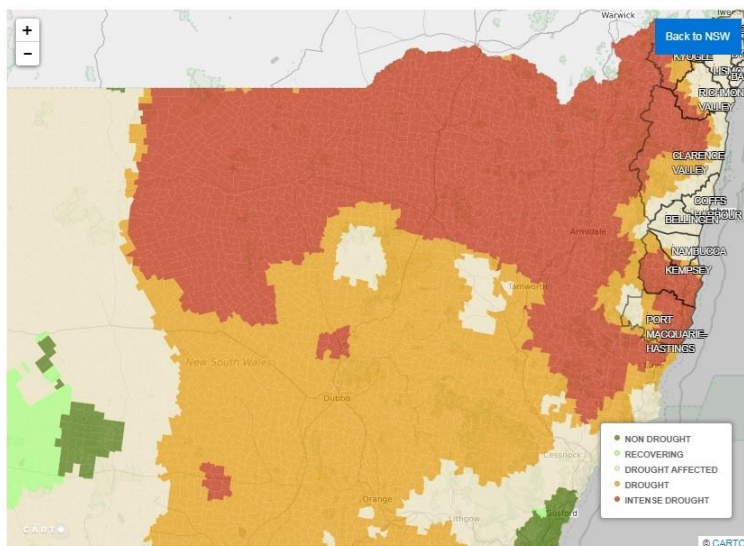
The dive pool is recommended for removal by industry experts, including the Royal Life Saving Society of NSW as well as specialist aquatic planners. There are also increased operating costs for supervision, chemicals and water to retain the dive pool.

There is an option to put a small (e.g. 1metre) dive platform board on the deep end of the 50m pool which would increase the depth in this area and have additional costs, however not as high as a separate water body. Lap swimming could still be accommodated with limited 50m lanes being used or with a 25m barrier that would enable 25m laps to still take place if the dive board was in use.

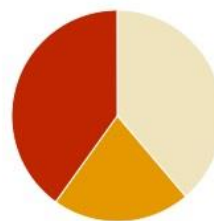
Climate Change

The Grafton Pool Master Plan generally aligns with Council's Climate Change Policy in that facilities that will be impacted by weather events / sea level rise are located such that this impact will be reduced (within levee bank); that existing structures / pavements are generally retained and renewed reducing carbon emission and energy consumption generated / required as part of new development; areas of tree planting and habitat are proposed that will assist in carbon store and biodiversity havens.

New South Wales, including the Clarence Valley is experiencing a drought in the following regions:



North Coast Summary



● Drought Affected: 38...
● Drought: 21.1 %
● Intense Drought: 40.1 %

CDI = Combined Drought Indicator. RI = Rainfall Index. SWI = Soil Water Index. PGI = Pasture Growth Index. DDI = Drought Direction Index
 Data current to 16/9/2019 (AEST)

Source – Department of Primary Industries

Council needs to consider the impacts of the drought with the water consumption and loss of water at the Grafton pool, resulting from the failing infrastructure.

| | |
|--------------|---|
| Prepared by | Rachelle Passmore – Senior Parks & Recreation Officer |
| To be tabled | A – Grafton Aquatic Centre, Adjunct report B – RLSSA, Desktop Safety Assessment, Grafton Pool C – Master Plan -Option 1 D – Master Plan – Update Option2 E – Cardno Investigation Report F – Structerre Engineering Inspection Report – pavement between dive/50m pool |

MOTION

Simmons/Novak

That the Council meeting adjourn for a short break at 5.05 pm. CARRIED.

The Council meeting resumed at 5.11 pm

ITEM 6c.19.113 MONTHLY INVESTMENT REPORT – NOVEMBER 2019

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Manager - Finance & Supply (Kate Maginnity) | |
| Attachment | 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 November 2019 be received and noted.

COUNCIL RESOLUTION – 6c.19.113

Williamson/Ellem

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2019 figures, funds have been sourced from the following areas:

| External Reserves | | Internal Reserves | |
|--------------------------------|---------------|---|----------------|
| Sewerage Funds | 5.94% | Plant Equipment Reserve | 9.88% |
| Water Supply Funds | 22.85% | Regional Landfill Reserves | 5.23% |
| Developer Contributions | 16.35% | Fin. Assist Grants paid in advance | 4.63% |
| Unexpended Grants | 5.84% | Waste Mngmt / Commercial Waste | 4.03% |
| Domestic Waste Management | 0.88% | Infrastructure Assets Renewals | 3.09% |
| Clarence Coast Reserve | 2.24% | Clarence Care & Support | 2.78% |
| Deposits, Retentions and Bonds | 1.51% | Employee Leave Entitlements | 2.64% |
| Other External | 1.75% | Roads & Quarries Reserves | 2.29% |
| | | Strategic Building Reserve | 1.13% |
| | | Building Asset Renewals | 0.92% |
| | | Other (refer attachment for further detail) | 6.02% |
| | <u>57.36%</u> | | <u>42.64%</u> |
| | | Total External & Internal Reserves | <u>100.00%</u> |

Portfolio Credit Limits

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

| Portfolio Credit Limits as at 30 November 2019 | | | | |
|--|-----------------------------------|------------------------|------------------------|-------------------------------|
| Credit Rating Long Term | Investment Policy Maximum Holding | Total Investments Held | % of Total Investments | Complies with Policy (yes/no) |
| AAA | 100.00% | 6,481,509 | 4.91% | Yes |
| AA | 100.00% | 33,157,966 | 25.14% | Yes |
| A | 60.00% | 30,250,000 | 22.94% | Yes |
| BBB | 50.00% | 61,993,080 | 47.01% | Yes |
| TOTAL INVESTMENTS | | 131,882,555 | 100.00% | |

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

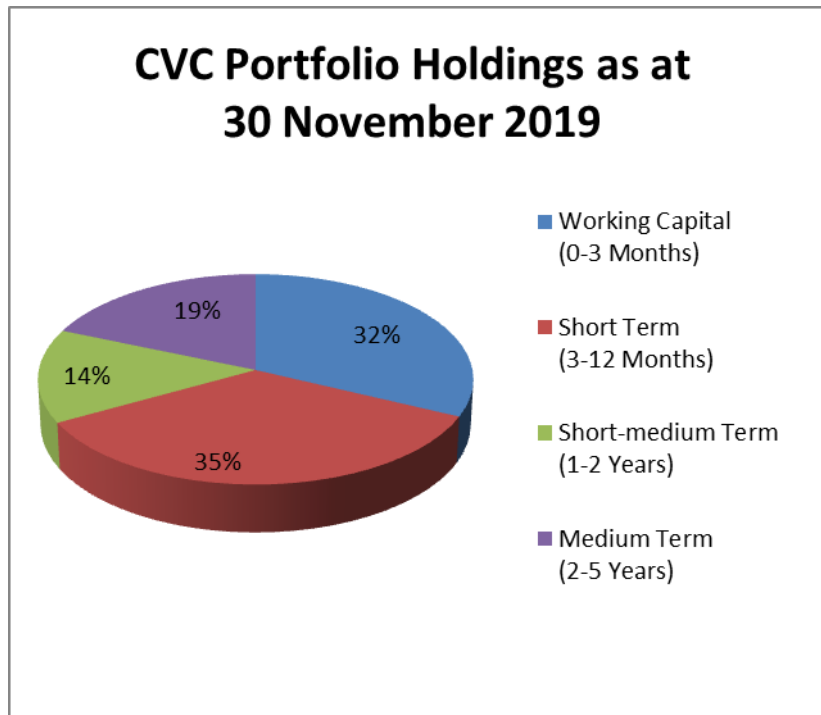
Individual Institution or Counterparty Limits

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

| Individual Institution or Counterparty Limits as at 30 November 2019 | | | | | |
|--|-------------------------|-----------------------------------|------------------------|------------------------|-------------------------------|
| Financial Institution | Credit Rating Long Term | Investment Policy Maximum Holding | Total Investments Held | % of Total Investments | Complies with Policy (yes/no) |
| TERM DEPOSITS & FRNs* | | | | | |
| AMP | BBB+ | 15.00% | 4,000,000 | 3.03% | Yes |
| ANZ* | AA- | 30.00% | 2,025,870 | 1.54% | Yes |
| BoQ | BBB+ | 15.00% | 16,000,000 | 12.13% | Yes |
| Bendigo | BBB+ | 15.00% | 6,000,000 | 4.55% | Yes |
| Bendigo* | | | 1,002,140 | 0.76% | |
| Rural Bank | | | 5,000,000 | 3.79% | |
| CBA* | AA- | 30.00% | 2,026,205 | 1.54% | Yes |
| Defence | BBB | 15.00% | 9,000,000 | 6.82% | Yes |
| G&C Mutual | BBB- | 15.00% | 1,000,000 | 0.76% | Yes |
| ING Direct | A | 15.00% | 16,000,000 | 12.13% | Yes |
| Macquarie | A | 15.00% | 4,000,000 | 3.03% | Yes |
| ME Bank | BBB | 15.00% | 6,000,000 | 4.55% | Yes |
| NAB | AA- | 30.00% | 16,000,000 | 12.13% | Yes |
| NAB* | | | 1,006,195 | 0.76% | |
| P&N | BBB | 15.00% | 3,000,000 | 2.27% | Yes |
| People's Choice | BBB | 15.00% | 1,000,000 | 0.76% | Yes |
| RaboDirect | A+ | 15.00% | 11,000,000 | 8.34% | Yes |
| Westpac | AA- | 30.00% | 7,000,000 | 5.31% | Yes |
| Westpac* | AA- | | 1,529,212 | 1.16% | |
| TOTAL TERM DEPOSITS & FRNs* | | | 112,589,622 | 85.37% | |
| MANAGED FUNDS | | | | | |
| TCorp | AAA | 40.00% | 1,981,509 | 1.50% | Yes |
| TOTAL MANAGED FUNDS | | | 1,981,509 | 1.50% | |
| FUNDS AT CALL | | | | | |
| AMP | BBB+ | 15.00% | 12,740,940 | 9.66% | Yes |
| ANZ | AA- | 30.00% | 274,521 | 0.21% | Yes |
| CBA | AA- | 30.00% | 4,295,963 | 3.26% | Yes |
| TOTAL FUNDS AT CALL | | | 17,311,424 | 13.13% | |
| TOTAL INVESTMENTS | | | 131,882,555 | 100.00% | |

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 30 November 2019. Excluding "at-call" working capital, 52.32% of Council's investments are maturing within the next twelve months.



| Register of Investments - Clarence Valley Council as at 30 November 2019 | | | | | |
|---|------------------------|------------------------|---------------|-------------------|-------------------------|
| Financial Institution | Total Investments Held | % of Total Investments | Maturity Date | Investment Return | Credit Rating Long Term |
| WORKING CAPITAL (0-3 MONTHS) | | | | | |
| T-CorpIM Cash Fund | 1,981,509 | 1.50% | At-Call | 1.20% | AAA |
| AMP Bank Ltd | 12,740,940 | 9.66% | At-Call | 1.30% | BBB+ |
| ANZ Banking Group Ltd | 274,521 | 0.21% | At-Call | 1.05% | AA- |
| Commonwealth Bank of Australia | 4,295,963 | 3.26% | At-Call | 0.65% | AA- |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 03/02/2020 | 1.85% | BBB+ |
| Bendigo Bank | 2,000,000 | 1.52% | 16/12/2019 | 2.85% | BBB+ |
| Bendigo Bank | 2,000,000 | 1.52% | 18/12/2019 | 2.85% | BBB+ |
| ING | 2,000,000 | 1.52% | 10/12/2019 | 2.87% | A |
| ING | 3,000,000 | 2.27% | 14/02/2020 | 2.87% | A |
| ING | 2,000,000 | 1.52% | 20/02/2020 | 2.89% | A |
| ME Bank Ltd | 2,000,000 | 1.52% | 08/01/2020 | 1.80% | BBB |
| National Australia Bank | 2,000,000 | 1.52% | 11/12/2019 | 2.75% | AA- |
| People's Choice Credit Union | 1,000,000 | 0.76% | 12/12/2019 | 2.77% | BBB |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 11/02/2020 | 1.95% | A+ |
| Rural Bank Ltd | 2,000,000 | 1.52% | 10/02/2020 | 2.85% | BBB+ |
| Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value | 1,002,140 | 0.76% | 21/02/2020 | 1.99% | BBB+ |
| TOTAL WORKING CAPITAL (0-3 MONTHS) | 42,295,073 | 32.07% | | 1.91% | |
| SHORT TERM (3-12 MONTHS) | | | | | |
| AMP Bank Ltd | 3,000,000 | 2.27% | 06/03/2020 | 2.75% | BBB+ |
| AMP Bank Ltd | 1,000,000 | 0.76% | 31/08/2020 | 1.80% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 06/07/2020 | 3.00% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 26/10/2020 | 3.20% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 26/10/2020 | 3.20% | BBB+ |
| Bendigo Bank | 2,000,000 | 1.52% | 27/04/2020 | 1.50% | BBB+ |
| Defence Bank | 1,000,000 | 0.76% | 04/03/2020 | 2.80% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 11/05/2020 | 3.00% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 20/11/2020 | 3.00% | BBB |
| G&C Mutual Bank | 1,000,000 | 0.76% | 18/03/2020 | 4.00% | BBB- |
| ING | 2,000,000 | 1.52% | 02/03/2020 | 2.87% | A |
| ING | 1,000,000 | 0.76% | 21/08/2020 | 1.60% | A |
| ING | 1,000,000 | 0.76% | 10/11/2020 | 2.92% | A |
| ING | 2,000,000 | 1.52% | 13/11/2020 | 1.55% | A |
| Macquarie Bank Ltd | 3,000,000 | 2.27% | 07/05/2020 | 1.60% | A |
| Macquarie Bank Ltd | 1,000,000 | 0.76% | 21/05/2020 | 1.60% | A |
| ME Bank Ltd | 2,000,000 | 1.52% | 06/05/2020 | 3.11% | BBB |
| ME Bank Ltd | 2,000,000 | 1.52% | 08/05/2020 | 2.30% | BBB |
| National Australia Bank | 2,000,000 | 1.52% | 03/03/2020 | 1.70% | AA- |
| National Australia Bank | 3,000,000 | 2.27% | 03/03/2020 | 1.70% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 10/03/2020 | 1.58% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 11/03/2020 | 1.73% | AA- |
| National Australia Bank | 3,000,000 | 2.27% | 20/05/2020 | 2.25% | AA- |
| National Australia Bank | 2,000,000 | 1.52% | 30/07/2020 | 1.80% | AA- |
| Rural Bank Ltd | 2,000,000 | 1.52% | 04/03/2020 | 2.80% | BBB+ |
| Rural Bank Ltd | 1,000,000 | 0.76% | 04/03/2020 | 2.80% | BBB+ |
| TOTAL SHORT TERM (3-12 MONTHS) | 46,000,000 | 34.88% | | 2.30% | |

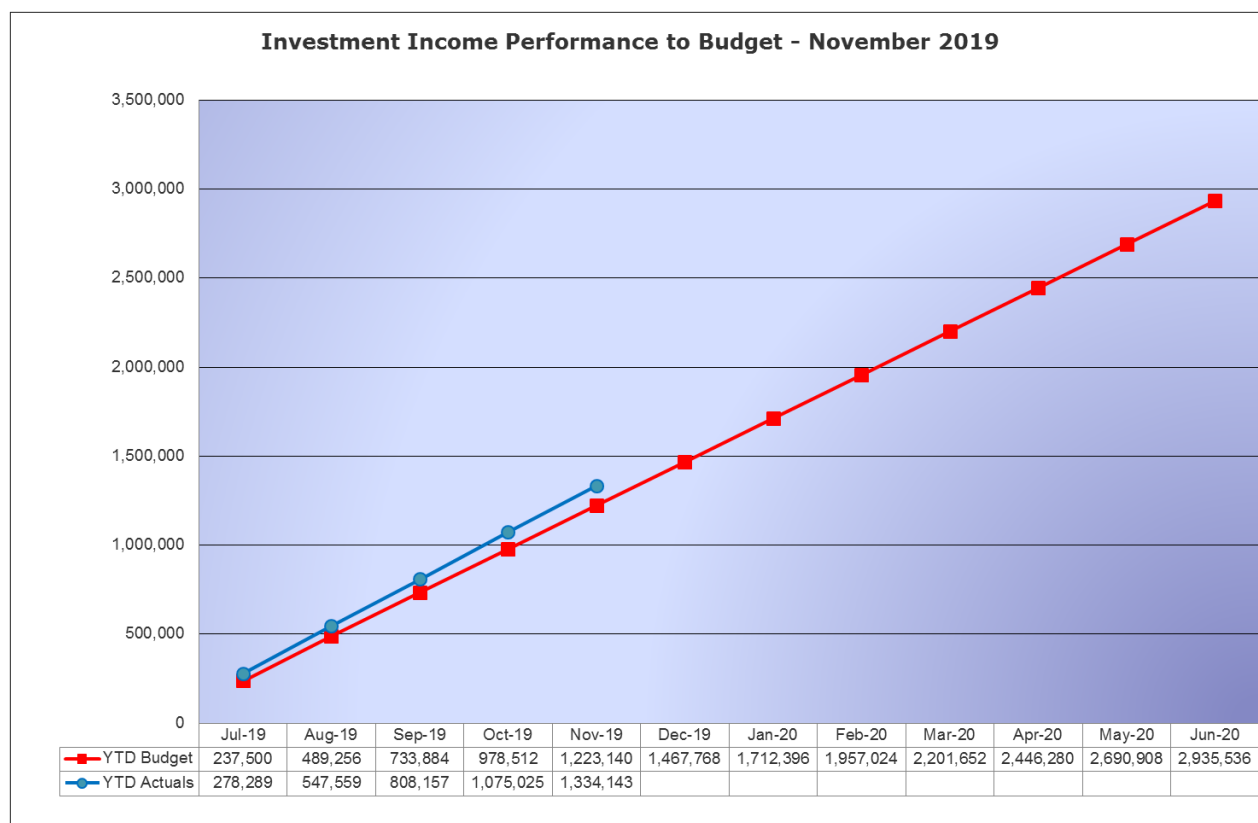
| Financial Institution | Total Investments Held | % of Total Investments | Maturity Date | Investment Return | Credit Rating Long Term |
|---|------------------------|------------------------|---------------|-------------------|-------------------------|
| SHORT - MEDIUM TERM (1-2 YEARS) | | | | | |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 02/12/2020 | 3.60% | BBB+ |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 12/01/2021 | 3.65% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 29/06/2021 | 3.45% | BBB+ |
| Defence Bank | 2,000,000 | 1.52% | 17/12/2020 | 3.00% | BBB |
| Defence Bank | 2,000,000 | 1.52% | 09/03/2021 | 3.00% | BBB |
| ING | 2,000,000 | 1.52% | 29/11/2021 | 1.55% | A |
| P&N Bank | 3,000,000 | 2.27% | 11/03/2021 | 3.82% | BBB |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 14/06/2021 | 3.02% | A+ |
| RaboDirect (Australia) Ltd | 1,000,000 | 0.76% | 21/06/2021 | 3.07% | A+ |
| Westpac Bank | 2,000,000 | 1.52% | 05/03/2021 | 3.00% | AA- |
| Westpac Bank | 1,000,000 | 0.76% | 16/11/2021 | 2.10% | AA- |
| TOTAL SHORT-MEDIUM TERM (1-2 YEARS) | 19,000,000 | 14.41% | | 3.06% | |
| MEDIUM TERM (2-5 YEARS) | | | | | |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 02/12/2021 | 3.80% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 09/05/2022 | 3.60% | BBB+ |
| Bank Of Queensland Ltd | 1,000,000 | 0.76% | 03/08/2022 | 3.60% | BBB+ |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 08/02/2023 | 3.55% | BBB+ |
| Bank Of Queensland Ltd | 2,000,000 | 1.52% | 21/08/2023 | 3.60% | BBB+ |
| ING | 1,000,000 | 0.76% | 04/10/2022 | 3.66% | A |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 13/09/2022 | 3.40% | A+ |
| RaboDirect (Australia) Ltd | 1,000,000 | 0.76% | 05/12/2022 | 3.21% | A+ |
| RaboDirect (Australia) Ltd | 1,000,000 | 0.76% | 17/08/2023 | 3.40% | A+ |
| RaboDirect (Australia) Ltd | 2,000,000 | 1.52% | 19/09/2023 | 3.40% | A+ |
| Westpac Bank | 2,000,000 | 1.52% | 18/07/2022 | 1.94% | AA- |
| Westpac Bank | 2,000,000 | 1.52% | 13/03/2023 | 2.95% | AA- |
| ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value | 2,025,870 | 1.54% | 06/12/2023 | 2.03% | AA- |
| Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value | 1,006,485 | 0.76% | 25/04/2023 | 1.68% | AA- |
| Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value | 1,019,720 | 0.77% | 11/01/2024 | 1.97% | AA- |
| National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value | 1,006,195 | 0.76% | 10/02/2023 | 1.73% | AA- |
| Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value | 1,529,212 | 1.16% | 24/04/2024 | 2.02% | AA- |
| TOTAL MEDIUM TERM (2-5 YEARS) | 24,587,482 | 18.64% | | 2.91% | |
| TOTAL INVESTMENTS | 131,882,555 | 100.00% | | 2.40% | |

COUNCIL IMPLICATIONS

Budget/Financial

| Portfolio Investment Returns to 30 November 2019 | | | |
|--|--------------------|--------------------|------------------|
| | Actual | Budget 2019/20 | Over/(Under) |
| This Month | | | |
| Cash Deposits & FRNs | \$257,124 | \$243,128 | \$13,996 |
| Managed Funds | \$1,994 | \$1,500 | \$494 |
| | \$259,118 | \$244,628 | \$14,490 |
| Year to Date | | | |
| Cash Deposits & FRNs | \$1,323,448 | \$1,215,640 | \$107,808 |
| Managed Funds | \$10,695 | \$7,500 | \$3,195 |
| | \$1,334,143 | \$1,223,140 | \$111,003 |

- Actual results have shown that total interest income to 30 November 2019 is \$0.111M above the 2019-20 budget of \$1.223M. Note, the cumulative impacts of the RBA cuts to the Cash Rate (0.75%) since June 2019 are impacting on Council’s return and whilst Council is currently above budget this will decline as the year progresses. A reassessment of Council’s budgeted returns will occur late January 2020.
- As at 30 November 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$80,283.

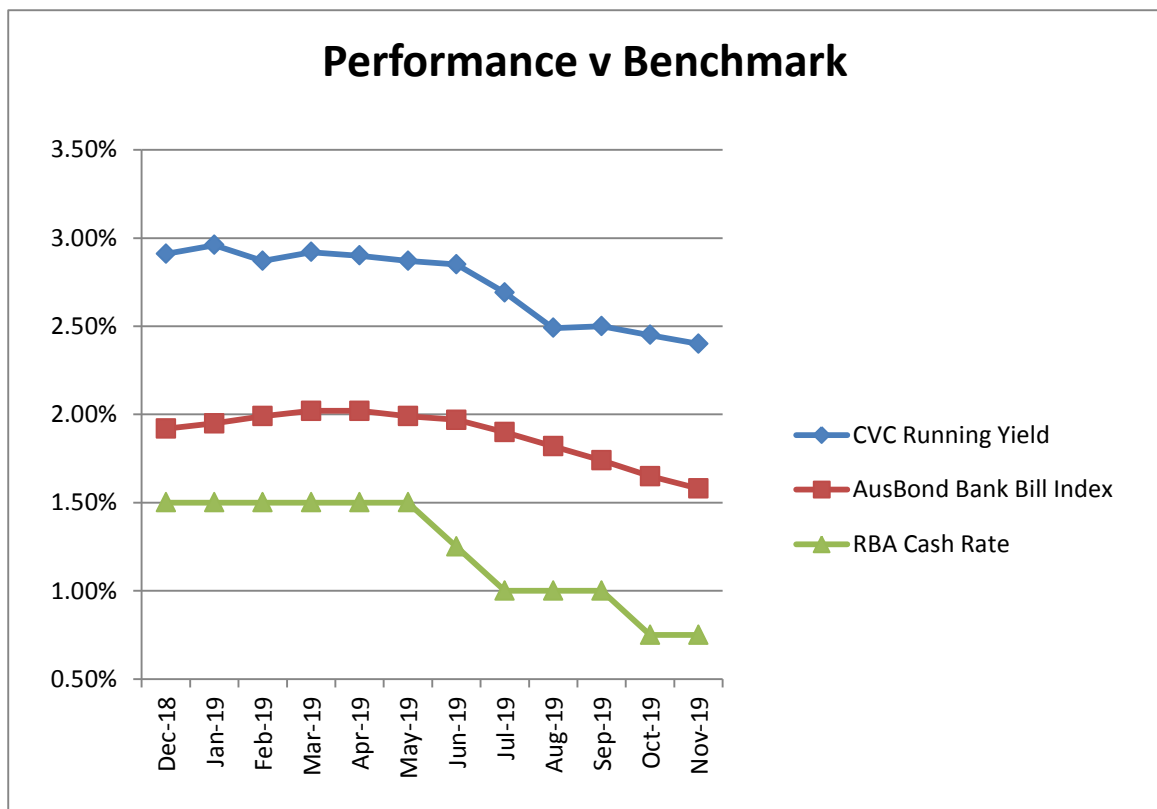


- Running yields* to 30 November 2019 have been:

| | |
|----------------------|--------------|
| AMP Business | 1.05% |
| AMP 31 Day Notice | 1.55% |
| ANZ Premium Business | 1.05% |
| CBA General | 0.60% |
| 24hr Call Account | 0.70% |
| T-CorpIM Cash Fund | 1.20% |
| Floating Rate Notes | 1.93% |
| Term Deposits | <u>2.66%</u> |
| Total | 2.40% |

*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 November was 0.75%. The benchmark AusBond Bank Bill Index was 1.58% for October.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.40% (October 2.45%).



The following investments were arranged since the previous report:

- ING \$1.0m TD matured 06/11/19, redeemed
- New Macquarie Bank \$3.0m TD invested 07/11/2019 for 6 months at 1.60% - matures 07/05/2020
- ING \$2.0m TD matured 08/11/2019, redeemed
- NAB \$2.0m TD matured 11/11/2019, reinvested for 129 days at 1.58% – matures 10/03/2020
- New ING \$2.0m TD invested 14/11/2019 for 12 months at 1.55% - matures 13/11/2020
- Bendigo Bank \$1.0m TD matured 21/11/19, redeemed
- New ING \$1.0m TD invested 21/11/2019 for 9 months at 1.60% - matures 21/08/2020
- New Macquarie Bank \$1.0m TD invested 25/11/2019 for 6 months at 1.60% - matures 21/05/2020
- New ING \$2.0m TD invested 29/11/2019 for 2 years at 1.55% - matures 29/11/2021

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) |
| Attachment | A: Movement of funds between months and Other Internal Reserves (detail) |

ITEM 6c.19.114 ACCESS YAMBA – PROGRESS UPDATE

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Civil Services (Alex Dalrymple) | |
| Attachment | Yes | |

SUMMARY

Design work for the construction of four intersection treatments on Yamba Road to improve traffic flow and access to Yamba is now well underway. This report and associated attachments provides an update on the current status of the work.

OFFICER RECOMMENDATION

That the Access Yamba – Progress Update report be received and its contents noted.

COUNCIL RESOLUTION – 6c.19.114

Williamson/Ellem

That the Access Yamba – Progress Update report be received and its contents noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Council previously received a Restart NSW grant to contribute to the costs of the construction of four intersection upgrades on Yamba Road. These upgrades include the construction of:

- A roundabout at Treelands Drive and Yamba Road intersection, Yamba
- A roundabout at Carrs Drive and Yamba Road intersection, Yamba
- A roundabout at Shores Drive and Yamba Road intersection, Yamba
- A channelized intersection treatment at Yamba Street and Yamba Road intersection, Palmers Island



At the time of writing detailed design work is being progressed and a number of issues have been identified. The attachment to this report provided a detailed status update, and the key issues are discussed below.

KEY ISSUES

Land acquisition:

During detailed design work it has become evident that a number of land acquisitions will be required for road widening. Some of the widenings are required to meet the mandatory visibility criterion to ensure the required sight lines are provided for vehicles entering the roundabout. The following projects are affected.

1. Palmer's Island – two properties are impacted
2. Treelands Drive – three properties are impacted
3. Carrs Drive – Two properties are impacted

Negotiations for the acquisition of the required land are currently under way. The full extent and cost for this land acquisition has not been accurately realised in the original budget costing and funding allowed for the works. When these impacts are better quantified they will be reported to Council.

Service Re-locations:

Due to the tight geometric constraints and the excavation depth required for the pavement construction, extensive re-locations and upgrades will be required for Electrical, Telstra, NBN and Water services at each of the projects.

Whilst the design is not currently complete and the full scope of relocations is not clear, there is a significant risk that there will be financial and time impacts. When these impacts are better quantified they will be reported to Council.

Increased Construction Costs & Program Time:

Preliminary detailed cost estimates for the construction of these intersection upgrades has shown that there is a significant risk that the construction cost of the works will be more than the budget for the projects. When the design work is complete, these impacts will be able to be better quantified at which point they will be reported to Council.

Conforming Designs:

The available land area and tight site constraints at the Treelands Drive intersection have required a smaller roundabout than the minimum size as detailed in Austroads Guide to Road Design. A full list of design departures and compliance issues will be developed, documented and considered in the road safety risk assessment and safety in design process. Any significant risks will be reported to Council for further consideration.

COUNCIL IMPLICATIONS**Budget/Financial**

The project has received funding under Restart NSW Grant RNSW1973.
The allocation of funds is as follows:

| Funding Source | Value | Pro rata % |
|-------------------------|--------------|-------------------|
| Restart NSW Fund | \$4,427,516 | 77% |
| Clarence Valley Council | \$1,300,484 | 23% |
| TOTAL | \$5,728,000 | 100% |

As detailed above, there is a significant risk that the projects will not be able to be completed within the allocated budget.

In addition the project construction period is likely to extend beyond the current grant approval. These issues have been raised during the monthly reporting to Restart NSW, however a variation request has not yet been submitted.

Asset Management

Road Infrastructure will be added to Councils Asset Register once completed.

Policy or Regulation

N/A

Consultation

External consultation has been ongoing with the relevant affected landowners and businesses. Updates are being provided on Council's Website.

Legal and Risk Management

N/A

Climate Change

Climate change has been considered in the design.

| | |
|-------------|---|
| Prepared by | Phillip Noakes, Projects Engineer |
| Attachment | Access Yamba – Progress Update Attachment |

ITEM 6c.19.115 CONNECTING THE HARWOOD MARINE PRECINCT

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Manager - Civil Services (Alex Dalrymple) | |
| Attachment | Yes | |

SUMMARY

Construction work for the development of a sealed 3.9km access road connecting the marine precinct at Harwood has now commenced. This report and associated attachments provide an update on the current status of the work.

OFFICER RECOMMENDATION

That the Connecting the Harwood Marine Precinct report be received and its contents noted.

COUNCIL RESOLUTION – 6c.19.115

Williamson/Ellem

That the Connecting the Harwood Marine Precinct report be received and its contents noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Council previously received a Restart NSW grant for the construction of a new access route to the Harwood Marine Precinct. This new access road is 3,959m long and is funded through 88% contribution from Restart NSW and 12% from Harwood Marine.

Marine manufacturing is a key economic driver for Clarence Valley. Supporting the development of Clarence Valley's inherent advantages in marine manufacturing is a key imperative of the Clarence Valley Regional Development Strategy 2022.

The marine precinct is totally reliant (for land-based accessibility) on what is a small, country lane, located on the edge of a riverbank. Failure of the current laneway will be catastrophic. This situation is not a match for the accessibility needs of an employment generating marine precinct which has the capacity to create 250 new jobs.

As at the time of writing, design work for the access route is almost complete and construction work has commenced. The attachment to this report provides a detailed status update and the key issues are discussed below.

During the detailed design process, it has been found that a number of land acquisitions will be required to widen the road corridor. The details around these acquisitions are provided in a separate report elsewhere on this agenda.

KEY ISSUES

Land acquisition

Land acquisition is required on each of the 6 intersections to provide the increased pavement width to allow for the swept path turning movements of heavy vehicles. Negotiations for the acquisition of the required land are currently under way and are discussed further in the separate report.

Service Re-locations

Extensive re-locations and upgrades have been required for electrical, Telstra and water services.

Work has commenced on these works. There may be additional clashes which may not be fully known until works commence.

Program

There was a delay to the planned start date of March 2019 due to availability staff to allocate to the project and the service relocations. As a result the preliminary works could not commence until June 2019. An extension of time has been approved by Restart NSW to extend the completion date of the works from the original date of 30 June 2020 to a revised completion date of 31 December 2020.

COUNCIL IMPLICATIONS

Budget/Financial

The forecast final cost of the project is currently within this allocated budget. However there remains some risk as the design is not 100% complete and only preliminary construction work has been undertaken.

Asset Management

Road Infrastructure will be added to Councils Asset Register once completed.

Policy or Regulation

N/A

Consultation

External consultation has been ongoing with the relevant affected landowners and businesses.

Updates are being provided on the Clarence Valley Website.

Legal and Risk Management

N/A

Climate Change

Climate change has been considered in the design.

| | |
|-------------|--|
| Prepared by | Phillip Noakes, Projects Engineer |
| Attachment | Connecting the Marine Precinct (Harwood) |

ITEM 6c.19.116 WORKS REPORT

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Manager - Civil Services (Alex Dalrymple) | |
| Attachment | Yes | |

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COUNCIL RESOLUTION – 6c.19.116

Williamson/Ellem

That the Works report be received and noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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


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 November is attached.

The following recently completed projects are also highlighted for Councillors' information.

| | | |
|-----------------------------|---|--|
| Project: | Pound St Resurfacing |   |
| Project Description: | <p>Mill out and replace failed areas of the pavement followed by a full 35mm asphalt overlay.</p> <p>Sections treated were; Prince St to Wiseman Lane and Duke St to Villiers St.</p> <p>Tenders were sort via Local Government Procurement with Boral Asphalt being awarded the contract.</p> <p>Works were undertaken over three nights working between 5pm and 4am the following morning.</p> <p>Challenges faced during the works were asphalt delivery from Lismore due to the bush fires closing the Pacific Highway and Summerland Way</p> | |
| Budget: | <p>Prince St to Wiseman Way - \$213,996.00</p> <p>Duke St to Villiers St - \$330,000.00</p> | |
| Expenditure: | <p>Prince St to Wiseman Way - \$124,430.00</p> <p>Duke St to Villiers St - \$202,525.00</p> | |
| Status: | <ul style="list-style-type: none"> 95% Completed – Line marking pending | |

| | | |
|-----------------------------|--|--|
| Project: | Installation of additional water treatment barriers |  |
| Project Description: | Install UV units at Coutts Crossing, Glenreagh, Minnie Waters, Wooli and Rushforth Road | |
| Budget: | \$3 million (\$1.646 million in 2019/20) | |
| Expenditure: | \$1.485 million (plus commitments of \$0.247 million) | |
| Status: | <p>Further to the update on the four rural village UV systems provided in the August 2019 works report:</p> <ul style="list-style-type: none"> Contractor Xylem completed UV system installation at Rushforth Road in December 2019 (pictured), Rushforth Road UV system commissioning has commenced, The Rushforth Road plant control system is currently being upgraded to ClearSCADA, Consultant SMEC is undertaking a feasibility study into micro-hydro power generation at Rushforth Road WTP to generate power to offset UV system consumption (funded by DPIE) | |

| | | |
|-----------------------------|--|--|
| Project: | Pippi Beach Amenities Upgrade |  |
| Project Description: | To remove and replace the amenities at Pippi Beach Yamba | |
| Budget: | \$152,000 | |
| Expenditure: | \$143,128 | |
| Status: | Completed | |

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

There are no climate change implications.

| | |
|-------------|--|
| Prepared by | Alex Dalrymple, Greg Mashiah, David Sutton |
| Attachment | List of projects |

d. INFORMATION ITEMS

| ITEM | 6d.19.006 | ITEMS FOR INFORMATION |
|--------------------|----------------------------------|-----------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Office of General Manager | |
| Reviewed by | General Manager - Ashley Lindsay | |
| Attachment | To be tabled | |

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. Nymboida Hall Committee: Minutes of meetings held September and October 2019.
2. Ilarwill Hall Committee: Minutes of meeting held October 2019.
3. Climate Change Advisory Committee: Minutes of meeting held 5 July 2019.
4. Wooloweyah Parks & Reserves Committee: Minutes of meeting held October 2019.
5. Oyster Cove Foreshore Reserve Management Committee: Minutes of meeting held November 2019.

Having declared an interest in this item, Cr Ellem left the Council meeting at 5.13 pm and returned at 5.13 pm.

COUNCIL RESOLUTION – 6d.19.006

Toms/Novak

That the Items for Information as listed below be adopted:

1. Nymboida Hall Committee: Minutes of meetings held September and October 2019.
2. Ilarwill Hall Committee: Minutes of meeting held October 2019.
3. Climate Change Advisory Committee: Minutes of meeting held 5 July 2019.
4. Wooloweyah Parks & Reserves Committee: Minutes of meeting held October 2019.
5. Oyster Cove Foreshore Reserve Management Committee: Minutes of meeting held November 2019.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Novak, Williamson, Lysaught, Toms

Against: Nil

| | |
|--------------|---|
| Prepared by | Karlie Chevalley, Executive Support Assistant |
| To be tabled | As listed above |

e. TENDERS

| ITEM | 6e.19.020 | T19/036 FERRY AND CANE BARGE TENDER REMOVAL AND RELOCATION |
|--------------------|--|--|
| Meeting | Council | 17 December 2019 |
| Directorate | Works & Civil | |
| Reviewed by | Director - Works & Civil (Troy Anderson) | |
| Attachment | Confidential | |

SUMMARY

This report provides detail of costings that have been received to relocate the cane barge and ferry from Ferry Park, Maclean to the Lawrence Museum.

OFFICER RECOMMENDATION

That Council:

1. Decline to accept the tender from Chambers Constructions for T19/036 to remove the cane barge from Ferry Park Maclean to the Lawrence Museum.
2. Postpone the consideration of the removal of the cane barge.
3. Consider the project in the development of the 2020/2021 Operational Plan.

COUNCIL RESOLUTION – 6e.19.020

Williamson/Novak

That Council:

1. Decline to accept the tender from Chambers Constructions for T19/036 to remove the cane barge from Ferry Park Maclean to the Lawrence Museum.
2. Postpone the consideration of the removal of the cane barge.
3. Consider the project in the development of the 2020/2021 Operational Plan.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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 2.1.4 Manage and enhance our parks, open spaces and facilities

BACKGROUND

The ferry and cane barge are items of heritage as listed under the Clarence Valley Local Environmental Plan 2011.

Previous reports

A report was presented to Council at its March 2018 Ordinary meeting seeking consent (DA2017/0775) to remove both items from Ferry Park that was determined (14.017/18) as a deferred commencement consent subject to further negotiations on a suitable relocation option for a four month period.

At the July 2018 Ordinary meeting it was resolved (14.077/18) to extend the deferred commencement consent to allow discussions to proceed with the Lawrence Museum and Broadcast Australia on a suitable location.

At the October 2018 Ordinary meeting it was resolved (14.127/18) to enact the consent (DA2017/0775) to move the vessels from Ferry Park as a suitable location had been found at the Lawrence Museum. This follows extensive negotiations by the Museum with the adjoining landholder Broadcast Australia.

This report responds to point 3 of resolution 14.127/18 which required a further report to be provided on the costs to relocate the vessels to Lawrence Museum.

Lawrence Museum

The Lawrence Museum vision is to locate the vessels as part of a new maritime precinct that will showcase the history of maritime life within the Clarence. Both the ferry and cane barge will compliment existing vessels and they hope to also be able to house the Beardmore tug, currently in Harwood, that was used to tow the cane barge. A development application to locate the vessels and establish a Maritime Museum at the Lawrence Museum has been lodged by the Lawrence Museum.

KEY ISSUES

The project to relocate the cane barge and ferry involves several components, all of which are described below.

Relocation of Vessels

Due to the condition of the vessels and the desire from the Lawrence Museum to have them delivered with as minimal disturbance as possible the seeking of prices has been a complex process.

Cane Barge

In order to obtain accurate pricing for the movement of the cane barge, significant investigation work was undertaken which included under boring and discussion with numerous contractors regarding methodology. As the process is complex and cannot be wholly contained within a tight specification a tender was called from the open market to obtain accurate costing.

The tender evaluation report is provided as a confidential attachment, and it is recommended that Council decline to accept the tender, and postpone consideration of the removal of the cane barge until the 2020/2021 financial year.

Ferry

A quotation was sought for the relocation of the ferry and this is provided as a confidential attachment. Similarly, it is recommended that the quotation not be accepted and the project as a whole be considered as part of the deliberations for the 2020/2021 financial year.

Interpretative display at Ferry Park

An earlier quote (refer to attachment) for a simple shelter was obtained that would house a simple interpretative information board that details the history of both vessels. Costs for the interpretive board have been estimated based on costs for other similar projects. The interpretation would be undertaken in conjunction with the local museums. Estimate \$20,000.

An archival and photographic record of the ferry

A condition of the development consent to remove the ferry. Estimated cost is \$4,000 which includes preparation of drawings of the ferry and a photographic record.

Rehabilitation of the site at Ferry Park

Includes turfing of the area where the ferry exists. Estimate \$5,000.

Establishment of a gravel base for the cane barge and a roof enclosure

The Lawrence Museum has requested the provision of a gravel base to place the cane barge upon and a roof to preserve its future integrity once it is restored. The Lawrence Museum are seeking assistance to provide a stable gravel base and if possible to assist with some materials that they could use to construct the shelter through their resources. An estimate of \$3,000 has been allowed for the gravel base only.

Costs

The proposed cost of the works is:

| Item | Cost (ex GST) |
|--|----------------------|
| Relocation of cane barge | \$110,501 |
| Dismantling and relocation of ferry | \$40,000 |
| Gravel base for cane barge at Lawrence | \$3,000 |
| Interpretative Shelter and Signage | \$20,000 |
| Archival record | <u>\$4,000</u> |
| Sub Total | \$177,501 |
| Contingency (10%) | <u>\$17,750</u> |
| Sub Total | \$195,251 |
| Project Management (5%) | <u>\$9,762</u> |
| Total | \$206,013 |

As there is currently no budget allocated to the project it is recommended that Council:

1. Note the costs associated with the relocation of the vessels and the fulfilment of the conditions of the development application.
2. Consider the project as part of the Draft 2020/2021 budget deliberations.

COUNCIL IMPLICATIONS**Budget/Financial**

No budget currently exists for works to be undertaken.

An application for grant funding, through the Australian Maritime Museum, to assist establish the cane barge and ferry at Lawrence Museum was recently notified as being unsuccessful.

Asset Management

The assets are in poor condition and the Lawrence Museum intend to restore the cane barge and replicate the ferry as far as practicable at the Museum that will be part of a larger museum display of the Clarence River Maritime Heritage.

The interpretive shelter and information board will be placed at Ferry Park in accordance with the conditions of development consent.

Once the assets are removed from Ferry Park, they will be removed from Council's asset register and future responsibility.

Policy or Regulation

The tendering process followed is consistent with the requirement of the Local Government Act and Regulation and Council's Sustainable Procurement Policy – Supporting Local Business.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- Local suppliers, contractors and/or consultants were notified through local advertising.

- Tender specifications were structured so local suppliers and/or contractors were not excluded from being the prime supplier/contractor.
- The tender specification requested tenderers to identify the local suppliers/contractors that would be involved in delivering/constructing the project and the tender assessment included a 15% weighting of the total tender score for local supplier content. The Tender Evaluation Plan contains details of the local supplier content for each tenderer.

Consultation

Consultation has taken place with the Lawrence Museum.

Legal and Risk Management

The Directors and related interests as submitted with the tender include –

1. Stephen Chambers – 121 Jubilee Street Townsend NSW (Sec/Director)
2. Mathew Chambers - 31 Craft Close Toormina NSW (Shareholder)

Climate Change

N/A

| | |
|--------------|--|
| Prepared by | Peter Birch, Manager Open Spaces and Facilities |
| Confidential | Attachment A - Tender Recommendation Report Attachment B - Quote to Remove Ferry to Lawrence Museum Attachment C - Quote for Shelter |

| | | |
|-------------|------------------|--|
| ITEM | 6e.19.021 | SUPPLY & DELIVERY OF BITUMEN EMULSION |
|-------------|------------------|--|

| | | |
|--------------------|---|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Corporate & Governance | |
| Reviewed by | Manager - Finance & Supply (Kate Maginnity) | |
| Attachment | Confidential | |

SUMMARY

This report recommends to Council the acceptance of a “Single Source” Tender for the supply and delivery of Bitumen Emulsion for the period 1 January 2020 to 30 December 2021, with an option to extend for 12 months subject to satisfactory performance. The Tender was called by Regional Procurement Initiative ® (REGPRO811920) on behalf of Clarence Valley Council.

OFFICER RECOMMENDATION

That Council accept the tendered GST exclusive prices as detailed in attachment to this report for the Supply and Delivery of Bitumen Emulsion (Regional Procurement Initiative ® REGPRO811920) for the period 1 January 2020 to 30 December 2021.

COUNCIL RESOLUTION – 6e.19.021

Williamson/Novak

That Council accept the tendered GST exclusive prices as detailed in attachment to this report for the Supply and Delivery of Bitumen Emulsion (Regional Procurement Initiative ® REGPRO811920) for the period 1 January 2020 to 30 December 2021.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Novak, Williamson, Lysaught, Toms

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

Council is a member of Regional Procurement Initiative®, a Division of Hunter Councils Inc., which was established in response to a need for a collaborative approach to regional tendering and contracting.

On behalf of Clarence Valley Council, Regional Procurement® has called an open single source by Council tender for Supply & Delivery of Bitumen Emulsion Tender REGPRO811920. By actively participating in this Regional Procurement tender on behalf of Clarence Valley Council, Council will not breach the Local Government (General) Regulation 2005 - Section 7 Tendering, for annual expenditure over \$250,000.

This tender was advertised in the following media:

- Sydney Morning Herald on 8 October 2019
- Gold Coast Bulletin on 12 October 2019

- Armidale Express 14 October 2019
- Tenderlink on 8 October 2019

KEY ISSUES

Evaluation Methodology:

- The % weightings and criteria were agreed upon prior to the tender closing.
- Tender Price @ 70%
- 50% 'Ex-Bin' rate plus the Delivery Surcharge (Delivered Rate)

Adding the total value of the 'Ex-Bin' rate plus the Delivery Surcharge rate together to determine the lowest overall price (Delivered Rate).

The lowest overall amount was awarded the full Criteria % as shown in the Evaluation Results Table. Each subsequent total \$ value was then divided into the lowest total amount to obtain a score.

- 5% Rinsing of the Tank, 10% Cleaning of the Tank, 5% Disposal of Sludge. Adding the total value of each above mentioned item to determine the lowest overall price.

The lowest overall amount was awarded the full Criteria % as shown in the Evaluation Results Table on the following page.

Each subsequent total \$ value was then divided into the lowest total amount to obtain a score.

Quality Assurance and WH&S @ 10% each

- If the tenderer provided the required evidence to meet the benchmark, eg: current ISO certification, the Evaluation Panel awarded full marks for that category.
- If the tenderer provided partial evidence to meet the benchmark, eg: provided a QMS document contents page but they are not ISO certified, the Panel determined a lower score, subject to the evidence in front of them.
- If the tenderer failed to meet the benchmark completely, eg: they demonstrated no ability to meet the criteria and did not provide any evidence, the Panel awarded 0 points to the tenderer for that evaluation criteria.

Customer Service @ 10%

Where the Tenderer provided evidence of a management endorsed Customer Service policy the Evaluation Panel awarded full Criteria % for that criterion.

COUNCIL IMPLICATIONS

Budget/Financial

It is anticipated that Council's spend on the provision of supply and delivery of bitumen emulsion for the duration of the period of the contract will exceed \$250,000 and as a result a Council resolution is required to accept the tender.

Bitumen emulsion is an inventory item within Council and costed to projects and capital works.

Asset Management

N/A

Policy or Regulation

Section 178 (1) of the Local Government (General) Regulation 2005

Consultation

There was no consultation with this product due to only having one type of product available to use as bitumen emulsion.

Legal and Risk Management

N/A

Climate Change

N/A

| | |
|--------------|---|
| Prepared by | Trevor Pate – Procurement Coordinator |
| Confidential | Evaluation Matrix & Pricing Schedule REGPRO811920 |

7. NOTICE OF MOTIONS

| | | |
|-------------|------------------|---|
| ITEM | 07.19.004 | RESCISSION MOTION COUNCIL RESOLUTION – 6C.19.090 DISCLOSURE OF INTERESTS – UPDATED RESPONSES – POINT 2 |
|-------------|------------------|---|

| | | |
|---------------------|------------------|------------------|
| Meeting | Council | 17 December 2019 |
| Directorate | Notice of Motion | |
| Submitted by | Cr Karen Toms | |
| Attachment | Yes | |

To the General Manager, Clarence Valley Council, I propose that the following rescission motion be submitted to Council.

SUMMARY

We the undersigned give notice of rescission of point 2 of Council’s resolution Item 6c.19.090 Disclosure of Interests - Updated Responses which states:

That

2. The Declarations of Interest be available on request at the Grafton and Maclean Council Offices by appointment only.

and propose to move the following motion.

PROPOSED MOTION

That

- 2. Elected member and designated persons Disclosure of Interest Returns, with required redactions applied, be placed on Council’s website in accordance with the Guideline and the GIPA Act.

MOTION

Toms/Novak

That Council rescind point 2 of Council’s resolution Item 6c.19.090 Disclosure of Interests - Updated Responses which states:

That

2. The Declarations of Interest be available on request at the Grafton and Maclean Council Offices by appointment only.

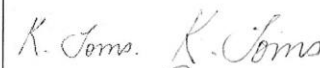
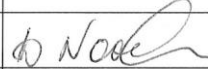
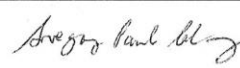
Voting recorded as follows:

For: Toms, Novak, Simmons

Against: Ellem, Williamson, Baker, Kingsley, Lysaught

The Motion was put and declared LOST.

Signed:

| | |
|------------------|---|
| Cr Toms |  |
| Cr Novak |  |
| Cr Clancy |  |

| ITEM | 07.19.005 | CLARENCE VALLEY COUNCIL FIRE & DROUGHT COMMUNITY RESPONSE |
|---------------------|------------------|---|
| Meeting | Council | 17 December 2019 |
| Directorate | Notice of Motion | |
| Submitted by | Cr Debrah Novak | |
| Attachment | Nil | |

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

SUMMARY

This Notice of Motion seeks the urgent assistance from the Australian Prime Minister and a number of Federal and State Ministers to support the Clarence Valley community to recover from the catastrophic fires and compounding impacts of a two year drought.

PROPOSED MOTION

That

Mayor Jim Simmons and General Manager Ashley Lindsay immediately write to

1. Federal Agricultural Minister, Bridgette McKenzie and ask the Australian Government to include the Clarence Valley in the Drought Community Support Initiative one-off payment of up to \$3,000 for registered Clarence Valley primary producers (including fishermen). Ask that the paperwork needed to support the 'Drought Community Support Initiative' be expedited.
2. NSW State Agricultural Minister Adam Marshall and urge him to declare an 'Agricultural Natural Disaster' for Clarence Valley Primary Producers.
3. NSW Premier, Gladys Berejiklian and ask her to make a request to the Australian Prime Minister Scott Morrison for the Australian Defence Reserves to be deployed to the Clarence Valley to assist in clean-up operations and fencing for those impacted by the catastrophic fires since 18 July 2019.

MOTION

Novak/Toms

That Council immediately write to

1. Federal Agricultural Minister, Bridgette McKenzie and ask the Australian Government to include the Clarence Valley in the Drought Community Support Initiative one-off payment of up to \$3,000 for registered Clarence Valley primary producers (including fishermen) and ask that the paperwork needed to support the 'Drought Community Support Initiative' be expedited.
2. NSW State Agricultural Minister Adam Marshall and urge him to declare an 'Agricultural Natural Disaster' for Clarence Valley primary producers.
3. NSW Premier, Gladys Berejiklian and ask her to make a request to the Australian Prime Minister Scott Morrison for the Australian Defence Reserves to be deployed to the Clarence Valley to assist in clean-up operations and fencing for those impacted by the catastrophic fires since 18 July 2019.

AMENDMENT TO MOTION

Simmons/Baker

That Council immediately write to

1. Federal Agricultural Minister, Bridgette McKenzie and ask the Australian Government to include the Clarence Valley in the Drought Community Support Initiative one-off payment of up to \$3,000 for registered Clarence Valley primary producers (including fishermen) and ask that the paperwork needed to support the 'Drought Community Support Initiative' be expedited.
2. NSW State Agricultural Minister Adam Marshall and urge him to declare an 'Agricultural Natural Disaster' for Clarence Valley primary producers.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Williamson, Lysaught, Toms

Against: Novak

The Amendment to Motion was put and declared CARRIED. The Amendment became the substantive motion.

COUNCIL RESOLUTION – 07.19.005

Novak/Toms

That Council immediately write to

1. **Federal Agricultural Minister, Bridgette McKenzie and ask the Australian Government to include the Clarence Valley in the Drought Community Support Initiative one-off payment of up to \$3,000 for registered Clarence Valley primary producers (including fishermen) and ask that the paperwork needed to support the 'Drought Community Support Initiative' be expedited.**
2. **NSW State Agricultural Minister Adam Marshall and urge him to declare an 'Agricultural Natural Disaster' for Clarence Valley primary producers.**

Voting recorded as follows:

For: Novak, Lysaught, Toms, Ellem, Williamson, Simmons

Against: Baker, Kingsley

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 4.2.2 Plan, resource and respond to natural hazards and disasters taking into account impacts from climate change

BACKGROUND

The NSW RFS predicted catastrophic fire conditions for the 2019/20 season arrived in the Clarence Valley mid-July 2019 and have left an unimaginable trail of destruction across the entire Clarence Valley LGA.

The Clarence Valley's 43 RFS Fire Units and their 200 + volunteers and communities have bravely protected our villages and properties and continue to do so for the past five months.

The arrival of this season's catastrophic bush fire season has seen two lives lost, around 750,000 hectares landscape burn out, 128 homes lost, 480 outbuildings lost and damaged, extensive carnage to livestock, wildlife and the environment and around 300 people displaced.

We have RFS firefighters from NSW, TAS, NZ and VIC who are working with our local RFS, farmers, employees, retirees and small business owners who are not paid to do this work.

KEY ISSUES

Our community who are fighting fires and drought are battle weary and fatigued and summer has only just begun and the fires continue to burn unabated.

Bringing in the Australian Army Reserves will help speed up the clean-up operations and farm fencing.

Many in our farming community have experienced severe mental, physical and economic impacts because of the drought and now these fires.

The long-term knock-on impacts throughout the entire Clarence Valley community will be felt for years to come. The \$3000.00 per farmer, farm hand, supplier and contractor will help our families and small businesses navigate the Christmas period.

COUNCIL IMPLICATIONS**Budget/Financial****Policy or Regulation**

N/A

Consultation

Local farmers, staff, people impacted directly by the fires and drought, small business owners.

Legal and Risk Management

N/A

STAFF COMMENT – Des Schroder (Director Environment, Planning & Environment)

The Drought Community Support initiative is administered by Red Cross and Salvation Army who received funding from the Federal Government and is directed at communities declared eligible for funding under the Drought Communities Program. As per the resolution in item 6a.19.034 in the November Council meeting Council has submitted a request to Minister Littleproud MP; Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management; and the local Federal Member Kevin Hogan MP to have Council declared an eligible Council under the Drought Communities Program. This letter has been forwarded to the Minister and the local Federal Member has already acknowledged this is a priority for him and sent this along to the Minister with other material he has prepared. If this request is successful the Council area would automatically qualify for the Drought Community Support Initiative which relies on individual landholder applying to the Salvation Army/St Vincent De Paul for this \$3,000 grant.

Staff are confused what an Agriculture Natural Disaster does above a Drought declaration. Looking on the disaster website no Council presently is declared under these provisions for drought, although Clarence Valley Council currently has a fire declaration like most North Coast Councils. These provisions are generally around emergencies which allow funding for an immediate response and clean up as is occurring as a result of the fires or in the past floods. The current drought is a longer term issue and the Drought Declaration already allows access to a large number of longer term provisions, like long term low or no interest loans suited to an extended drought, where disaster recovery provisions are time limited.

Council with the aid of disaster assistance and help from Coffs Harbour City Council (as a contractor) is currently organising road clearing, road furniture replacement and emergency bridge replacement. To do this Council is using local contractors as is required creating significant local employment. Similarly on house clean up the Federal and State Government has allocated \$25 million for fire affected house waste

clean up under the disaster provisions for all non insured houses to be co-ordinated by Public Works via a tender process using local contractors. This process has the dual outcome of not only achieving the clean up but increasing employment of local people and business's therefore creating local jobs. Unless these tenders can't find local business's to carry out the house fire affected waste clean up (the evidence is the first tender on asbestos has been successful) in a timely manor bringing in the army would take away local jobs so badly needed in the fire affected economy.

There is a valid case for more help with fencing. This task is well above the fabulous voluntary groups like Blaze Aid alone. It maybe more valid that the NOM as a matter of urgency ask the State Government to strategically look at how the huge fencing task as a result of the fires can be co-ordinated and what are the appropriate mechanisms to co-ordinate this. Again there is a huge local job opportunities here if a proper co-ordinated process is undertaken given we have a large unemployed pool of workers, which will be increased due to the dual affects of the drought and fires eg the loss of jobs at Big River Milk recently announced.

| ITEM | 07.19.006 | CLARENCE VALLEY DROUGHT & POST BUSHFIRES ECONOMIC STIMULUS PACKAGE |
|---------------------|------------------|--|
| Meeting | Council | 17 December 2019 |
| Directorate | Notice of Motion | |
| Submitted by | Cr Debrah Novak | |
| Attachment | Nil | |

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

SUMMARY

The catastrophic fire conditions for the 2019 season arrived in the Clarence Valley mid-July 2019 and have left to date an unimaginable trail of destruction on the back of a two-year drought.

This trail of destruction continues to have a profound impact on the physical, mental, environmental and financial wellbeing of our entire community.

My Notice of Motion seeks to initiate a rebuilding process for our community.

PROPOSED MOTION

That Mayor Jim Simmons and General Manager Ashley Lindsay

1. Urgently seek funding from the State and Federal Government to subsidise a 3-year council farm rate exemption for registered primary producers impacted by the fires from August 1st 2019.
2. Urgently seek economic stimulus funding from the State and Federal Government to fire and drought proof the Clarence Valley region, community, businesses and farms with innovative and sustainable water infrastructure projects.
3. Urgently seek financial assistance and advocacy from the NSW Small Business Commissioner Robyn Hobbs (acting commissioner Stephen Brady) to support the Clarence Valley small business community.
4. Investigate grant funding opportunities to develop a community sustainability program to support homes to retrospectively install new water tanks.
5. Work with registered Clarence Valley Sporting Groups to investigate funding to formally develop a sustainable Clarence Valley Sports Tourism Business Model to stimulate the Clarence Valley economy.
6. Urgently seek funding from the State and Federal Government to establish post fire rehabilitation and sustainable environmental initiatives.
7. Urgently seek funding from the State and Federal Government to fund the building of social housing in the Clarence Valley.

MOTION

Novak/Toms

That Council

1. Urgently seek funding from the State and Federal Government to subsidise a 3-year council farm rate exemption for registered primary producers impacted by the fires from August 1st 2019.
2. Urgently seek economic stimulus funding from the State and Federal Government to fire and drought proof the Clarence Valley region, community, businesses and farms with innovative and sustainable water infrastructure projects.
3. Urgently seek financial assistance and advocacy from the NSW Small Business Commissioner Robyn Hobbs (acting commissioner Stephen Brady) to support the Clarence Valley small business community.

4. Investigate grant funding opportunities to develop a community sustainability program to support homes to retrospectively install new water tanks.
5. Work with registered Clarence Valley Sporting Groups to investigate funding to formally develop a sustainable Clarence Valley Sports Tourism Business Model to stimulate the Clarence Valley economy.
6. Urgently seek funding from the State and Federal Government to establish post fire rehabilitation and sustainable environmental initiatives.
7. Urgently seek funding from the State and Federal Government to fund the building of social housing in the Clarence Valley.

Voting recorded as follows:

For: Novak

Against: Williamson, Simmons, Kingsley, Lysaught, Toms, Baker, Ellem

The Motion was put and declared LOST.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 4.2.2 Plan, resource and respond to natural hazards and disasters taking into account impacts from climate change

BACKGROUND

The Clarence Valley has 3895 registered businesses who are being severely impacted by a 2 year drought and current fire devastations.

These impacts are catastrophic across the entire Clarence Valley economy through extensive loss of farmlands, livestock, fencing, burnt out and or closed national parks and state forests, closed roads, saline waterways, depleted fishing stocks and damaged infrastructure.

Included in this are the enormous number of small businesses who are giving up their time as well as their staff to fight fires placing them all in financial difficulty.

KEY ISSUES

990 registered Clarence Valley primary producers are severely impacted either through drought, fires or both. The second-tier impact are the suppliers and contractors for these primary producers.

Clarence Valley tourism is all nature based and has all gone up in smoke with all National Parks and State Forests closed until further notice.

The opening of the new Pacific Highway will see traffic numbers driving past the Grafton reduce from 22,500 daily movements to 3,500.

The construction industry will also move onto their next project.

The impact of new families arriving to our region whose partner is in the new Clarence Correctional Centre.

COUNCIL IMPLICATIONS**Budget/Financial****Policy or Regulation**

N/A

Consultation: Have discussed matters directly with farmers and community members impacted by fires. Rugby League Grass Roots Summit identified sports tourism and training as gaps to explore for commercialisation. A new group has formed to tackle the environmental impacts of the fires. Dirt Girl. Sisters Inside Inc and Clarence Valley Round Table.

Legal and Risk Management

N/A

STAFF COMMENT – General Manager

It would assist staff with the implementation of this notice of motion (if adopted by Council) if we could define:

- innovative and sustainable water infrastructure projects?
- post fire rehabilitation and sustainable environmental initiatives?
- what financial assistance and advocacy from the NSW Small Business Commissioner to support the Clarence Valley small businesses might look like?

The development of a sustainable Clarence Valley Sports Tourism Business Model will require a budget allocation from Council for this work to be undertaken.

8. CONFIDENTIAL BUSINESS – Nil**9. LATE ITEMS OF BUSINESS AND MATTERS ARISING - Nil****10. CLOSE OF ORDINARY MEETING**

There being no further business the Ordinary Council meeting closed at 7.01 pm.