



clarence
VALLEY COUNCIL

2019

Ordinary Council Meeting



Minutes

Maclean Chambers

Tuesday, 23 April 2019

2.00 pm

Agenda

OPENING OF ORDINARY MEETING

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

OPENING PRAYER

STATEMENT IN RELATION TO RECORDING OF COUNCIL MEETINGS

APOLOGIES

ANNOUNCEMENTS

PRESENTATIONS

URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS

DISCLOSURE AND DECLARATION OF INTERESTS 1

TABLING OF REPORTS AND PETITIONS

CONFIRMATION OF MINUTES 2

MAYORAL MINUTES

[11.002/19](#) General Manager's 2018/19 Mid Term Assessment 3

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

REPORTS FROM THE GENERAL MANAGER

[13.009/19](#) 2018-19 Quarterly Budget Review Statement – March 2019 5

[13.010/19](#) Office of Environment and Heritage v Clarence Valley Council - Costs 18

[13.011/19](#) Monthly Investment Report – March 2019 21

ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE REPORTS

Items for Decision

[14.034/19](#) DA2018/0615 – Alterations to Car Showroom Building – No. 37 Turf Street, Grafton 31

[14.035/19](#) DA2018/0373 – 200 Dwelling Manufactured Home Estate – Carrs Drive, Yamba – Lot 1 DP568545 41

[14.036/19](#) Modification of Development Consent DA2018/0553 by MOD2019/0011 – to Remove Height Limit of Fill Material – 52-54 Miles Street, Yamba 66

[14.037/19](#) MOD2018/0043 – Application to Modify SUB2006/0013 – Two Lot Subdivision, 193 Iluka Road, Woombah 71

[14.038/19](#) Amendment to Vegetation Controls in Development Control Plans 75

Items for Notation

[14.039/19](#) Development Applications 78

Items for Information

[14.040/19](#) 1. Clarence Valley Access Committee 82

2. Clarence Valley Cultural Committee

3. CVC Grafton Regional Gallery Advisory Committee

4. Clarence Regional Library Committee

Motions on Notice

17.006/19	Reclaim 'City Status' for Grafton within the North Coast Regional Plan 2036	83
---------------------------	---	----

CORPORATE, GOVERNANCE & WORKS COMMITTEE REPORTS

Items for Decision

15.052/19	Dogs in Clarence Coast Holiday Parks Policy Review – On Crown Land	89
15.053/19	Trenayr Park and Martin Crescent Reserve Plan of Management Adoption	96
15.054/19	Ulmarra Pool Proposal to Reopen Facility	99
15.055/19	Corcoran Park Master Plan Status	102
15.056/19	Facility Upgrade - Ken Leeson Oval Located on Crown Land	105
15.057/19	Recognition of a Climate Emergency	108
15.058/19	Policies Reviewed	113
15.059/19	Local Government Super – Defined Benefit Plan	115
15.060/19	Integrated Planning & Reporting Framework 2019/20	118
15.061/19	Council Meeting Checklist – Update on Actions Taken	123
15.062/19	Coldstream Street Yamba Watermain Renewal – Budget Variation to Bring Works Forward	125
15.063/19	Floodplain Projects and Grant Applications	127
15.064/19	Paperless Rates Promotion – Rates Giveaway 2019/20	133
15.065/19	Special Event Sponsorship Request – Wings and Wheels	136

Items for Notation

15.066/19	Proposed Review of Palmers Island Riverbank Plan Immediate Impact Line	139
15.067/19	Benchmark and Report Card Q3 2018/19	142
15.068/19	2018/19 Operational Plan – Quarterly Review as at 31 March 2019	144
15.069/19	Quarterly Governance Report	147
15.070/19	Works Report	151
15.071/19	Rehabilitation of Former Maclean, Townsend & Ilarwill Sewage Treatment Plants – Update Report	153

Items for Information

15.072/19	1. Coaldale Barretts Creek Hall Committee – Minutes of meeting 16 February 2019	156
	2. Dundurrabin Community Centre Committee – Minutes of meeting 5 February 2019	
	3. District Liaison Committee – Minutes of meeting 6 December 2017	

Late Item of Business

15.073/19	Everyone Can Play Grant – Successful Application Acceptance	157
---------------------------	---	-----

Motions on Notice

17.007/19	Cr Toms – The Sealing of 1,066 metre Long Section of McIntyres Lane New Pacific Highway Alignment to the Existing Seal at Sheehans Lane Gulmarrad	160
17.008/19	Cr Toms – Council Investigate Leasing Glenreagh Rail Precinct from ARTC to enable the Glenreagh Rail and Station Preservation Society Inc to Sub-Lease the Precinct	166

TENDERS AND CONTRACTS FOR SUPPLY

16.008/19	T19/007 – Supply of Two Backhoe Loaders	169
16.009/19	T19/010 – Supply of One Roller	172
16.010/19	Tender for the Provision of Banking and Bill Payment Services	175
16.011/19	Reconstruction of Road Pavement – Cameron Park Area, Maclean	178

MOTIONS ON NOTICE

17.009/19	Proposed Review of the Clarence Valley Council Tourism Logo	181
---------------------------	---	-----

FUNCTIONS ATTENDED AND REPORTS FROM COUNCIL DELEGATES	
18.005/19 Mayor Simmons – Functions Attended from 1 March to 31 March 2019	184
AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL FOR ITEMS NOT INCLUDED IN REPORTS	
OPEN FORUM	
FORWARD MEETING DATES	185
CONFIDENTIAL BUSINESS	
CLOSE OF ORDINARY MEETING	

MINUTES of the ORDINARY MEETING of the CLARENCE VALLEY COUNCIL held in the Council Chambers, Maclean, 23 April 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, Cr Greg Clancy, General Manager (Ashley Lindsay), Director Environment, Planning & Community (Des Schroder), A/Director Works & Civil (Greg Mashiah), Director Corporate & Governance (Laura Black) and Minutes Secretaries (Lesley McBay and Karlie Chevalley).

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

We 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.

OPENING PRAYER – The opening prayer was said by the Mayor.

STATEMENT IN RELATION TO RECORDING OF MEETINGS

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 – Nil

ANNOUNCEMENTS – Nil

PRESENTATIONS – Nil

URGENT, SUPPLEMENTARY AND LATE ITEMS OF BUSINESS - Nil

DISCLOSURE AND DECLARATIONS OF INTEREST – 08.003/19

Summary of Declarations to Committees

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	14.039 /19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: DA2019/0065 Lawrence Monthly Community Market Intended action: Leave the Chamber.
Cr Ellem	14.036/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Has socialised with the applicant. Intended action: Leave the Chamber.
Cr Toms	15.052/19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager Iluka Riverside Holiday Park. Intended action: Leave the chamber
Cr Kingsley	15.053/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary	Reason: A member of the working group for the Trenayr Park and Martin

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
		<input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Crescent Reserve is a friend of his wife. Intended action: Remain in the Chamber.

Declarations to Council

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Mr Lindsay	11.002/19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Deals with contract of employment. Intended action: Leave the Chamber.
Cr Toms	13.009/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager Sub Service 882 Page 7 Iluka HP Sullage System Upgrade Intended action: Remain in the Chamber.

TABLING OF REPORTS AND PETITIONS – Nil**CONFIRMATION OF MINUTES****COUNCIL RESOLUTION – 10.003/19**

Ellem/Kingsley

That the Minutes of the Ordinary Meeting of Council dated 26 March 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, Clancy, Kingsley

Against: Nil

MAYORAL MINUTES

ITEM	11.002/19	GENERAL MANAGER'S 2018/19 MID TERM ASSESSMENT
Meeting	Council	23 April 2019
Directorate	Mayoral Minute	
Submitted by	Cr Jim Simmons	
Attachment	Confidential	

Councillors, this Mayoral Minute is tabled in accordance with the Office of Local Government's Guidelines for the appointment and oversight of General Manager's, which states:

"The panel should report back to the governing body of council in a closed session the findings and recommendations of its performance review as soon as practicable following any performance review. This should not be an opportunity to debate the results or re-enact the performance review of the general manager"

The General Manager's mid term assessment for 2018/19 was conducted in accordance with the General Manager's Contract of Employment and the Performance Management – General Manager Policy, adopted by Council in October 2018. The assessment was facilitated by LG Management Solutions, Council's contract supplier of this service.

The General Manager's Performance Review Panel comprises the Mayor Cr Simmons, Deputy Mayor Cr Kingsley, Cr Williamson and Cr Ellem. Councillors who are not on the panel were invited to provide feedback on the General Manager's performance prior to the assessment. The Mid Term Assessment was conducted on Thursday 21 March 2019.

The General Manager's Performance Review Panel is satisfied the Mid Term Assessment is complete.

A confidential copy of the Mid Term Assessment introduction, overview and summary with aggregated ranking, is attached.

PROPOSED MOTION

That Council note the General Manager's Mid Term Assessment for 2018/19.

Having declared an interest in this item, Mr Ashley Lindsay left the Ordinary Council meeting at 2.04 pm.

MOTION

Mayor Simmons

That Council note the General Manager's Mid Term Assessment for 2018/19.

AMENDMENT TO MOTION - WITHDRAWN

Toms/Novak

That Council

1. Note the General Manager's Mid Term Assessment for 2018/19.
2. Review the process of the General Manager's performance review including Council's contract supplier if warranted for 2019/20.

The Chair adjourned the Council meeting at 2.10 pm in order to seek advice from staff on the amendment. The meeting resumed at 2.11 pm.

PROCEDURAL MOTION

Clancy/Novak

That the matter be deferred until the confidential session of the Ordinary Council meeting to have the confidential attachment considered.

Voting recorded as follows:

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

Against: Lysaught

The Motion was put and declared CARRIED.

Mr Lindsay rejoined the meeting at 2.21 pm after the matter was deferred.

Mr Lindsay left the Ordinary Council meeting at 7.48 pm to allow this matter to be considered in confidential session.

Council moved out of confidential session at 8.07 pm and then considered Item 11.002/19.

COUNCIL RESOLUTION – 11.002/19

Mayor Simmons

That Council note the General Manager's Mid Term Assessment for 2018/19.

Voting recorded as follows:

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

Against: Novak

Confidential Attachment

General Manager's Mid Term Performance Review – Overview

RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SESSION - Nil**REPORTS FROM THE GENERAL MANAGER**

ITEM	13.009/19	2018-19 QUARTERLY BUDGET REVIEW STATEMENT – MARCH 2019
Meeting	Council	23 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

This report presents to Council the March 2019 Quarterly Budget Review Statement (QBRS) reports for the period 1 July 2018 to 31 March 2019.

Budget adjustments for the quarter ended 31 March 2019 (subject to council resolution) result in a net General Fund surplus of \$65,150 decreasing the current year projected budget result to a \$439,481 deficit.

OFFICER RECOMMENDATION

That Council:

1. The information in the Quarterly Budget Review Statement to March 2019 be received and noted.
2. Approve General Fund variations detailed in this report totalling \$8,759 which results in a projected General Fund budget deficit of \$439,481 for the year.
3. Approve the variations for the Financial Reserves as detailed in this report totalling \$3,171,578, which results in a projected decrease in the External and Internal Reserves Funds of \$11,261,698.

COUNCIL RESOLUTION – 13.009/19

Toms/Lysaught

That Council:

1. **The information in the Quarterly Budget Review Statement to March 2019 be received and noted.**
2. **Approve General Fund variations detailed in this report totalling \$8,759 which results in a projected General Fund budget deficit of \$439,481 for the year.**
3. **Approve the variations for the Financial Reserves as detailed in this report totalling \$3,171,578, which results in a projected decrease in the External and Internal Reserves Funds of \$11,261,698.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND

In accordance with Clause 203(1) of the Local Government (General) Amendment (planning and reporting) Regulation 2011, the Quarterly Budget Review Statement must be submitted to Council no later than two months after the end of the quarter.

The QBRS presents a summary of Council's financial position at the end of each quarter. It is the mechanism whereby Councillors and the community are informed and monitor Council's progress against the Operational Plan (original budget) and the last adopted revised budget.

The QBRS includes:

Attachments

1. Statement of Income and Expenditure providing a summary of Council's revised financial position at the end of the quarter by Fund (Attachment A):
 - Consolidated
 - General
 - Water
 - Sewer
 - Clarence Coast Reserve Trust
 - Clarence Regional Library
 - Domestic Waste Management
 - Clarence Care and Support
2. Statement of Income and Expenditure providing a summary of Council's revised financial position at the end of the quarter by Sub-Service (Attachment B).
3. Statement of Restricted Cash Reserve Funds providing a projected year end position (Attachment C).
4. Statement of material contracts entered into by Council and details of Consultancies and Legal Expenses during the quarter (Attachment D).

Other Matters:

5. Quarterly Budget Review – Provides the proposed variations for the month of March. Summarises the General Fund budget variations during the quarter and the impact on the overall projected result and reserves.
6. Capital Budget Review – References to the Works Report reported elsewhere in these Business Papers.
7. Key Performance Indicators – Provides a projected result against the benchmark for Council's General Fund key performance indicators.
8. Improvement Strategies – Indicates a future report to be provided to Council on the status of the adopted Improvement Strategies in 2018/19.
9. Loan Borrowing Portfolio – Provides a summary of Council's outstanding loan balances (Attachment E).
10. Grant Funding - Summary of Council's successful grants and activity on grant applications in the financial year.

KEY ISSUES

QUARTERLY BUDGET REVIEW

The report table below highlights any proposed budget variations that staff have become aware of during the past month that may affect the 2018/19 budget. The mechanism for reporting the actual variation is this Quarterly Budget Review Statement (QBRs) in compliance with Clause 203 of the Local Government (General) Regulation 2005.

Major Budget Variations Proposed

Following is a list of the proposed variations for the month of December:

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
550	Service – GM Management Sub-Service – Office of General Manager <ul style="list-style-type: none"> Allocate contractors budget \$30,000 to fund LGP Performance Excellence Benchmarking Project \$8,000 and staff meetings budget \$2,000 and contribute to the review of Care and Support Services. 	\$Nil	\$Nil	N/A
611	Service – Organisation Performance Governance Sub-Service – Organisational Governance <ul style="list-style-type: none"> Allocate budget for un-claimable litigation expenses reported elsewhere in these business paper. (Refer Item 13.010/19) 	\$327,800	\$Nil	N/A
711	Service – Finance & Supply Sub-Service – Financial Accounting & Compliance <ul style="list-style-type: none"> Increase Audit Services budget to allow for the additional 17/18 Financial Statements audit expense. 	\$32,000	\$Nil	N/A
715	Service – Finance & Supply Sub-Service – Financial Accounting & Compliance <ul style="list-style-type: none"> Fund additional consulting days – configuration of Enterprise Budgeting system from RA 10491 – Corporate System Upgrades Remove annual contribution to reserve to fund Bookable implementation 	\$Nil	\$33,000	N/A
		(\$30,000)	\$Nil	N/A
733	Service – Human Resources Sub-Service – Work Health & Safety <ul style="list-style-type: none"> Recognise 2nd instalment of the State Cover Mutual Performance Rebate Distribution to be transferred to RA 10700 – On costs Reserve Workers Comp Decrease surplus contractors budget for the Health & Wellbeing program sponsored by State Cover 	\$Nil	(\$80,450)	N/A
		(\$5,000)	\$Nil	N/A
806	Service – Roads Sub-Service – Rural Roads <ul style="list-style-type: none"> Allocate operating contribution – RMS Traffic Facilities grant to align with 18/19 funding \$4,311 	\$Nil	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Allocate Saving Lives on Country Roads grant to align with 18/19 funding \$1,888 	\$Nil	\$Nil	N/A
807	Service – Roads Sub-Service – Regional Roads <ul style="list-style-type: none"> Allocate Roads to Recovery grant to align with 18/19 funding \$480,563 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Allocate Saving Lives on Country Roads grant to align with 18/19 funding \$50,000 	\$Nil	\$Nil	N/A
810	Service – Bridges Sub-Service – Bridges <ul style="list-style-type: none"> Allocate Transport for NSW – Fixing Country Roads grant to align with 18/19 funding 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Allocate Bridges Renewal Program funds to align with 18/19 funding 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Allocate expense budget for internal contribution towards Biodiversity Sub-Service 	\$5,550	\$Nil	N/A
815	Service – Floodplain Infrastructure & Operation Sub-Service – Floodplain Infrastructure & Operation <ul style="list-style-type: none"> Allocate consultant budget to review impact of Riverbank Protection Policy 	\$43,613	\$Nil	15.001/19
820	Service – Internal Road Services Sub-Service – Quarries <ul style="list-style-type: none"> Recognise increased Royalties revenue to RA 10770 – Quarry Operations Reserve 	\$Nil	(\$88,850)	N/A
	<ul style="list-style-type: none"> Recognise increased Quarry Rehabilitation revenue to RA 10780 – Quarry Rehabilitation Reserve 	\$Nil	(\$75,000)	N/A
835	Service – Emergency Services and Natural Disasters Sub-Service – RFS Operations & Emergency <ul style="list-style-type: none"> Fund improvements to Kungala-Lanitza Fire Station from RA 10175 – RFS B&C Shortfall Reserve 	\$Nil	\$43,290	15.032/19
	<ul style="list-style-type: none"> Fund Trenayr Fire Brigade Station driveway from RA 10094 – Trenayr Brigade Station 	\$Nil	\$38,500	N/A
840	Service – Parks and Open Spaces Sub-Service – Parks and Open Spaces <ul style="list-style-type: none"> Fund Lake Kolora Erosion repair from RA 10122 – Buildings/Assets Reserve – Contingency Major Emerg/Ren 	\$Nil	\$25,000	15.007/19
	<ul style="list-style-type: none"> Fund Minnie Water Foreshore Reserve Rehabilitation from RA 70010 – CCRT Maintenance Reserve 	\$Nil	\$30,000	15.011/19
	<ul style="list-style-type: none"> Fund the replacement of Alcohol Prohibited signage from RA 10576 – BBQ Replacements Reserve 	\$Nil	\$15,000	15.035/19
	<ul style="list-style-type: none"> Remove duplicate budget for Ellem Oval Upgrade 	\$Nil	\$Nil	N/A
	<ul style="list-style-type: none"> Allocate Regional Development Australia Fund 	\$Nil	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	Grant – Maclean Riverside Precinct Plan \$1,197,100			
841	Service – Sporting Facilities Sub-Service – Sporting Facilities			
	• Fund the Yamba Sports Complex Upgrade from RA 92012 – S94 CVC Open Space/Rec Facilities - Coast	\$Nil	\$133,778	15.010/19
	• Fund the Yamba Sports Complex Upgrade from RA 92010 – S94 CVC Open Space/Rec Facilities – LGA	\$Nil	\$371,724	15.010/19
	• Allocate North Coast Housing contribution (\$30,944) towards Grafton Complex Shower Upgrade	\$Nil	\$Nil	N/A
	• Fund the Yamba Oval Fence Upgrade \$14,375 from RA 10519 – Sports Yamba Oval Upgrade Reserve and \$29,625 from RA 10122 – Buildings/Asset Reserve – Contingency Major Emerg/Res	\$Nil	\$44,000	15.004/19
• Allocate Crown Reserves Improvement Program Grant to upgrade Yamba Spots Complex perimeter fence	\$Nil	\$Nil	N/A	
851	Service – Natural Resource Management Sub-Service – Biodiversity			
	• Allocate contribution towards RA 10245 - Biodiversity Offset Reserve	\$Nil	(\$5,550)	N/A
860	Service – Buildings, Properties & Leases Sub-Service – Administration Buildings			
	• Decrease surplus contractor and operating expenses after large-scale reallocations of building expenses to correct cost centres.	(\$79,000)	\$Nil	N/A
861	Service – Buildings, Properties & Leases Sub-Service – Commercial and Residential Properties			
	• Remove Gallery Café lease income- not leased during extensions	\$3,913	\$Nil	N/A
862	Service – Buildings, Properties & Leases Sub-Service – Property Leases			
	• Remove historically unutilised materials budgets	(\$29,400)	\$Nil	N/A
863	Service – Buildings, Properties & Leases Sub-Service – Public Halls			
	• Allocate Community Buildings Partnership contribution of \$5,000 towards the Tucabia Hall Kitchen upgrade	\$Nil	\$Nil	15.006/19
	• Allocate Community Buildings Partnership contributions of \$18,500 towards various Hall upgrades	\$Nil	\$Nil	N/A
	• Decrease surplus materials and insurance expense budget (\$24,800) and increase Hall Hire revenue budget to reflect pattern of hire (\$5,000)	(\$29,800)	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Fund the improvements to Kungala-Lanitza Hall from RA 10122 - Buildings/Assets Reserve – Contingency Major Emerg/Ren 	\$Nil	\$23,128	15.032/19
864	Service – Buildings, Properties & Leases Sub-Service – Buildings in Other Services <ul style="list-style-type: none"> Decrease surplus contractor budget 	(\$270,000)	\$Nil	N/A
866	Service – Buildings, Properties & Leases Sub-Service – Council Property Management <ul style="list-style-type: none"> Transfer settlement proceeds of property sales to RA 10520 – Strategic Buildings Reserve: <ul style="list-style-type: none"> 33 Cowan Street (\$22,646) 27 Cowan Street (\$13,127) 121 Ryan Street (\$29,364) 23 Kelly Street (\$57,398) 121 Bent Street (\$18,393) 	\$Nil	(\$140,928)	N/A
875	Service – Waste Management Sub-Service – Grafton Regional Landfill <ul style="list-style-type: none"> Fund Regional Landfill Cell 4B from RA 10790 – Regional Landfill Augmentation Reserve Preliminary works design and tendering \$250,000 Construction \$2,184,503 	\$Nil	\$2,434,503	15.220/18 16.004/19
878	Service – Waste Management Sub-Service – Waste Transfer Stations & Other Waste <ul style="list-style-type: none"> Allocate EPA – Combating Illegal Dumping Clean-up Grant (\$75,000) to Illegal Dumping Allocate EPA – Litter Regional Implementation Program (L-RIP) - Litter Bin Tool & Business Case Grant (\$39,100) to L-RIP Stage 1 Allocate EPA – Litter Regional Implementation Program (L-RIP) Roadside Litter Reduction Grant (\$55,500) to L-RIP Stage 1 	\$Nil \$Nil \$Nil	\$Nil \$Nil \$Nil	N/A N/A N/A
881	Service – Environmental Sustainability Sub-Service – Sustainability Projects / Climate Change <ul style="list-style-type: none"> Remove duplicated expense budget for Environmental Sustainability Management Operations and transfer to RA 10818 – Sustainability Reserve 	\$Nil	(\$29,988)	N/A
882	Service – Caravan Parks Sub-Service – Caravan Parks <ul style="list-style-type: none"> Fund Iluka Holiday Park Sullage System Upgrade from RA 70010 – CCRT Maintenance Reserve 	\$Nil	\$270,000	N/A
883	Service – Saleyards Sub-Service – Saleyards <ul style="list-style-type: none"> Allocate grant funding to Truck Wash Upgrade: RMS – Fixing Country Truck Washes Program 	\$Nil	\$Nil	N/A

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	\$159,500 <ul style="list-style-type: none"> Decrease revenue budget as a result of low cattle numbers due to drought – to be funded from RA 10910 – Saleyards Asset Replacement Reserve Reduce revenue from Canteen to reflect changes to lease to be funded from RA 10910 – Saleyards Asset Replacement Reserve 	\$Nil	\$78,000	N/A
	\$Nil <ul style="list-style-type: none"> Reduce revenue from Canteen to reflect changes to lease to be funded from RA 10910 – Saleyards Asset Replacement Reserve 	\$Nil	\$5,770	N/A
887	Service – Water Supply Sub-Service – Water Operation Maintenance & Renewals <ul style="list-style-type: none"> Fund the Coldstream Street Watermain Renewal from RA 79010 – Water Bank Account Reserve 	\$Nil	\$65,000	N/A
917	Service – Regulatory Services Sub-Service – Parking Compliance <ul style="list-style-type: none"> Remove Parking Compliance Officer Salary as a vacancy saving for 18/19 Reduce Parking Fines Revenue due to the current Parking Compliance Officer vacancy 	(\$47,000)	\$Nil	N/A
	<ul style="list-style-type: none"> Reduce Parking Fines Revenue due to the current Parking Compliance Officer vacancy 	\$65,000	\$Nil	N/A
920	Service – Development & Environmental Services Sub-Service – Planning & Assessment Services <ul style="list-style-type: none"> Reduce User Fees for Development Control to align with 18/19 revenue projected 	\$81,000	\$Nil	N/A
921	Service – Development & Environmental Services Sub-Service – Building & Environmental Services <ul style="list-style-type: none"> Increase OSM Annual Charge to reflect projected 18/19 Revenue Increase OSM Pre-purchase Inspection Revenue to reflect projected 18/19 Revenue Reduce unutilised Contractor Budget for Onsite Wastewater Management to reflect projected 18/19 expense Section 7.3 Biodiversity Assessments funded from RA 10375 – Biodiversity Management Strategy 	(\$41,250)	\$Nil	N/A
	<ul style="list-style-type: none"> Increase OSM Pre-purchase Inspection Revenue to reflect projected 18/19 Revenue 	(\$9,000)	\$Nil	N/A
	<ul style="list-style-type: none"> Reduce unutilised Contractor Budget for Onsite Wastewater Management to reflect projected 18/19 expense 	(\$61,475)	\$Nil	N/A
	<ul style="list-style-type: none"> Section 7.3 Biodiversity Assessments funded from RA 10375 – Biodiversity Management Strategy 	\$Nil	\$15,000	14.008/19
931	Service –Community Development Sub-Service – Youth Services <ul style="list-style-type: none"> Increase the Clarence Valley Youth Review Project Grant by \$2,423 to align with 18/19 agreement 	\$Nil	\$Nil	N/A
932	Service –Community Development Sub-Service – Ageing & Access <ul style="list-style-type: none"> Remove unutilised Advertising budget due to move towards more cost effective web-based marketing Remove budget for grant funds no longer current 	(\$6,250)	\$Nil	N/A
	<ul style="list-style-type: none"> Remove budget for grant funds no longer current 	\$10,985	\$Nil	N/A
933	Service –Community Development Sub-Service – Safe Communities			

Sub Service	Variation Comments	Net Impact to General Fund Decrease / (Increase)	Net Impact to Reserves Decrease / (Increase)	Previous Council Resolution
	<ul style="list-style-type: none"> Remove unutilised Advertising budget due to move towards more cost effective web-based marketing Allocate (\$22,000) Local Drug Action Team (LDAT) program funding 	(\$12,095)	\$Nil	N/A
		\$Nil	\$Nil	N/A
934	Service –Community Development Sub-Service – Indigenous Services <ul style="list-style-type: none"> Remove unutilised Advertising budget due to move towards more cost effective web-based marketing 	(\$1,020)	\$Nil	N/A
940	Service –Libraries Sub-Service – Clarence Regional Library <ul style="list-style-type: none"> Increase Furniture and Fittings budget for new Ipads and Tablets to be funded from RA 41125 – Regional Library Accumulated Surplus 	\$Nil	\$5,000	N/A
941	Service –Libraries Sub-Service – Public Libraries <ul style="list-style-type: none"> Allocate budget for new print management system 	\$14,330	\$Nil	N/A
945	Service – Galleries & Museums Sub-Service – Gallery & Museums <ul style="list-style-type: none"> Increase budget for lighting system, funded 50% from Friends of The Gallery contribution and 50% from RA 10818 – Sustainability Reserve Allocate expense budget for Insurance, Electricity and Telephone for Historical Museum Buildings Remove recurring duplicate contractor budget Museum Advisor Program Allocate 18/19 Museum Advisor Grant 2019 funding (\$10,100) and matching CVC contribution \$7,000 Allocate expenditure budget to offset Yulgilbar Foundation income. 	\$Nil	\$1,651	N/A
		\$10,100	\$Nil	N/A
		(\$6,860)	\$Nil	N/A
		\$7,000	\$Nil	N/A
		\$18,100	\$Nil	N/A
970	Service – CVC Care and Support Services Sub-Service – Community Care Administration <ul style="list-style-type: none"> Transfer contribution to Sub-Service 550 – GM Management from Care and Support Services Fund RA 10240 – Community Services Administration Reserve. 	\$Nil	(\$40,000)	N/A
	TOTAL Proposed General Fund / Reserve Balance Impact	(\$8,759)	\$3,171,578	

The table below summarises the General Fund budget variations endorsed during the quarter (Minute 15.042/19 January and February) and the impact on the overall projected result.

Quarter 3 Budget Variations	Council Minutes Actioned	Budget Review Variations	\$	Net Impact	Council Minute Reference
January & February	-	(\$56,391)	(\$56,391)	Surplus	15.042/19
March Proposed	\$43,613	(\$52,372)	(\$8,759)	Surplus	
Total	\$43,613	(\$108,763)	(\$65,150)	Surplus	

Original Adopted Budget Movement			(\$124,341)	Surplus
Q1 QBRS adopted variations	\$70,000	(\$174,389)	(\$104,389)	Surplus
Q2 QBRS adopted variations	\$162,167	\$571,194	\$733,361	Deficit
Q3 QBRS proposed variations	\$43,613	(\$108,763)	(\$65,150)	Surplus
Revised Budget as at 31 March 2019			\$439,481	Deficit

The table below summarises the External/Internal Reserve budget variations endorsed during the quarter and the impact on the overall projected result.

Quarter 3 Reserve Funds Variations	Council Minutes Actioned	Budget Review Variations	\$	Net Impact	Council Minute Reference
January & February	\$147,640	\$2,008,815	\$2,156,455	Decrease	15.042/19
March Proposed	\$3,135,423	\$36,155	\$3,171,578	Decrease	
Total	\$3,283,063	\$2,044,970	\$5,328,033	Decrease	

Original Adopted Budget Reserve Funds Movement			(\$10,250,050)	Increase
Q1 QBRS adopted variations	\$2,200,546	\$10,310,133	\$12,510,680	Decrease
Q2 QBRS adopted variations	\$3,276,228	\$396,807	\$3,673,035	Decrease
Q3 QBRS proposed variations	\$3,283,063	\$2,044,970	\$5,328,033	Decrease
Revised Budget as at 31 March 2019			\$11,261,698	Decrease

CAPITAL BUDGET REVIEW

For information on Council's capital works program and status, refer to the Works Report reported elsewhere in this business paper.

Any proposed changes that have a substantial impact on planned capital works, reserves or purchases and sales of capital assets during the current financial year will be notified to council in this report.

KEY PERFORMANCE INDICATORS

The indicators adopted in the Financial Planning Policy measure Council's financial position and its financial performance and are categorised into the following framework:

- 1) Operational Liquidity (Short Term),
- 2) Fiscal Responsibility (Medium Term), and
- 3) Financial Sustainability (Long Term).

The operating performance ratio forecast is updated quarterly. The remaining indicators are reported as forecast against benchmark, the forecasts are derived from Council's adopted Long Term Financial Plan and the Asset Management Strategy (Asset Sustainability Ratio), unless a material variation in the indicator has occurred during the period. The variations proposed in the QBRs do not materially affect Council's end of year position against KPI's.

GENERAL FUND	Forecast Indicator	Benchmark
1. Operational Liquidity (Short Term)		
1.1 Unrestricted Current Ratio	2.78	> 1.5:1
1.2 Rates and Annual Charges Outstanding	6.88%	<= 5%
1.3 Cash Expense Cover Ratio	9.69	Min > 3 Months
2. Fiscal Responsibility (Medium Term)		
2.1 Operating Performance Ratio	(10.16%)	Min > 0%
2.2 Own Source Revenue Ratio	69.08%	Min > 60%
2.3 Debt Service Cover Ratio	5.80	Min > 2x
2.4 Debt Service Ratio	4.95%	< 12%
2.5 Real Operating Expenditure Per Capita	1.37	Declining Trend
3. Financial Sustainability (Long Term)		
3.1 Building & Asset Renewal Ratio	48.53%	Min > 100%
3.2 Infrastructure Backlog Ratio	4.05%	Max < 2%
3.3 Cost to bring assets to agreed service level	3.20%	<= 4.5%
3.4 Asset Maintenance Ratio	68.47%	Min > 100%
3.5 Asset Sustainability Ratio	98%	Min > 90% but < 110%

IMPROVEMENT STRATEGIES

A separate report will be provided to Council at the June 2019 meeting updating the status and future progress of the adopted improvement strategies.

LOAN BORROWING PORTFOLIO

As at 31 March 2019, Council's loan borrowing portfolio had a principal outstanding balance of \$113,115,023 (see Attachment F for individual loans outstanding).

On a Fund basis the balance is comprised of:

Fund	Balance
General Fund loans	\$ 15,094,933
Water Fund loans	\$ 22,687,523
Sewer Fund loans	\$ 69,257,313
Domestic Waste Management Fund loans	\$ 6,075,254
TOTAL	\$ 113,115,023

Institution	Balance
ANZ	\$ 15,645,687
CBA	\$ 99,267
Dexia	\$ 61,487,079
NAB	\$ 33,101,878
NSW Treasury	\$ 100,700

Westpac	\$ 2,680,412
TOTAL	\$ 113,115,023

Council does not have any internal borrowings. Council made \$3,207,721 in loan repayments for the March 2019 quarter, which comprised \$1,360,620 of principal and \$1,847,101 of interest. These payments are included in Council's 2018/19 budget.

GRANT FUNDING

Active = Successful grant application, work/program commenced

Future = Successful grant application, work/program not commenced

There are currently 108 active and future grants, equating to total grant funding of \$62,012,094. Some of these grants require matching contributions, totalling \$8,740,323. The total value of these figures include grant funding for projects that run over 2 or more years and therefore these figures do not equate to the amount of funding expected to be received in the current financial year. The table below summarises active and future grants:

2018/19 Active & Future Grants	No. of Grants	Other Grants	State Grants	Federal Grants	Total
Active					
Capital	45	\$0	\$24,921,866	\$8,789,390	\$33,711,256
Operations & Maintenance	59	\$16,000	\$22,646,123	\$4,009,246	\$26,671,368
Future					
Capital	4	\$0	\$0	\$1,629,469	\$1,629,469
Operations & Maintenance	0	\$0	\$0	\$0	\$0
Total	108	\$16,000	\$47,567,989	\$14,428,105	\$62,012,094

Below is a summary of grant applications submitted during the financial year as at the end of the quarter and the status of those applications:

2018/19 Grant Applications as at 31 March 2019	No. of Applications	Other Applications	State Applications	Federal Applications	Total Applications
Successful	Successful	20	\$3,680,046	-	\$3,680,046
Unsuccessful	Unsuccessful	10	\$10,631,012	-	\$10,631,012
Application in Progress	Application in Progress	2	\$180,948	\$28,752	\$209,700
Submitted	Submitted	5	\$208,000	-	\$208,000
Total	Total	37	\$14,700,006	\$28,752	\$14,728,758

Council's success rate for grant applications financial year to date is 67%, equating to 20 successful applications of the 30 applications that have been determined, and approved funding of \$3,680,046.

COUNCIL IMPLICATIONS**Budget/Financial**

The proposed General Fund budget variations for the March 2019 Quarter will result in a Revised 2018/19 Budget as at 31 March 2019 of a \$439,481 deficit. The approved Reserve Funds variations for the March 2019 Quarter has resulted in a Revised 2018/19 Budget Reserve Funds movement as at 31 March 2019 of a \$11,261,698 reduction.

Asset Management

N/A

Policy or Regulation

The reports presented are in accordance with the requirements outlined in the Code of Accounting Practice and Financial Reporting, and clause 203(1) of the Local Government (General) Regulations applicable from 1 July 2011 including the format required under the Integrated Planning and Reporting (IP&R) framework.

Consultation

Report has been prepared in consultation with the Management Accounting staff and Section budget managers.

Legal and Risk Management

N/A

Prepared by	Nathan Binns, Manager Finance & Supply
To be tabled	A. Quarterly Budget Review Income Statement by Fund B. Quarterly Budget Review Sub Service Summary C. Quarterly Budget Review Summary of Restrictions
Attachments	D. Quarterly Budget Review Contracts and Other Expenses E. Outstanding Loans by Fund Report as at 31.03.19

Appendix 1**Report by Responsible Accounting Officer – 2018/19 March Quarter Budget Review**

The following statement is made in accordance with clause 203(2) of the Local Government (General) Regulation 2005.

It is my opinion that the Quarterly Budget Review Statement for Clarence Valley Council for the quarter ended 31 March 2019 indicates that Council's projected short term financial position at 30 June 2019 will be satisfactory, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

The estimated available working capital for Council's General Fund as at 30 June 2019 was \$6.029m.

For clarification, the available working capital is regarded as funds that are currently not restricted for any use by Council for either internal or external purposes. In summary, the estimated balance of available working capital as at 30 June 2019 is as follows:

Estimated Balance of Working Capital	Amount \$'000
General Fund working capital as at 30 June 2018	\$6,469
Adopted original budget for 2018/19 – Surplus	\$124
Variations for September 2018 Quarterly Review – Surplus	\$104
Variations for December 2018 Quarterly Review – Deficit	(\$733)
Variations for March 2019 Quarterly Review – Surplus	\$65
Estimated Balance of Working Capital at 30 June 2019	\$6,029

Council's adopted benchmark goal for the General Fund working capital is for it to be maintained above \$4m. The estimated balance of the working capital for General Fund at 30 June 2019 of \$6.029m is above Council's benchmark and can be considered a satisfactory result as at 30 June 2019. However, Council must continue to maximise its revenue and contain expenditure to budget expectations to ensure the forecast for 2018/19 does not deteriorate.

Signed Nathan Binns, Responsible Accounting Officer, Clarence Valley Council

Date 17/04/2019

ITEM 13.010/19 OFFICE OF ENVIRONMENT AND HERITAGE V CLARENCE VALLEY COUNCIL - COSTS

Meeting	Council	23 April 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Confidential	

SUMMARY

Council at its February 2019 meeting resolved (Item 13.004/19) to receive a report which detailed all costs associated with the case of Office of Environment and Heritage (OEH) v Clarence Valley Council.

OFFICER RECOMMENDATION

That Council receive and note the costs incurred by Council in meeting the Court Orders in the case *Chief Executive, Office of Environment and Heritage v Clarence Valley Council [2018] NSWLEC 205*.

COUNCIL RESOLUTION – 13.010/19

Lysaught/Kingsley

That Council receive and note the costs incurred by Council in meeting the Court Orders in the case *Chief Executive, Office of Environment and Heritage v Clarence Valley Council [2018] NSWLEC 205*.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND

Council received a report to its February 2019 meeting which provided details of the outcomes of the court case and the associated orders. Following receipt of that report, Council resolved to seek a separate report which detailed the costs associated with the matter. This report presents the financial details associated with the proceedings.

KEY ISSUES

Table 1 details the costs that have been incurred by Council, and also the payments that have been made to council in relation to this matter up to 29 March 2019.

Table 1 – Incurred Costs and Payments Received

Item	Amount	Notes
Penalty and costs	\$ 348,166.00	Court order 2 (b) & 2 (g)
Advertising	\$ 16,705.28	Court Order 2 (c)
Restorative Justice Conference	\$ 23,099.36	Determined by court refer Council

Item	Amount	Notes
		resolution 13.069/18 November 2018
Insurance excess	\$ 10,000.00	As per policy
Legal fees	\$ 53,460.85	Covered by insurance
Travel, accommodation and meals	\$ 4,775.74	Attendance of hearing
Postage	\$ 30.37	Postage for conveyance of original documentation
Subtotal	\$ 456,237.60	
Estimated Costs for Cultural Skills Development Training for staff	\$ 45,000.00	Court Order 2 (f)
Total	\$ 501,237.60	
Insurance assistance received	Amount	
Legal fees	\$ 53,460.85	Insurance coverage for legal fees
Ex gratia payment	\$ 75,000.00	Ex Gratia payment from Statewide Mutual
Total Insurance assistance received	\$ 128,460.85	
Total Cost (Net of Insurance Assistance)	\$ 372,776.75	

Penalty

The penalty (\$300,000) as detailed in paragraph 130 (2) (b) has been paid to the Grafton Ngerrie Local Aboriginal Land Council (GNLALC). The court ordered that these funds were to be applied toward specific projects which are directly related to creating and promoting community awareness and education of Aboriginal cultural heritage. The projects to be undertaken in utilising the funding are:

1. A feasibility study to establish a 'Keeping Place' in the Grafton area for Aboriginal cultural heritage items, including the long-term storage and/or display of the scar tree, and other items that have been repatriated that require restoration, storage and display for community members to visit for educational purposes;
2. Research into local Aboriginal cultural heritage, including scar trees, to inform the development of educational resources for the benefit of indigenous and non-indigenous people in the Grafton area to be toured in schools in 2019 and/or to establish a permanent exhibition in Grafton; and
3. A series of one-day 'Clarence Valley Healing Festivals' to be held in the various local Aboriginal communities in the Clarence Valley throughout 2019 and 2020 to celebrate Aboriginal culture and promote reconciliation through dance, arts and crafts, food, medicine, language and Elder talks on cultural heritage, including scar trees, and a display of artefacts, including the scar tree if the carving is portable.

The request to have the penalty paid to the Grafton Ngerrie Local Aboriginal Land Council was a key recommendation that was presented to the Court from the Restorative Justice Conference and will enable the promotion of community awareness and education of Aboriginal cultural heritage within the Clarence Valley which is a positive outcome from the loss of the Scar Tree.

Cultural Skills Development Training

In accordance with the orders of the Court, training of Council staff is currently being progressed. Due to a number of conflicting matters and approval processes within the Aboriginal community, the training will not be delivered by 30 April 2019. Both parties are in agreement that an extension is to be sought from the Court for the delivery of the training. This alteration of Court orders will require the involvement of

Council's legal representatives and will incur additional costs. The quantum of these costs is currently unknown.

Whilst Council is yet to receive a final cost estimate for the provision of the training, it is expected to be in the vicinity of \$45,000 and will be funded from within section training budgets and the operational staff oncost budget.

Insurance

In January 2019, advice was received from Council's insurer, that the court finding of 'recklessness' triggered a policy exclusion in relation to the statutory liability claim (see Confidential Attachment). In further consultation with, and advice from Statewide, it was agreed that an ex gratia payment could be sought. In March 2019, advice was received of a \$75,000 ex-gratia payment, with a stipulation that the payment must not be allocated toward the penalty of \$300,000. The ex gratia payment is in addition to the coverage of legal costs up to the date of advice (\$53,460.85).

COUNCIL IMPLICATIONS

Budget/Financial

The ex gratia payment of \$75,000 has been allocated to cover court costs, costs associated with attendance in court and the Restorative Justice Conference. An out of pocket balance of \$27,776.75 in addition to the penalty of \$300,000 remains to be funded by the General Fund. A budget variation of \$327,776.75 is reported in the third quarter QBRs (390111-55-7353-2561).

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

The legal proceedings have been captured in Council's legal register and reported as part of the quarterly Governance report, as required under legislation. The implementation of cultural training, the community projects, and other matters detailed within the court orders are all part of the risk management in relation to harm to an Aboriginal object.

Prepared by	Ashley Lindsay, General Manager
Confidential Attachment	Insurance Advice

ITEM	13.011/19	MONTHLY INVESTMENT REPORT – MARCH 2019
-------------	------------------	---

Meeting	Council	23 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
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 31 March 2019 be received and noted.

MOTION

Clancy/Novak

That

1. Council note and receive the report indicating Council's funds investment position as at 31 March 2019.
2. Future reports show the percentage of funds invested with non-fossil fuel funding financial institutions.

Voting recorded as follows:

For: Novak, Clancy, Ellem

Against: Williamson, Simmons, Lysaught, Kingsley, Baker, Toms

The Motion was put and declared LOST. The Foreshadowed Motion was then considered.

FORESHADOWED MOTION – RULED OUT OF ORDER

Williamson/Lysaught

That the Officer Recommendation be adopted.

POINT OF ORDER – Cr Baker called a point of order that the Foreshadowed Motion is now out of order as it has been negated by the first motion.

The Chair upheld the Point of Order.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

Objective 5.2 We will have an effective and efficient organisation

Strategy 5.2.1 Operate in a financially responsible and sustainable manner

BACKGROUND

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

KEY ISSUES**Source of Funds Invested**

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

Based on the audited 30 June 2018 figures, funds have been sourced from the following areas:

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

Portfolio Credit Limits

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

Portfolio Credit Limits as at 31 March 2019				
Credit Rating Long Term	Investment Policy Maximum Holding	Total Investments Held	% of Total Investments	Complies with Policy (yes/no)
AAA	100.00%	6,460,182	5.28%	Yes
AA	100.00%	35,162,704	28.75%	Yes
A	60.00%	33,168,192	27.12%	Yes
BBB	50.00%	47,506,320	38.84%	Yes
TOTAL INVESTMENTS		122,297,398	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.

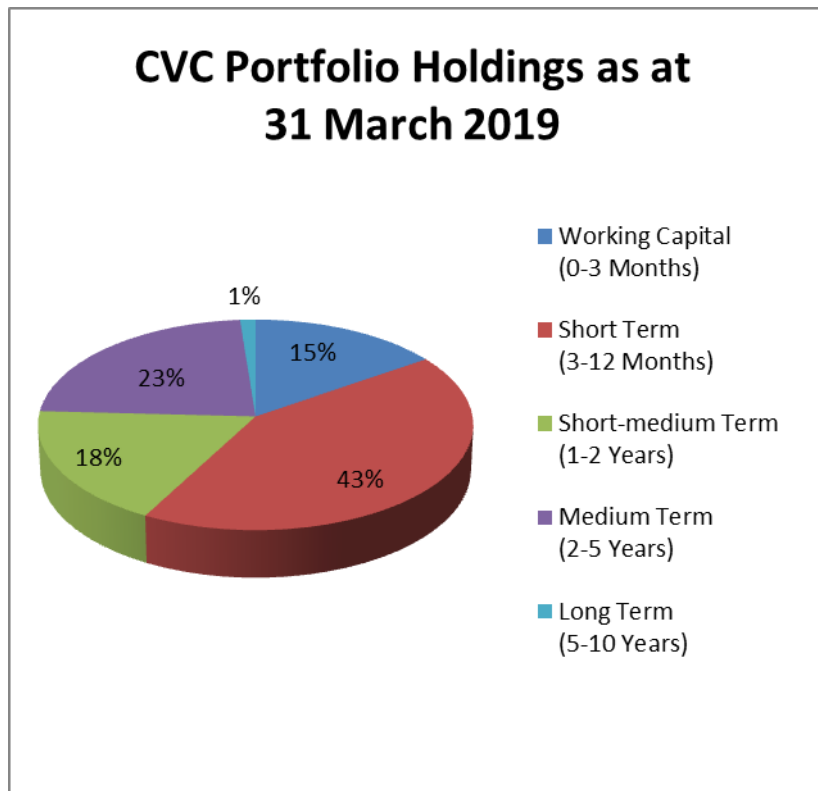
Individual Institution or Counterparty Limits

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

Individual Institution or Counterparty Limits as at 31 March 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	A	15.00%	6,000,000	4.91%	Yes
ANZ*	AA-	30.00%	2,022,380	1.65%	Yes
BoQ	BBB+	15.00%	15,000,000	12.27%	Yes
Bendigo	BBB+	15.00%	7,000,000	5.72%	Yes
Bendigo*			1,006,320	0.82%	
Rural Bank			5,000,000	4.09%	
CBA*	AA-	30.00%	2,026,680	1.66%	Yes
Credit Union Australia	BBB	15.00%	3,000,000	2.45%	Yes
Defence	BBB	15.00%	9,000,000	7.36%	Yes
G&C Mutual	BBB-	15.00%	1,000,000	0.82%	Yes
IMB	BBB	15.00%	1,000,000	0.82%	Yes
ING Direct	A	15.00%	14,000,000	11.45%	Yes
ME Bank	BBB	15.00%	4,000,000	3.27%	Yes
NAB	AA-	30.00%	16,000,000	13.08%	Yes
NAB*			1,000,940	0.82%	
P&N	BBB	15.00%	3,000,000	2.45%	Yes
People's Choice	BBB	15.00%	1,000,000	0.82%	Yes
RaboDirect	A+	15.00%	11,000,000	8.99%	Yes
Westpac	AA-	30.00%	7,000,000	5.72%	Yes
Westpac*	AA-		1,523,610	1.25%	
TOTAL TERM DEPOSITS & FRNs*			110,579,930	90.42%	
MANAGED FUNDS					
TCorp	AAA	40.00%	1,960,182	1.60%	Yes
TOTAL MANAGED FUNDS			1,960,182	1.60%	
FUNDS AT CALL					
AMP	A	15.00%	3,168,192	2.59%	Yes
ANZ	AA-	30.00%	2,272,067	1.86%	Yes
CBA	AA-	30.00%	4,317,027	3.53%	Yes
TOTAL FUNDS AT CALL			9,757,286	7.98%	
TOTAL INVESTMENTS			122,297,398	100.00%	

Portfolio Holdings by Maturity

Illustrated and tabled below is a summary of Council's investments by maturity as at 31 March 2019. Excluding "at-call" working capital, 48.25% of Council's investments are maturing within the next twelve months.



Register of Investments - Clarence Valley Council as at 31 March 2019					
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
WORKING CAPITAL (0-3 MONTHS)					
T-CorplM Cash Fund	1,960,182	1.60%	At-Call	2.52%	AAA
AMP Bank Ltd	3,168,192	2.59%	At-Call	2.05%	A
ANZ Banking Group Ltd	2,272,067	1.86%	At-Call	1.80%	AA-
Commonwealth Bank of Australia	4,317,027	3.53%	At-Call	1.40%	AA-
Bank Of Queensland Ltd	1,000,000	0.82%	17/06/2019	3.55%	BBB+
IMB	1,000,000	0.82%	03/06/2019	2.75%	BBB
ME Bank Ltd	2,000,000	1.64%	08/05/2019	2.80%	BBB
National Australia Bank	3,000,000	2.45%	20/05/2019	2.76%	AA-
TOTAL WORKING CAPITAL (0-3 MONTHS)	18,717,468	15.30%		2.23%	
SHORT TERM (3-12 MONTHS)					
AMP Bank Ltd	2,000,000	1.64%	23/07/2019	3.05%	A-
AMP Bank Ltd	1,000,000	0.82%	30/08/2019	2.70%	A-
AMP Bank Ltd	3,000,000	2.45%	06/03/2020	2.75%	A-
Bendigo Bank	2,000,000	1.64%	28/10/2019	2.95%	BBB+
Bendigo Bank	1,000,000	0.82%	21/11/2019	2.70%	BBB+
Bendigo Bank	2,000,000	1.64%	16/12/2019	2.85%	BBB+
Bendigo Bank	2,000,000	1.64%	18/12/2019	2.85%	BBB+
Credit Union Australia	1,000,000	0.82%	29/07/2019	2.70%	BBB
Credit Union Australia	2,000,000	1.64%	06/08/2019	2.78%	BBB
Defence Bank	1,000,000	0.82%	04/03/2020	2.80%	BBB
G&C Mutual Bank	1,000,000	0.82%	18/03/2020	4.00%	BBB-
ING	1,000,000	0.82%	06/11/2019	2.87%	A
ING	2,000,000	1.64%	08/11/2019	2.85%	A
ING	2,000,000	1.64%	10/12/2019	2.87%	A
ING	3,000,000	2.45%	14/02/2020	2.87%	A
ING	2,000,000	1.64%	20/02/2020	2.89%	A
ING	2,000,000	1.64%	02/03/2020	2.87%	A
National Australia Bank	2,000,000	1.64%	29/07/2019	2.76%	AA-
National Australia Bank	2,000,000	1.64%	05/09/2019	2.71%	AA-
National Australia Bank	3,000,000	2.45%	05/09/2019	2.71%	AA-
National Australia Bank	2,000,000	1.64%	13/09/2019	2.75%	AA-
National Australia Bank	2,000,000	1.64%	11/11/2019	2.73%	AA-
National Australia Bank	2,000,000	1.64%	11/12/2019	2.75%	AA-
People's Choice Credit Union	1,000,000	0.82%	12/12/2019	2.77%	BBB
RaboDirect (Australia) Ltd	2,000,000	1.64%	14/08/2019	2.85%	A+
Rural Bank Ltd	2,000,000	1.64%	10/02/2020	2.85%	BBB+
Rural Bank Ltd	2,000,000	1.64%	04/03/2020	2.80%	BBB+
Rural Bank Ltd	1,000,000	0.82%	04/03/2020	2.80%	BBB+
Bendigo Bank (3m BBSW +110bps) (Principal Value \$1,000,000) Market Value	1,006,320	0.82%	21/02/2020	3.01%	BBB+
TOTAL SHORT TERM (3-12 MONTHS)	52,006,320	42.52%		2.84%	
SHORT - MEDIUM TERM (1-2 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.82%	06/07/2020	3.00%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	26/10/2020	3.20%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	02/12/2020	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.64%	12/01/2021	3.65%	BBB+
Defence Bank	2,000,000	1.64%	11/05/2020	3.00%	BBB
Defence Bank	2,000,000	1.64%	20/11/2020	3.00%	BBB
Defence Bank	2,000,000	1.64%	17/12/2020	3.00%	BBB
Defence Bank	2,000,000	1.64%	09/03/2021	3.00%	BBB
ING	1,000,000	0.82%	10/11/2020	2.92%	A
ME Bank Ltd	2,000,000	1.64%	06/05/2020	3.11%	BBB
P&N Bank	3,000,000	2.45%	11/03/2021	3.82%	BBB
Westpac Bank	2,000,000	1.64%	05/03/2021	3.00%	AA-
TOTAL SHORT-MEDIUM TERM (1-2 YEARS)	22,000,000	17.99%		3.22%	

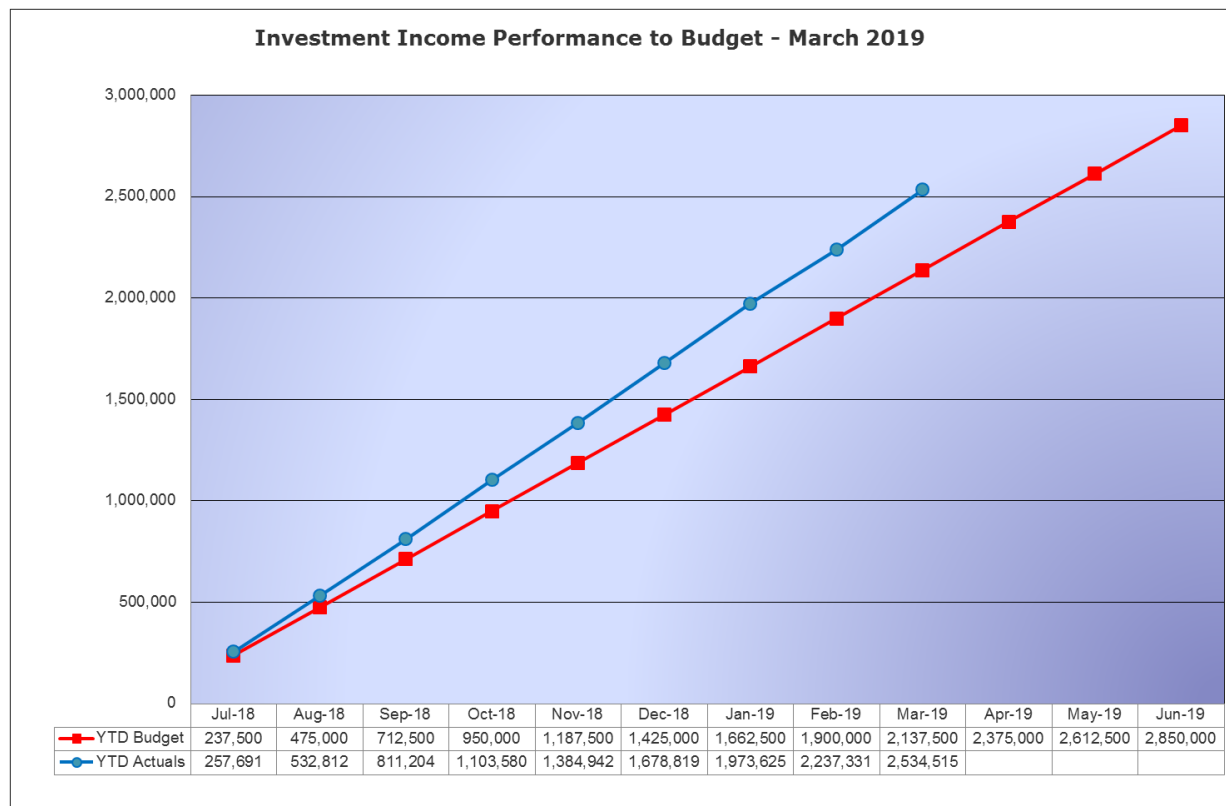
Financial Institution	Total Investments Held	% of Total Investments	Maturity Date	Investment Return	Credit Rating Long Term
MEDIUM TERM (2-5 YEARS)					
Bank Of Queensland Ltd	1,000,000	0.82%	29/06/2021	3.45%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	02/12/2021	3.80%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	09/05/2022	3.60%	BBB+
Bank Of Queensland Ltd	1,000,000	0.82%	03/08/2022	3.60%	BBB+
Bank Of Queensland Ltd	2,000,000	1.64%	08/02/2023	3.55%	BBB+
Bank Of Queensland Ltd	2,000,000	1.64%	21/08/2023	3.60%	BBB+
ING	1,000,000	0.82%	04/10/2022	3.66%	A
RaboDirect (Australia) Ltd	2,000,000	1.64%	14/06/2021	3.02%	A+
RaboDirect (Australia) Ltd	1,000,000	0.82%	21/06/2021	3.07%	A+
RaboDirect (Australia) Ltd	2,000,000	1.64%	13/09/2022	3.40%	A+
RaboDirect (Australia) Ltd	1,000,000	0.82%	05/12/2022	3.21%	A+
RaboDirect (Australia) Ltd	1,000,000	0.82%	17/08/2023	3.40%	A+
RaboDirect (Australia) Ltd	2,000,000	1.64%	19/09/2023	3.40%	A+
Westpac Bank	1,000,000	0.82%	16/11/2021	3.15%	AA-
Westpac Bank	2,000,000	1.64%	18/07/2022	3.05%	AA-
Westpac Bank	2,000,000	1.64%	13/03/2023	2.95%	AA-
ANZ Banking Group Ltd (3m BBSW +103bps) (Principal Value \$2,000,000) Market Value	2,022,380	1.65%	06/12/2023	2.91%	AA-
Commonwealth Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,001,580	0.82%	25/04/2023	2.88%	AA-
Commonwealth Bank (3m BBSW +113bps) (Principal Value \$1,000,000) Market Value	1,025,100	0.84%	11/01/2024	3.31%	AA-
National Australia Bank (3m BBSW +80bps) (Principal Value \$1,000,000) Market Value	1,000,940	0.82%	10/02/2023	2.79%	AA-
TOTAL MEDIUM TERM (2-5 YEARS)	28,050,000	22.94%		3.27%	
LONG TERM (5-10 YEARS)					
Westpac Bank (3m BBSW +114bps) (Principal Value \$1,500,000) Market Value	1,523,610	1.25%	24/04/2024	3.22%	AA-
TOTAL LONG TERM (5-10 YEARS)	1,523,610	1.25%		3.22%	
TOTAL INVESTMENTS	122,297,398	100.00%		2.92%	

COUNCIL IMPLICATIONS

Budget/Financial

Portfolio Investment Returns to 31 March 2019			
	Actual	Budget 2018/19	Over/(Under)
This Month			
Cash Deposits & FRNs	\$293,066	\$235,800	\$57,266
Managed Funds	\$4,118	\$1,700	\$2,418
	\$297,184	\$237,500	\$59,684
Year to Date			
Cash Deposits & FRNs	\$2,491,804	\$2,122,200	\$369,604
Managed Funds	\$42,711	\$15,300	\$27,411
	\$2,534,515	\$2,137,500	\$397,015

- Actual results have shown that total interest income to 31 March 2019 is \$0.397 above the 2018-19 budget of \$2.137M.
- As at 31 March 2019 the Floating Rate Notes (FRNs) had an unrealised capital gain of \$28,640.

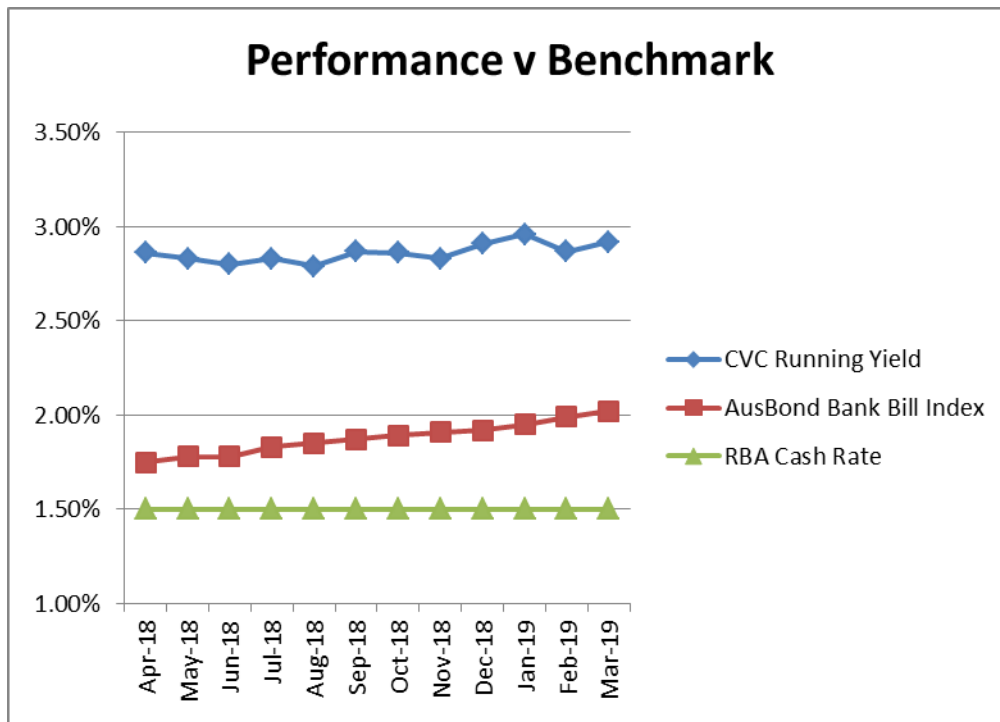


- Running yields* to 31 March 2019 have been:

AMP Business	1.80%
AMP 31 Day Notice	2.30%
ANZ Premium Business	1.80%
CBA General	1.35%
24hr Call Account	1.45%
T-CorpIM Cash Fund	2.52%
Floating Rate Notes	3.02%
Term Deposits	<u>3.04%</u>
Total	2.92%

***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 March was 1.50%. The benchmark AusBond Bank Bill Index was 2.02% for February.
- The current running yield of the total investment portfolio remains at elevated levels above the cash rate. At month-end, it stood at +2.92% (February 2.87%).



- There have been no investments arranged since the previous report.

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

Prepared by	Michael Salvestro, Financial Accountant
Attachment	A: Movement of funds between months and Other Internal Reserves (detail)

BLOCK VOTE**Kingsley/Novak****That the following Items be adopted:**

14.034/19	15.053/19	16.008/19
14.037/19	15.054/19	16.009/19
14.040/19	15.055/19	16.010/19
	15.056/19	16.011/19
	15.059/19	
	15.062/19	
	15.063/19	
	15.064/19	
	15.065/19	
	15.066/19	
	15.067/19	
	15.068/19	
	15.069/19	
	15.071/19	
	15.072/19	
	15.073/19	

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

ENVIRONMENT, PLANNING AND COMMUNITY COMMITTEE

MINUTES of a meeting of the **ENVIRONMENT, PLANNING & COMMUNITY COMMITTEE** of Clarence Valley Council held in the Council Chambers, Maclean on Tuesday, 16 April 2019 commencing at 4.07 pm.

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the Yaegl peoples, Traditional Custodian 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.

PRESENT

Cr Andrew Baker, Cr Greg Clancy, Cr Debrah Novak, Cr Jim Simmons (Mayor) and Cr Richie Williamson.

Cr Peter Ellem, Cr Jason Kingsley, Cr Arthur Lysaught, Cr Karen Toms, Mr Ashley Lindsay (General Manager), Mr David Morrison (A/Director – Environment, Planning & Community), Mr Greg Mashiah (A/Director – Works & Civil) and Ms Laura Black (Director – Corporate & Governance) were in attendance.

APOLOGIES – Nil**DISCLOSURE AND DECLARATIONS OF INTEREST –**

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Novak	14. 039 /19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: DA2019/0065 Lawrence Monthly Community Market Intended action: Leave the Chamber.
Cr Ellem	14.036 /19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: Has socialised with the applicant. Intended action: Leave the Chamber.

DEPUTATIONS**Item 14.034/19 DA2018/0615 – Alterations to Car Showroom Building – No. 37 Turf Street, Grafton**

- Rob Donges (On behalf of Applicant)

Item 14.035/19 DA2018/0373 – 200 Dwelling Manufactured Home Estate – Carrs Drive, Yamba – Lot 1 DP568545

- Peter Childs (Applicant)

REPORTS

ITEM	14.034/19	DA2018/0615 – ALTERATIONS TO CAR SHOWROOM BUILDING – NO. 37 TURF STREET, GRAFTON
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Stephen Casson C/- Ken Casson Motors
<i>Owner</i>	Stephen Casson
<i>Address</i>	37 Turf Street, Grafton
<i>Submissions</i>	Yes – 8 (4 received for initial design and 4 received for amended design)

Development Application DA2018/0615 seeks approval for alterations to the existing car showroom located on Lot 3 DP711957 (No. 37 Turf Street, Grafton).

The matter is being reported to Council due to the concerns raised in the submissions regarding the potential impacts to the streetscape setting of heritage items and the Grafton Conservation Area from proposed colour scheme, removal of fencing and existing landscaping.

This report provides an assessment of the application, a summary of the submissions received and a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That DA2018/0615 be approved subject to the imposition of the conditions contained in Schedule 1.

COMMITTEE RECOMMENDATION

Williamson/Novak

That DA2018/0615 be approved subject to the imposition of the conditions contained in Schedule 1 as amended:

Condition 16 to read *"The height of the fascia (the sign) on the eastern elevation shall not exceed 1,200mm as shown in Drawing No. 18005 – DA03 - Revision D (figure 2)."*

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.034/19

Kingsley/Novak

That DA2018/0615 be approved subject to the imposition of the conditions contained in Schedule 1 as amended:

Condition 16 to read *"The height of the fascia (the sign) on the eastern elevation shall not exceed 1,200mm as shown in Drawing No. 18005 – DA03 - Revision D (figure 2)."*

Voting recorded as follows:**For: Simmons, Kingsley, Baker, Ellem, Clancy, Williamson, Lysaught, Toms, Novak****Against: Nil****LINKAGE TO OUR COMMUNITY PLAN**

Theme 5 Leadership

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

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

Development Application DA2018/0615 was lodged with Council on 11 October 2018. The proposed development was advertised and notified and 4 submissions were received during the initial exhibition period. The original design included removal of the existing pitched roof and replacement with a flat colorbond roof, enclosure of the existing showroom with glass and sliding aluminium doors and a new 7 metre pylon sign. The proposed structure in terms of scale, form, roof form and external materials did not sympathetically relate or respect the setting or significance of the setting of the surrounding heritage items or Conservation Area precinct and as such the initial design was considered unacceptable. The proposed structure paid no respect to the established patterns of building form, scale, mass, roof form, pitch materials and architectural treatment.



Figure 1 – Extract of initial design from Drawing No. 18005 – DA03 – Revision B by DRA Architects

Council staff sought additional information by way of an amended design of the showroom and pylon sign which was sympathetic to the heritage values of the Conservation Area in terms of roof form, pitch, scale and materials and which are harmonious with the surrounding streetscape and existing buildings.

The applicant submitted an amended design with the showroom located within the existing pitched roof line. As part of the amendment the 7m pylon sign component was also deleted. See extract of plan below. The amended design was exhibited and 4 submissions were received.

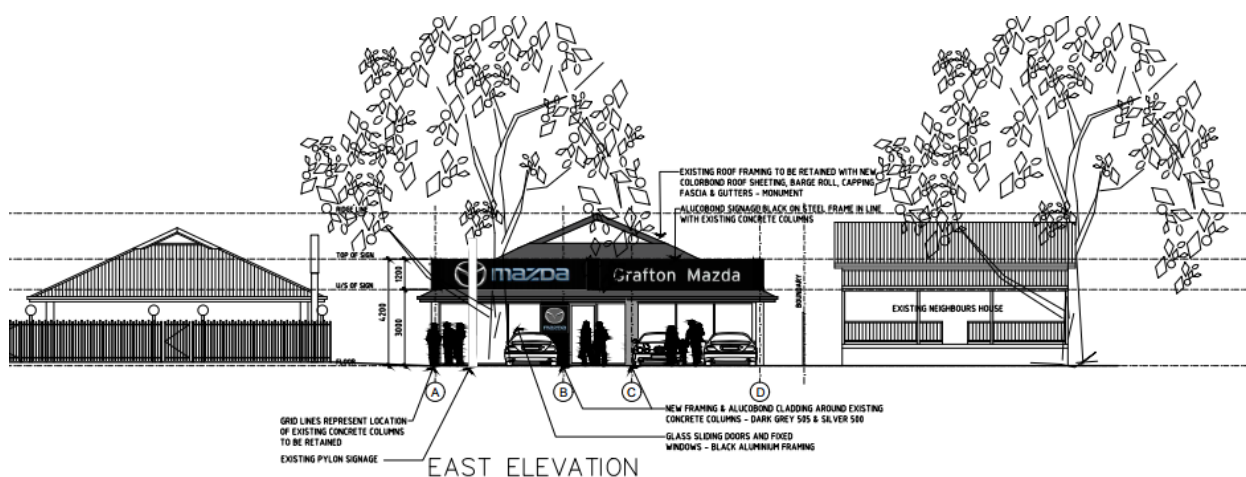


Figure 2 – Extract of amended design from Drawing No. 18005 – DA03 – Revision D by DRA Architects

Following exhibition of the second design, further negotiations between the applicant and Mazda were undertaken regarding colour schemes and landscaping. In response to those negotiations, the applicant now proposes:

1. Removal of existing fence with landscape garden to remain.
2. Re-cladding of existing 5 metre monolith sign in new corporate signage.
3. Paving of the existing lawn area between the landscaped garden and front of showroom building.
4. Re-roof existing roof with Shale Grey colorbond.
5. Adding a front fascia to front of roof to support new corporate signage to Mazda.
6. Adding front entry portal as per plans in black ACM.
7. Bricking in northern side wall and glassing in southern and eastern walls.
8. Window frames and pylons to be black.
9. Removal of the side fascias above awning on southern and northern elevation.
10. No cars are to be parked or displayed on the area between the landscaped garden and the front of showroom building.

The proposed changes do not materially change from that notified during the second exhibition period and therefore, it was considered that re-notification to objectors and adjoining landowners was not required.

KEY ISSUES

1. Impact to streetscape setting of heritage items and Conservation Area

Concerns were raised in all submissions received regarding the potential adverse impacts to the setting of adjoining heritage items and Conservation Area from the development in terms of scale, materials and colours, removal of existing fence and landscaping.

Comment

This site is located within the Grafton Heritage Conservation Area and sits in a streetscape precinct composed almost entirely of heritage listed items. The setting of the site is further enhanced by the heritage listed avenue plantings of Jacaranda trees and the landscaped open space of See Park.

It is agreed that the original design submitted (refer to Figure 1) for a new showroom and large pylon sign would have had an adverse impact upon the historic and aesthetic significance and setting of the Grafton Heritage Conservation Area and heritage items in the vicinity of the site.

Through negotiation with the applicant, the proposal was amended so that altered showroom now sits within the existing pitched roof line (refer Figure 2). The existing roof lines of the car showroom are

sympathetic to the scale, bulk, roof form, material, pattern and rhythm of the streetscape setting. It is considered that the amended design, retention of landscaped hedge, replacement of green roof with shale-grey colorbond and through a reduced sizing of the signage on the fascia, the development will not result in unacceptable impacts to the significance of the Heritage Conservation Area or adjoining heritage items.

2. Colour

The colour of the roof was originally proposed to be black in line with the corporate colours of Mazda. It was considered that a black roof would have had an adverse impact upon the significance and setting, views and vistas of the Heritage Conservation Area and the setting of heritage items in the vicinity of the site.

After negotiation between staff and the applicant, the roof colour is now proposed to be shale-grey which is considered acceptable to Council’s Heritage Officer. A condition of consent is provided within Schedule 1 confirming the roof colour as proposed. A shale-grey roof is considered to be harmonious with the prevailing colour of roofing in the streetscape which is uncoloured traditional galvanised steel and Zinalume.

The window frames, pylons and front entry portal are proposed to be coloured black. Black is not considered to be a suitable heritage colour. However, the use of black in this instance is considered acceptable because the building itself is not listed and the use of this colour for minor trim work and pylons is not likely to detract further from the amenity or visual quality of the heritage area than what currently exists.

3. Signage

Originally, the applicant proposed a 7m pylon sign which did not sympathetically relate or respect the setting or significance of the heritage area or adjoining heritage items in terms of scale and design. The original design was unacceptable to Council staff and subsequently, the 7m sign component was deleted from the amended design.

The site currently houses a white 5m pylon sign which was approved by Council under DA93/110. The applicant now proposes to rebadge that sign to reflect the current Mazda corporate colours and logo whilst maintaining the existing 5m height (refer figures 3 and 4). It is considered that the change of the sign from white to black will be recessive and less intrusive than the visual impact the current sign has to the streetscape. As discussed above, black is not considered to be a suitable heritage colour. However, the use of black in this instance is considered acceptable because it is not likely to detract further from the amenity or visual quality of the heritage area than what currently exists.

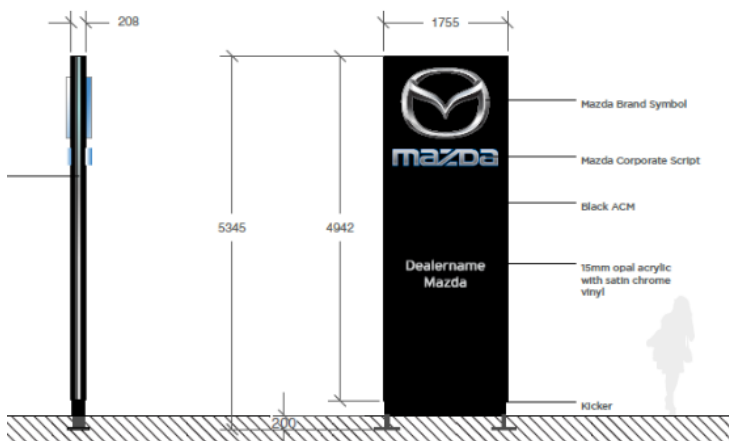


Figure 3 - Proposed sign



Figure 4 - Existing Sign

4. Removal of fence

Concerns were raised within the submissions that the removal of the fence would negatively impact on privacy to neighbouring properties.

Comment

Council's Heritage Officer has provided comment that the retention of the fence would be positive to continue to reinforce the pattern of development of the streetscape precinct, however, retention of a hedge to a minimum height of 600mm is acceptable to define this boundary. If approved, the notice of determination will be conditioned to ensure retention of the hedge.

5. Reduction in fascia height from 1200mm to 900mm

The applicant proposes a 1.2m high fascia with advertising above the awning of the building.

The proposed fascia depth/height is substantial at 1200mm and a reduction to 900mm or less would be preferable. However, it sits at the bottom of the roof and the main roof line is not substantially affected. It is acknowledged that the actual building is not historic building stock so the main issue is the aesthetic impact of the signage on the streetscape setting of the Conservation Area and adjacent heritage buildings. For this reason, it is recommended that the fascia be reduced to 900mm to improve the aesthetic appearance in the Heritage Conservation Area setting. A restriction that a maximum 900mm fascia is to be provided has been included in the Draft Schedule of Conditions.

6. Noise impacts

a. Noise during construction

Concerns were raised regarding the adverse impacts to lifestyle from noise during construction of the premises. It is acknowledged that there will be noise generated from the site during refurbishment of the premises. However, the construction is for a limited time only and will not be an ongoing occurrence. The noise expected would be no more, and most likely considerably less than what would occur during the construction of a single dwelling and therefore it is considered, a short term impact during construction is reasonable and acceptable.

If the development is approved, the construction will be limited to the following working hours:

4. **Working/Construction Hours** *Working hours on the construction project being limited to the following:*

7.00 am to 6.00 pm 6 days per week No work permitted on Sundays and public holidays

The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

b. Noise from business

Concerns were also raised regarding the noise impacts from operation of the business including noise generated from deliveries to the site and people talking loudly within the premises.

The proposed refurbishment of the building proposes to enclose the northern elevation with brick and enclose the southern and eastern elevations with glass. The enclosure of the building is likely to improve

privacy and reduce noise that is currently experienced from the open awning structure that exists onsite which is likely to result in positive impacts to the neighbouring residences.

As the existing structure currently displays cars for sale, it is not expected that there would be any more or less deliveries from the refurbishment of the building and therefore, there will be no increased impact from noise generated from deliveries than what currently exists.

7. Impacts to adjoining residence from increase in heat and light radiation from large expanse of glass

The northern elevation of the building that adjoins the residential zone is to be bricked in with no glass panelling. Masonry has a high thermal mass and absorbs heat rather than reflecting it. The absorbed heat is released at night when the temperature drops. Therefore, the enclosure of the building along the northern elevation with masonry (brick) is not likely to produce adverse heat or light radiation issues to the adjoining residence.

Summary

Through considerable amendments and negotiations with the applicant, the amended design is now considered suitable for the location and provides for a development that relates to and respects the setting and significance of the surrounding heritage items and overall Conservation Area precinct.

The proposal is not inconsistent with the following objectives of the Heritage provisions in Clause 5.10 of the Clarence Valley LEP 2011

- *To conserve and enhance the heritage significance and qualities of Conservation Areas and Heritage Items.*
- *To ensure that alterations, additions and new infill developments are sympathetic, well designed, and appropriate to the values of the heritage item or streetscape context of the setting in terms of scale, mass, height, roof form and pitch, materials, setbacks, landscaping, and architectural treatment.*

COUNCIL IMPLICATIONS

Budget/Financial

There may be a financial cost to Council if the applicant appeals Council decision.

Asset Management

N/A

Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Clarence Valley Local Environmental Plan 2011
- Business Zones Development Control Plan 2011

Consultation

The following sections of Council were consulted during the assessment of the application:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Heritage	Supported with conditions
Health and Building	Supported with conditions
Engineering	Supported with no specific conditions

Legal and Risk Management

Should the applicant be dissatisfied with Council's determination of the DA, they may appeal to the Land & Environment Court.

Prepared by	Carmen Landers, Development Planner
Attachment	<ol style="list-style-type: none"> 1. Plans 2. Photos of existing site 3. Submissions 4. Section 4.15 Assessment

Schedule 1
Draft Advices and Conditions of Consent for DA2018/0615

Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. All construction and components must comply with the wind rating for the site which has been assessed at N2.
3. Protective timber crossings shall be used at all positions where construction vehicles cross a footpath. Any damage to the kerb, gutter or footpath is to be rectified to the satisfaction of Council's Operations Section before the building is occupied.
4. Full engineering details prepared by a Practising Structural Engineer are to be submitted to Council or private certifier for the new building work prior to issue of a Construction Certificate. Where the existing slab is to support new walls the engineer shall certify the adequacy of the existing structure.
5. Construction Certificate plans are to show full compliance with the Fire Safety Provisions of the Building Code of Australia.
6. Access for people with disabilities must be provided to and within the building by means of an accessway in accordance with AS 1428.1-2009:
 - a from the main points of a pedestrian entry at the allotment boundary;
 - b from another accessible building connected by a pedestrian link; and
 - c from any required accessible carparking space on the allotment.
7. The subject property receives a level of flood protection from the Grafton flood levee system. Council's records indicate the ground levels at the site range from 6.2 to 6.7m Australian Height Datum (AHD). To meet Council's current Floodplain Management Controls all construction materials below 6.4 metres Australian Height Datum (AHD) shall be flood compatible.

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 7.08m 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 the current minimum flood planning level 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' in the design of the new building.

8. Owners are advised of the consent requirements of Clause 5.10 of Clarence Valley LEP 2011 in relation to the need to obtain prior consent for works including tree removal, new fences, and any alterations to the fabric, finish and appearance of a heritage item or building in a Heritage Conservation Area. Many works can be approved through the 'no fee' minor works and maintenance heritage exemptions of Clause 5.10(3) but must be put in writing and approved prior to commencement.
9. Modification to Council drainage, water and sewer systems require the approval of Council under the NSW Local Government Act. This may require payment of a fee.
10. Effective measures are to be taken to prevent any nuisance being caused by noise, vibration, smell, fumes, dust, smoke, waste water products and the like at all times.
11. The submission of a further Development Application will be required for any further extension of development on the site.
12. The northern and southern fascias have not been approved as part of this application.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plans numbered Drawing No. 18005 – DA01, DA02, DA03 and DA04 – Revision D, dated 12 September 2018 (4) sheets, drawn by DRA Architects, as amended in red, or where modified by any conditions of this consent.
2. Payment to Council of the contributions pursuant to Section 7.12 of the Environmental Planning and Assessment Act:

\$1,000.00

GL S94ACVCOthResAcco

This amount is based on the following calculation

- a Proposed cost of carrying out the development is more than \$100,000 and up to and including \$200,000 = value of development x 0.005.
- b The value of development stated in the application was \$200,000

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

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. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

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

4. **Working/Construction Hours** Working hours on the construction project being limited to the following:
- 7.00 am to 6.00 pm 6 days per week No work permitted on Sundays and public holidays**
- The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.
5. **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.
6. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:
- a A hoarding or fence must be erected between the work site and the public place.
 - b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
 - d Any such hoarding, fence or awning is to be removed when the work has been completed.
7. 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.
8. All building construction below 6.4m AHD shall be of flood compatible materials.
9. The energy efficiency requirements in Section J of the Building Code of Australia (BCA) apply to this building. Sufficient written documentation shall be submitted with the Construction Certificate application to indicate compliance with Section J in the following areas:
- a Building fabric
 - b External glazing
 - c Building sealing
 - d Air movement
 - e Air conditioning and ventilation
 - f Artificial lighting and power
10. 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.

11. 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.
12. A final schedule of external finishes and colours is to be provided for the proposed alterations and signage for approval by Council, prior to release of the Construction Certificate.
13. The roof colour is to be shale-grey.
14. Vehicle manoeuvring must occur onsite and not over the grassed Council road reserve verge.
15. A landscaped hedge shall be maintained to a height of 600mm along the northern side boundary in Turf Street.
16. The height of the fascia on the eastern elevation shall not exceed 900mm.
17. No cars are to be displayed between the front boundary and the frontage of the Mazda Car Showroom building in Turf Street.
18. No internal illumination of the sign is permitted.

ITEM	14.035/19	DA2018/0373 – 200 DWELLING MANUFACTURED HOME ESTATE – CARRS DRIVE, YAMBA – LOT 1 DP568545
-------------	------------------	--

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	To be tabled	

SUMMARY

<i>Applicant</i>	Mavid Developments Gold Coast Pty Ltd
<i>Owner</i>	Sydney Lawsen, Marie Lawsen, Mark Lawsen and Christine Lawsen
<i>Address</i>	Lot 1 DP568545, Carrs Drive, Yamba
<i>Submissions</i>	Three

Development Application DA2018/0373 seeks approval for a 200 dwelling manufactured home estate with associated community facilities, site infrastructure and internal roads to be provided on a 12 stage basis.

The matter was originally reported to the March 2019 Council Meeting (Item No. 14.024/19) where it was resolved to defer the matter so that further certainty around conditions of consent could be provided to the applicant regarding costs and requirements of infrastructure provisioning in the West Yamba Urban Release Area (WYURA). This is discussed in Key Issue No. 5 within the report.

The proposed development was advertised and notified and 3 submissions were received during the submission period. Issues raised within the submissions include impacts from flooding due to height of filling; impacts from traffic, noise, dust and access to St. James School and Carrs Drive during construction; and suitability of proposed internal layout of the manufactured home estate.

The other major consideration in determining the application is the potential biodiversity impacts from clearing. DA2018/0373 proposes to clear 7.78 hectares of native vegetation and therefore required the preparation of a Biodiversity Development Assessment Report (BDAR) to consider the impacts of the development under the *Biodiversity Conservation Act 2016*. Consideration of the impacts under the BDAR has triggered entry into the biodiversity offset scheme (BOS). The BDAR submitted with DA2018/0373 is the first such report submitted to Council in accordance with the new biodiversity conservation legislation. The BDAR has been assessed by Council and Office of Environment and Heritage, and has been given conditional support subject to the imposition of suitable conditions requiring offsets under the BOS by retiring credits based on the like-for-like rules or making a payment to the Biodiversity Conservation Trust calculated using the offset payments calculator.

This report discusses the key issues with the application within the body of this report and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That:

1. DA2018/0373 be approved subject to the advices and conditions contained in Schedule 1.
2. A draft section 7.11 contributions plan for the Carrs Drive intersection works be prepared for the West Yamba Urban Release Area.

MOTION

Clancy/Novak

That DA2018/0373 be refused on the grounds that the ecological study is inadequate and that the requirements of the Office of Environment & Heritage have not been met with respect to the BAM calculator and the justification of how the surveys meet the BAM requirements.

Voting recorded as follows:

For: Clancy, Novak

Against Baker, Simmons, Williamson

The Motion was put and declared LOST. The Foreshadowed Motion was then considered and became the Committee Resolution.

COMMITTEE RESOLUTION

Williamson/Baker

The Officer Recommendation be adopted.

Voting recorded as follows:

For: Williamson, Baker, Simmons

Against: Clancy, Novak

MOTION

Clancy/Novak

That DA2018/0373 be refused on the grounds that:

1. The ecological study is inadequate and that the requirements of the Office of Environment & Heritage have not been met with respect to the BAM calculator and the justification of how the surveys meet the BAM requirements.
2. The potential for flooding of off-site areas such as St. James School has not been adequately assessed.

Voting recorded as follows:

For: Clancy, Novak

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

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

COUNCIL RESOLUTION – 14.035/19

Lysaught/Williamson

That:

1. **DA2018/0373 be approved subject to the advices and conditions contained in Schedule 1.**
2. **A draft section 7.11 contributions plan for the Carrs Drive intersection works be prepared for the West Yamba Urban Release Area.**

Voting recorded as follows:

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

Against: Clancy, Novak

MOTION OF DISSENT

Novak

That the ruling on the Chair's point of order that Cr Baker's comment was not derogative towards Cr Clancy not be accepted.

Voting recorded as follows:

For: Clancy, Ellem, Novak

Against: Simmons, Williamson, Baker, Toms, Lysaught, Kingsley

The Motion of Dissent was put and declared LOST.

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

Development Application DA2018/0373 was received on 4 July 2018. The application was advertised and notified and 3 submissions were received as part of the exhibition period.

The subject land is zoned part R1 General Residential, E2 Environmental Conservation and E3 Environmental Management under the provisions of the Clarence Valley Local Environmental Plan 2011. The site is approximately 18.42 hectares in area with the development area being approximately 7.78 hectares. The development is only to occur within the R1 zone and shall be constructed over 12 stages.

Map 1 - Extract of Site Plan by Zoran Architecture



Map 2 - Extract of Development Layout Staging Plan by Zoran Architecture



Manufactured home estates are ordinarily prohibited within the R1 zone using the provisions of the LEP, however, the proposed development is permissible with consent using Clause 6 of State Environmental Planning Policy No. 36 – Manufactured Homes Estates which permits development for the purposes of manufactured home estates on any land where caravan parks are permitted.

The proposed manufactured home estate is considered to be consistent with the general aims of SEPP 36 to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements and encouraging the provision of affordable housing in well designed estates.

As stated within the Statement of Environmental Effects submitted with the application, community and landscaping space will occupy an area of approximately 5.4 hectares including:

- Landscaping will be provided at a minimum 30m² per dwelling lot and totalling approximately 0.6 hectares;
- Communal space of 0.98 hectares; and
- Verge and park plantings of approximately 3.88 hectares.

The community amenities area provides for the following:

- Community facilities and buildings
- Visitor parking
- Vegetable garden
- Multiple BBQ facilities within the site to include electric BBQ, shade shelter with tables and seating
- Activity lawn
- Swimming pool
- Bowling green

KEY ISSUES**1. Impacts of potential increased flooding from height of fill**

Flooding impacts: Concerns have been raised about the impact that the proposed filling of the site will have on flooding and stormwater management in the vicinity. This has been expressed particularly by St. James School which is sited at levels below those proposed by this, and other developments adjacent to the school.

A flood modelling exercise and flood impact assessment has been conducted by BMT WBM Pty. Ltd. for the West Yamba Urban Release Area which has assumed the land zone R1 will be filled above the 1:100 flood level. This assessment has shown that no change in flooding is predicted within the school site.

Stormwater management: The application proposes to discharge stormwater runoff from the filled site through water quality management (bioretention) filters to the land west of the proposed development area. This is an acceptable approach. Details of the outlets from the bioretention filters will be required with the detailed design.

2. Impacts from traffic, noise and dust during filling construction

Filling impacts: Concerns have been raised about the impact of construction traffic, and especially the volume of trucks that will be required for the site filling. This will significantly change the traffic in Carrs Drive compared to the existing situation. Advice from the developer's representative has indicated that the filling is likely to be carried out over the development area as a single exercise, or possibly in 2 stages, subject to availability of suitable fill material. Unless alternative filling options such as dredging become available, the traffic impact is an inevitable consequence of developing this and other adjacent areas. These traffic impacts could be partially mitigated by reducing the speed limit during construction and haulage operations. The application has been conditioned accordingly and details are to be provided as part of the Construction Management Plan.

Impact on Carrs Drive road pavement: Additional traffic in Carrs Drive will increase the rate of deterioration of the road pavement. It is a requirement of the approval under SUB2014/0016 (22 Carrs Drive – Lot 1722 DP1035524) that the existing road pavement is to be reconstructed between O'Grady's Lane and the future southern entry to their site which is approximately 190m north of the Miles Street (southern) boundary of the property.

Similarly, this development requires the Carrs Drive frontage to the development to be reconstructed. The road pavement design will cater for future traffic loading. A condition assessment/dilapidation report will be conducted before any work commences to determine a baseline condition of Carrs Drive that the developer will need to maintain during and on completion of the work. A bond is also required to be paid to provide Council with a means of restoring Carrs Drive that results from haulage operations to ensure any damage is repaired at the applicant's cost. The DA will be conditioned accordingly.

Traffic Generation: The application included a Traffic Impact Assessment prepared by Bitzios Consulting. The assessment includes estimates of traffic for the subject development, as well as the subdivision currently underway at 22 Carrs Drive, and allows growth factors for Yamba Road traffic for a 10 year horizon from 2020 (i.e. to 2030). The assessment indicates that the existing intersection arrangement is acceptable for existing traffic.

It is acknowledged that Council has received notification of grant funding towards the upgrade of 4 key intersections on Yamba Road. The funding in no way negates the need for the developers to contribute to their proportion of the upgrading works for each respective development. As per the approval issued for

22 Carrs Drive (160 lot subdivision) and service station on corner of Treelands Drive and Yamba Road, this development will also be conditioned to contribute to their apportionment of the costs.

RMS Response: The Roads and Maritime Services were consulted during the assessment of the application. A summary of issues are provided below:

RMS comment	CVC Response
1. Traffic impact assessment to cater for total WYURA	Each developer in the WYURA is assessing the impacts of their development in addition to existing approvals.
2. Carrs Drive upgrading	Conditioned as part of the approval
3. Connections for active transport users (pedestrians/cyclists)	Conditioned as part of the approval
4. Yamba Road works to be undertaken in accordance with RMS Road Work Guidelines	Conditioned as part of the approval
5. Section 138 Approval required	Conditioned as part of the approval
6. Concept intersection design of Carrs Drive and Yamba Road	This has been prepared as part of SUB2014/0016
7. Procedures applicable to traffic signals	N/A – No traffic signals expected as part of this development
8. Provision for connection to Yamba Bypass from Carrs Drive	This has been prepared as part of SUB2014/0016

3. Biodiversity

As this application represents the first BDAR to be considered by Council a summary of the new Biodiversity legislation requirements is provided for information purposes below.

The *Biodiversity Conservation Act 2016* commenced on 25 August 2017. The Act is a key pillar of the NSW Government's framework for biodiversity assessment and management, and outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development and clearing through the Biodiversity Offsets Scheme (BOS).

There are 2 key elements to the BOS:

- a) Developers and landholders who undertake development or clearing, generating a credit obligation which must be retired to offset their activity.
- b) Landholders who establish a biodiversity stewardship site on their land, generating credits to sell to developers or landholders who require those credits, to securely offset activities at other sites.

The Biodiversity Offsets Scheme applies to local development (assessed under Part 4 of the *Environmental Planning and Assessment Act 1979*) that triggers the Biodiversity Offsets Scheme threshold or is likely to significantly affect threatened species based on the test of significance in section 7.3 of the *Biodiversity Conservation Act 2016*.

The *Biodiversity Conservation Regulation 2017* sets out threshold levels for when the Biodiversity Offsets Scheme will be triggered. The threshold has 2 elements:

1. Area clearing threshold - whether the amount of native vegetation being cleared exceeds a threshold area set out below in table 1.
2. Whether the impacts occur on an area mapped on the Biodiversity Values map published by the Minister for the Environment.

If clearing and other impacts exceeds either trigger, the Biodiversity Offsets Scheme applies to the proposed development including biodiversity impacts prescribed by clause 6.1 of the Biodiversity Regulation 2017.

Area clearing threshold

The area threshold varies depending on the minimum lot size (shown in the Lot Size Maps made under the relevant Local Environmental Plan (LEP)), or actual lot size (where there is no minimum lot size provided for the relevant land under the LEP).

TABLE 1: Area Clearing Threshold Triggering Entry into the BOS

Minimum lot size associated with the property	Threshold for clearing, above which the BAM and offsets scheme apply
Less than 1 ha	0.25 ha or more
1 ha to less than 40 ha	0.5 ha or more
40 ha to less than 1,000 ha	1 ha or more
1,000 ha or more	2 ha or more

The area threshold applies to all proposed native vegetation clearing associated with a proposal, regardless of whether this clearing is across multiple lots. In the case of a subdivision, the proposed clearing must include all future clearing likely to be required for the intended use of the land after it is subdivided.

In the case of the proposed development, the site has no minimum lot size and hence, any clearing over 0.25 hectares triggers the BOS. The proposed development is intending to clear 7.78 ha and therefore triggers entry into the BOS.

Biodiversity Development Assessment Report

A BDAR was prepared by GHD Pty. Ltd. for the subject land to identify the impacts of the proposal on the biodiversity values on the site. In conclusion of the report it was found that the proposal would result in the following impacts:

- *Removal of 7.78ha of PCT 1230 – Swamp Mahogany swamp forest on coastal lowlands.*
- *Potential indirect impacts to adjoining vegetation associated with edge effects, light spill, noise and introduction of weeds and pathogens. These impacts have been ameliorated through project design and the managed APZ located between the development and intact vegetation in the western portion of the site.*

As a requirement of the BAM, the environmental assessments and calculations undertaken in the BDAR has found the proposal requires the offsetting of 221 ecosystem credits for impacts on PCT1230 – Swamp Mahogany swamp forest on coastal lowlands. A PCT or Plant Community Type is a vegetation community classification system that is used in the BC Act. All vegetation types are currently being assigned a PCT number, and given associated credits. PCT 1230 is a threatened ecological community or TEC (formally known as an Endangered Ecological Community (EEC) under the now repealed Threatened Species Conservation Act). The BOS states the offset rules permit proponents to meet their offset obligation by:

1. Retiring credits based on the like-for-like rules, or
2. Making a payment to the Biodiversity Conservation Trust calculated using the offset payments calculator.

The Biodiversity Offset Payment Calculator has estimated that 221 credits for PCT 1230 requires the payment of **\$1,055,869.95 into the Biodiversity Conservation Trust (BCT). The BCT was established under the BC Act to administer conservation on private lands through stewardship agreements. The proponent**

has the choice to pay this amount to the BCT, or retire credits from stewardship sites, as stated above. The development application will be conditioned accordingly.

The preferred approach by the developer is to offset the impacts of the development by securing and retiring appropriate credits from stewardship sites that fit within the trading rules of the BOS in accordance with the 'like-for-like' report generated by the BAM calculator. If such credits are unavailable, credits are to be sourced in accordance with the 'variation report' generated by the BAM calculator. A payment to the Biodiversity Conservation Trust would only be considered if a suitable number and type of biodiversity credits cannot be secured from third parties.

As part of the BDAR assessment, comments from the Office of Environment were sought and their correspondence is summarised as:

- The Clarence Valley Council should ensure the nominated bushfire asset protection zone location and its ongoing management forms part of the development approval.
- The BAM calculator should be reviewed to ensure the correct Confirmed and Candidate species have been assessed.
- Further information should be provided to detail and justify how the flora and fauna surveys meet the BAM requirements.

Council staff consider that after consideration of the proposed offsetting mechanisms via the BOS and imposition of conditions requiring the preparation of a vegetation management plan for the residual land (i.e. the part of the subject land not being developed), the development on this degraded site is a suitable use of the land.

4. Suitability of site layout

Concerns were raised within one of the submissions regarding the suitability of the internal layout of the manufactured homes estate and lack of detail regarding the setout of future homes on the site.

The *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* sets out the requirements for manufactured home estates in terms of land and dwelling site requirements, setbacks, roads and services. The development is required to comply with the Regulations and the application has been conditioned accordingly. A section 68 approval is also required to be issued by Council prior to operation of the site as a manufactured home estate ensuring compliance with the Regulation.

5. Clarification of scope and timing of infrastructure provisioning by developers

Roundabout

Whilst the existing Carrs Drive intersection may be sufficient to cater for some individual developments in the WYURA, collectively this intersection will require upgrading to at least a roundabout standard.

More specifically the Traffic Impact Assessment submitted with the application indicated that the traffic generated from this development when combined with the adjacent 161 lot subdivision approved under SUB2014/0016, will require a roundabout to cater for the total impacts of the combined developments. Council does not currently have an adopted S7.11 plan for the WYURA infrastructure. Hence, it is appropriate that a proportional contribution towards the construction of this roundabout will be made by all developments within the R1 zone in the WYURA. Recently Council has received grant funding towards provision of the Carrs Drive – Yamba Road roundabout so the amount to be apportioned between the land owners is proposed to be the net amount after deducting the grant funds from the total cost of the project.

The apportioning of costs has been calculated as follows:

Land	Area of R1 zone	Percentage (%) in relation to WYURA R1 zone
Lot 1722 DP1035524	12.68ha	10.58
Lot 1 DP568545 (Mavid)	7.82ha	6.53
Lot 3 DP733507	2.01ha	1.68
Lot 2 DP733507	8.65ha	7.22
Lot 2 DP790910	11.38ha	9.5
Lot 1 DP790910 (St James School)	3.96ha	3.31
Lot 46 DP751395	21.39ha	17.85
Lot 47 DP751395	21.47ha	17.92
Lot 18 DP1090409	15.92ha	13.29
Lot 51 DP751395	4.79ha	3.99
Lot 1 DP596578	8.12ha	6.78
Lot 1 DP527446	0.93ha	0.78
Lot 2 DP528074	0.37ha	0.31
Lot 12 DP830364	0.31ha	0.26
TOTAL	119.8ha	100%

Total cost estimate (excluding grants) of the roundabout construction and land acquisition has been calculated as \$1.4-\$1.5 million. Based on an approved grant of \$700,000, the net cost to be apportioned to the WYURA landholders is estimated to be about \$800,000.

Based on the information above, the developers' share of the net cost towards the upgrading of the Carrs Drive-Yamba Road intersection is 6.53% subject to final costings of land acquisition and detailed design of the roundabout intersection.

The proposed cost sharing method has been discussed with the applicant who supports this approach, however due to lack of a contributions plan, the developer has agreed to enter into a VPA for their apportionment of the cost. Appropriate conditions have been imposed to allow for the entering of a VPA in lieu of constructing any works at the Carrs Drive-Yamba Road intersection.

In light of the above, it is also recommended that as part of this application Council resolve to prepare a Section 7.11 plan to ensure there is more certainty regarding infrastructure provision in the WYURA. It should be noted that the Carrs Drive intersection upgrade is not included in the Yamba Urban Bypass and Urban Intersections Section 94 plan.

Water

Existing water mains do not have adequate capacity for the total proposed number of dwellings in this development. The development may connect to the existing water main on the eastern side of Carrs Drive near Miles Street until completion of Stages 1 and 2 as identified in the approved staging plan. Development beyond Stages 1 and 2 will require construction of a trunk supply main as identified in the final servicing strategy.

This will allow the developer to connect early stages without incurring significant infrastructure costs and allow time for further negotiations between WYURA parties regarding cost sharing.

Sewer

Council requires a servicing strategy for the whole of the West Yamba Urban Release Area (WYURA) to ensure there is orderly and logical servicing of development in the West Yamba area. A draft strategy has been adopted, and the final version will identify developer contributions from the developers in WYURA.

Subject to the acceptance of a final servicing strategy by Council, development of the Manufactured Housing Estate will require construction of a rising main to the sewerage treatment plant (STP). The developer is liable to pay the full cost unless initial or “early stage” West Yamba developer parties can negotiate cost sharing arrangements with each other.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the applicant appeal Council’s decision. The application was accompanied by all fees required to be paid by Council’s Fee and Charges. Assessment of the application has been completed by staff utilising recurrent staff budgets.

An increase in the number of heavy vehicles using Carrs Drive will increase the potential for damage to occur to the road pavement which has potential to impact on Council’s budget. Conditions are proposed to ensure road condition is properly assessed prior to commencement of the filling works and that appropriate arrangements (including monetary bonds) are in place to ensure any damage is repaired at the applicant’s cost.

Council has received funding towards the cost of intersection provisioning at the corner of Yamba Road and Carrs Drive. The entering into a VPA with the developer to contribute an apportioned share towards the overall cost of the roundabout will benefit Council, as the developer will contribute to the cost of the works. The implementation and adoption of a Section 7.11 plan will also ensure that future developers within the WYURA contribute a share towards infrastructure provisioning on the same basis and Council can recoup additional costs in providing the roundabout.

Asset Management

Carrs Drive is a Council managed road. Constant heavy vehicle traffic along the haulage route to the subject site from fill source sites will increase the likelihood of repairs and maintenance work on the road surface to ensure it is kept in a trafficable state for road users during the duration of the project.

Policy or Regulation

- Environmental Planning and Assessment Act 1979
- Biodiversity Conservation Act 2016
- Environmental Planning and Assessment Regulation 2000
- Biodiversity Conservation Regulation 2017
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
- State Environmental Planning Policy No. 36 – Manufactured Home Estates
- State Environmental Planning Policy No. 55 - Remediation of Land
- State Environmental Planning Policy (Coastal Management) 2018
- Clarence Valley Local Environmental Plan 2011
- Development Control Plan for Development in Environmental Protection, Recreation and Special Use Zones
- Development Control Plan for Residential Zones Development Control Plan
- NSW Coastal Design Guidelines

Consultation

The following internal section of Council was consulted during the assessment of the application.

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Environment (Flora and Fauna)	Supported with conditions
Environmental Health	Supported with conditions
Health and Building	Supported with conditions
Engineering	Supported with conditions

The Roads and Maritime Services were also notified as part of the application. A copy of their comments is contained within the attachments. Issues raised by the RMS have been considered in the Key Issues section above and addressed as part of the Section 4.15 assessment.

The Office of Environment and Heritage were also consulted as part of the application assessment and consideration of their comments has been included under the biodiversity section of the Key Issues. A copy of their correspondence is contained in the attachments.

Legal and Risk Management

The applicant may appeal Council's determination in the NSW Land and Environment Court for which there could be a financial cost to Council.

Prepared by	Carmen Landers, Development Planner
Attachment	Attachments 1 to 5 – To be tabled <ol style="list-style-type: none"> 1. Plans 2. Biodiversity Development Assessment Report 3. Submissions 4. External Referrals – Office of Environment and Heritage and Roads and Maritime Services 5. Section 4.15 Assessment

Schedule 1

Draft Advices and Conditions of Consent for DA2018/0373

Advices

Building Advices

1. No construction is to be commenced until a Construction Certificate has been issued.
2. Prior to work commencing on a development the applicant must give notice to Council of their intention to commence work. Such notice shall be in the form of a Notice of Commencement form and must be submitted to Council at least two (2) business days before work commences.

Engineering Advices

3. 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.

4. 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.
5. 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.

6. 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 demand on Council's water supply and Council's sewerage system, as follows:

Water 0.6 ET per 2 bedroom dwelling and 0.8ET per 3 bedroom unit
Sewer 0.75 ET per 2 bedroom dwelling and 1.0 ET per 3 bedroom unit

The headwork charges at 2018/19 financial year rates are:

Water Headworks \$4,817.00 per additional ET
Sewer Headworks \$11,779.00 per additional ET

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. The payment of the contributions must be made for each relevant stage prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993.

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.

7. 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.
8. Certification of constructed **Civil Works** by the supervising engineer and/or registered surveyor is required prior to public infrastructure being accepted "on maintenance" and/or "practical completion" being granted for private property works.
9. 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.

10. The Earthworks Management Plan must refer to the information contained in the Preliminary Geotechnical and Environmental Assessment Revision 2.

The following will also be required:

- a Details on the selection of fill type(s), the source/s of the fill, including suitability for the intended use, its appropriate handling, placement and compaction, and the area of the development to be filled including depth to be filled. Fill imported to the site must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.
- b Any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of each fill type.
- c Measures proposed to prevent adverse impact to adjoining properties and to local drainage. Provision is to be made for the mitigation of and free passage of surface stormwater away from affected sites. These measures are to be acceptable to Council.
- d The acid sulfate status of the development land. Where the development is subject to acid sulfate soils, the appropriate treatment of the works shall be detailed in accordance with Council and the NSW Acid Sulfate Soil Management Advisory Committee requirements.

The Earthworks Management Plan must :

- a Include details of how the works will comply with the Protection of the Environment Operations Act 1997.
- b Provide a concept for the full site as a minimum with details of the earthworks for a particular stage lodged with the Construction Certificate application for that stage.
- c Compatible with the works plans and the approved Stormwater Management Plan.

The following information will be required for earthworks undertaken:

- a Details of geotechnical laboratory and in situ (principally dry density assessment) testing for each fill type and specified volume of placed fill including records of the date and time of all testing, the source of material tested in the laboratory, and the spatial distribution and reduced level of in situ tests. The latter must be correlated with results from the laboratory testing of similar material.
- b Recorded dates of placement and survey data recording the aerial extent of fill and the reduced level prior to construction and at completion.
- c Certification of the completed earthworks (including cut, fill, earth retaining structures as far as the geotechnical aspects) that the work is suitable for the intended use.
- d Certification that excavated materials have been reused or disposed of in accordance with the Protection of the Environment Operations Act 1997 and copies of receipts for disposal where relevant.

Should there be any change in the source of fill material from that previously approved for the development, the Principal Certifying Authority must be notified and approval obtained to the new source prior to the import of any of the material. A report from a practicing geotechnical engineer certifying that the new source material is suitable for the intended purpose must be provided. The report to include any conditions on the use of the material and a report from a registered NATA laboratory on the key geotechnical properties used in the assessment of fill type. The Earthworks Management Plan to be amended accordingly.

11. If an 'uncompleted works' bond is required, payment of the bond is the responsibility of the

developer and in accordance with Council's 'Fees & Charges'.

12. Council requires a servicing strategy for the whole of the West Yamba Urban Release Area (WYURA) to ensure there is orderly and logical servicing of development in the West Yamba area. A draft strategy has been adopted, and the final version will identify developer contributions from the developers in WYURA. Subject to the acceptance of a final servicing strategy by Council, development of the Manufactured Housing Estate will require construction of a sewer rising main to the sewerage treatment plant (STP). The developer is liable to pay the full cost unless initial or "early stage" West Yamba developer parties can negotiate cost sharing arrangements with each other.

Existing water mains do not have adequate capacity for the total proposed number of dwellings in this development. The development may connect to the existing water main on the eastern side of Carrs Drive near Miles Street until completion of Stages 1 and 2 as identified in the approved staging plan. Development beyond stages 1 and 2 will require construction and connection to a trunk supply main as identified in the final servicing strategy.

Conditions

1. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia (BCA) and being generally in accordance with plans numbered:
 - Aerial/Site Analysis Plan Drawing No. DAS100 by Zoran Architecture Revision C1 dated 29 June 2018
 - Master Site Plan Drawing No. DAS101 by Zoran Architecture Revision C1 dated 29 June 2018
 - Site Setout Plan Drawing No. DAS105 by Zoran Architecture Revision C1 dated 29 June 2018
 - Staging Plan Drawing No. DAS106 by Zoran Architecture Revision C1 dated 29 June 2018
 - Ground Floor Plan (Clubhouse) Drawing No. SKC201 by Zoran Architecture Revision C1 dated 29 June 2018
 - Elevations (Clubhouse) Drawing SKC301 by Zoran Architecture Revision C1 dated 29 June 2018
 - Statement of Landscape Intent dated June 2018 Issue B,

Seven (7) sheets, as amended in red, or where modified by any conditions of this consent.

Engineering Conditions

2. A **Civil CC** is required for this development. The assessment and issue of a **Civil CC** may be made for the entire project, or the earthworks may be separated from the other works.

The issue of any **Civil CC** that includes earthworks and/or infrastructure is subject to provision of a road maintenance bond in the amount of \$100,000 as security, noting the following requirements with the CC Application:

- a) Provision of a Vibration Impact Management and Dilapidation Report for St James School and buildings located on Lot 3 DP733507 is required for the endorsement of Council and;
- b) Provision of a road condition audit report for Carrs Drive and a maintenance / repair management strategy is required for the approval of Council.

Note: The bond may be called up by Council at its discretion and used to fund remedial works in Carrs Drive. Costs of any such works will be as determined by Council. Council will provide the developer with notice of its intention to call up the bond. If the bond is used by Council to

complete any remedial works, the bond amount must be reinstated to the total of \$100,000 prior to any works continuing for this development.

3. A Certificate of Compliance for Water and or Sewer works must be obtained from Council for each and every stage of the development. This may require payment of a fee.
4. The developer must bear any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.
5. 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 Subdivision Certificate / Occupation Certificate. The Council will hold each Subdivision Certificate or 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'.

Prior to commencement of works or issue of a **Civil CC**, a practising qualified engineer experienced in structural design and soil mechanics is required to verify the civil engineering works :

- a including earthwork batters and retaining walls, have been designed to be structurally adequate
- b will not be affected by landslip either above or below the works
- c will not be affected by subsidence either above or below the works
- d includes adequate drainage to ensure the stability of the development

6. An **ITP** must be submitted for approval with the application for a **Civil CC**. The supervising engineer or registered surveyor must arrange for the hold/witness point inspections, and accompany Council and/or accredited Private Certifier on the inspection unless alternative arrangements are made. Hold Point, Witness Point, On / Off Maintenance and/or Practical Completion inspections involving public infrastructure must be attended by Council officers.

Where Council is the Certifying Authority for civil engineering works the applicant must give Council one (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 Earthworks
- d Roadworks
- e Stormwater Drainage
- f Sewer
- g Water
- h Other Services
- i 'On Maintenance' (Public Infrastructure)
- j Practical Completion (Works on Private Property)
- k 'Off Maintenance' (Acceptance of Public infrastructure by Council)

7. Prior to the issue of the Approval to Operate under Section 68 of the Local Government Act 1993 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.

8. 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.

9. 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.

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.

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

11. Prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993, the applicant is to provide water supply infrastructure to service the development, in accordance with the requirements and specifications of the Clarence Valley Council Sewer & Water Connection Policy and **NRDC**.

The development may connect to the existing water main on the eastern side of Carrs Drive near Miles Street until completion of Stages 1 and 2 as identified in the approved staging plan. Development beyond stages 1 and 2 will require construction and connection to a trunk supply main as identified in the final servicing strategy.

12. A Water Reticulation Design Plan must be submitted for assessment and approval by Council, prior to the issue of a **Civil CC**. The proposed location of the water service and meter must be shown on the drawings. Connection to the public water reticulation systems requires the approval of Council under the NSW Local Government Act 1993.

13. A single property service shall be provided in an accessible location for maintenance and reading purposes. The water meters must be of a type approved by Council or purchased from Council.

14. Prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993, sewerage reticulation infrastructure is to be provided to service the development, in accordance with the requirements and specifications of Clarence Valley Council's Sewer & Water Connection Policy, West Yamba Development Servicing Strategy and NRDC.

15. A Sewerage Reticulation Design plan must be submitted for approval with the application for a **Civil CC**.

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

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

16. An easement for sewerage purposes must be created over any sewer mains within the development that are to be dedicated to Council.

The width of the easement must be;

- a Where the sewer is less than 1.5 metres depth, the easement width shall be 3.0 metres, except that for sewers which are less than 0.75 metres depth and serving only one residential lot, the easement width may be reduced to 1.5 metres,
- b Where the sewer is between 1.5 metres and 3.0 metres depth, the easement width shall be 5.0 metres,
- c Where the sewer is greater than 3.0 metres depth, the easement width shall be determined by Council following an assessment of maintenance access requirements.

Unless specific approval or direction is given by Council to an alternative easement width having regard to the particular circumstances of the development and the sewer infrastructure.

The easement shall be located centrally about a line drawn between manholes to an accuracy of 0.15 metres by a registered surveyor and supported by an engineering survey plan showing the dimensions between the sewer line and the extremity of the easement at each point where the easement dissects the boundary of the subdivided lot or lots or any change of direction.

17. Benkelman beam testing of the constructed road pavement in Carrs Drive will be required. The testing is to be undertaken by a NATA registered authority with accreditation for using the Benkelman beam in accordance with RMS Test Method T160.
18. Where proposed, **WSUD** systems are to be included in a detailed Design, Construction, Inspection, Testing, Establishment and Staging Management Plan and submitted with the **Civil CC** application for approval by Council. Road reservation widths are to be in accordance with **NRDC** plus additional width to contain proposed **WSUD** components as approved by Council.
19. Preliminary road pavement designs for Carrs Drive, 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 40mm (collector road) 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.

20. Prior to the issue of any **Civil CC** engineering calculations must be provided which clearly indicate the capacity of table/swale drains, the maximum flow velocities and their resistance to scour. Where table/swale drains are used they must be designed to minimise velocity of flow to that necessary to achieve draining of the table/swale minimising ponding and must be treated to minimise scour.

Table/Swale drains within the road reservation must be designed to protect the road pavement from infiltration of surface water. This could be achieved by either a configuration that locates the water surface level from minor storm flows below the subgrade level, or other methods of protection acceptable to Council.

Batters on table/swale drains must be suitable for mowing by domestic mowers which will generally require a batter with a maximum grade of 1 in 6 unless approved by Council. The width of road reservations must account for any batters and an area suitable for pedestrians at least 2.5 metres wide at all road frontages where there is a water main, and at least 2 metres at all road frontages where there is no water main.

21. The Applicant is to prepare a detailed design of Bike and Pedestrian facilities along Carrs Drive frontage to the site and within the development site and connecting to existing facilities for approval prior to application for **Civil CC**. The minimum width of all shared bicycle/footpaths shall be 2.5m.

22. 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 generally consistent with the Stormwater Management Report by GeoLINK Reference 3056-1010 dated 25 June 2018.

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** Building Construction Certificate. Connection to the public drainage system requires the approval of Council under the NSW Local Government Act.

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

23. The property is affected by flooding of the Clarence River. The 'Lower Clarence Flood Model Update 2013' was adopted by Council Resolution 13.043/14 on 18 March 2014. The 1% Annual Exceedance Probability (AEP) water level in the vicinity of the site is RL 2.09m AHD and the Extreme Flood Level is RL 3.8m AHD. 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**.

24. Prior to the release of the Approval to Operate or acceptance of works which dedicates 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.

25. In accordance with **NRDC** and prior to the release of the Approval to Operate under Section 68 of the Local Government Act 1993, the applicant must provide Work as Executed Plans (WAE) for all works and certification from the supervising professional engineer or registered surveyor, that the works have been constructed in accordance with the approved plans and specifications.

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

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

26. Prior to release of the Approval to Operate under Section 68 of the Local Government Act 1993, the pedestrian pathway / cycleway / development shall be lit to the minimum standard of Australian Standard AS 1158 (Public Lighting Code) and the NSW Police 'Safer By Design' guidelines. Details of how this will be achieved, including location, types and energy efficiency of lighting devices, must be approved by Council prior to issue of the Construction Certificate.

27. Prior to release of the Approval to Operate under Section 68 of the Local Government Act 1993, 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 Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended due to material or construction work compliance reasons or should the application for a Subdivision Certificate be delayed beyond the maintenance period. The maintenance period and bond amounts for WSUD components must be in accordance with the Council approved Stormwater Management Plan.

All work is subject to a maintenance period of six (6) months from the date of 'On Maintenance' or Practical Completion as certified by Council or accredited private certifier. The maintenance period may be extended by Council due to material or construction work compliance reasons or if a Subdivision Certificate approval is delayed beyond the maintenance period. The maintenance period and bond amounts for **WSUD** systems must be in accordance with the Council or accredited private certifier approved Stormwater Management Plan.

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.

28. Detailed plans of earthworks including an Earthworks Management Plan must be submitted to Council or accredited private certifier for assessment and approval prior to the issue of a **Civil CC**.

The Earthworks Management Plan is to be prepared in accordance with Council's guidelines and is to be generally consistent with the drawings by Manage Design Engineer Pty. Ltd. The guidelines are listed in the Advices section of this Notice.

29. Any fill earthworks to be undertaken on the site must be carried out in accordance with the placement and compaction of fill described in AS 3798, Level 2 inspection and testing and NRDC.
30. Prior to release of the Approval to Operate under Section 68 of the Local Government Act 1993, certification from the Geotechnical Inspection and Testing Authority who undertook Level 1 inspection and testing, in accordance with AS3798 will be required confirming that the land is suitable for the intended purpose. All testing as required in AS3798 and NRDC must be submitted.
31. A Works-As-Executed plan prepared by a registered surveyor, showing both original levels and finished surface levels after filling material has been placed on the site and compacted, is to be submitted to and approved by Council or accredited private certifier prior to the issue of the Approval to Operate under Section 68 of the Local Government Act 1993.
32. Any excavation resulting in disturbance of more than one tonne of soil at a depth of greater than 1m below natural ground surface, or work that is likely to lower the watertable 1m below natural surface shall comply with Council's Acid Sulfate Soil management provisions.
33. Where earthworks are proposed for the site, professional details of the Geotechnical Inspection and Testing Authority involved in the project are to be submitted to Council or accredited private certifier for approval. Details of the Geotechnical Engineer involved in the design must be submitted prior to the issue of the Civil Construction Certificate whilst details of the Geotechnical Inspection and Testing Authority involved in the construction must be submitted prior to the

commencement of works. The details are to include NATA accreditation, qualifications and accreditations of the principal geotechnical professionals who will be certifying the design and construction, insurances held and any other relevant material.

34. Erosion and Sediment Control is to be implemented in accordance with the relevant parts of the applicable Council Development Control Plans, 'NSW Managing Urban Stormwater - Soils and Construction (Blue Book)' and NRDC. These controls are to be maintained and managed by the applicant and/or the appointed contractor until an Occupation Certificate is issued or the development is accepted 'Off Maintenance'.
35. A detailed Erosion and Sediment Control Management Plan for each stage of the development must be submitted for assessment and approval by Council or accredited private certifier, prior to issue of a **Civil CC** for the relevant stage. 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. This shall include WSUD components of the proposed drainage system.
36. 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.
37. During dry weather, standard dust suppressions methods are to be used as often as is necessary to ensure that adjoining properties are not adversely affected by undue dust.
38. All disturbed areas shall be stabilised and revegetated. Turf, seeding or other approved method shall be undertaken in conjunction with or immediately following completion of earthworks. Topsoil shall be preserved for site revegetation. All sediment and erosion control measures must be regularly inspected and maintained to ensure they operate to the design specifications and meet the requirements of the NSW Protection of the Environment Operations Act 1997. Weather patterns must be monitored and be coordinated in with the inspection and maintenance procedures. Control measures are to remain in place until the site has been adequately revegetated or landscaped to prevent soil erosion. Person/s responsible for managing sedimentation and erosion controls for the development must be nominated to Council or accredited private certifier in writing together with full 24 hour per day contact details.
39. The boom gate at the entry to the site must be located to ensure adequate storage for vehicles waiting to enter is available, without any vehicles waiting in any part of the Carrs Drive road carriageway. Details of the placement of the boom gate are to be provided with the **Civil CC** design.
40. Road upgrading in Carrs Drive is required. The upgrading is to consist of:

Prior to Operation of Stage 3
 - a BAR intersection treatment in accordance with AUSTRROADS Guidelines at the entrance to the site, which will incorporate 2.5m widening on the eastern side of Carrs Drive, generally as identified in the Traffic Impact Assessment by Bitzios Consulting Project No. 3665 Version 3 dated 29 June 2018.
 - construction of the road carriageway to provide 2 x 3.5m travel lanes;
 - a 1.0m sealed shoulder with a flush concrete edge strip on the western side;
 - allow for table drains, services corridor (considering maintenance access, if required) and

pedestrian / bicycle pathways.

- the centreline level of Carrs Drive is to be no lower than the 1:20 ARI flood level in the area (R.L. 1.66m AHD). Details of the Carrs Drive works are to be provided with the **Civil CC** design.

Prior to operation of Stage 6 upgrading of Carrs Drive from a distance of 220m north of the Miles Street boundary of the development site, to the southern extent of the widening for the BAR intersection treatment shall be completed.

41. Pursuant to section 80(1) of the Environmental Planning and Assessment Act 1979 (EP&A Act), the developer is to execute and deliver to the Council the Planning Agreement, in accordance with Subdivision 2, Division 6 of Part 4 of the EP&A Act, which the developer has offered to enter into.

The VPA is between Council and the developer, and is for a monetary contribution from the developer for design and installation of a roundabout intersection at the corner of Carrs Drive and Yamba Road, Yamba. The contribution amount is to be 6.53% of the full cost of the intersection upgrade to a roundabout.

The VPA is to be finalised prior to the issue of the Approval to Operate under Section 68 for Stage 1.

The monetary contribution shall be based on prices current at the time of the cost analysis. The contribution is to be indexed by relevant Consumer Price Index (CPI) if payment occurs.

42. The haulage of fill and other construction materials must be via Yamba Road and Carrs Drive. For the duration of the construction program the developer will be responsible for the repair of any development related damage to Carrs Drive, including the existing intersections with Yamba Road, O'Gradys Lane and Harold Tory Drive.

A condition report is to be provided for existing road seal and pavement in Carrs Drive. The report must be completed by a suitably qualified and independent engineer or Geotechnical Testing Authority (NATA), and is to be submitted to Council prior to the issue of the first Civil Construction Certificate. The analysis in the report is to consider the impact of heavy vehicle and construction traffic and recommend measures to be taken to maintain the existing pavement condition during the construction phase of the development.

A program of regular inspection and maintenance activity must be included in the report. Council will undertake random audits and visual inspections of the existing road network during the construction and maintenance period.

Contaminated Land Conditions

43. The revised Environmental Assessment prepared by RGS on 5 October 2018 must be amended to include detailed information on sampling and remediation of the dip site. The following information must be provided and approved by Council prior to release of the Construction Certificate (CC):

- RGS sampling identified some elevated levels of Arsenic around the dip site. These elevated levels coincide with the elevated levels identified in the NSW Department of Agriculture sampling on this dip site in 1998 (copy provided to RGS on 20/11/2018). These elevated levels likely indicate the location of the Dip bath, Drain pen, Waste sump and/or Drain yard. Further sampling must be undertaken to identify any further elevated levels in and around these areas and the sampling must be undertaken at least two depths for each sample site (0-150mm and 600-1000mm).
- The process for removing the concrete capping and undertaking further sampling under the capping in and around the exposed dip bath must be outlined.

- Stage 2 report must follow the removal of the capping and the additional sampling. This report will detail the results of the additional sampling and the remediation and validation of the dip site.
- The remediation works are to be completed and site validated prior to commencement of any works in the affected area of the site. Evidence that this has been completed shall be submitted to Council upon completion.

Acid Sulfate Soils

44. A detailed Acid Sulfate Soil Management Plan is to be submitted to Council for review prior to issue of a Civil CC.

Building Conditions

45. The community buildings and amenities are not to be occupied or used until such time as an Occupation Certificate has been issued.

46. **Working/Construction Hours** Working hours on the construction project being limited to the following:

7.00 am to 6.00 pm 6 days per week No work permitted on Sundays and public holidays

The builder to be responsible to instruct and control sub contractors regarding the hours of work and the requirements of the Protection of the Environment Operations Act 1997 and Regulations.

47. **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.

48. Where the work is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves enclosure of a public place, the following must be provided:

- a A hoarding or fence must be erected between the work site and the public place.
- b If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- c The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- d Any such hoarding, fence or awning is to be removed when the work has been completed.

49. **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.

50. **Adjoining Building Work** A person who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land shall, at their own expense and where necessary:

- a Preserve and protect the building from damage; and
- b If necessary, underpin and support the building in an approved manner, details of which are to be submitted with the application for the Construction Certificate and certified by a professional engineer or an accredited certifier.

The person who causes this excavation must, at least seven (7) days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to this owner of the proposed work. (Note: An adjoining allotment of land includes a public road and any other public place. A building includes a fence).

51. 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.

52. All building construction for non-residential buildings on the site below 3.0m AHD shall be of flood compatible materials.
53. All dwellings on the site shall have a minimum finished floor level of 3.0m AHD with all materials of construction below that height being of flood compatible materials.
54. An Emergency Response Plan for a major flood event of the site shall be prepared by an appropriately qualified person and incorporated into emergency procedures for the development. A copy of that plan is to be provided to Council prior to the issue of the approval of the park to operate.
55. A manufactured home must be constructed and installed in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*.
56. Council must be given written notice of the installation of a manufactured home or associated structure within the site within 7 days after its completion.
- The notice:
- (a) must indicate the site identifier of the dwelling site on which the manufactured home or associated structure has been installed, and
 - (b) must include the particulars contained on each compliance plate relating to the manufactured home or associated structure.
- The notice must be accompanied by:
- (a) a copy of the engineer's certificate for the manufactured home or associated structure, and
 - (b) a fully dimensioned diagram of the dwelling site on which the manufactured home or associated structure is installed, sufficient to indicate whether or not the setback, density, open space and site delineation requirements of this part have been complied with.
57. Full hydraulic details for all internal plumbing and drainage including internal sewer mains and fire services shall be prepared by an appropriately qualified hydraulic engineer and submitted to Council for approval prior to any work starting on that stage of the development.

Section 7.12 Contributions

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

\$127,250.00

GL S94ACVCOthResAcco

This amount is based on the following calculation:

- a Proposed cost of carrying out the development is more than \$200,000 = value of development x 0.01
- b The value of development stated in the application was \$12,725,000.00

The contributions are to be paid to Council prior to release of the approval to Operate under Section 68 of the Local Government Act 1993 for each and every stage. All contribution plans are available for inspection at Clarence Valley Council Offices, 50 River Street, Maclean and 2 Prince Street, Grafton.

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. A true estimate of the value of development must be provided when application is made for the Construction Certificate.

Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

59. The proposed development must comply with Part 2 Division 3 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*. This must be demonstrated prior to issue of the Approval to Operate under Section 68 of the Local Government Act 1993.
60. An approval to operate under Section 68 of the Local Government Act 1993 must be issued prior to use of the site as a manufactured homes estate for each and every stage.
61. Community buildings and amenities are to be provided in accordance with the Staging Plan by Zoran Architecture as submitted with the application.

Swimming Pool

62. The Public Health Act 2010 and Public Health Regulation 2012 require notification of public swimming pools and spas be made to Local Government (Clarence Valley Council) prior to operation.
63. The operation of the swimming pool must comply with the NSW Public Health Regulation 2012 Schedule 1 Requirements for public swimming pools and spa pools (Clause 15).

Heritage

64. Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and all directions of the Office of Environment and Heritage be complied with.

Environment

65. For all trees at the interface with any development related works, compliance with the provisions of Australian Standard *AS4970-2009 Protection of Trees on Development Sites*.
66. A Vegetation and Weed Management Plan is to be submitted and approved prior to any works commencing for the ongoing management of:
 - a. The retained vegetation in the 15m APZ buffer within the development footprint; and
 - b. The residual land contained within the E2 and E3 zones;
 - c. Bioretention areas.
67. Prior to any construction (including clearing and earthworks) commencing on the site, temporary fencing must be erected around the boundary of the development site to distinguish the development site from adjacent environmental conservation/management land.
68. Site sheds, materials, machinery and waste are to be located and stored or deposited, temporarily or otherwise on the development site so that no impacts occur on retained vegetation.
69. Prior to any works commencing on site, evidence must be provided to the consent authority demonstrating that:
 - The applicable 221 credits for PCT 1230 based on the like-for-like basis have been retired. This shall be in the form of a credit retirement report issued by OEH confirming credit transactions; or
 - The applicable payment into the Biodiversity Conservation Trust (BCT) has been paid. The Biodiversity Offset Payment Calculator has estimated that 221 credits for PCT 1230 which requires the payment of **\$1,055,869.95 into the Biodiversity Conservation Trust (BCT)**. **This shall be in the form of a 6.33 Statement Confirming Payment into the Biodiversity Conservation Fund issued by the Biodiversity Conservation Trust.** The statement will indicate the number and class of credits that the payment corresponds to and any related development application reference.

Landscaping

70. Landscaping shall be carried out in the accordance with the Statement of Landscape Intent dated June 2018 Issue B.

ITEM	14.036/19	MODIFICATION OF DEVELOPMENT CONSENT DA2018/0553 BY MOD2019/0011 – TO REMOVE HEIGHT LIMIT OF FILL MATERIAL – 52-54 MILES STREET, YAMBA
------	-----------	---

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

Applicant	Neil Garrard (Neil Garrard Building Pty Ltd)
Owner	Kahuna No. 1 Pty Ltd
Address	52-54 Miles Street, Yamba (being Lot 46 and 47 DP751395)
Submissions	Nil

Council has received an application under Section 4.55 of the *Environmental Planning and Assessment Act, 1979* to modify DA2018/0553 to allow greater flexibility in the height of the proposed fill area across the 12 hectare development site. The approval is currently conditioned to impose a limited height of 600mm across the 12 hectare fill area.

The modification to alter the height limit of 600mm does not alter or change the amount of fill material required and there is no proposed change to any of the other conditions of consent.

The application was advertised and notified, no submissions were received during the notification period.

The application is being reported to Council as the original application was determined by the full Council. This report discusses the key issues with the application, and provides a recommendation for Council's consideration.

OFFICER RECOMMENDATION

That Council:

1. Accept that MOD2019/0011 will result in minimal environmental impact and is substantially the same development as approved under DA2018/0553; and
2. MOD2019/0011 be approved subject to the replacement of the original Condition 3 with new Condition 3 as follows:
 3. This approval is for Stage 1 earthworks being **up to 70,000m³ of general fill material placed over a maximum area of 12 hectares as shown on the approved plan commencing in the north west corner** ~~approximately 600mm coverage of the 12 hectare filling area shown on the approved plan.~~ **Imported material to be stockpiled is limited to 30,000m³ and is to be located within the 12ha development site. Compacted general fill and stockpiled material is to be no greater than 1.8m above the natural surface levels.** Any further earthworks or filling of the site not deemed to be exempt development will require separate development consent.

Having declared an interest in this item, Cr Ellem left the EP&C meeting at 5.11 pm and returned at 5.12 pm.

COMMITTEE RECOMMENDATION

Novak/Williamson

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

Having declared an interest in this item, Cr Ellem left the Ordinary Council meeting at 3.52 pm and returned at 3.53 pm.

COUNCIL RESOLUTION – 14.036/19

Toms/Lysaught

That Council:

- 1. Accept that MOD2019/0011 will result in minimal environmental impact and is substantially the same development as approved under DA2018/0553; and**
- 2. MOD2019/0011 be approved subject to the replacement of the original Condition 3 with new Condition 3 as follows:**
 - 3. This approval is for Stage 1 earthworks being up to 70,000m³ of general fill material placed over a maximum area of 12 hectares as shown on the approved plan commencing in the north west corner approximately 600mm coverage of the 12 hectare filling area shown on the approved plan. Imported material to be stockpiled is limited to 30,000m³ and is to be located within the 12ha development site. Compacted general fill and stockpiled material is to be no greater than 1.8m above the natural surface levels. Any further earthworks or filling of the site not deemed to be exempt development will require separate development consent.**

Voting recorded as follows:

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

Against: Clancy

LINKAGE TO OUR COMMUNITY PLAN

Theme 5 Leadership

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

Strategy 5.1.4 Provide open, accountable and transparent decision making for the community

BACKGROUND

Modification Application MOD2019/0011 was lodged on 26 February 2019 for the modification of approved Development Application DA2018/0553 as granted by Clarence Valley Council at their meeting held 11 December 2018 (Item 14.143/18) for Earthworks (Filling of Land). A copy of the consent and approved plans are provided in Attachment 1. The approved development granted consent for the proponent to strip topsoil from a 12 hectare portion of the subject site and fill that area with material imported from current infrastructure projects within the Valley to the site to create a base platform for further filling associated

with a future residential subdivision development. It is proposed that approximately 100,000 m³ of fill is to be placed onsite to a depth of about 600mm across the 12 hectare development area in the north western corner of the site which will form Stage 1 earthworks for the property.

As stated by the applicant the geotechnical report identified potential areas of clay within the development site that would need to be removed and filled prior to the imported material being placed onsite, the extent of these areas will not be known until the topsoil has been stripped. Furthermore, in this instance the developer has no control over the amount or timing of when the fill will become available.

As a result of the varied timing of the fill becoming available, to reduce the amount of clay areas that may be encountered the applicant has requested a modification to Condition 3 to be able to fill higher than 600mm. Condition 3 on the current development consent reads as follows:

3. *This approval is for Stage 1 earthworks being approximately 600mm coverage of the 12 hectare filling area shown on the approved plan. Any further earthworks or filling of the site not deemed to be exempt development will require separate development consent.*

In relation to Condition 3, the applicant has requested to be able to fill to any 300mm increment over the 12ha site while still within the 100,000m³ limit. This will allow greater flexibility in the height of the proposed fill area instead of being limited to 600mm across the development site. Therefore the fill may be 600mm over 12ha, 900mm over 8ha, 1,200mm over 6ha and so on up to 1,800mm. This will allow the developer to fill already raised areas over 600mm if the rest of the site is not ready for fill material due to the potential clay areas.

KEY ISSUES

Substantially the same Development?

This fundamental question needs to be dealt with before any further assessment of the proposed modification. MOD2019/0011 has been lodged under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1979* (EP&A) which reads as follows:

'(1A) Modifications involving minimal environmental impact - A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1), (2) and (5) do not apply to such a modification.'

Council has no power under Section 4.55 (1A) to grant consent unless it is satisfied that the proposed modification will result in minimal environmental impact and the modified development it relates to is

substantially the same development as originally approved. The approved development under DA2018/0553 'Earthworks (Filling of Land)' consented to the importing 100,000m³ of fill to raise portion of the subject site to up to 600mm, inclusive of a basalt stockpile of approximately 30,000m³ of atop the filled platform.

The amount of material being imported to the subject site will remain unchanged by the proposed modification application, that being 100,000m³. By allowing the increased height of fill it is deliberated that the impacts on the road network from haulage will be no greater and there will be no additional clearing of vegetation, diversion of nearby watercourses or overflow stormwater, although there may be a reduced environmental impact should the filled area be reduced.

The dominant issue that may arise from allowing a higher filled area and stockpile atop the filled platform is the visual impact from the street and adjoining properties. Furthermore, additional matters that may become harder to manage as a result of a higher filled platform are sediment and erosion controls and dust suppression until such time as a ground cover can establish over the surface. Therefore, it is considered reasonable to place a height limit on the filled platform and stockpiled material across the site of 1.8m which allow the developer to suitably manage the site so as to not create a nuisance to adjoining property owners.

In summary, it is recommended that Council approve the Section 4.55 amendment to permit the developer to fill the site greater than 600mm within the approved development site subject to an amendment to Condition 3. This will provide the applicant greater flexibility to fill the area subject to timing and extent of fill becoming available.

The suggested wording of amended Condition 3 is as follows:

3. This approval is for Stage 1 earthworks being **up to 70,000m³ of general fill material placed over a maximum area of 12 hectares as shown on the approved plan commencing in the north west corner** ~~approximately 600mm coverage of the 12 hectare filling area shown on the approved plan.~~ **Imported material to be stockpiled is limited to 30,000m³ and is to be located within the 12ha development site. Compacted general fill and stockpiled material is to be no greater than 1.8m above the natural surface levels.** Any further earthworks or filling of the site not deemed to be exempt development will require separate development consent.

COUNCIL IMPLICATIONS

Budget/Financial

There may be financial costs to Council should the applicant appeal Council's decision. The application was accompanied by all fees required to be paid by Council's Fees and Charges. Assessment of the application has been completed by staff utilising recurrent staffing budgets.

The increase of heavy vehicles on Council's road network and the potential for damage to the road pavement to occur and impact on Council's budget was outlined in Item 14.143/18 as part of the approved application. The proposed amendment does not alter or increase the potential for impact as no increase in fill material is proposed.

Asset Management

The impact on Council's road network due to an increase in the number of heavy vehicles using Yamba Road and Carrs Drive was detailed in Item 14.143/18 as part of the approved application. The proposed amendment does not alter or increase the potential for impact as no increase in fill material is proposed.

Policy or Regulation*Environmental Planning and Assessment Act 1979**Environmental Planning and Assessment Regulations 2000**Clarence Valley Local Environmental Plan 2011*

Development Control Plan for Development in Residential Zones 2011

Consultation

The following sections of Council were consulted during the assessment of the application:

<i>Internal Section or Staff Member</i>	<i>Comment</i>
Development Engineer	Generally supports proposal subject to amended condition

Legal and Risk Management

Should the applicant be dissatisfied with Council's decision, they have a right of appeal to the Land and Environment Court which may incur a financial cost to Council. Prior to any appeal submitted through the Court the applicant can seek a review of Council's determination in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

Prepared by	James Hamilton, Development Assessment Planner
Attachment	1. Copy of Consent DA2018/0553 2. Section 4.55 Assessment Report for MOD2019/0011

ITEM	14.037/19	MOD2018/0043 – APPLICATION TO MODIFY SUB2006/0013 – TWO LOT SUBDIVISION, 193 ILUKA ROAD, WOOMBAH
-------------	------------------	---

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

<i>Applicant</i>	Philip Holmes
<i>Owner</i>	Phillip Holmes
<i>Address</i>	193 Iluka Road, Woombah NSW 2469
<i>Submissions</i>	Nil

The applicant has requested an amendment under Section 4.55(1A) of the Environmental Planning & Assessment Act 1993, in relation to the 2 lot subdivision approval issued under SUB2006/0013.

The original development application was approved by a resolution of Council and the proposed modification is referred to Council for determination as Council staff do not have delegation to determine modification applications previously determined by resolution of Council.

OFFICER RECOMMENDATION

That MOD2018/0043 to modify SUB2006/0013 be approved in accordance with the amendments to the conditions of consent contained in Schedule 1.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.037/19

Kingsley/Novak

That MOD2018/0043 to modify SUB2006/0013 be approved in accordance with the amendments to the conditions of consent contained in Schedule 1.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 Provide open, accountable and transparent decision making for the community

BACKGROUND

At its meeting of 15 August 2006 Council approved development application SUB2006/0013 for a 2 lot large lot residential subdivision. The notice of development consent was issued on 28 September 2006. A subdivision certificate was issued for the development under SUBCT2012/0038, however, the plans have not been registered with the Lands Titles Office. As such, the subdivision has physical commencement and the consent has not lapsed.

There is an existing dwelling on the lot and this proposal seeks to amend the boundary and reduce the size of the vacant lot (proposed Lot 511) from 6,761m² to 4,000m² which is equal to the minimum lot size required for large lot residential subdivisions in this area.

The applicant also wants to amend Condition 37 which requires a fence to be constructed along the frontage of Iluka Road prior to the subdivision certificate being released. The intention of the condition is to prevent access from the lot to Iluka Road and Condition 35 already reflects this requirement; and a future fence will likely be constructed by the future owner of the lot.

General Terms of Approval were issued by the NSW Rural Fire Service under the previous Integrated Development approval requiring the existing dwelling to be upgraded in regard to ember protection and the management of asset protection zones. The whole of proposed Lot 511 was required to be managed as an Inner Protection Zone.

The modification proposal has been referred to the NSW Rural Fire Service and the General Terms of Approval have been issued in the same terms as the original approval.

KEY ISSUES

From 25 February 2018 any new application for development consent or modification to an approved development lodged is subject to the biodiversity assessment requirements of the *Biodiversity Conservation Act 2016* (BC Act).

To assess whether the Biodiversity Offset Scheme (BOS) applies to a proposed local development modification, the BC Act requires the BOS triggers to be applied to the modification application based on the 'as modified' project.

This consideration applies irrespective of whether the original project was assessed with a Biodiversity Development Assessment Report (BDAR) under Part 7 of the BC Act or under former planning provisions of the *Threatened Species Conservation Act 1995* (TSC Act).

A future dwelling on the vacant lot will require the removal of native vegetation and an Ecological Assessment by a suitably qualified consultant has been provided in support of the application which concludes that the proposal will be below the threshold of the Biodiversity Offsets Scheme (BOS) and that the modification will result in a net reduction of clearing of native vegetation to that already approved on the lot.

Section 4.55 provides that where the development, the subject of consent, will be substantially the same, the consent may be amended. The requested amendment is reasonable and does not substantially change the approved development. The impacts from the development as proposed to be modified will be less

than that of the original approval, in this instance, the consent can therefore be amended under section 4.55(1A).

The amendments to the conditions reflect the proposed amendments.

COUNCIL IMPLICATIONS

Budget/Financial

NA

Asset Management

NA

Policy or Regulation

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

State Environmental Planning Policy No. 55 - Remediation of Land

Clarence Valley Local Environmental Plan 2011

CVC Rural Zones Development Control Plan (DCP)

CVC Roads Policy

Consultation

<i>External Referral</i>	<i>Comment</i>
NSW Rural Fire Service	Supported with conditions

Legal and Risk Management

The applicant may appeal Council's determination in the NSW Land and Environment Court for which there could be a financial cost to Council.

Prepared by	Pat Ridgway, Senior Development Planner
Attachment	<ol style="list-style-type: none"> 1. Section 4.55 Assessment report 2. Previous approved plan 3. Notice of Determination 4. Proposed Subdivision Site Plan 5. Executive Summary Bushfire Risk Management Plan

Schedule 1 Draft Advices and Conditions

Deleting the following wording and conditions:

37. ~~A fence is to be constructed along the Iluka Road frontage of proposed Lot 511 (excepting the nominated access point of Lot 511) and 512 prior to the issue of the subdivision certificate. A fence of minimum standard post and 4 wires or other form that may be approved by Council is to be constructed along the Iluka Road frontage of proposed Lot 511 and 512 (excepting the nominated access point of Lot 512) prior to the issue of the subdivision certificate. Amended 18 June 2008.
(Reason: To ensure that vehicular access is available only from approved points of the allotment)~~
65. In relation to Conditions 68, 69, and 70, compliance of these conditions is to be demonstrated prior to the issue of the Subdivision Certificate. Advice No. 5 and No. 6 should be considered.

66. Prior to the commencement of any clearing of native vegetation in accordance with the General Terms of Agreement, the applicant is to clarify with the NSW Rural Fire Service the relevant inner and outer protection areas which make up the Asset Protection Zones. The ongoing maintenance of these areas are to be reflected in an 88B instrument.
67. Condition No. 71 is to be reflected in an 88B instrument.

General Terms of Agreement

~~Based upon an assessment of the plans and documentation received for the proposal, the NSW Rural Fire Service is prepared to grant a Bush Fire Safety Authority under section 100B of the Rural Fires Act 1997 subject to the following conditions:~~

- ~~68. Access is to comply with section 4.3.2 Planning for Bushfire Protection 2001.~~
- ~~69. The existing dwelling on proposed Lot 512 is required to be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves.~~
- ~~70. The existing dwelling on Proposed Lot 512 will be required to maintain the area between the dwelling and the western boundary as an Inner Protection Area. A 40 metre Asset Protection Zone is required to the north of the dwelling and a 30 metre Asset Protection Zone is required to the east and south of the dwelling.~~
- ~~71. A Dwelling on proposed Lot 511 would require the whole lot to be maintained as an Inner Protection Zone.~~

Amending Condition 10 as follows:

10. The development being completed in conformity with the Environmental Planning & Assessment Act, 1979, the Regulations thereunder, the Building Code of Australia and being generally in accordance with Proposed Subdivision of Lot 51 in DP 1057274 plan Ref MC053990 dated February 2005, for proposed subdivision of Lot 51 in DP 1057274 Ref MC053990 dated February 2005, (2) sheets, submitted/drawn by Gulaptis & Smith Site Plan, Ref# 17003, dated January 2017, Drawn by Bushfiresafe (Aust) P/L as amended in red, or where modified by any conditions of this consent.

Inserting the following conditions:

72. The development is to be carried out in accordance with Conclusions and Recommendations of the Ecological Assessment dated January 2019.
73. A dwelling on proposed Lot 1 is to be sited in accordance with the building area marked BA on the approved subdivision site plan. This is to be reflected as a restriction on the title of the lot.
74. The development is to comply with the conditions and advice of the NSW Rural Fire Service, as contained in their letter dated 28 March 2019 consisting of two, and as attached to this amended Notice of Determination.

ITEM 14.038/19 AMENDMENT TO VEGETATION CONTROLS IN DEVELOPMENT CONTROL PLANS

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
Attachment	Yes	

SUMMARY

Amendments to Vegetation Controls in the Residential Zones Development Control Plan and the addition of a Vegetation Controls section in the Environmental Protection, Recreation and Special Use Zones Development Control Plan have been publicly exhibited for 28 days and no submissions were received.

OFFICER RECOMMENDATION

That Council:

1. Adopt the exhibited amendments to the Residential Zones Development Control Plan and the Environmental Protection, Recreation and Special Use Zones Development Control Plan, as provided in the Attachments.
2. Publicly notify its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.

COMMITTEE RECOMMENDATION

Novak/Baker

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Novak, Simmons, Williamson

Against: Clancy

COUNCIL RESOLUTION – 14.038/19

Clancy/Lysaught

That Council:

1. **Adopt the exhibited amendments to the Residential Zones Development Control Plan and the Environmental Protection, Recreation and Special Use Zones Development Control Plan, as provided in the attachments.**
2. **Publicly notify its adoption in accordance with the Environmental Planning and Assessment Regulation 2000.**

Voting recorded as follows:

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

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

The Development Control Plan (DCP) amendments are required to ensure consistency with recent legislative changes affecting proposals for native vegetation removal in NSW. Although the Residential Zones DCP currently has controls setting out when clearing of native vegetation on private land is not related to a development consent, the Environmental Protection, Recreation and Special Use Zones DCP (hereafter Environmental DCP) does not. The proposed changes aim to address this gap by applying vegetation controls to certain E zones and the SP3 Tourist zone in the Environmental DCP.

In addition, changes are proposed to the Residential DCP so that consistent vegetation controls apply to all residential zones within the Council area. This consistency has been sought through a Council resolution from August 2018. Currently, the former Maclean Shire area has more restrictive controls on vegetation clearing.

Specific restrictions are also being applied to Koala Feed Trees in Waterview Heights, Ashby, Woombah and Iluka.

Any clearing in rural zones and clearing in residential and other non-rural zones exceeding certain thresholds or triggers, are regulated by the NSW Government and the Native Vegetation Panel under the *Local Land Services Act 2013* and *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*. Clearing associated with works requiring development consent is still considered as part of the development assessment process.

Council, at its meeting on 16 October 2018, resolved to:

1. Amend the vegetation controls in Part E of the Development in Residential Zones DCP as provided at Attachment A of this report with the addition of maps showing the areas subject to the Ashby, Woombah and Iluka Koala Plan of Management as well as the location of the Waterview Heights koala population hub identified in the 2018 report by Biolinks;
2. Amend the Development in Environmental, Open Spaces and Special Uses Zones DCP to include vegetation controls for land zoned SP3, E2 and E3 consistent with the amended DCP chapter to Attachment A of this report with changes to ensure correct reference to applicable zones;
3. Recognise that the changes to the DCP vegetation controls provide relevant and updated references to vegetation legislation, amend exemptions to achieve consistency across the Clarence Valley LGA, provide vegetation controls to SP3, E2 and E3 zones, and ensure appropriate consideration of the adopted *Comprehensive Koala Plan of Management for the Ashby, Woombah & Iluka localities of the Clarence Valley LGA* as well as the Southern Clarence Areas of Regional Koala Significance report by Biolinks (2018); and
4. Place the DCP amendments on public exhibition for a period of 28 days (minimum) and that Council consider a further report as soon as practical following the exhibition period to consider comments received.

This resolution was in response to part 1 of Council resolution 17.008/18 adopted on 21 August 2018 to ensure consistent vegetation controls across the local government area. Part 2 of the August 2018 resolution is subject to a separate DCP amendment process.

KEY ISSUES

No submissions were received, thus no issues were raised.

Minor grammatical and formatting corrections were made to both DCPs after public exhibition. In addition, changes to the visual representation of the maps in the Residential Zones DCP were made. The revised DCP chapters are provided as Attachments to this report.

COUNCIL IMPLICATIONS**Budget/Financial**

Budget/Financial implications are outlined in detail in the Minutes to the 16 October 2018 Council Meeting and were therefore considered at that time.

To summarise:

- Clearing proposals not associated with a development application can be subject to a \$70 Tree Permit application 2018/19 fee.
- Applications for tree modifications within heritage conservation areas do not incur a fee (not altered by this proposal) if they are considered minor works.
- The number of Tree Permit applications submitted to Council would be expected to reduce by about 30% if the same exemptions were applied to all residential zones across the Council area, as is proposed by this DCP amendment. However, vegetation controls will be added to the SP3, E2 and E3 zones.

Asset Management

This report does not relate to native vegetation in road reserves and other public land managed by Council. Clearing of native vegetation proposed in association with development subject to a development application will be considered in the assessment of a DA.

Policy or Regulation

The main items of legislation or regulation that apply to this matter are:
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
Clarence Valley Local Environmental Plan 2011
 Clarence Valley Development Control Plans

Consultation

Both the changes to the Residential Zones DCP and the Environmental DCP were publicly exhibited for a period of 28 days. The Residential Zones DCP was exhibited from 25 January to 22 February and the Environmental DCP was exhibited from 22 February to 22 March 2019.

No submissions were received.

Legal and Risk Management

Changes to the regulation of native vegetation in NSW have placed greater responsibility on Council to manage clearing in non-rural zones. There is a risk to Council and the community of not having provisions to manage clearing of land in the Environmental Protection zones.

Prepared by	Maya Dougherty, Strategic Planner
Attachment	1. Environmental Protection, Recreation and Special Use Zones DCP – Part T 2. Residential Zones DCP – Part E

ITEM	14.039/19	DEVELOPMENT APPLICATIONS
Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Manager - Environment, Development & Strategic Planning (David Morrison)	
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 EP&C meeting at 5.14 pm and returned at 5.15 pm.

COMMITTEE RECOMMENDATION

Williamson/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Simmons, Williamson

Against: Nil

Having declared an interest in this item, Cr Novak left the Ordinary Council meeting at 3.56 pm and returned at 3.57 pm.

COUNCIL RESOLUTION – 14.039/19

Kingsley/Ellem

That the update on Development Applications be noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 has been changed to include all calendar days including weekends and public holidays. The method is now consistent with the NSW Department of Planning *Development Assessment Best Practice Guide – to assist Council to improve delivery timeframes*.

The figures from 1 July 2018 to 31 March 2019 are:

No. of Applications Received	No of Applications Approved	Value of Approved Works	No of Lots Approved	Average Processing Times
622	593	\$87,947,991.81	102	56 days (including stop-the-clock days)

Of the 593 approved Development Applications between 1 July 2018 and 31 March 2019, 272 were determined within 40 days or less (46%).

As of 1 April 2019 there were 136 outstanding development applications, which have been with Council for the following:

Less than 40 days	92
41 - 60 days	10
61 - 80 days	6
81+ days	28

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

Exceptions to Development Standards under Clause 4.6 of the LEP

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

DA No.	Property	Standard to be Varied	Extent of Variation	Concurring Authority & Justification
DA2018/0677	383 North Street Wooli NSW 2462	Clause 4.3 - Height of Buildings map	500%	Clarence Valley Council at their meeting 26 March 2019. The height of the tower is required to achieve a link to the NBN Co wireless hub site at Gilmores Lane, Halfway Creek to provide a link to the network. Additionally, the natural topography of the land including the ridgeline on the southern side of the Wooli River and height of vegetation require the tower to be 45m to provide the link to the network.

Reasons for Undetermined Applications over 40 days

Application No.	Received Date	Days	Description	Property	Reason
DA2019/0065	15/02/2019	44	Monthly community market	33 Bridge Street, LAWRENCE NSW 2460	Awaiting external referral (NTS Corp)
DA2019/0062	14/02/2019	45	Food and drink premises (Bakery)	5 Chataway Street, GRAFTON NSW 2460	Awaiting additional information (Plans showing location of grease trap)
DA2019/0058	12/02/2019	47	Front patio and free standing laundry/bathroom with covered open walkway	83 Yamba Street, YAMBA NSW 2464	Currently being assessed*
DA2019/0051	8/02/2019	51	Shed	2-4 Phoenix Close, YAMBA NSW 2464	Currently being assessed*
SUB2019/0003	7/02/2019	52	Two lot subdivision	18 Coramba Street, GLENREAGH NSW 2450	Awaiting external referral (RFS)
DA2019/0045	6/02/2019	53	Dual Occupancy	90 Kings Creek Road,	Additional information submitted

Application No.	Received Date	Days	Description	Property	Reason
				LAWRENCE NSW 2460	and currently being assessed*
DA2019/0048	6/02/2019	53	Garage & carport	165 River Street, MACLEAN NSW 2463	Currently being assessed*
SUB2019/0002	6/02/2019	53	13 large lot residential subdivision	198 Gardiners Road, JAMES CREEK NSW 2463	Awaiting external referral (OEH)
DA2019/0044	5/02/2019	54	Alterations and additions to aged care facility (Increase from 63 to 83 beds)	126 North Street, GRAFTON NSW 2460	Currently being assessed*
DA2019/0038	31/01/2019	59	Shed	60 Sovereign Street, ILUKA NSW 2466	Additional information submitted and currently being assessed*
SUB2019/0001	24/01/2019	66	Seven lot subdivision (5 additional lots)	39/57 Chatsworth Road, CHATSWORTH NSW 2469	Awaiting additional information (Contaminated land assessment, access and heritage)
DA2019/0024	21/01/2019	69	Dwelling	278 Ashby Tullymorgan Road, ASHBY HEIGHTS NSW 2463	Awaiting additional information (Baseline ecological assessment)
DA2019/0017	17/01/2019	73	Renovate amenities (including new roof)	Maclean Centenary Pool, Argyle Street, MACLEAN NSW 2463	Amended plans received and currently being assessed*
DA2019/0020	17/01/2019	73	Alterations and additions to industrial building (including new caretakers dwelling)	11 Henry Searle Drive, ILUKA NSW 2466	Additional information submitted and currently being assessed*
DA2019/0015	16/01/2019	74	New amenities block at Greyhound Club	70 Cranworth Street, GRAFTON NSW 2460	Awaiting external referral (Grafton Ngerrie Local Aboriginal Land Council)
DA2019/0011	11/01/2019	79	Primitive Camp Ground	Stockyard Creek Road, COALDALE NSW 2460	Awaiting additional information (Baseline ecological assessment and bushfire assessment)
DA2019/0002	4/01/2019	86	Dwelling	Old Murrayville Road, ASHBY HEIGHTS NSW 2463	Awaiting external referral (RFS)
DA2018/0785	21/12/2018	100	Alterations and additions to existing indoor recreation facility	300 Powell Street, GRAFTON NSW 2460	Currently being assessed*
DA2018/0787	21/12/2018	100	Alterations and Additions to existing dwelling and secondary dwelling	21 The Crescent, ANGOURIE NSW 2464	Additional information received and on exhibition until 12/4/2019
DA2018/0777	17/12/2018	104	Shop top housing in existing premises	80 River Street, MACLEAN NSW 2463	Awaiting additional information (BASIX)
DA2018/0738	29/11/2018	122	Asphalt Plant	Tyson Street, SOUTH GRAFTON NSW 2460	Awaiting external referral (EPA)
DA2018/0678	5/11/2018	146	Telecommunications facility - monopole & ancillary structures	Hiawatha Road, MINNIE WATER NSW 2462	Awaiting additional information (Biodiversity Offsets)
DA2018/0634	18/10/2018	164	Upgrade saleyards truckwash & new amenities	267-287 Armidale Road, SOUTH GRAFTON NSW 2460	Additional information received and currently being assessed*
DA2018/0632	17/10/2018	165	Demolish shed & erect shed	128 Golf Links Road, ILARWILL NSW 2463	Awaiting additional information (Amended plans)
DA2018/0630	16/10/2018	166	Dual occupancy	1431 Pacific Highway, ULMARRA NSW 2462	Awaiting additional information (Geotechnical assessment of riverbank and OSM)
SUB2018/0030	16/10/2018	166	Boundary adjustment	Pacific Highway, TYNDALE NSW 2460	Awaiting additional information (Contaminated land assessment)
DA2018/0615	11/10/2018	171	Replace car showroom building (including demolition of existing) and new pylon sign	37 Turf Street, GRAFTON NSW 2460	Report to April Council meeting.
SUB2018/0027	8/10/2018	174	Two lot subdivision	20 The Glen, MACLEAN NSW 2463	Awaiting additional information (Biodiversity and bushfire)
DA2018/0579	24/09/2018	188	Cut and fill of land (to create house pad)	Pacific Highway, COWPER NSW 2460	Awaiting external referral (NRAR and Water NSW)
DA2018/0574	20/9/2018	192	Dwelling	61 Williams Crescent, WOOLI NSW 2462	Awaiting additional information (Amended plans and Basix)
DA2018/0567	18/9/2018	194	Aged care facility (144 beds)	425 Bent Street, SOUTH GRAFTON NSW 2460	Staff to liaise with applicant and external agencies.

Application No.	Received Date	Days	Description	Property	Reason
SUB2018/0021	7/9/2018	205	Four (4) lot industrial subdivision	Federation Street, SOUTH GRAFTON NSW 2460	Awaiting additional information (Status of dip site and stormwater)
DA2018/0537	6/9/2018	206	Dwelling	21 Fat Duck Road, WOOMBAH NSW 2469	Awaiting additional information (Baseline ecological assessment)
SUB2018/0018	10/08/2018	233	Consolidation to create two lots	3 Blaxlands Flat Road, BLAXLANDS CREEK 2460	Awaiting additional information (Aboriginal Local Land Council Site Assessment)
DA2018/0445	6/08/2018	237	Seniors independent living (24 villas)	4 Freeburn Street, YAMBA NSW 2464	Awaiting additional information (Flooding and floor heights)
DA2018/0449	6/08/2018	237	Viewing deck	26 Ocean Road, BROOMS HEAD NSW 2463	Second additional information sent (Amended plans, view sharing issues)
DA2018/0419	26/07/2018	248	Shed	302 Gwydir Highway, WATERVIEW NSW 2460	Awaiting additional information (Amend Plans to comply with Essential Energy or applicant to withdraw application)
DA2018/0373	4/07/2018	270	200 dwelling manufactured home estate and communal facilities	Carrs Drive, YAMBA NSW 2464	Report to April Council Meeting
DA2018/0102	5/03/2018	391	Speedway practice track	334 School Lane, SOUTHGATE NSW 2460	Awaiting external referral (EPA)
SUB2018/0004	23/02/2018	401	12 lot large lot residential subdivision	Bloodwood Grove, GULMARRAD NSW 2463	Awaiting additional information (Amended Plans)
DA2017/0671	18/10/2017	529	Caravan Park - Alterations & Additions (10 additional sites) and amenities	391 Goodwood Island Road, GOODWOOD ISLAND NSW 2469	Awaiting additional information (Building Certificate Application, plans and compliance with <i>Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005</i>)
DA2017/0527	22/08/2017	586	Dwelling	Bostock Road, TUCABIA NSW 2462	Additional information received and currently considering Biodiversity Offsets
DA2017/0528	22/08/2017	586	Five lot rural subdivision & five dwellings	Bostock Road, TUCABIA NSW 2462	Awaiting additional information (Biodiversity Offsets)
SUB2015/0034	11/12/2015	1206	162 lot residential subdivision & new roads	Hickey Street, ILUKA NSW 2466	Report to June JRPP meeting.

*Currently being assessed under Section 79C of the *Environmental Planning & Assessment Act, 1979*

Prepared by	James Hamilton, Development Assessment Planner
Attachment	Nil

ITEM	14.040/19	ITEMS FOR INFORMATION
-------------	------------------	------------------------------

Meeting	Environment, Planning & Community Committee	16 April 2019
Directorate	Environment, Planning & Community	
Reviewed by	Director - Environment, Planning & Community (Des Schroder)	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. Clarence Valley Access Committee: Minutes of meetings held 17 October 2018 and 20 February 2019.
2. Clarence Valley Cultural Committee: Minutes of meeting held 18 February 2019.
3. CVC Grafton Regional Gallery Advisory Committee: Minutes of meeting held 21 February 2019.
4. Clarence Regional Library Committee: Minutes of meeting held 21 February 2019.

COMMITTEE RECOMMENDATION

Novak/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 14.040/19

Kingsley/Novak

That the Items for Information as listed below be adopted:

1. Clarence Valley Access Committee: Minutes of meetings held 17 October 2018 and 20 February 2019.
2. Clarence Valley Cultural Committee: Minutes of meeting held 18 February 2019.
3. CVC Grafton Regional Gallery Advisory Committee: Minutes of meeting held 21 February 2019.
4. Clarence Regional Library Committee: Minutes of meeting held 21 February 2019.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Prepared by	Debbie McGilvray, Executive Support Officer
Attachment	As above

MOTIONS ON NOTICE

ITEM	17.006/19	RECLAIM 'CITY STATUS' FOR GRAFTON WITHIN THE NORTH COAST REGIONAL PLAN 2036	
Meeting		Environment, Planning & Community Committee	16 April 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

NSW Planning and Environment stripped both the City of Grafton and Lismore's city status after a review was undertaken for the North Coast Regional Draft Plan 2036 in 2015-16 which was signed off by the then Parliamentary Secretary, State Member Chris Gulaptis.

When the final North Coast Regional Plan 2036 was launched in March 2017, Lismore regained their city status while Grafton remained without theirs.

PROPOSED MOTION

That:

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

MOTION

Novak/Clancy

That:

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

AMENDMENT TO MOTION

Williamson/Simmons

That:

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

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

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

COMMITTEE RECOMMENDATION

Novak/Clancy

That:

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

Voting recorded as follows:

For: Baker, Clancy, Novak, Simmons, Williamson

Against: Nil

COUNCIL RESOLUTION – 17.006/19**Novak/Lysaught****That:**

- 1. Council undertake an investigation to reclaim the regional 'City Status' for Grafton as contained within the North Coast Regional Plan.**
- 2. The General Manager consult with NSW Department of Planning and Environment (DPE) with regard to instigating a review of the decision made in 2016 to downgrade Grafton through the North Coast planning instruments from a regional city to a strategic centre.**

3. The General Manager report back to Council no later than the July 2019 Committee meeting with his findings for further action.**Voting recorded as follows:****For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

This is the NSW Government's 20-year economic blueprint for the North Coast region which saw both Grafton and Lismore stripped of their city status while Coffs Harbour, Tweed Heads, Armidale and Port Macquarie retained theirs.

Both Grafton and Lismore were proclaimed a city through different legislation. Grafton gained hers through the Crown Lands Act in 1885 and Lismore gained hers in 1946 through the Local Government Act with neither act overriding each other.

Grafton clearly was proclaimed and gazetted a city on the same day as Sydney, Armidale, Newcastle, Bathurst and Goulburn. This city status has never been repealed.

The Lismore Mayor and the GM, along with their hospital, university and other key business houses lobbied there sitting MP, Nationals Thomas George and the decision was over turned.

The criteria for granting city status for local government areas have undergone administrative changes over time. Since 1906, NSW Local Government legislation has made provision for the Governor to proclaim for city status to be conferred on local government areas in New South Wales.

At the present time, the *Local Government Act 1993* (the Act) provides that the constitution of a local government area as a city can be achieved by a Proclamation made by His Excellency the Governor on recommendation of the Minister for Local Government under section 206 of the Act. Under this provision the Governor may, by proclamation, constitute a local government area as a city. Unlike the situation that prevailed in 1885, there are no provisions for the establishment of a local government area as a city in the current Crown Lands legislation.

The former Grafton City local government area was reconstituted in the mergers of 2004 when four former general-purpose councils and two specific-purpose county councils became one council. At this time the name of the merged local government area was proclaimed as Clarence Valley.

Classification of regional cities and strategic centres

The North Coast Regional Planning (NCRP) is a document prepared by the Department of Planning and Environment (DPE). The Office of Local Government has no role in the establishment of the definitions utilised in the NCRP, or any other regional planning documents prepared by DPE.

NCRP defines that regional city centres are those with the largest commercial component of any location in the region and that provides a full range of higher-order services, including hospitals and tertiary education services.

Strategic centres, on the other hand are defined in the NCRP as centres of regional strategic importance.

A lot has changed for Grafton since the 2016 plan was drafted with a new country university, a future upgrade of \$263 million of Grafton Hospital and Australia's largest prison as an employment generator making Grafton the largest commercial centre of the Clarence Valley Region.

KEY ISSUES

Not applying to have the city status-reviewed means Grafton and the Clarence Valley will possibly miss out on funding for future strategic growth. Lismore, Coffs Harbour, Tweed Heads, Port Macquarie are currently having their city infrastructure plans developed.

COUNCIL IMPLICATIONS

Budget/Financial

Policy or Regulation

N/A

Consultation

Currently being undertaken

Legal and Risk Management

N/A

Attachment:	N/A
-------------	-----

CLOSE OF COMMITTEE MEETING

There being no further business the Environment, Planning & Community Committee meeting closed at 5.29 pm.

MOTION

Kingsley/Novak

That the Ordinary Council meeting be adjourned at 4.07 pm for a short break. CARRIED.

The Ordinary Council meeting resumed at 4.18 pm.

CORPORATE GOVERNANCE & WORKS COMMITTEE

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

ACKNOWLEDGEMENT OF THE TRADITIONAL CUSTODIANS OF THE LAND

I acknowledge the Yaegl peoples, Traditional Custodian 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.

PRESENT

Cr Karen Toms (Chair), Cr Jason Kingsley, Cr Arthur Lysaught (left meeting at 5.38pm), Cr Peter Ellem, Cr Jim Simmons (Mayor)

Cr Andrew Baker, Cr Debrah Novak, Cr Richie Williamson (left meeting at 5.38pm), Cr Greg Clancy, Mr Ashley Lindsay (General Manager), Mr David Morrison (A/Director – Environment, Planning & Community), Ms Laura Black (Director – Corporate & Governance) and Mr Greg Mashiah (A/Director – Works & Civil) were in attendance.

DISCLOSURE AND DECLARATIONS OF INTEREST

<i>Name</i>	<i>Item</i>	<i>Nature of Interest</i>	<i>Reason/Intended Action</i>
Cr Toms	15.052/19	<input checked="" type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input type="checkbox"/> Non-Significant Non Pecuniary	Reason: Contract Manager Iluka Riverside Holiday Park. Intended action: Leave the chamber
Cr Kingsley	15.053/19	<input type="checkbox"/> Pecuniary <input type="checkbox"/> Significant Non Pecuniary <input checked="" type="checkbox"/> Non-Significant Non Pecuniary	Reason: A member of the working group for the Trenayr Park and Martin Crescent Reserve is a friend of his wife. Intended action: Remain in the Chamber.

DEPUTATIONS

Having declared an interest in this item, Cr Toms nominated Cr Kingsley to chair the meeting in her absence. She left the CG&W meeting at 2.03 pm.

15.052/19 Dogs in Clarence Coast Holiday Parks Policy Review – On Crown Land

- Nick Brown (Against)

Cr Toms returned to the meeting at 2.18 pm and resumed the chair.

15.057/19 Recognition of a Climate Emergency

- Nick Reeve (Climate Change Committee)

17.008/19 Cr Toms NOM – Council Investigate Leasing Glenreagh Rail Precinct from ARTC to enable the Glenreagh Rail and Station Preservation Society Inc to Sub-Lease the Precinct

- David Murray (Vice President, Glenreagh Rail and Station Preservation Society)

REPORTS

ITEM	15.052/19	DOGS IN CLARENCE COAST HOLIDAY PARKS POLICY REVIEW - ON CROWN LAND
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Yes	

SUMMARY

This report details the outcomes of public consultation regarding the review of the Dogs in Clarence Coast Holiday Parks Policy (Dog Policy) and the recommended amendments.

OFFICER RECOMMENDATION

That Council as Crown Land Manager:

1. Note and receive outcomes of the public consultation of the Dogs in Clarence Coast Holiday Parks Policy.
2. Adopt the following recommendations:
 - (a) Continue to permit dogs in the Clarence Coast Holiday Parks in accordance with the amended policy and subject to the Park Manager's discretion.
 - (b) Make the following amendments to the policy:
 - i) that the policy is to apply to all five Clarence Coast Holiday Parks.
 - ii) that dogs be permitted in shoulder/school holidays at Park Manager's discretion.
 - iii) that dogs be permitted in some designated cabin accommodation and facilities.
 - iv) that a maximum of 1 dog be permitted per site however up to 2 dogs may be permitted at the Park Manager's discretion.
 - v) a maximum length for leads is 2 metres and no runs or retractable leads are permitted.
 - vi) include that dogs must not be left alone or unattended within the park at any time.
 - vii) for substantiated complaints, a greater emphasis for the Park Manager to direct immediate removal of the dogs rather than 'at the earliest opportunity'.
 - viii) update all references to 'Clarence Coast Reserve Trust' to 'Crown Land Manager'.
3. Extend the dog friendly opportunities at Minnie Water Holiday Park to improve occupancy rates and revenue.
4. Relocate the current dog area at Brooms Head Holiday Park on a trial basis to near the Park Manager's residence for a 12 month period and that a further report is provided on the outcomes of the trial.

Having declared an interest in this item, Cr Toms nominated Cr Kingsley to chair the meeting in her absence for this item. Cr Toms left the CG&W meeting at 2.28 pm and returned at 2.42 pm and resumed Chairing the meeting.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That Council as Crown Land Manager:

1. Note and receive outcomes of the public consultation of the Dogs in Clarence Coast Holiday Parks Policy.
2. Adopt the following recommendations:
 - (a) Continue to permit dogs in the Clarence Coast Holiday Parks in accordance with the amended policy and subject to the Park Manager's discretion.

- (b) Make the following amendments to the policy:
- i) that the policy is to apply to all five Clarence Coast Holiday Parks.
 - ii) that dogs be permitted in shoulder/school holidays at Park Manager's discretion.
 - iii) that dogs be permitted in some designated cabin accommodation and facilities.
 - iv) that a maximum of 1 dog be permitted per site (not including companion and/or therapy pets)
 - v) a maximum length for leads is 2 metres and no runs or retractable leads are permitted.
 - vi) include that dogs must not be left alone or unattended within the park at any time.
 - vii) for substantiated complaints, a greater emphasis for the Park Manager to direct immediate removal of the dogs rather than 'at the earliest opportunity'.
 - viii) update all references to 'Clarence Coast Reserve Trust' to 'Crown Land Manager'.
3. Extend the dog friendly opportunities at Minnie Water Holiday Park to improve occupancy rates and revenue.
4. Relocate the current dog area at Brooms Head Holiday Park on a trial basis to near the Park Manager's residence for a 12 month period and that a further report is provided on the outcomes of the trial.

Voting recorded as follows:

For: Kingsley, Simmons, Ellem, Lysaught

Against: Nil

Having declared an interest in this item, Cr Toms left the Ordinary Council meeting at 4.20 pm and returned at 4.36 pm.

MOTION

Lysaught/Williamson

That Council as Crown Land Manager:

1. Note and receive outcomes of the public consultation of the Dogs in Clarence Coast Holiday Parks Policy.
2. Adopt the following recommendations:
 - (a) Continue to permit dogs in the Clarence Coast Holiday Parks in accordance with the amended policy and subject to the Park Manager's discretion.
 - (b) Make the following amendments to the policy:
 - i) that the policy is to apply to all five Clarence Coast Holiday Parks.
 - ii) that dogs be permitted in shoulder/school holidays at Park Manager's discretion.
 - iii) that dogs be permitted in some designated cabin accommodation and facilities.
 - iv) that a maximum of 1 dog be permitted per site (not including assistance animals, as defined by the Disability Discrimination Act 1992).
 - v) a maximum length for leads is 2 metres and no runs or retractable leads are permitted.
 - vi) include that dogs must not be left alone or unattended within the park at any time.
 - vii) for substantiated complaints, a greater emphasis for the Park Manager to direct immediate removal of the dogs rather than 'at the earliest opportunity'.
 - viii) update all references to 'Clarence Coast Reserve Trust' to 'Crown Land Manager'.
3. Extend the dog friendly opportunities at Minnie Water Holiday Park to improve occupancy rates and revenue.
4. Relocate the current dog area at Brooms Head Holiday Park on a trial basis to near the Park Manager's residence for a 12 month period and that a further report is provided on the outcomes of the trial.

AMENDMENT TO MOTION

Clancy/Baker

That Council as Crown Land Manager:

1. Note and receive outcomes of the public consultation of the Dogs in Clarence Coast Holiday Parks Policy.
2. Adopt the following recommendations:
 - (a) Continue to permit dogs in the Clarence Coast Holiday Parks in accordance with the amended policy and subject to the Park Manager's discretion.
 - (b) Make the following amendments to the policy:
 - i) that the policy is to apply to all Clarence Coast Holiday Parks, excluding Brooms Head.
 - ii) that dogs be permitted in shoulder/school holidays at Park Manager's discretion.
 - iii) that dogs be permitted in some designated cabin accommodation and facilities.
 - iv) that a maximum of 1 dog be permitted per site (not including assistance animals, as defined by the Disability Discrimination Act 1992).
 - v) a maximum length for leads is 2 metres and no runs or retractable leads are permitted.
 - vi) include that dogs must not be left alone or unattended within the park at any time.
 - vii) for substantiated complaints, a greater emphasis for the Park Manager to direct immediate removal of the dogs rather than 'at the earliest opportunity'.
 - viii) update all references to 'Clarence Coast Reserve Trust' to 'Crown Land Manager'.
3. Extend the dog friendly opportunities at Minnie Water Holiday Park to improve occupancy rates and revenue.

Voting recorded as follows:

For: Clancy, Ellem, Novak, Baker, Kingsley, Simmons

Against: Lysaught, Williamson

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

COUNCIL RESOLUTION – 15.052/19

Lysaught/Williamson

That Council as Crown Land Manager:

- 1. Note and receive outcomes of the public consultation of the Dogs in Clarence Coast Holiday Parks Policy.**
- 2. Adopt the following recommendations:**
 - (a) Continue to permit dogs in the Clarence Coast Holiday Parks in accordance with the amended policy and subject to the Park Manager's discretion.**
 - (b) Make the following amendments to the policy:**
 - i) that the policy is to apply to all Clarence Coast Holiday Parks, excluding Brooms Head.**
 - ii) that dogs be permitted in shoulder/school holidays at Park Manager's discretion.**
 - iii) that dogs be permitted in some designated cabin accommodation and facilities.**
 - iv) that a maximum of 1 dog be permitted per site (not including assistance animals, as defined by the Disability Discrimination Act 1992).**
 - v) a maximum length for leads is 2 metres and no runs or retractable leads are permitted.**
 - vi) include that dogs must not be left alone or unattended within the park at any time.**
 - vii) for substantiated complaints, a greater emphasis for the Park Manager to direct immediate removal of the dogs rather than 'at the earliest opportunity'.**
 - viii) update all references to 'Clarence Coast Reserve Trust' to 'Crown Land Manager'.**

3. Extend the dog friendly opportunities at Minnie Water Holiday Park to improve occupancy rates and revenue.

Voting recorded as follows:

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

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

In October 2014 Council resolved [item 14.098/14] to create a draft Dogs in Holiday Parks Policy and perform a trial at three of the parks allowing guests to camp with their dogs during the off season.

In June 2016 Council resolved [item 15.058/16] to receive the report detailing the results and recommendations to implement the policy at Iluka Riverside and Minnie Water Holiday Parks and continue the trial at Brooms Head Holiday Park due to some unresolved issues.

At its meeting on 20 November 2018, Council received a notice of motion [Item 17.011/18] and resolved that Council:

1. Undertake a period of public consultation until end of January 2019 on the issue of dogs and cats in Council-controlled holiday parks and camping areas.
2. Receive a report to the March 2019 meeting on the issue/s if any of dogs and cats in Council-controlled holiday parks and camping grounds with the report to include, but not be limited to, any public consultation outcomes.

At its meeting on 11 December 2018 Council resolved [item 15.221/18] to extend the public consultation period to 28 February and to receive a report to the April 2019 meeting.

KEY ISSUES

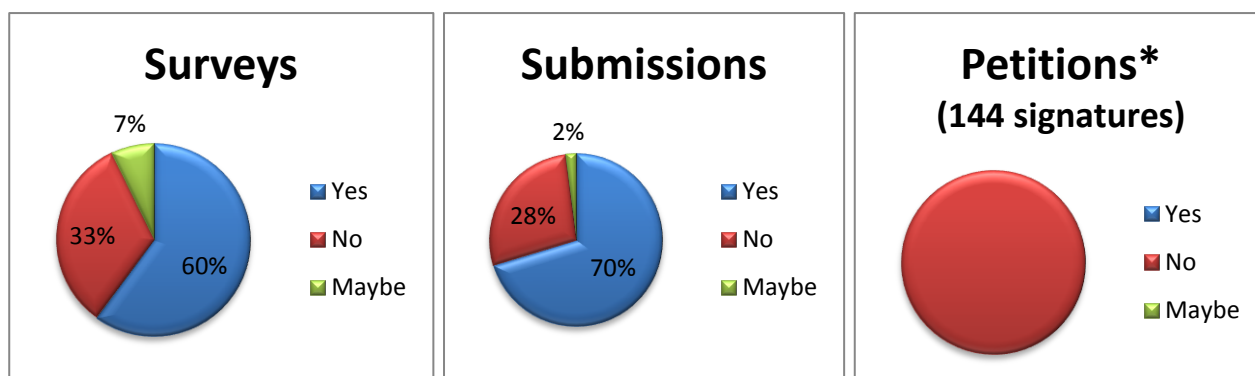
Public consultation opened 13 December 2018 and closed 28 February 2019. A page was created on Council's Clarence Conversations (CC) website asking whether the Clarence Coast Holiday Parks should be dog friendly. The page contained: key dates, useful information, FAQs and the opportunity to complete a survey or send a submission. Useful information included the current Dog Policy and statistics from the Caravan and Camping Industry Association (CCIA) regarding Pets on Holiday.

Overall Feedback

Table 1 and charts below indicate that overall 62% of respondents think the holiday parks should be dog friendly.

Table 1 - Responses to "Do you think the Clarence Coast Holiday Parks should be dog friendly?"

Type of Response	No of Responses	Yes		No		Maybe	
Surveys	548	329	60%	180	33%	39	7%
Submissions	101	71	70%	28	28%	2	2%
Total	649	400	62%	208	32%	41	6%



*A petition was circulated asking for 'support to return to a no pets policy at Brooms Head Holiday Park' which attracted 144 signatures. It stated that the current policy wasn't working resulting in '*a huge impact on the local residents and holiday tenant's quality of life with dogs barking, unrestrained dogs and cats and the risk of disease from faeces and urine which is rarely cleaned up by pet owners*'.

Many of the survey and submission respondents who answered 'No' also said it was because some pet owners:

- don't clean up dog droppings
- don't keep their dog on a lead
- don't stop their dog from barking
- leave their dog unattended

All of these issues are conditions of the current Dog Policy. This could indicate that if the rules of the Dog Policy were appropriately enforced by Park Managers, with non-compliant dog owners being asked to leave, then many of the concerns relating to dogs in holiday parks would be alleviated.

Other information was surveyed to inform if amendments were required to the current Dog Policy.

- Should dogs be restricted to designated areas in the park?
- **Where** should dogs be permitted – cabins, laundry, permanent residence, holiday vans?
- **When** should dogs be permitted in the park – off-season, shoulder/school holidays, peak season?
- **Which** dogs should be permitted in the park – small-less than 10kgs, large dogs at manager's discretion, all dogs and breeds if well behaved?
- **What** number of dogs should be permitted per site?
- Should **cats** be included in the policy?

Refer to Attachment 3 for a copy of the dog survey.

The results indicate that the Dog Policy is generally consistent with park user's expectations:

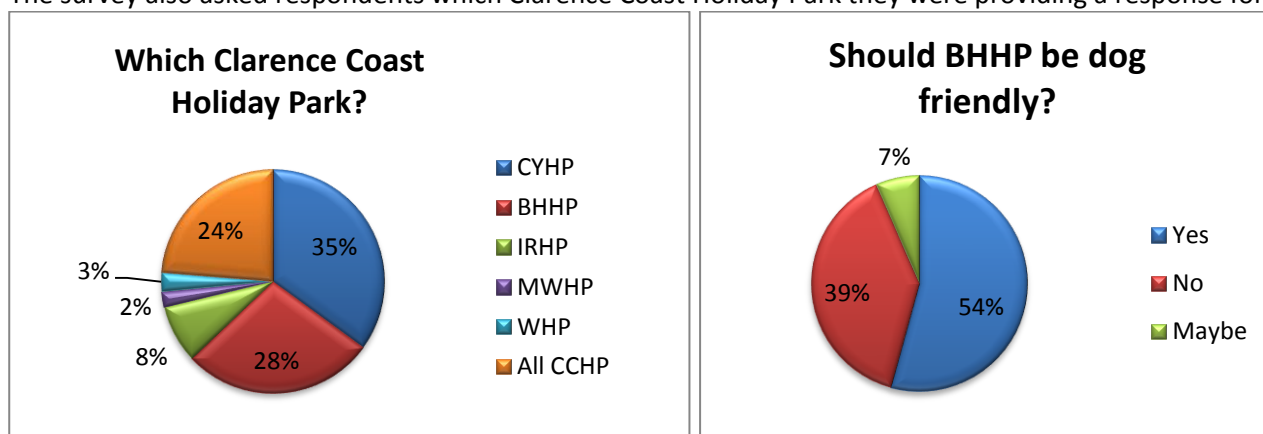
- 60% agreed that dogs should be restricted to certain areas – *consistent with point 4.5*
- 98% said dogs should be allowed on sites and 53% said not in cabins and 81% said not in laundries – *consistent with points 4.4 and 5.5*
- Although there was over 80% support for dogs on the permanent and holiday van sites, this is not recommended by this report. Non-compliant guests can be evicted from a tourist site with relative ease however matters concerning permanents and holiday vans are not so easily resolved - *consistent with point 4.4*
- 99% agreed that dogs should be permitted in the off-season, 80% in shoulder/school holidays and 63% in peak season which includes Christmas, Easter and long weekends. This report recommends allowing manager's discretion on a per park basis for shoulder and school holidays and doesn't recommend allowing dogs during peak season – *consistent with 4.1 after proposed amendments*

- 95% agreed that small dogs under 10kg should be permitted and over 70% also agreed that all dogs and breeds should be permitted if well behaved and at manager’s discretion – *consistent with point 4.2*
- 39% said the number of dogs per site should be restricted to one however 55% recommended a maximum of two dogs per site – *recommend new point 4.6*
- Responses about whether to include cats was 46% for and 54% against and this report doesn’t recommend extending the policy to cats – *consistent with existing policy*

Refer to:

- Attachment 1 Dogs in Clarence Coast Holiday Parks Policy
- Attachment 4 Dog Policy Survey – Summary Survey Report for full results and comments of the **survey**.
- Attachment 5 Dog Policy Survey – Submission Responses for full **submission** comments.

The survey also asked respondents which Clarence Coast Holiday Park they were providing a response for.



Brooms Head Holiday Park

The majority of the responses were for Calypso Yamba (CYHP) and Brooms Head Holiday Park (BHHP) at 35% and 28% respectively as well as the petition of 144 signatures against allowing dogs at BHHP.

There was predicted to be a lot of interest in Brooms Head due to the disproportionate number of complaints and issues that resulted from their dog trial. There has been vandalism to guest’s property, a physical altercation and numerous complaints from members of the local community. Many of the issues arise from the current location of the dog area, which is relatively close to neighbouring residential properties and the distance from the office restricting oversight and enforcement of park rules.

54% or a total of 83 individual survey respondents do want the park to be dog friendly, while 39% or 60 persons do not want it to be dog friendly (refer to Attachment 7). Based on that consideration and the petition received, it is recommended to relocate the dog area closer to the Park Manager’s residence on a trial basis for 12 months to attempt to remedy the existing problems.

Minnie Water Holiday Park

Minnie Water Holiday Park (MWHP) has an annual overall occupancy rate of 33.7% which falls to below 10% on powered and unpowered sites in the off-season. MWHP’s main competition is the National Parks and Wildlife Service (NPWS) Illaroo Campground which has a better location near the beach. However NPWS does not permit dogs, so if MWHP was to fully implement the dog friendly options, it would create a point of difference that could be a major draw card and promotional tool. Options for consideration are:

- Some dedicated pet friendly cabins
- Onsite dog wash area and dedicated washing machine for dog accessories
- Create a fenced off-leash playground for dogs within the park
- Reduce the number of restrictions imposed on size, breed and number per site
- Allow dogs all year round

Most of the options could be implemented with administrative changes and low cost alterations to the park. The township of Minnie Water also has a variety of off-leash areas including the beach which is conducive to being dog friendly. Refer to Attachment 6 for 'going pet friendly' advice and case studies of success.

Pet Friendly Parks

Statistical information provided by Caravan and Camping Industry Association (CCIA) indicates that the pet industry is a big growth industry in Australia with 62% of the population being dog owners and currently spending \$520 million on pet sitters or boarding kennels.

COUNCIL IMPLICATIONS

Budget/Financial

Allowing guests to bring their dogs has clearly resulted in an increase in occupancy and revenue for the parks with sites in the designated dog areas.

Asset Management

N/A

Policy or Regulation

- Dogs in Clarence Coast Holiday Parks Policy
- Companion Animals Act 1998
- Disability Discrimination Act 1992 (C'mwlth)

Consultation

Advertisements appeared in the Coastal Views and the Saturday edition of the Daily Examiner on 11th, 12th, 18th, 19th January and 1st and 2nd of February 2019 during the consultation period.

Facebooks posts appeared on Council's and the holiday parks' Facebook pages with links to the Clarence Conversations (CC) web page.

Guests who stayed in the holiday parks in the preceding 12 months and departing to 28 February 2019 were emailed a link to the CC web page via the park's reservation management system.

The Dog Policy survey was discussed at the Brooms Head Caravan and Campers meeting on 3 January 2019.

Legal and Risk Management

Accepting pets is an 'activity' that needs to be declared and noted on Council's liability insurance policy.

Owners of dogs staying at parks must have proof of a current vaccination certificate.

Prepared by	Julie Schipp Holiday Parks and Saleyard Officer
Attachment	Attachment 1 - Dogs in Clarence Coast Holiday Parks Policy Attachment 2 - CCIA Pet on Holidays Statistics Attachment 3 - Dog Policy Survey
To be tabled	Attachment 4 - Dog Policy Survey – Summary Survey Report Attachment 5 - Dog Policy Survey – Submission Responses & Supporting Documents Attachment 6 - CCIA Thinking of going Pet Friendly information sheet Attachment 7 - Brooms Head Holiday Park Survey Information

ITEM	15.053/19	TRENAYR PARK AND MARTIN CRESCENT RESERVE PLAN OF MANAGEMENT ADOPTION
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

This report is recommending the adoption of the Trenayr Park and Martin Crescent Reserve Plan of Management (PoM) following public exhibition.

OFFICER RECOMMENDATION

That Council adopt the Trenayr Park and Martin Crescent Reserve Plan of Management.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.053/19

Kingsley/Novak

That Council adopt the Trenayr Park and Martin Crescent Reserve Plan of Management.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Council's resolution 15.193/18 from the 20 November 2018 Ordinary meeting followed a report on the outcomes of community consultation for the PoM for Trenayr Park and Martin Crescent Reserve being -

That Council:

1. Receive and note the outcomes from the public consultation.

2. *Endorse the Trenayr Park and Martin Crescent Reserve Draft - Land Management Plan and, using this Plan as a basis, proceed with the revision of the Plan of Management.*
3. *Receive a report following the completion of the necessary processes to endorse the Plan of Management, with the report to be received no later than March 2019.*
4. *Note the maintenance savings from changes to mowing due to the implementation of the Land Management Plan.*

Additional time was sought from Council at the March 2019 Ordinary meeting to enable administrative processing and the public exhibition period to complete.

KEY ISSUES

A total of 2 submissions were received. Key comments and amendments from the exhibition of the PoM include:

Submission	Relevant Section	Comments	Response
John Howell & Andrew Davies Received: 4 April 2019 ECM#: 2302854	Sect. 1.2.1	After 'was prepared' insert by Copmanhurst Shire Council'.	Plan amended.
	Sect. 1.4	Include photos of the walkway and bridge.	Plan amended.
	Sect. 1.4	Delete dot point walkway maintenance.	Plan amended.
	Sect. 1.4 Sect. 6.1	Delete reference to 'formal dog recreation area'.	Plan amended. Inserted review dog off-leash area.
	Sect. 7	Plan requires mechanism to allocate annual budget request for development items.	No amendment. Sect. 6 meets requirements of The Local Government Act (1993) identifying objectives and performance targets, including specific actions and assessment criteria.
	App. 3	Add 'typical subject to climatic changes and seasons' to the map.	Plan amended.
Leanne Wilson Received: 2 April 2019 ECM#: 2300038	Sect. 1.4	Add the word PERIODICALLY and LONG PERIOD to fifth dot point regarding managing the existing pine plantations. Highlight importance of shade to passive recreation. Replanting to be of equal height.	Plan amended to include word 'periodically'. Pines will be maintained until they senesce and to maintain visual buffer as stated. Noted, importance of shade to passive recreation. Replanting will be with a diversity of native species.
	App. 3	Mowing levels of service: <ul style="list-style-type: none"> • Increase mowing of passive active recreation (A) to 15 interventions / year. • Increase mowing of visual amenity area (C) to 13 interventions / year. 	Plan based on defined CVC mowing levels of service. Inserted 'typical subject to climatic changes and seasons' as per above submission to the map.

		<ul style="list-style-type: none"> • Increase cut of stock fodder growth area (D) to 6 interventions / year. 	
--	--	---	--

The Plan has been updated to reflect the changes (refer attachment).

COUNCIL IMPLICATIONS

Budget/Financial

Implementation of the PoM will be subject to budget constraints and grant funding availability.

Asset Management

The PoM identified some asset renewals (e.g. pathway renewal) and modest park additions ranging from low to high priority and subject to funding and budget constraints.

Policy or Regulation

Local Government Act 1993

Consultation

The draft PoM was placed on public exhibition through Council's web site and advertised in the local papers. The Working Group was also forwarded a copy of the draft PoM. The submissions received have come from members of the Working Group.

Legal and Risk Management

N/A

Prepared by	Peter Birch, Manager Open Spaces and Facilities
Attachment	Trenayr Park and Martin Crescent Reserve Plan of Management Submissions to Draft Plan of Management Existing Off Leash Dog Area

ITEM 15.054/19 ULMARRA POOL, PROPOSAL TO REOPEN FACILITY

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Confidential	

SUMMARY

Council has received a proposed for the management and operation of the Ulmarra Pool from *Ulmarra Village Inc.*

OFFICER RECOMMENDATION

That Council

1. Note that the Ulmarra Village Inc have submitted a proposal to reopen the Ulmarra Pool.
2. Receive a report to its May 2019 meeting detailing the effects of the proposal and any discussions that have been held with Ulmarra Village Inc with regard to the proposal.

COMMITTEE RECOMMENDATION

Ellem/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.054/19

Kingsley/Novak

That Council

1. Note that the Ulmarra Village Inc have submitted a proposal to reopen the Ulmarra Pool.
2. Receive a report to its May 2019 meeting detailing the effects of the proposal and any discussions that have been held with Ulmarra Village Inc with regard to the proposal.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

At its meeting September 2018 (Item 15.154/18), Council resolved in part to:

- 1. Defer commencement of Part 1 of this resolution until March 2019, to allow for any community organisation or government department to submit any innovative ideas for the community to take over the responsibility and running of the pool, including social enterprise models, purchasing or leasing the facility known as the Ulmarra pool.*

In accordance with resolution, Ulmarra Village Inc (UVI) has submitted a proposal to Council for the ongoing management and operation of the Ulmarra pool.

KEY ISSUES

UVI's proposal is attached as a confidential attachment for Councillors' information.

The presented options have been discussed with representatives from UVI and Council staff have sought further information with regard to the proposal.

UVI have advised that they will provide an updated proposal and additional information. It is proposed that this information will be reported to Council in May 2019.

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

It is noted in the aquatic facilities strategy as well as the asset management plan that the Ulmarra pool facility is aging and requires significant capital investment to maintain it to the required standard.

There are no works identified in Council's AMP for the Ulmarra Pool.

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Practice Note 15 – Water Safety (October 2017)
- Royal Life Saving – Guidelines for Safe Pool Operation
- Clarence Valley Aquatic Facility Strategy
- CVC - Disposal of Council Land and Building Policy
- Asset Management Policy
- Council Report – 15.173/18 (16 October, 2018)
- Council Report 15.150/16 (13 December, 2016)
- Council Report 16.012/16 (19 July, 2016)
- Council Report 15.055/16 (28 June, 2016)
- Council Report 14.104/15 (12 May, 2015)

Consultation

Consultation occurred in 2016 with the Ulmarra Pool Preservation Association. Additionally, a community meeting was held in November 2016 and attended by 17 members of the public.

Council officers met with representatives from UVI on 1 April 2019 regarding their proposal.

Legal and Risk Management

There is a significant safety risk to Council with the UVI proposal that requires further investigation and clarification.

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	CONFIDENTIAL – Ulmarra Pool Re-opening Proposal Report, Ulmarra Village Inc

ITEM	15.055/19	CORCORAN PARK MASTERPLAN STATUS
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

This report is seeking additional time to report back to Council on the Corcoran Park Masterplan.

OFFICER RECOMMENDATION

That the report detailing the opinion of probable costs for the Corcoran Park Master Plan be presented to the May 2019 meeting of Council.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.055/19

Kingsley/Novak

That the report detailing the opinion of probable costs for the Corcoran Park Master Plan be presented to the May 2019 meeting of Council.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Council's resolution 15.192/18 from the 20 November 2018 Ordinary meeting, after receiving a report on the outcomes of community consultation for the park, was as follows -

That Council as Crown Land Manager of Grafton Reserve (R97308):

1. *Receive and note the report on community consultation at Corcoran Park.*
2. *Adopt the Corcoran Park Master Plan with the following amendments:*
 - a. *Include a compound for the sailing club adjacent to the yacht club. There are limitations with the use of this land due to previous landfilling in this location that may restrict potential improvements to this part of the reserve.*
 - b. *Accessible pedestrian pathways, from the entry of the park and towards the picnic shelters and improving river access.*
 - c. *Upgrade park furniture including picnic settings, seats, BBQs, shelters.*
 - d. *Upgrade public toilets.*
 - e. *Clearing of some reeds for greater beach style access to the river. Areas to consider are those that may be weed infested, in poor condition or located in positions that naturally support water based activities.*
 - f. *Widening of boat ramps two and three.*
 - g. *Consider landscaping options to screen and beautify the park.*
 - h. *Formalised car parking spaces including trailer parking.*
 - i. *Creation of open turf areas on the upper terrace, potentially a dog off-leash space.*
 - j. *Additional pontoon/jetty/launching area up the northern end of the park.*
 - k. *Widen the turning circle at the end.*
 - l. *Include security measures (eg CCTV, lighting) for safety.*
 - m. *Include a concrete slab as a launching space for "Out of the Box" container or other event activities.*
 - n. *Not to include the viewing deck/area or formal carparking to the area near the back of the yacht club's licensed area (at the end of Villiers Street).*
3. *Receive a report which details the opinion of probable costs for the Master Plan (including amendments listed at point 2 of this resolution) by April 2019.*
4. *Note the feedback that supports pedestrian/bike path linkages from Grafton Memorial Park/Waterfront towards Corcoran Park.*
5. *Support the Clarence River Sailing Club to relocate to the northern end of Corcoran Park, noting that all costs associated with the move will be the responsibility of the club.*

KEY ISSUES

The November resolution 15.192/18 requires a report to Council at the April meeting. There have been delays in the delivery of the amended plan which has resulted in not being able to complete the associated costing.

It is therefore recommended that the opinion of probable cost for Corcoran Park Master Plan is recommended to be reported to the May 2019 Council meeting.

COUNCIL IMPLICATIONS

Budget/Financial

N/A

Asset Management

N/A

Policy or Regulation

Local Government Act 1993

Consultation

Community consultation took place through 2018 and the report and updated Masterplan is being prepared to reflect the adopted November Council resolution 15.192/18.

Legal and Risk Management

N/A

Prepared by	Peter Birch, Manager Open Spaces and Facilities
Attachment	Nil

ITEM	15.056/19	FACILITY UPGRADE, KEN LEESON OVAL LOCATED ON CROWN LAND
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Open Spaces & Facilities (Peter Birch)	
Attachment	Nil	

SUMMARY

The Federal Government has announced \$500,000 funding for a facility upgrade at Ken Leeson Oval, Iluka.

OFFICER RECOMMENDATION

That Council accept and execute a Funding Agreement with the Federal Government for the facility upgrade at Ken Leeson Oval, Iluka.

COMMITTEE RECOMMENDATION

Simmons/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.056/19

Kingsley/Novak

That Council accept and execute a Funding Agreement with the Federal Government for the facility upgrade at Ken Leeson Oval, Iluka.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

The Federal Government announced \$500,000 funding on 28 March 2019 for the upgrade of the facilities at Ken Leeson Oval, Iluka. New unisex facilities, a disabled toilet and storage would be considered in the plan.

KEY ISSUESLand

Ken Leeson Oval, Iluka is Lot 92 DP 822834 Crown Reserve 97753. It is Crown Land managed by Council as Land Manager. The purpose of the reserve is Public Recreation.

Native Title

Native Title (NT) has been determined to exist over Lot 92 DP 822834. An updated assessment considering the proposed works would need to be completed and signed by the NT Manager.

Project Stakeholder Team

A project stakeholder team will be formed with the user groups of the facility including:

- Lower Clarence Cricket
- Iluka Cricket Club
- Iluka Soccer Club
- Iluka Rugby Union Club

Master Plan- Ken Leeson Oval

A master plan for Ken Leeson Oval was completed in 2011 and includes two cricket pitches, a combined soccer/rugby union ground as well as existing storage and amenity locations. Works undertaken on the site will be completed in accordance with the master plan.

COUNCIL IMPLICATIONS**Budget/Financial**

The Federal Government has committed \$500,000 for the upgrade to the facilities at Ken Leeson Oval. There will be no cash contribution from Council for this project. In kind support via project management will be provided.

Compensation for extinguishment of native title could be payable as a result of the proposed works.

Asset Management

The existing public toilets, amenities and canteen at the facility are in fair condition.

Policy or Regulation

The following references are applicable to this report:

- Local Government Act 1993
- Native Title Act 1993
- Crown Land Management Act 2016
- Crown Land Management Regulation 2018
- Clarence Valley Sports Facilities Plan
- Asset Management Policy

Consultation

Initial consultation has occurred onsite at the funding announcement with the groups in attendance, however a stakeholder team will be established for the project.

Consultation will need to occur with NSW Trade and Investment – Crown Lands Division and the Traditional Owners via NTS Corp.

Legal and Risk Management

Any proposed work at the facility will be subject to approval from NTS Corp and Crown Lands to proceed. Compensation could be payable on any works at the facility which would need to be covered by the project budget allocation.

Prepared by	Rachelle Passmore, Senior Parks & Recreation Officer
Attachment	Nil

ITEM 15.057/19 RECOGNITION OF A CLIMATE EMERGENCY

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Yes	

SUMMARY

This item is being presented to Council following a period of deferment in accordance with resolution 15.196/18.

The Climate Change Advisory Committee (CCAC) at its meeting held on the 22 June 2018 resolved to request Council to declare a Climate Emergency and push for greater action to reduce greenhouse gas emissions by all levels of Government and the community.

OFFICER RECOMMENDATION

That Council

1. Recognise there is a Climate Emergency that requires urgent action by all levels of Government.
2. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018.

MOTION

Kingsley/Simmons

That the item be deferred to full Council.

Voting recorded as follows:

For: Kingsley

Against: Lysaught, Ellem, Simmons, Toms

The Motion was put and declared LOST.

FORESHADOWED MOTION

Lysaught/Simmons

That Council:

1. Acknowledge that climate change is real and requires urgent action by all levels of Government.
2. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018.

AMENDMENT TO MOTION

Toms/Ellem

1. That Council acknowledge that climate change is real and requires urgent action by Council and also all levels of Government.
2. That Council note the minutes of the Climate Change Advisory Committee dated 22 June 2018.
3. That all Council reports include a new sub-heading under Council Implications titled Climate Change.

Voting recorded as follows:

For: Lysaught, Toms, Simmons

Against: Kingsley, Ellem

The Amendment was put and declared CARRIED and became the Committee Recommendation.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

1. That Council acknowledge that climate change is real and requires urgent action by Council and also all levels of Government.
2. That Council note the minutes of the Climate Change Advisory Committee dated 22 June 2018.
3. That all Council reports include a new sub-heading under Council Implications titled Climate Change.

Voting recorded as follows:

For: Lysaught, Toms, Simmons

Against: Kingsley, Ellem

MOTION

Williamson/Lysaught

That Council

1. Acknowledge the climate is changing which requires actions by all levels of Government.
2. Acknowledge Council's efforts to lowering its emission.
3. Review its reporting structure to include a title of subheading "Climate Change".
4. Continue carrying out the items "of action" in the "100% Renewables" report.
5. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018; and thank the committee for their ongoing input.

AMENDMENT TO MOTION

Toms/Novak

That Council

1. Recognise that there is a climate emergency which requires actions by all levels of Government.
2. Acknowledge Council's efforts to lowering its emission.
3. Include a title of subheading "Climate Change" in all reports.
4. Continue carrying out the items "of action" in the "100% Renewables" report.
5. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018; and thank the committee for their ongoing input.

Voting recorded as follows:

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

Against: Lysaught, Williamson

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

COUNCIL RESOLUTION – 15.057/19

Williamson/Lysaught

That Council

1. Recognise that there is a climate emergency which requires actions by all levels of Government.
2. Acknowledge Council's efforts to lowering its emission.
3. Include a title of subheading "Climate Change" in all reports.
4. Continue carrying out the items "of action" in the "100% Renewables" report.
5. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018; and thank the committee for their ongoing input.

Voting recorded as follows:

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

Against: Baker, Lysaught

FORESHADOWED MOTION

Clancy

That Council

1. Recognise there is a Climate Emergency that requires urgent action by all levels of Government.
2. Note the minutes of the Climate Change Advisory Committee dated 22 June 2018.
3. All Council reports include a new sub-heading under Council Implications titled Climate Change.

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 4.2.1 Promote, plan and implement strategies that reduce carbon emissions, improve energy efficiencies and increase the use of renewable energy

BACKGROUND

At recent meetings of the CCAC the committee has expressed concerns with the lack of progress globally in reducing greenhouse gas emissions as highlighted in the Intergovernmental Panel on Climate Change (IPCC) September 2018 report. This report raises considerable concerns that mitigation actions are not progressing quickly enough to keep the earth's warming to below the Paris agreement of 2°C and preferably below 1.5°C.

KEY ISSUES

At its meeting held on the 22 June 2018 the CCAC resolved to request Council to declare a climate emergency to ensure Council actions and decisions are made with respect to their impact on climate change. The committee recognises that unless a safe climate is restored at emergency speed, dramatic and negative changes will impact on our community.

- Australia's climate has already warmed by 1% since 1910 leading to an increase in the frequency of extreme heat events (BOM & CSIRO 2018)
- Oceans around Australia have warmed by 1% since 1910 (CSIRO 2018)

- Rainfall patterns around Australia have changed (CSIRO 2018)
- Long-term increase in extreme fire weather outside normal bushfire season (CSIRO 2018)
- Global sea level has risen by 7.6cm since 1992 (NASA)
- Global greenhouse gas emissions continue to rise (IPCC 2018)
- Climate Change is likely to cause economic shocks and threaten Australia's financial stability unless business and Government take immediate action (Reserve Bank of Australia 2019)
- The main contributor to the growth in atmospheric carbon dioxide is the continued increase in emissions from burning fossil fuels (CSIRO 2018)
- Australia will struggle to meet its Paris agreement (UN Emissions Gap Report 2018)
- There is a very short period to act - 12 years to slash global emissions by 45% (IPCC 2018)

The recently released Intergovernmental Panel on Climate Change (IPCC) September 2018 report on global warming highlights the serious risks of not containing global warming to 1.5°C or below, current projections are tracking for more than 3°C of global warming by 2100. To stay below 1.5°C the IPCC concludes that the world must embark on a World War II level of effort to transition away from fossil fuels and start removing carbon dioxide from the atmosphere at large scale.

The Committee has referenced over 300 local authorities around the world including 12 in Australia that have now either declared or recognised a climate emergency, the latest being Upper Hunter Shire Council, Blue Mountains, Hawkesbury and Bellingen Councils in NSW. Darebin City Council in Victoria was the first Council in Australia to declare a climate emergency and is increasing its actions to help its community to mitigate and adapt to the impacts of a changing climate. Darebin City has mobilised an ambitious program of advocacy, education and direct action including adopting targets.

Clarence Valley Council has already committed to a similar action plan of direct action and targets. Council's work to date and the ambitious strategy for increasing renewable energy and reducing emissions is doing well, however the CCAC considers that Council should be engaging our local community and other levels of Government to communicate that: there is a climate emergency and we all need to do more.

Climate Emergency

The term "Climate Emergency" is now a well established, simple recognition that without immediate and urgent action as would be expected in an emergency, there is likely to be catastrophic global climate consequences. The term is not related to and should not be confused with a "State of Emergency" for an isolated individual event as declared by the Premier under Section 33 of the *State Emergency and Rescue Management Act 1989*.

Recognition of Climate Emergency

By recognising a climate emergency Council will be seen as an organisation making an important leadership contribution to the global goal of mitigating climate change impacts. Such recognition is a leadership action intended to engage Clarence Valley residents, other local governments and other levels of government to implement urgent action to mitigate climate change impacts.

Outcomes for Council in recognising a climate emergency include:

- Momentum for Council to build its leadership in response to local community concern about climate change.
- A platform for continuing Council's own emissions abatement efforts. Council has adopted the 100% Renewables Report which sets out a fast track strategy to reduce emission by 40% before 2030 and increase the use of renewable energy by 50% before 2030.
- Provision of a stage to promote Council's commitment to actioning climate change and celebrate achievements.

- Cost savings for Council from its energy efficiency gains and onsite solar. The costs savings demonstrated by the 100% Renewables Report shows that average payback period for solar and energy efficiency measures is 6.5 years.
- Cost savings for Council where adaptation measures protect Council owned infrastructure. Important Council infrastructure including roads, bridges, buildings, water and sewer are vulnerable to climate change impacts. Ensuring new and renewed infrastructure is designed to the latest flood and sea level predictions will provide greater protection.
- A stronger, more informed community able to collaborate with Council on addressing climate change.
- Meeting Council's obligations under the *Local Government Act 1993* to make decisions based on the principle of Ecologically Sustainable Development.
- An opportunity to lobby other levels of Government on the urgency of reducing emissions. The recognition will be noted by other local governments and importantly, State and Federal Governments.
- By taking opportunities as they arise to reinforce the urgency for State and Federal Governments to implement policy that will decarbonise the economy.

Climate Change Policy

Recognition that there is a climate emergency; the actions Council has taken to date; and the listed outcomes from the recommendation are consistent with Council's Climate Change Policy.

COUNCIL IMPLICATIONS

Budget/Financial

There are no additional direct costs to Council by recognising a climate emergency. Fast tracking the implementation of the 100% Renewables Report and the adoption of targets for emission reduction and renewable energy is Council's significant and urgent response to Climate Change.

Operationally the short to medium term response to anticipated impacts of Climate Change is built into current budgets. Any future Climate Change projects will be subject to normal business and budget case review and approval.

Asset Management

N/A

Policy or Regulation

Climate Change Policy

Consultation

Community Climate Change Advisory Committee

Legal and Risk Management

N/A

Prepared by	Ken Wilson
Attachment	Minutes of Climate Change Advisory Committee 22 June 2018

ITEM	15.058/19	POLICIES REVIEWED
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

While the development or review of policy rests with the relevant sections of Council, reporting to Council is undertaken by the Corporate and Governance directorate. This report requires the adoption of two existing policy.

OFFICER RECOMMENDATION

That Council adopt the:

1. Art Collections Policy, as the proposed changes are not material in nature.
2. Kerbside House Numbering Policy, as there have been no changes.

COMMITTEE RECOMMENDATION

Simmons/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.058/19

Novak/Kingsley

That Council adopt the:

1. Art Collections Policy, as the proposed changes are not material in nature.
2. Kerbside House Numbering Policy, as there have been no changes.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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.

The Art Collections Policy has been reviewed as required on a four yearly basis.

KEY ISSUES

Art Collections Policy

The purpose of this policy is to formalise the general principal under which the Grafton Regional Gallery develops and maintains the collections it manages and outlines the process by which the artworks are accessioned into and deaccessioned from the Gallery and Council collections.

The Gallery maintains and conserves the works in the collections and develops the collection through: acquisitions by purchases, gifts and donations; curating exhibitions; touring selected exhibitions; loaning work to other institutions and businesses; displaying work throughout Council buildings; publishing catalogues and presenting outreach exhibition and education programs.

Amendments

Minor amendments were made to the previous version to update and to provide clarity and transparency. Changes are not considered to be material in nature.

Kerbside house numbering

To establish a consistent method and standard for contractors and service organisations applying kerbside house numbering within the Clarence Valley Council area.

The policy has been reviewed and no changes are recommended.

Budget/Financial

There are no budgetary implications in adopting the recommendation of this report.

Asset Management

N/A

Policy or Regulation

Art Collections Policy

National Standards for Australian Museums and Galleries Version 1.5 September 2016

Museums Australian Inc. Code of Ethics for Art, History and Science Museums (1999)

Consultation

Art Collections Policy

The updated policy was presented to the Gallery Advisory Committee members for review and comment and was endorsed by the committee.

Prepared by	Governance
Attachment	A Policy Reviewed Art Collections Policy B Policy Reviewed Kerbside Numbering Policy

ITEM 15.059/19 LOCAL GOVERNMENT SUPER – DEFINED BENEFIT PLAN

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The report seeks Council's consideration of action to be taken in relation to the continuation of the additional contributions to Local Government Super to fund the Defined Benefit Plan.

OFFICER RECOMMENDATION

That

1. Council support a request be made to the NSW Minister of Finance, the Hon. Dominic Perrottet, MP to cause an independent review of Local Government Super's management of the Defined Benefit Scheme with a view to ceasing the continuation of additional contributions by councils for the purpose of the Defined Benefit Scheme, before 30 June 2020.
2. The General Manager of Goulburn Mulwaree Council be advised of Council's position to inform a report to the Country Mayors Association in May.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.059/19

Kingsley/Novak

That

1. Council support a request be made to the NSW Minister of Finance, the Hon. Dominic Perrottet, MP to cause an independent review of Local Government Super's management of the Defined Benefit Scheme with a view to ceasing the continuation of additional contributions by councils for the purpose of the Defined Benefit Scheme, before 30 June 2020.
2. The General Manager of Goulburn Mulwaree Council be advised of Council's position to inform a report to the Country Mayors Association in May.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Since 2008/09, Local Government Super has been seeking additional contributions from individual councils to fund the Defined Benefit Scheme. The total contributions across the sector amount to \$40,000,000, and for Clarence Valley Council \$505,800, in 2019/20 as advised by the Local Government Super Chief Experience Officer (Attachment A).

Correspondence has been received from the General Manager of Goulburn Mulwaree Council seeking Council's input to a report being prepared for the Country Mayors Association regarding the requirement for continued contributions (Attachment B).

KEY ISSUES

At the 2018 LGNSW Conference the following was resolved (Attachment C):

"That:

- 1. Local Government NSW expresses concern to LGSS Pty Ltd, trading as Local Government Super ("LGS") at the ongoing funding request for additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (schedule 4 of the LGSS Trust Deed).*
- 2. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), undertake an independent review of the investment strategy for LGS' Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (schedule 4 of the LGSS Trust Deed) to give confidence to stakeholders that the returns on superannuation funds are reasonable.*
- 3. Local Government NSW requests that LGSS Pty Ltd, trading as Local Government Super ("LGS"), cease requiring additional employer superannuation contributions from employers in relation to employees belonging to the Retirement Scheme (Schedule 2 of the LGSS Trust Deed) and Defined Benefit Scheme (schedule 4 of the LGSS Trust Deed) as soon as the liabilities and asset of those schemes are deemed to be fully vested and comply with the minimum acceptable risk level requirements set by the Australian Prudential regulation Authority (APRA); and*
- 4. Recommendations by Local Government NSW to LGSS Pty Ltd concerning the appointment onto the Board of LGSS be based on merit, whereby the person(s) selected have the greatest merit determined according to:*
 - a. The nature of the duties of the position; and*
 - b. The abilities, qualifications, and experience of those persons."*

At the Country Mayors Association meeting held, 2 November 2018 (Attachment D) the following motion was moved:

- 1. "That Country Mayors Association express its concerns to Local Government Superannuation (LGS) at the continuous demand on all Councils in NSW for additional contributions which often exceed more than 1% of Councils general rate take beyond the normal percentage on superable salary for the Defined Benefit Plan (DPB).*
- 2. That Local Government Superannuation be requested to undertake an independent audit on the investment strategy to give confidence to stakeholders that the returns on superannuation funds are appropriate to the risk portfolio.*

3. *Country Mayors Association requests that Local Government Superannuation to cease the additional contributions on the defined benefit plan immediately as the assets associated with the scheme now exceed the liabilities*
4. *That Council Mayors' Association requests that LGNSW ensure Industry applicants for any external Board positions be apolitical and not members of any political parties or political organisations.*
5. *That Country Mayors' Association requests Local Government Superannuation to amend its constitution immediately to reflect the APRA recommendation that the Board be made up of three union representatives with the chair coming from the independents." [sic]*

Council has been advised that its additional contribution for 2018/19 will be \$505,800. Local Government Super advises this additional contribution will be required until at least 2021. Given the continuation of the requirement some 8 years beyond the original request, it is considered not unreasonable that a review of LGSS' management of the Defined Benefit Scheme be undertaken with a view to ceasing the requirement of councils to fund the Scheme.

Goulburn Mulwaree Council has been asked to prepare a further report to Country Mayors in May 2019. Council's feedback is sought by Friday 26 April 2019.

COUNCIL IMPLICATIONS

Budget/Financial

The continuation of additional contributions in the vicinity of \$500,000 pa has a significant impact on Council's budget.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

An independent review of LGSS' management of the Defined Benefit Scheme should identify the risk of ceasing continued contributions of Council. There is no foreseeable risk to Council in seeking such a review.

Prepared by	Laura Black
Attachment	Attachment A LGSS Advice re Contribution Defined Benefit Scheme Attachment B Goulburn Malwaree request re Defined Benefit Scheme Attachment C LGNSW Motion Defined Benefit Scheme Attachment D CMA Minute Motion Defined Benefit Scheme

ITEM	15.060/19	INTEGRATED PLANNING AND REPORTING FRAMEWORK 2019/2020
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

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

The documentation underpins the activities of the Council, achieves the direction set by the elected members in the Delivery Program and the aspiration identified by the community in the Community Plan, Clarence 2027. The accompanying documentation also includes an annual budget, the resourcing strategy and Fees and Charges. It is proposed the draft documentation be placed on public exhibition and public comment be invited for consideration prior adoption in June 2019.

OFFICER RECOMMENDATION

That

1. The following documentation be endorsed for public exhibition from Wednesday 24 April 2019 until close of business Friday 31 May 2019:
 - the revised 2017 – 2021 Delivery Program
 - the resourcing strategy incorporating the Asset Management Plan (2019/2020 – 2028/2029), Workforce Strategy (2017/2018 – 2020/2021) and Long Term Financial Plan (2019/2020 – 2028/2029)
 - the revised 2019 – 2020 Operational Plan
 - the draft 2019 – 2020 Budget
 - the draft 2019 – 2020 Capital Works Program
 - the draft 2019 – 2020 Fees and Charges and Statement of Revenue Policy
2. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
3. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

COMMITTEE RECOMMENDATION

Lysaught/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.060/19

Ellem/Lysaught

That

1. The following documentation be endorsed for public exhibition from Wednesday 24 April 2019 until close of business Friday 31 May 2019:
 - the revised 2017 – 2021 Delivery Program
 - the resourcing strategy incorporating the Asset Management Plan (2019/2020 – 2028/2029), Workforce Strategy (2017/2018 – 2020/2021) and Long Term Financial Plan (2019/2020 – 2028/2029)
 - the revised 2019 – 2020 Operational Plan
 - the draft 2019 – 2020 Budget
 - the draft 2019 – 2020 Capital Works Program
 - the draft 2019 – 2020 Fees and Charges and Statement of Revenue Policy
2. Members of the public be invited to make written submissions with regard to the draft documentation, while it is on public exhibition.
3. Following the period of public exhibition, the draft documents as amended as a result of consideration of public submissions, be considered for adoption at the June Ordinary Meeting of Council.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.1.1 Develop a clear plan for the community through Integrated Planning & Reporting

BACKGROUND

Preparation of the IP&R documentation is the responsibility of Council's senior management in consultation with Councillors and staff. Preparation of the 2019/2020 documents considers Council's financial position and the continuing journey toward a sustainable future. Minor changes have been made to the Delivery Program to ensure currency. Incorporated in the Delivery Program is the 2019/2020 Operational Plan, which confirms activities proposed to meet year three of the 2017/18 – 2020/21 Delivery Program. The 2019/2020 Operational Plan has been updated with minor changes to proposed activities as indicated by the following coding:

- 1 = Deleted from 2019/20
- 2 = Merged with another action
- 3 = New item
- 4 = Year of delivery amended
- 5 = Slight amendment to better capture intent

Amendments are as follows:

Theme	Strategy	Proposed action	Change explained
Society	1.1.3	Co-ordinate and deliver training internally to CVC officers and on community engagement – Incorporate in Project Management Framework (5)	Slight amendment to KPI/Measure/Statistic to ensure community engagement and project management are linked.
	1.3.1	Work with police and partners to enhance regional safety (5)	Slight amendment to KPI/Milestone/Statistic to better capture intended outcome And inclusion of action in 19/20.
Infrastructure	2.1.1	New water mains are provided on Clarence and Harwood Bridges (1)	Action removed as it is a cost prohibitive solution.
	2.1.1	Drinking Water Quality Assurance Management Plan (DWQAMP) requirements are implemented (5)	Reworded from Asset to Assurance
	2.1.1	Annual reports submitted to regulators	KPI/Milestone/Statistic September replaced with 'due dates' (5)
	2.1.5	Maintain Council's unsealed roads annually	KPI/Milestone/Statistic replace grade x times to in accordance with Road Maintenance Policy (5)
	2.1.5	All timber bridges to be structurally assessed over a 4 year period (5)	Changed from 5 to 4x and KPI/Milestone/Statistic changed to 25% to meet asset revaluation requirements (5)

The Operational Plan 2019/2020 also includes current financial information and a revised Revenue Policy. Clause 201 of the Local Government (General) Regulation 2005 provides that Council's draft Revenue Policy must include a statement of the types of fees proposed to be charged by the Council, the amount of each fee, estimated yield and the proposed pricing methodology for each fee. Generally, where permissible, the majority of Council's fees and charges have been increased by an estimated CPI amount of 2.5% (rounded).

The draft 2019/20 Fees and Charges contains a total of 1,731 fees, including 50 new fees. Of the 50 new fees, 18 relate to hall use, 11 relate to the Regional airport, 8 to building and development certificates and services, 4 to Holiday Parks, 2 to Cemeteries, and 1 each for event services, water supply, pound surrender fees and health inspection fees.

Three (3) fees or charges have decreased by greater than 25%. They are as follows:

- Unpowered site – Self Contained Recreation Vehicles Only – Maclean Showground.
- Enrolled Nurse Services – Per hour.
- The seniors rate has been now been removed from most of Council's Holiday Parks. This has resulted in 41 caravan park fees being reduced to a value of \$0.00. The fee will remain in the schedule of fees & charges until next financial year as a reference to users only.

Major increases in fees (>50%) are as follows:

- The annual charge for landing rights at the Regional Airport has increased 101.33% to be more aligned to competition in the market.
- Barnier Park (SES HQ) – Polling Place for Federal/State Elections has increased 66.67% to be more uniform with other room hire within the organisation.
- The fee for the surrender / Disposal of Cats has increased by 58.66% to deter the public from dumping unwanted cats at the pound. This is currently under review.
- Kitchen Caddies have increased by 50.00%. Whilst a 50% increase this only equates to a \$2.50 rise in cost.

Other significant variations include:

- A review of the room hire across Council's halls and community centres has been undertaken with all room hire rates now set consistently within the same fee structure.
- Council now has two categories of hirer being Community and Commercial/Private, and three length of time booking rates being full day, half day or evening and hourly.
- Eleven new fees have been added for the Regional Airport. This has been done to make the airport more commercially viable and uniform within the market.
- Cemetery fees have also undergone a review with a more simplistic fee structure being adopted.

The Workforce Strategy 2017/2018 – 2020/2021, remains current and has not been amended since last adopted in June 2017.

A revised Asset Management Strategy 2019/2020 – 2028/2029 provides a framework to guide planning, construction, maintenance and operation of Council's physical assets. The current draft estimates the replacement value of Council's assets at over \$2.5billion, the most significant asset type is the road network. The Asset Management Strategy states that the majority of Council's assets are in good to fair condition.

The 2019/2020 draft budget proposes a net result surplus of \$4,903, after loan repayments, depreciation and transfers from Reserves, and a capital works program totalling \$51.6 million. The draft budget is presented in a number of ways:

- A Summary Income Statement by Fund and Consolidated
- An Income and Expenditure by Fund
- An Income and Expenditure by Service
- A Detailed Income and Expenditure Statement by Service
- A Detailed Income and Expenditure Statement by Sub-Service
- A Reserve Statement by Fund

Having been awarded an SRV by IPART in 2018, the Long Term Financial Plan (LTFP) presents the path Council is currently on to meet sustainability obligations with a Net Operating General Fund surplus returned in 2020/2021. Additional funds raised through the SRV is identified separately and allocated to improved management of assets, through increased expenditure on renewal and maintenance programs as identified in the Capital Works Program.

KEY ISSUES

The key points to note:

- A Long Term Financial Plan that identifies Clarence Valley Council meeting its sustainability obligations in 2020/2021.
- The additional \$3.3M in ordinary rate revenue generated from an SRV in 2019/2020 will be spent on infrastructure capital works as identified in the draft Capital Works Program. .
- A 2018/2019 Net Result (after loan repayments, depreciation and transfers from Reserves) surplus of \$4,903.
- Inclusion of in the Long Term Financial Plan of \$8.6M savings over four years through improvement strategies.
- Loan repayments of \$7,040,448 for 2019/2020, the majority of which is servicing Sewer loans.
- A Capital Works Program totalling \$51.6 Million, the key features being an allocation of \$21 Million to road and bridge infrastructure projects and approximately \$11.5 Million allocated to open spaces, community facility and building projects.
- Fees and Charges seeing the completion of the Council decision of 2017 to phase out the seniors discount at caravan parks over two years and increased fees at Grafton Regional Airport in line with the sector.

- An Operational Plan that identifies actions that will be undertaken in 2019/2020 to meet the objectives of the Delivery Program.
- An Asset Management Strategy that provides a framework to guide planning, construction, maintenance and operation of Council's physical assets.
- Due to the low numbers of attendance in 2018, it is proposed that information sessions be held in Maclean and Grafton only and that a greater effort be made to speak with community through other mediums including Clarence Conversations, which regularly attracts large numbers to conversations about many other Council activities and initiatives. In doing so it is hoped that we attract a new audience to the conversation about Council's progress toward sustainability.

COUNCIL IMPLICATIONS

Budget/Financial

While there is no financial implication in adopting the recommendation of this report, the report subject matter considers the financial position of the council for 2019/2020 and long term.

Asset Management

While adopting the recommendation of this report does not explicitly affect asset management, the content of the report does relate to Council's future funding and management of assets.

Policy or Regulation

The Local Government Act 1993 provides for the exhibition period of Council's Integrated Planning and Reporting Framework documentation, over a minimum period of 28 days.

Consultation

It is proposed that consultation be by way of Clarence Conversations to draw a broad and diverse audience. The presentation will contain an overview of progress toward realising the four year sustainability plan, the highlights and major projects contained in the third year of that plan (that being 2019/2020) and the projected future of the organisation. A link to the conversation will be via our media releases, our website and social media. In conjunction with this, two "drop in" sessions with the Executive team will be hosted at the Maclean and Grafton Council offices. The "drop ins" will be advertised broadly in advance. The purpose of this report is to invite public comment on Council's Integrated Planning and Reporting Framework documentation.

Legal and Risk Management

N/A

Prepared by	Laura Black Director Corporate and Governance
Attachment	A. Revised Delivery Program 2017 – 2021 and Revised Operational Plan 2019/2020 B. Draft Annual Budget 2019/2020 Summary C. Draft Capital Works Program 2019/2020
To be tabled	D. Draft 2019/20 Budget by Service E. Draft Asset Management Plan 2019/2020 – 2028/2029 F. Workforce Management Strategy 2017/2018 – 2020/2021 G. Draft 2019/2020 Fees and Charges H. Draft Long Term Financial Plan (2019/2020 – 2028/2029)

ITEM	15.061/19	COUNCIL MEETING CHECKLIST – UPDATE ON ACTIONS TAKEN
-------------	------------------	--

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
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, i.e. C in the status column, be removed from the checklist.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.061/19

Ellem/Novak

That the schedule of actions taken on Council resolutions be noted and those resolutions marked as complete, i.e. C in the status column, be removed from the checklist, excepting Item 14.001/19 to be retained as status A or B.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 items 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

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Checklist

ITEM	15.062/19	COLDSTREAM STREET YAMBA WATERMAIN RENEWAL – BUDGET VARIATION TO BRING WORKS FORWARD
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

It is proposed to renew a 64 year old section of watermain in Coldstream Street Yamba several years earlier than is currently scheduled. The works are proposed to be undertaken in conjunction with street tree works within Coldstream Street as there is a possibility that the street tree replacement will damage the watermain. Undertaking the watermain renewal prior to the street tree replacement will minimise possible disruption to customers from mains failures during the replacement.

OFFICER RECOMMENDATION

That the budget allocation of PJ902027 “Water Mains – Renewal Expenses” be increased by \$65,000 to enable renewal of the Coldstream Street Yamba watermain.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.062/19

Kingsley/Novak

That the budget allocation of PJ902027 “Water Mains – Renewal Expenses” be increased by \$65,000 to enable renewal of the Coldstream Street Yamba watermain.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

During May and June 2019 Council proposes to replace street trees in Coldstream Street Yamba. The existing trees on the southern side of Coldstream Street are located above the watermain and their roots appear to be around the main. While this watermain is assessed as being in good condition with no failure history, the main is 64 years old and it is likely the tree removal would potentially damage the main, with consequentially customer disruption.

KEY ISSUES

Given its “good” condition the watermain is not in Council’s current five year watermain renewal program. However, the age of the main and the probable damage from the street tree replacement provide an opportunity to bring the main renewal forward. The renewal will enable the main to be relocated away from the street trees so the root interference will not arise in the future.

While the street trees are located on only half the length of the block, it is proposed to replace the whole section of main between River Street and Yamba Street so that Council does not need to further disturb the Yamba CBD within the next 10 to 20 years for future watermain renewal

COUNCIL IMPLICATIONS**Budget/Financial**

The estimated cost of renewing the watermain is \$65,000, and it is recommended that the watermain renewal budget be increased by this amount. Financial modelling of the water fund indicates that increasing the budget by this amount will not adversely impact on the performance of the water fund.

Asset Management

While the existing pipeline asset is assessed as being condition 2 (“good”), it is likely the street tree replacement would significantly damage the existing pipeline. As the street trees will have a much shorter life than the watermain, the watermain renewal provides an opportunity to relocate the watermain away from the street tree alignment.

Policy or Regulation

Asset Management Strategy

Consultation

Council’s Economic Development Unit canvassed business owners in Coldstream Street with several possible dates for the work and the dates with most support was for the work to commence in the week of 20 May 2019. To minimise disruption to trading, several businesses have indicated they would prefer works to be undertaken in the late afternoon/evening. It is proposed, where possible, to accommodate businesses’ requests regarding the timing of works.

Legal and Risk Management

If the renewal is not brought forward it is likely this section of pipeline will experience failure when the street trees are replaced, with consequent service disruptions to customers and the operational cost of repairing the failures. If the watermain is not relocated away from the street tree alignment there are also likely future failures due to tree roots.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM	15.063/19	FLOODPLAIN PROJECTS AND GRANT APPLICATIONS
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Yes	

SUMMARY

Council has received funding for two projects under the 2018/19 Floodplain Management Program. At its 15 February 2019 meeting the Clarence Valley Floodplain Risk Management Committee (FPRMC) resolved to recommend to Council priority lists for “tangible” and “intangible” floodplain projects and endorsed four applications under the NSW Government’s 2019/2020 Floodplain Management program (the top two projects from the two lists). The committee further recommended that Council review its budget for floodplain maintenance activities.

OFFICER RECOMMENDATION

That Council:

1. Note two applications under the 2018/19 Floodplain Management Program for the *Bluff Bridge (Orara River) Flood Monitoring* (\$60,000 project with \$20,000 Council contribution) and the *Lower Clarence Rural Floodplain Risk Management Study and Plan* (\$200,000 project with a \$66,666.67 Council contribution) were successful, with \$36,666.67 of Council’s contribution to the latter project to be from the 2019/20 budget.
2. Note the minutes of the 15 February 2019 Clarence Valley Floodplain Risk Management Committee meeting and adopts its recommendations regarding:
 - a. The tangible and intangible prioritisation lists for floodplain projects.
 - b. Endorsement of the four applications submitted under the 2019/20 Floodplain Management program, and
 - c. An increase in the floodplain maintenance budget be considered as part of Council’s 2019/20 budget deliberations.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.063/19

Kingsley/Novak

That Council:

1. Note two applications under the 2018/19 Floodplain Management Program for the *Bluff Bridge (Orara River) Flood Monitoring* (\$60,000 project with \$20,000 Council contribution) and the *Lower Clarence Rural Floodplain Risk Management Study and Plan* (\$200,000 project with a

\$66,666.67 Council contribution) were successful, with \$36,666.67 of Council's contribution to the latter project to be from the 2019/20 budget.

2. Note the minutes of the 15 February 2019 Clarence Valley Floodplain Risk Management Committee meeting and adopts its recommendations regarding:
 - a. The tangible and intangible prioritisation lists for floodplain projects.
 - b. Endorsement of the four applications submitted under the 2019/20 Floodplain Management program, and
 - c. An increase in the floodplain maintenance budget be considered as part of Council's 2019/20 budget deliberations.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Floodplain Project Priorities

Council has numerous actions listed in the following Floodplain Risk Management Plans:

- Wooli River Floodplain Risk Management Plan – 1999
- Alipou Creek Floodplain Risk Management Plan – 2006
- Iluka Floodplain Risk Management Plan – 2007
- Grafton and Lower Clarence Floodplain Risk Management Plan – 2007
- Yamba Floodplain Risk Management Plan – 2009
- Ulmarra Floodplain Risk Management Plan
- Glenreagh Floodplain Risk Management Plan – 2018

These plans and their actions are available for public viewing on Council's website. Each one of these plans details a range of floodplain risk management actions for implementation. Council has never had a system to implement these systematically; therefore they have been implemented somewhat ad hoc over time.

There are a total of 146 combined actions across all of the plans, with only 35 of these actions not yet complete. It is worth noting that there are many other floodplain actions that are equally as valid but are not currently in any adopted plan. The reasons for the new actions mostly results from: the ages of the existing plans; advances in technology; and experiences of recent floods.

It is essential that Council, guided by the Floodplain Risk Management Committee, place these existing and new actions in an order or priority. Prioritisation is needed so that it can be used to inform implementation plans and grant application priorities across the whole of the Clarence Valley.

Council staff met with Floodplain Officers from the NSW Office of Environment and Heritage (OEH) in December 2018 to determine an appropriate methodology for prioritisation. From that meeting it was established that two separate project lists would be created and each project be ranked in order of priority.

The first project type is to be tangible flood projects ("on the ground" works), with the second being intangible (plans and studies). Council and OEH staff consider that the formation of two separate lists is

required as both the policy/planning (intangible) side of flood mitigation is of equal importance to the physical works implementation (tangible) side of flood mitigation.

It is proposed to rank both the tangible and intangible projects using a risk matrix assessing the estimated cost of projects with the number of people impacted by flooding within that area. This matrix is provided below in Figure 1.

	<10 people	10 -100 people	100 – 999 people	1,000-5000 people	>5000 people
<\$1,000	Medium	High	High	Very High	Very High
\$1,000-10,000	Medium	Medium	High	High	Very High
\$10,000-100,000	Low	Medium	Medium	High	High
\$100,000-500,000	Very Low	Low	Medium	Medium	High
>\$500,000	Very Low	Very Low	Low	Medium	Medium

Figure 1 – Flood Mitigation Project Risk Matrix

The concept of the matrix is that high cost projects which benefit few people should not be prioritised over lower cost projects which benefit many people.

KEY ISSUES

2018/19 FLOODPLAIN MANAGEMENT PROGRAM

Council’s applications under the 2018-19 Floodplain Management Program for the *Bluff Bridge (Orara River) Flood Monitoring* and the *Lower Clarence Rural Floodplain Risk Management Study and Plan* projects were successful.

FLOODPLAIN PROJECT PRIORITIES

The FPRMC resolved to recommend to Council that the floodplain project priority lists for tangible and intangible works, as included in the attachments, be adopted.

2019/20 FLOODPLAIN MANAGEMENT PROGRAM

The FPRMC also endorsed four applications being submitted under the 2019/20 Floodplain Management program, which closed on 20 March 2019, being the top two projects from each list. Further information on these four projects is provided below:

Wooli Update Flood Study (Intangible project)

Total project estimated to cost \$60,000 (\$40,000 OEH and \$20,000 CVC). The current Wooli Floodplain Risk Management Plan dates from 1999 and the NSW Government *Floodplain Development Manual* recommends Plans to be reviewed on a 5 yearly basis. This project was recommended as the highest

priority as there have been significant changes to floodplain management in the previous 20 years, including significant improvement in flood modelling software.

Investigation and design of works required at Alice Street levee (Tangible project)

Total project estimated to cost \$105,000 (\$70,000 OEH and \$35,000 CVC). This section of levee between Queen and Alice Streets has been identified as being at risk due to scouring and undercutting, potentially causing slips that will risk the stability of the levee. In 2018 the NSW Public Works Advisory assessed this section of the levee as an over steep earthen batter which should be reconstructed to current design standard slopes. There has been recent loss of pre-existing levee rock armour which has been exacerbated due to erosion and slumping after natural disaster events. A geotechnical assessment on the stability of the flood levee and riverbank will be commissioned and will recommend options for works to improve the riverbank stability in this area. There would be a subsequent grant application to implement the identified works.



Esk River Flood Monitoring (Tangible project)

Total project estimated to cost \$60,000 (\$40,000 OEH and \$20,000 CVC). Installation of a remotely monitored flood gauge in the Esk River at Esk Bridge. There is currently no warning when Iluka Road is cut by the Esk River at the Esk Bridge and Council relies on inspections by field staff and/or reports from motorists that the road is cut. Staff then manually respond to close the road with barriers. There is a potential risk of injury or death if an unsuspecting motorist drives into floodwaters before Iluka Road is closed. This project proposes the installation of an automatic flood gauge at the Esk Bridge to improve warnings of flooding. Flashing lights, if feasible, will provide warning to motorists that the road is impassable, and an alarm will enable Council staff to respond to close the road as soon as the road is cut by floodwaters. A camera, if feasible, will enable Council staff to remotely monitor the situation. The information would allow residents to make informed decisions about evacuation from Iluka without having to undertake the drive (potentially at times in dangerous storm weather conditions), before learning of the road closure.

Clarence Valley Flood Study Update (Intangible project)

Total project estimated to cost \$200,000 (\$133,333 OEH and \$66,667 CVC). This would be a multifaceted project to update the existing Clarence Valley (urban) flood study. An updated flood study would be beneficial to Council for numerous reasons. Some of the actions in the existing floodplain risk management plans nominated on-ground works that are recommended to be modelled prior to works commencing. Additionally, since the last flood study there has been significant additional data including new surveys and floor level information. The types of actions that would be achieved through a flood study update include:

- Investigation of the downstream impacts ensuring that the Maclean and Grafton levees are functioning at their intended original design height.
- Review of benefits of potential targeted levee raising at Iluka.
- Review of other urban (Grafton/South Grafton/Maclean/Ulmarra/Iluka) levee augmentation options.
- Investigation into maximising flood storage options
- Cost benefits analysis of any options identified above based on the information obtained in the Clarence Level Floor Level Survey project (previous OEH grant funded project that is now completed).

Floodplain Maintenance Budget

In response to questions at previous FPRMC meetings, Council staff provided the committee an overview of the floodplain maintenance budget which is approximately \$440,000 in 2018/19. The FPRMC members generally agreed that due to the limited funding available, Council needs to focus on undertaking floodplain maintenance works which benefit the greater number of people. Specifically several members of the committee spoke of the importance of levee maintenance.

The FPRMC resolved to recommend to Council that the budget for floodplain maintenance activities be reviewed, with a view to increase this budget. The Clarence Canegrowers Association have sent correspondence to Council with regard to this matter.

COUNCIL IMPLICATIONS**Budget/Financial****FLOODPLAIN PROJECT PRIORITIES**

The budget currently includes a recurrent allocation of \$50,000 per year for Council's contribution to grants received under the Floodplain Management program (Project Number 941063).

The *Bluff Bridge (Orara River) Flood Monitoring* grant offer is for \$40,000, with Council's required contribution being \$20,000. The *Lower Clarence Rural Floodplain Risk Management Study and Plan* grant offer is for \$133,333.33 with Council's required contribution being \$66,666.67. It is proposed that Council's contribution for the *Lower Clarence Rural Floodplain Risk Management Study and Plan* comprise \$30,000 from 2018/19 and \$36,666.677 from the 2019/20 budget.

The four 2019/20 program applications, if successful, would not commence until 2020/21. With a proposed 2019/20 balance of \$13,333 from PJ941063 after the contribution toward the *Lower Clarence Rural Floodplain Risk Management Study and Plan* and a further proposed recurrent allocation in 2020/21 of \$50,000, CVC's available contribution for these projects in 2020/21 is \$63,333.

If all four projects applied for were successful it would require a CVC contribution of \$141,667 and thus either an increase in Council's contribution or declining one or more projects. Advice on floodplain grant applications is usually received late in the year, and the budget implications will be reported to Council prior to accepting the grant(s). It is considered very unlikely that Council will be successful with four floodplain grant applications in a single year. Projects that are unsuccessful would be resubmitted in subsequent years.

Asset Management

An updated urban floodplain risk management plan could be used to provide a strategic best practice foundation for future management of flood mitigation assets. Council's floodplain condition assessment process is currently underway. A condition assessment of the Alice Street levee has not yet been completed. This levee is currently nominated as being Condition 2 but that is obviously dated information, and it is likely that the condition rating will be lowered to a 3 or 4 in consideration of the known issues.

Policy or Regulation

Floodplain Development Manual

Consultation

Floodplain Risk Management Committee

Legal and Risk Management

Undertaking floodplain risk management studies/plans will further demonstrate that Council is fulfilling its function of flood prevention, protection and mitigation, as prescribed in the Local Government Act.

Prepared by	Kieran McAndrew, Floodplain Coordinator
Attachment	Minutes – February 2019 Clarence Valley Floodplain Risk Management Committee Floodplain Project Prioritisation Lists Letter from Clarence Canegrowers Association

ITEM 15.064/19 PAPERLESS RATES PROMOTION – RATES GIVEAWAY 2019/20

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

Following the success of the 2018/19 Rates Giveaway, Council is requested to consider the implementation of a second Rates Giveaway promotion to increase the electronic rates distribution further.

OFFICER RECOMMENDATION

That

1. Council approve an allocation of up to \$1,500 as an incentive prize for ratepayers who register to receive rates notices electronically.
2. The allocation of up to \$1,500 be applied to the Ordinary Residential Rate only.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That

1. Council approve an allocation of up to \$2,000 as an incentive prize for ratepayers who register to receive rates notices electronically.
2. The allocation of up to \$2,000 be applied to the Ordinary Residential Rate only.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.064/19

Kingsley/Novak

That

- 1. Council approve an allocation of up to \$2,000 as an incentive prize for ratepayers who register to receive rates notices electronically.**
- 2. The allocation of up to \$2,000 be applied to the Ordinary Residential Rate only.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

In 2017/2018 approximately 200,000 rating-related notifications were posted to ratepayers (there have been 147,438 in the last three quarters). This is comprised of quarterly notifications on water and general rates, follow-up letters and some general rate-related correspondence. Based on a postage rate of \$1.09 per item, this amounts to about \$218,000 annually. Following the 2018/19 rate giveaway incentive, the electronic distribution rose from 2.9% to its current rate of 9.56% of ratepayers receiving paperless rates notifications. This is an estimated reduction by 10,000 notifications, and an annual saving of up to \$10,900.

A second promotion is proposed to further increase savings.

Should Council agree, approval will need to be gained from the Office of Liquor and Gaming. There is an application fee of between \$80 and \$100.

Those eligible to receive the prize will be any ratepayer who has opted in to receive electronic rate notices before the prize draw date. Clarence Valley Council associated members including elected members, staff and relatives of staff are ineligible to receive the prize in accordance with Office of Liquor and Gaming rules.

KEY ISSUES

9.56% of Clarence Valley ratepayers currently receive their rates and water assessment notifications electronically. Councils that have run extensive and ongoing paperless rates campaigns, have more than 25% of ratepayers receiving their notices electronically. The Clarence has comparatively low internet connection to home rates (69.1%) compared to other regional areas (73.1%), but rates are growing at almost 2,000 new connections each year. While 25% might be difficult to achieve in the short term, a substantial increase in the use of paperless rates notice is achievable.

An incentive program in the form of a rates (or partial rates) giveaway, when run in conjunction with a concerted marketing campaign, would be expected to create substantial interest and lead to an immediate take up of paperless rates.

COUNCIL IMPLICATIONS**Budget/Financial**

An increase in the number of people receiving paperless rates notifications has the potential to realise substantial savings for Council. To date the sustainable savings realised through the 2018/19 promotion is \$10,900. The value of the 2018/2019 incentive prize was funded from these savings and it is proposed that the 2019/2020 incentive prize be funded from the savings realised through implementation 2019/2020 giveaway.

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

Any legal risk is mitigated through the mandatory involvement of the Office of Liquor and Gaming, which would be required to issue a licence for a trade promotion lottery.

Prepared by	David Bancroft, Communications Coordinator
Attachment	Nil

ITEM 15.065/19 SPECIAL EVENT SPONSORSHIP REQUEST – WINGS AND WHEELS

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

Request for sponsorship for the annual Wings and Wheels event to be held at a new time of year, being 23 June 2019.

OFFICER RECOMMENDATION

That Council approve sponsorship of \$1,000 (plus GST) for the annual Wings and Wheels event to be held on 23 June 2019.

COMMITTEE RECOMMENDATION

Simmons/Kingsley

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.065/19

Kingsley/Novak

That Council approve sponsorship of \$1,000 (plus GST) for the annual Wings and Wheels event to be held on 23 June 2019.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

This event is organised by the Grafton Aero Club. It is a static display of aircraft (helicopters, Warbirds, models) and motor vehicles (vintage touring cars, motorcycles, hot rods, go-karts, race cars, tractors) and is promoted as 'an open day' for locals and visitors. There are also Warbird adventure flights or Joy Flights throughout the day.

Council has sponsored the event since its beginning in 2014.

Grafton Aero Club's application was assessed against the following criteria as set out in Special Event Sponsorship program guidelines:

- eligibility to apply
- making a positive contribution to the local economy
- acknowledgement of Council's sponsorship
- benefit to the community
- evidence of support from groups that benefit from the event
- promotes and encourages positive exposure of the Clarence Valley
- strengthens and celebrates our community
- the organisations financial viability
- demonstrated marketing strategy, post-evaluation and income generation plan
- consideration of environmental impacts

All events are assessed against these criteria; however different request levels have particular criteria weighted more heavily, again as stated in the guidelines:

Level One \$1,000 and under	New events or in their infancy Small events that attract some visitors from outside the Clarence Valley
Level Two \$1,000 to \$5,000	Attract day visitors from outside of the Clarence Valley Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley
Level Three Over \$5,000	Attract overnight visitors Have a marketing plan Are unique or promote unique characteristics of the Clarence Valley Generate an income stream to reinvest in their event Contribute significantly to the local economy

KEY ISSUES

The Wings and Wheels event has been held in August of each year. In 2017 and 2018 the joy flights were cancelled due to high winds. Grafton Aero Club has chosen to move the event forward to June, in anticipation of more stable weather patterns.

Due to the late change in dates, the club did not apply for sponsorship in Round 2 of the Special Event Sponsorship Program and are not eligible for Round 1 of the 2019/20 Special Event Sponsorship Program. This is the reason as to why the club is applying for sponsorship now.

The event meets the criteria for a Level One event, as it attracts day visitors to the Clarence Valley and a small number of overnight visitors.

COUNCIL IMPLICATIONS

Budget/Financial

The sponsorship can be funded from the Special Events Sponsorship Program (996030).

Asset Management

N/A

Policy or Regulation

Event Sponsorship Policy

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Alicia Savelloni, Events & Promotions Officer
Attachment	Nil

ITEM	15.066/19	PROPOSED REVIEW OF PALMERS ISLAND RIVERBANK PLAN IMMEDIATE IMPACT LINE
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

At its meeting of 26 February 2019 Council resolved (Resolution 15.001/19) to seek a quotation to review the immediate impact line in the "Palmers Island: Bank Erosion Assessment and Management Plan, July 1992". A quotation has been sought from Royal Haskoning DHV.

OFFICER RECOMMENDATION

That Council note the proposal from Royal Haskoning DHV and JK Geotechnics to review the immediate impact line in Palmers Island Riverbank Management Plan.

COMMITTEE RECOMMENDATION

Lysaught/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.066/19

Kingsley/Novak

That Council note the proposal from Royal Haskoning DHV and JK Geotechnics to review the immediate impact line in Palmers Island Riverbank Management Plan.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

The “Palmers Island: Bank Erosion Assessment and Management Plan, July 1992” (and the subsequent Palmers Island Riverbank Management Plan) covers an approximately 1.8km section of riverbank between the intersection of River Road and Yamba Road to Gillies Lane.

Resolution 15.001/19 (February 2019) specified that the review of the immediate impact line be for the section of riverbank between River Road and the northern boundary of Lot 21 on DP1131567. The resolution extends the immediate impact line study area by approximately 3.7km, for a total review length of 5.5km of riverbank.

Two proposals have been sought from the consultant; reviewing the area covered by the current Palmers Island Riverbank Management Plan and extending the plan as per the Council resolution.

KEY ISSUES

Council sought a quotation from Royal Haskoning DHV (RHDHV) as their Technical Director, who will be heading any study, was the project officer who undertook the 1992 study. RHDHV and geotechnical engineers JK Geotechnics also recently undertook consultancy work associated with DA2011/0743, and have the most knowledge and experience of the Palmers Island riverbank issues.

The two proposals are:

- Bank Zone 1 – right bank of the Clarence River extending downstream from the wharf at the intersection of Yamba Road and River Road, to Gillies Lane, a bank length of 1.77km - \$66,404 (ex GST)
- Bank Zone 2 – the area covered by Bank Zone 1 plus the right bank of the Clarence River extending downstream from Gillies Lane to the downstream end of Lot 21, a bank length of 3.69km - \$122,079 (ex GST)

Bank Zone 1

It is over 25 years since the technical studies assessed riverbank erosion rates at Palmers Island between the intersection of Yamba Road and River Road and Gillies Lane (Bank Zone 1).

Following purchase of dwellings under a voluntary purchase scheme, only one property remains in the immediate impact zone. The then owner of this property refused repeated voluntary purchase offers prior to the funding for voluntary purchase ceasing. However, much of this section remains in public ownership as the road reserve for River Road.

Section 3 of the *Riverbank Protection Policy* adopted by Council at its 26 February 2019 (Item 15.001/19) meeting indicated that where riverbank erosion is threatening Council assets or access then Council would undertake riverbank works when funds are available. It is therefore considered there is possible merit in reviewing the riverbank risk in this section of riverbank although as noted in the Financial Section this would require an increase in the currently available funds.

Bank Zone 2

The proposal to extend an assessment to this section of riverbank is an additional \$61,675 to that required for Bank Zone 1. The proposed study area of Bank Zone 2 comprises mainly private property, with the few sections of road reserve along the riverbank which are not commonly accessible to the general public.

As private property owners would be the only beneficiaries of an extension of the Palmers Island Riverbank Management Plan to Bank Zone 2, it is recommended that Council not extend the study area to incorporate Bank Zone 2.

This recommendation is made in accordance with the general principle of Section 3 of Council's *Riverbank Protection Policy*, i.e. that where riverbank erosion is not threatening Council assets or access then Council not undertake riverbank protection works.

COUNCIL IMPLICATIONS

Budget/Financial

The cost to undertake the study is:

- Bank Zone 1 - \$66,404
- Bank Zone 2 - \$128,079

PJ994542 currently has an allocation of \$11,393 for monitoring of riverbank stability. There is also an additional \$11,398 in Restricted Account 10412 for monitoring of riverbank stability. Total available funding - \$22,791.

There is currently no funding available to undertake the study in any of the two areas without the provision of additional funding. Any shortfall funding would need to be met by the general fund.

Asset Management

The Palmers Island Riverbank Plan indicates that no maintenance will be undertaken on the 1.8km section of riverbank covered by the Plan.

Policy or Regulation

Palmers Island Riverbank Plan

Consultation

Nil

Legal and Risk Management

Nil

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment:	Map of proposed area
Confidential Attachment	RHDHV Proposal

ITEM 15.067/19 BENCHMARK AND REPORT CARD Q3 2018/19

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

SUMMARY

The Benchmark and Report Card report gives Council and community oversight of our services and how we compare against industry averages and, how we are tracking toward goals. It also provides some key information about the quantity of activity being undertaken. This is the second of such documents and the data relates to Quarter 3 of 2018/19

OFFICER RECOMMENDATION

That the Benchmark and Report Card Q3 2018/19 report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.067/19

Kingsley/Novak

That the Benchmark and Report Card Q3 2018/19 report be received and noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

BACKGROUND

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

KEY ISSUES

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

COUNCIL IMPLICATIONS**Budget/Financial**

N/A

Asset Management

N/A

Policy or Regulation

N/A

Consultation

N/A

Legal and Risk Management

N/A

Prepared by	Laura Black, Director Corporate & Governance
Attachment	Benchmark and Report Card Q3 2018/2019

ITEM 15.068/19 2018/19 OPERATIONAL PLAN – QUARTERLY REVIEW AS AT 31 MARCH 2019

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Quarterly Operational Plan outcomes as at 31 March 2019 be noted.

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.068/19

Kingsley/Novak

That the Quarterly Operational Plan outcomes as at 31 March 2019 be noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.2.3 Foster an organisational culture focused on customer service excellence, innovation and continuous improvement

BACKGROUND

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

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

THEMES	OBJECTIVES
SOCIETY	1.1 We will have proud and inviting communities 1.2 We will have a safe, active and healthy region 1.3 We will have a diverse and creative culture 1.4 We will have access and equity of services
INFRASTRUCTURE	2.1 We will have communities that are well serviced with appropriate infrastructure
ECONOMY	3.1 We will have an attractive and diverse environment for business, tourism and industry
ENVIRONMENT	4.1 We will preserve and enhance our natural environment 4.2 We will foster a balance between development and the environment considering climate change impacts
LEADERSHIP	5.1 We will have a strong, accountable and representative Government 5.2 We will have an effective and efficient organisation

KEY ISSUES

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

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



The report shows that as at the end of March 2019, the Council’s programs, projects and services are 60% completed. Outstanding activities are explained in the report, some are continuing into the next financial year and a few have been reliant on positions that have been vacant for part of the year delaying commencement.

COUNCIL IMPLICATIONS**Budget/Financial**

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

Asset Management

N/A

Policy or Regulation

Section 404(5) of the Local Government Act 1993

Consultation

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

Legal and Risk Management

N/A

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	Quarterly Progress Report

ITEM 15.069/19 QUARTERLY GOVERNANCE REPORT

Meeting	Corporate, Governance & Works Committee	23 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Nil	

SUMMARY

This report summarises the status of legal proceedings, complaints lodged, Government Information (Public Access) Applications and insurance claims in the period 1 January 2019 to 31 March 2019.

OFFICER RECOMMENDATION

That Council receive and note the Governance report for the period 1 January 2019 to 31 March 2019.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.069/19

Kingsley/Novak

That Council receive and note the Governance report for the period 1 January 2019 to 31 March 2019.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 5.1.8 Ensure good governance, effective risk management and statutory compliance

BACKGROUND*Legal Proceedings*

The report on legal proceedings is to contain details of the legal proceedings that have been taken by or against Council, except in cases where:

- (a) the security of the Council, Councillors, Council staff or Council property may be threatened;
- (b) the privacy of the personal affairs of the person may be contravened by revealing the information;

- (c) the proceedings concern a personnel or industrial relations matter involving an individual staff member (for example, unfair dismissal claims, workers compensation claims and personal injury claims);
- (d) the proceedings concern the personal hardship of any resident or ratepayer, or
- (e) a not for publication order has been made by the relevant Court or Tribunal.

The report is also to contain details of the amounts, costs and expenses paid or received by the Council.

Complaints Management

Under Council's Complaints Management Policy a request for a service or for information about a service is not a complaint. However, they may escalate into a complaint if action is not taken within designated timeframes or is undertaken in an unprofessional or substandard manner.

The following are not complaints under Council's Complaints Management Policy:

- an objection to a Development Application (DA) or a submission made to Council in response to a call for public comment;
- a concern for service levels that are the result of limits set by Council policy, and not the result of organisational or mechanical breakdown;
- Code of Conduct complaints.

Under the policy Council has committed to respond substantially to any complaint (other than a competitive neutrality complaint) within 21 calendar days after it is received.

Government Information (Public Access) Applications

The purpose of the Government Information (Public Access) Act 2009 (GIPA) is to open government information to the public by:

- (a) authorising and encouraging the proactive public release of government information by agencies, and
- (b) giving members of the public an enforceable right to access government information, and
- (c) providing that access to government information is restricted only when there is an overriding public interest against disclosure.

Information is not disclosed, if disclosing it would also disclose:

- private information about a third party
- details of legal action or law enforcement
- details that would undermine competitive neutrality in connection with any functions of Council or
- details that would endanger or prejudice any system or procedure for protecting the environment.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

KEY ISSUES

Legal Proceedings

For the period the following legal proceeding taken by or against Council:

- Council has successfully defended its position in regard to the issue of orders for straying stock. Appellant pleaded guilty, however costs were to be met by each party, cost incurred \$550.
- On 21 December 2018, Justice Brian Preston handed down his decision concerning the case of: Office of Environment and Heritage v Clarence Valley Council which relates to the removal of a culturally modified tree at the corner of Breimba and Dovedale Streets, Grafton. This item was advised to Council at its 26 February meeting item 13.004/19. Details of costs associated with this item are to be advised under separate cover to Council.

Complaints Management

During the reporting period there were six complaints lodged. Of the complaints:

- One indicated concern over the information that was received from Council and the delays in responses to numerous complex issues.
- The remaining 5 were in relation to the timeliness of Council's response to the customer's enquiry. These complaints were finalised within 21 days of receipt of the complaint concerning Council's non response to earlier emails.

Government Information (Public Access) Applications

During the period seven GIPA applications were received. Of the seven, five were granted full access and in two cases access was declined as there was an overriding public interest against disclosure of the information sought.

Insurance Claims

To reduce Council's exposure to risk, Council maintains insurance cover for protection against financial loss, damage and legal liabilities.

There were thirty three claims lodged, comprising of:

- Seven motor vehicle claims. The claims fell under Council's insurance policies resulting in a cost to Council of \$7,000, which is the excess of \$1,000 per claim;
- Fifty eight public liability claims of which thirty nine were declined and seven settled at a cost of \$4,203.49; the remainder are pending finalisation.
- Three property claims in the period, of which one was settled and two are still outstanding at the time of this report. Cost to date \$5,000. The maximum possible cost to Council of \$15,000, which is three by the excess of \$5,000.

COUNCIL IMPLICATIONS

Budget/Financial

For legal proceedings taken by or against the Council any costs incurred or recovered are allocated to the budget areas for the respective matters.

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

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

Council's liability for insurance claims is limited to the excess under the respective policy. Claims up to the excess are allocated against the operational budget of the relevant directorate.

Asset Management

N/A

Policy or Regulation

Complaints Management Policy

Government Information (Public Access) Act 2009 (GIPA Act) Privacy and Personal Information Act 1998

Council's suite of insurance policies

Civil Liabilities Act 2002 No 22

Consultation

Insurance and risk officer Managers and Directorates

Legal and Risk Management

N/A

Prepared by	Governance
Attachment	Nil

ITEM	15.070/19	WORKS REPORT
-------------	------------------	---------------------

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Civil Services (Tim Jenkins)	
Attachment	Yes	

SUMMARY

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

OFFICER RECOMMENDATION

That the Works report be received and noted.

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.070/19

Toms/Novak

That the Works report be received and noted.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 March is attached.

COUNCIL IMPLICATIONS**Budget/Financial**

Financial details are provided in the attached works summary.

Asset Management

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

Policy or Regulation

There are no policy or regulation implications.

Consultation

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

Legal and Risk Management

There are no legal or risk management implications.

Prepared by	Tim Jenkins, Greg Mashiah, Peter Birch
Attachment	Works Program

ITEM	15.071/19	REHABILITATION OF FORMER MACLEAN, TOWNSEND & ILARWILL SEWAGE TREATMENT PLANTS – UPDATE REPORT
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

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

OFFICER RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Kingsley/Simmons

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.071/19

Kingsley/Novak

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 2.1.1 Maintain and renew water and sewer networks

BACKGROUND

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

The tender documents proposed that where possible material be reused on site on the basis that most of the material met the requirements of the New South Wales Environmental Protection Authority (NSWEPA) *Environmental Guidelines: Use and Disposal of Biosolids Products* ("The Guidelines"). The Tender accepted by Council in the amount of \$1,450,352.73 (ex GST) was prepared on that basis.

KEY ISSUES

a) Ilarwill STP

The site auditors' final site audit statement is scheduled to be issued to Council by mid April 2019.

b) Maclean STP

The final round of site validation testing has been undertaken and the site remediation validation report is scheduled to be issued to Council by the end of May 2019.

c) Townsend STP

Additional groundwater testing has been undertaken. It is now anticipated the site remediation validation report will be issued to Council by the end of May 2019.

d) Rezoning of sites

The rezoning of the three STP sites has been completed.

COUNCIL IMPLICATIONS

Budget/Financial

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

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

Item	Cost
Original Contract Sum (Ledonne Constructions)	\$1,450,353.00
Approved Ledonne contract variations and increases in provisional sums	\$1,446,370.82
Original project management sum (Public Works Advisory)	\$146,853.00
Approved Public Works Project Management variation	\$6,618.00
Expert Biosolids Advice	\$2,350.00
Total Expenditure and Commitments to date	\$3,052,544.82

Foreshadowed increases in provisional rate items and contracts variations are:

Item	Cost
Public Works Project Management variation for 13 months extension to Mar 2019	\$9,464
Biosolids transport to landfill and supply and place additional imported material	\$534,782
Fence at Pump Station 10 (former Maclean STP site)	\$6,500
Townsend site - additional groundwater testing at greater depth	\$4,955
Total	\$555,701

The project's current financial position is:

Item	Cost
Total Expenditure and Commitments to date	\$3,052,544.82
Advised future variations and increases in provisional rate items	\$555,701
Estimated Project cost	\$3,608,245.82
Current approved project budget	\$1,950,000

Projected project budget shortfall	\$1,658,245.82
---	-----------------------

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

Asset Management

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

Policy or Regulation

Contaminated Land Management Act, 1997

Consultation

Public Works Advisory; Ledonne Constructions

Legal and Risk Management

The contract provides a delay rate to the Contractor of \$3,067.27 (ex GST) per day.

Prepared by	Greg Mashiah, Manager Water Cycle
Attachment	Nil

ITEM	15.072/19	ITEMS FOR INFORMATION
-------------	------------------	------------------------------

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Office of General Manager	
Reviewed by	General Manager - Ashley Lindsay	
Attachment	Yes	

OFFICER RECOMMENDATION

That the Items for Information as listed below be adopted:

1. Coaldale Barretts Creek Hall Committee – Minutes of meeting 16 February 2019
2. Dundurrabin Community Centre Committee – Minutes of meeting 5 February 2019
3. District Liaison Committee – Minutes of meeting 6 December 2017

COMMITTEE RECOMMENDATION

Lysaught/Ellem

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.072/19

Kingsley/Novak

That the Items for Information as listed below be adopted:

1. Coaldale Barretts Creek Hall Committee – Minutes of meeting 16 February 2019
2. Dundurrabin Community Centre Committee – Minutes of meeting 5 February 2019
3. District Liaison Committee – Minutes of meeting 6 December 2017

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

Prepared by	Lesley McBay, Coordinator Executive Support
Attachment	As above

LATE ITEMS OF BUSINESS

ITEM	15.073/19	EVERYONE CAN PLAY GRANT – SUCCESSFUL APPLICATION ACCEPTANCE
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Nil	

SUMMARY

Council has been advised that funding from the State Government has been provided under the *Everyone Can Play Grant 2018-19*, towards the cost of constructing the Alex Bell Reserve Inclusive Playspace. It is recommended that Council accept this grant offered to construct this community facility.

OFFICER RECOMMENDATION

That Council accept the grant funding from the Everyone Can Play Grant 2018-19 of \$83,141 for funding for constructing the Alex Bell Reserve Inclusive Playspace.

COMMITTEE RECOMMENDATION

Kingsley/Lysaught

That the Officer Recommendation be adopted.

Voting recorded as follows:

For: Ellem, Kingsley, Lysaught, Simmons, Toms

Against: Nil

COUNCIL RESOLUTION – 15.073/19

Kingsley/Novak

That Council accept the grant funding from the Everyone Can Play Grant 2018-19 of \$83,141 for funding for constructing the Alex Bell Reserve Inclusive Playspace.

Voting recorded as follows:

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

Against: Nil

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

Council submitted one application totalling \$83,141 under the Everyone Can Play Grant 2018-19 for constructing the Alex Bell Reserve Inclusive Playspace, South Grafton.

KEY ISSUES

Alex Bell Reserve playground is 25 years old and no longer meets community level of service expectations. The provision of a district level playground at Alex Bell Reserve is allocated a cost of \$140,000 from PJ550166 - Annual Playground Equip Upgrades in the adopted playgrounds asset management plan.

This allocation of \$140,000 was utilised as an in-kind contribution to apply for funding through the Everyone Can Play Grant 2018-19 for the supporting infrastructure that is required to meet the Playground Service Hierarchy and Service Level Objectives tabled in the Playground Policy. The redevelopment of Alex Bell Reserve, South Grafton will assist in achieving an objective of the Clarence Valley Council Disability Inclusion Action Plan 2017 – 2021 through increasing access to Council's recreation services and facilities.

The funding agreement was required to be returned by 14 March 2019 and hence Council staff actioned the agreement as there was no impact to Council funding which would result from acceptance of the grant.

COUNCIL IMPLICATIONS**Budget/Financial**

Playground equipment funding for capital works being PJ550166 - Annual Playground Equip Upgrades is via recurrent allocation of \$210,000 and an average annual maintenance spend of \$143,000 funded from Cost Centre – 840 Parks and Reserves. The provision of a district level playground at Alex Bell Reserve is allocated a cost of \$140,000 from this reserve in the adopted Playgrounds AMP S3V1.

Asset Management

Playground asset management planning assisted Council and the community in matching the level of service needed by the community, service risks and consequences with the community's ability and willingness to pay for the service. The adopted Playgrounds AMP S3V1 was the final product of a series of asset management planning documents. It was prepared based on the feedback on public display of Playgrounds AMP S2V1 and other supporting documentation prior to adoption by the Council. Through the adoption of asset management principles by Council, this developed scenario forecasted that it has ~100% of the required funding indicating financial sustainability.

Policy or Regulation

The Playground Policy adopted 18 August 2015 (Item 14.142/15) sets out guidelines for the provision of Council playgrounds.

The Clarence Valley Council Disability Inclusion Action Plan 2017 – 2021 provides a guide to how Council will meet its responsibilities in regard to people with disability and the NSW Disability Inclusion Act 2014.

The Australian Standards for Playgrounds have been developed to provide guidelines for the design, installation, maintenance and operation of playgrounds. They are not intended to provide totally risk free environments. Australian Standards are a minimum benchmark and are not mandatory unless referenced in legislation or regulation.

Consultation

The Open Spaces Strategic Plan (2012) identifies the action of upgrading Alex Bell Reserve to a destination playground and park. This strategic plan was developed around previous community consultations and surveys, along with discussions with Council staff, and was placed on exhibition prior to adoption.

Community playground consultation was completed through seeking feedback on the public display of the Playgrounds Asset Management Plan and Playground Policy prior to adoption by the Council.

A Project Community Engagement Plan has been implemented for Alex Bell Reserve which included:

- Alex Bell Reserve playground consultation page on Clarence Conversation;
- Media Release;
- Social Media; &
- Alex Bell Reserve playground community engagement open day held on 15 September 2018.

The outcomes of the engagement plan informed the decision making process for the development of the concept plan including maintaining the theme of “Pirate Park” as it affectionately known by the community.

Legal and Risk Management

Providing inclusive parks and playgrounds promotes compliance with the requirements of anti-discrimination legislation and reduces the risk of a successful complaint against Council under the anti-discrimination legislation.

Prepared by	Gavin Beveridge
Attachment	Nil

MOTIONS ON NOTICE

ITEM	17.007/19	THE SEALING OF 1,066 METRE LONG SECTION OF MCINTYRES LANE NEW PACIFIC HIGHWAY ALIGNMENT TO THE EXISTING SEAL AT SHEEHANS LANE GULMARRAD
Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Notice of Motion	
Submitted by	Cr Karen Toms	
Attachment	Yes	

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

SUMMARY

The upgrading of McIntyres Lane has been a matter before Council on many occasions, including a report to Maclean Shire Council in 2003.

Point 3 of that resolution was to prepare a Section 94 contribution plan for the upgrading of Sheehans Lane and McIntyres Lane and for it to be included in the Strategic Planning Work program for 2003/2004 as a high priority.

Council did not prepare a specific Section 94 contribution plan for Sheehans Lane and McIntyres Lane therefore Council's Rural Roads Section 94 contributions Plan adopted in 1994 is applicable.

PROPOSED MOTION

That

1. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
2. The General Manager consult with RMS regarding Council's programming of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
3. The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
4. Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

Being the author of Items 17.007/19 and 17.008/19 Cr Toms nominated Cr Kingsley to chair the CG&W meeting at 3.39 pm so that she could participate in the discussion.

MOTION

Kingsley/Lysaught

Defer Item 17.007/19 and 17.008/19 to allow the author to move them herself at the full Council meeting.

Voting recorded as follows:

For: Nil

Against: Ellem, Kingsley, Lysaught, Simmons, Toms

The Motion was put and declared LOST.

MOTION

Toms/Ellem

That:

1. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
2. The General Manager consult with RMS regarding Council's programming of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
3. The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
4. Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

AMENDMENT TO MOTION

Simmons/Lysaught

That:

Subject to acceptance of a Council officer's report on a thorough costing being available for Council's June meeting, there be conditional approval as follows.

- a) Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
- b) The General Manager consult with RMS regarding Council's programming of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
- c) The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
- d) Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

The Chair adjourned the CG&W Committee meeting during debate on this item at 4.02 pm to be resumed after the EP&C Committee meeting.

The CG&W Committee meeting reconvened at 5.30 pm.

Crs Lysaught and Williamson tendered an apology for the remainder of the CG&W meeting at 5.38 pm.

Voting recorded as follows:

For: Ellem, Simmons, Toms

Against: Kingsley

The amended Motion was put and declared CARRIED.

COMMITTEE RECOMMENDATION

Toms/Ellem

That, subject to acceptance of a Council officer's report on a thorough costing being available for Council's June meeting, there be conditional approval as follows:

- a) Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
- b) The General Manager consult with RMS regarding Council's programming of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
- c) The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
- d) Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

Voting recorded as follows:

For: Ellem, Simmons, Toms

Against: Kingsley

MOTION

Toms/Ellem

That, subject to acceptance of a Council officer's report on a thorough costing being available for Council's June meeting, there be conditional approval as follows:

- a) Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
- b) The General Manager consult with RMS regarding Council's programming of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
- c) The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
- d) Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

AMENDMENT TO MOTION

Baker/Lysaught

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

- a) A current road improvement priority list.
- b) The status of roadworks as shown in the DCP for residential zones at Gulmarrad in Section S and Map S2.
- c) A thorough costing being available for Council's June meeting, there be conditional approval as follows:

- i. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).
- ii. The General Manager consult with RMS regarding Council's programing of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.
- iii. The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.
- iv. Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.

Voting recorded as follows:

For: Baker, Lysaught, Williamson, Kingsley, Simmons

Against: Ellem, Toms, Novak, Clancy

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

AMENDMENT TO MOTION

Kingsley

That Council receive a report on a current road improvement priority list.

The Amendment to Motion LAPSED for want of a seconder.

COUNCIL RESOLUTION – 17.007/19

Toms/Ellem

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

- a) A current road improvement priority list.**
- b) The status of roadworks as shown in the DCP for residential zones at Gulmarrad in Section S and Map S2.**
- c) A thorough costing being available for Council's June meeting, there be conditional approval as follows:**
 - i. Council include in the 2019/20 capital works budget the sealing of 1,066 metre section of McIntyres Lane (new Pacific Highway alignment to the existing seal towards Sheehans).**
 - ii. The General Manager consult with RMS regarding Council's programing of sealing the 1,066 metre section to ensure there are no conflicts with upgrading of the Pacific Highway.**
 - iii. The General Manager report back to Council if RMS have concerns that could delay the project in the next financial year.**
 - iv. Council fund this upgrade either from, existing reserves, including from RA 11150 – IR – Infrastructure Assets Renewal Reserve, grants, or from State and or Federal government grants.**

Voting recorded as follows:

For: Toms, Baker, Novak, Lysaught, Ellem, Clancy, Simmons

Against: Williamson, Kingsley

LINKAGE TO OUR COMMUNITY PLAN

Theme 2 Infrastructure

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

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

BACKGROUND

The new Pacific Highway alignment bisects McIntyres Lane. Excluding the Pacific Highway overpass and approach works being constructed on McIntyres Lane, there will be two unsealed sections of road remaining being 505 metres long (current Pacific Highway to the new Pacific Highway alignment) and 1,066 metres long (new Pacific Highway alignment to the existing seal towards Sheehans Lane).

The estimate to seal both sections of McIntyres Lane on the above basis is \$1,012,896.

The proposed motion in this report is to seal only the eastern section from the new overpass to the existing seal towards Sheehans Lane.

Benefit-Cost Analysis: The table below compares the benefit-cost ratio (BCR) from the March 2018 report to the re-calculated ratio's using the updated costs and road lengths.

		Benefit-Cost-Ratio-March 2018			Benefit-Cost-Ratio-October 2018			
McIntyre Lane Gulmarrad	Proposed Road Sealing Length	7% Discount Rate	3% Discount Rate	10% Discount Rate	Proposed Road Sealing Length	7% Discount Rate	3% Discount Rate	10% Discount Rate
	2,330m	0.66	0.92	0.53	1,571m	0.75	1.04	0.60

According to a report to Council on the 16 October 2018 **Item 15.184/18 Gravel Road Upgrading**, staff have advised "Based on the revised BCR it is likely that economic benefit will be derived from the ultimate sealing of McIntyre's Lane, especially while discount rates are low." (The full report is attached for your information.)

KEY ISSUES

Since the aforementioned report on upgrading gravel roads was presented to Council, RMS and Pacific Complete have consulted with the community regarding a temporary asphalt batching plant on McIntyre's Lane Gulmarrad.

I attended the community information session on the 21 February, as did other locals from the Gulmarrad locality. Information was passed on to the community that should the batching plant be approved, an upgrade of the western section of McIntyre Lane would be upgraded with a two coat seal. The batching plant has since been approved.

Moreover, I spoke with engineers, who were there on hand at the community information afternoon, about the concerns regarding sealing the eastern section of McIntyres Lane prior to the completion of the upgrade to the Pacific Highway.

They advised they would not be using that section of McIntyres Lane in the construction of the new highway.

COUNCIL IMPLICATIONS

Budget/Financial

Fund this upgrade either from, existing reserves, including but not limited to RA 11150 – IR – Infrastructure Assets Renewal Reserve, or from other State and Federal government grants for regional roads, or Roads to Recovery funding

Policy or Regulation

N/A

Consultation

There have been numerous reports and occasions where the community have expressed their views on the sealing of McIntyres Lane.

Legal and Risk Management

N/A

Attachment:	Report 15.184/18
-------------	------------------

STAFF COMMENT – Tim Jenkins – Manager (Civil Services)

There has been no further development of the design of McIntyres Lane since the report to Council of 16 October 2018. The design is in concept stage only.

As noted in the October 2018 report *“The design only allows for a minor reduction on the major crest of the road (by 0.8 metres) and as such the crest will be a reduced speed crest. Lowering the crest to achieve a higher speed geometry will require a significant reduction in crest height (4+ metres) and major land acquisition for the required bank batters would be required.”*

The preliminary estimate based on the concept design for the eastern section of McIntyres Lane is \$705,000. There has been no peer review of the design to this stage and modifications of the design could be expected following this process. There has also been no field investigation to confirm a number of the design parameters used in the concept design. The estimated construction cost could therefore change once the design is finalised.

The Ordinary Council Meeting adjourned at 6.32 pm and resumed at 6.40 pm.

ITEM	17.008/19	COUNCIL INVESTIGATE LEASING GLENREAGH RAIL PRECINCT FROM ARTC TO ENABLE THE GLENREAGH RAIL AND STATION PRESERVATION SOCIETY INCORPORATED TO SUB-LEASE THE PRECINCT
-------------	------------------	---

Meeting	Corporate, Governance & Works Committee	16 April 2019
Directorate	Notice of Motion	
Submitted by	Cr Karen Toms	
Attachment	Nil	

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

SUMMARY

Mr David Murray, Vice President of the Glenreagh Rail and Station Preservation Society Incorporated (GRASPS), made a presentation to Council in the public forum at Council's March 2019 meeting.

His presentation included an overview of their plans to restore the precinct, and the many positives to the community should they be successful. They are seeking Council's support in acquiring a lease over the Glenreagh Rail Precinct to move the project forward.

GRASPS have approached ARTC many times regarding leasing the area themselves, and are of the belief ARTC could look favourably if Clarence Valley Council leased the precinct then sub-leased it to the Glenreagh Rail and Station Preservation Society.

PROPOSED MOTION

That

1. The General Manager investigate the possibility of Council leasing the Glenreagh rail precinct from ARTC, and sub-leasing the precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
2. The investigation to include, but not limited to, probable costs to Council, and risks associated with sub-leasing the Glenreagh Rail Precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
3. The report to include possible social and economic factors to the community should the precinct be restored.
4. The General Manager report back to Council by the July 2019 Council meeting

COMMITTEE RECOMMENDATION

Toms/Ellem

That

1. The General Manager investigate the possibility of Council leasing the Glenreagh rail precinct from ARTC, and sub-leasing the precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
2. The investigation to include, but not limited to, probable costs to Council, and risks associated with sub-leasing the Glenreagh Rail Precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
3. The report to include possible social and economic factors to the community should the precinct be restored.

4. The General Manager report back to Council by the July 2019 Council meeting.

Voting recorded as follows:

For: Ellem, Kingsley, Simmons, Toms
Against: Nil

MOTION

Toms/Novak

That

1. The General Manager investigate the possibility of Council leasing the Glenreagh rail precinct from ARTC, and sub-leasing the precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
2. The investigation to include, but not limited to, probable costs to Council, and risks associated with sub-leasing the Glenreagh Rail Precinct to the Glenreagh Rail and Station Preservation Society Incorporated.
3. The report to include possible social and economic factors to the community should the precinct be restored.
4. The General Manager report back to Council by the July 2019 Council meeting.

AMENDMENT TO MOTION

Williamson/Kingsley

That

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, Novak, Williamson, Lysaught, Toms
Against: Nil

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

COUNCIL RESOLUTION – 17.008/19

Toms/Novak

That

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

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 1.1.2 Respect the heritage of the region by highlighting and enhancing our unique characteristics

BACKGROUND

Council is aware of the heritage value of the Glenreagh Rail Precinct not only for the Glenreagh community but for the wider community and arguably the nation.

Cr Williamson submitted a notice of motion in August 2017, Council Resolution 17.007/17:

That:

- 1. Council Make strong representation to the ARTC requesting that the Glenreagh Railway Station and surrounding yards (including the water tower) which is listed as an item of environmental heritage under the Clarence Valley Local Environmental Plan 2011, be added to their Section 170 Heritage and Conservation Register under the Heritage Act 1977, and inform the Office of the Environment and Heritage of Council's request.*
- 2. Council is consulted on any future proposals, including demolition of the Glenreagh Station, the water tower or other related infrastructure by the ARTC, under the provisions of Clause 14 of the SEPP (Infrastructure) 2007, the request for comment be reported to Council.*

I commend the Glenreagh community for their hard work and determination in their goal of preserving the Glenreagh Rail Precinct for future generations, and ask that Council support the investigation of acquiring a lease to enable Council to make an informed decision on their request.

KEY ISSUES

N/A

COUNCIL IMPLICATIONS**Budget/Financial**

Staff time for the investigation.

STAFF COMMENT

Point 1 of the proposed motion can be completed by staff. Points 2 and 3, are elements of a feasibility study and would require significant staff resource from across the organisation if this study was to be resourced internally. If this study is to be progressed without external assistance, consideration should be given to what programmed activities are not to be competed, while staff resource is directed to this activity. Alternatively, Council could fund and commission a feasibility study to ascertain points 2 and 3.

CLOSE OF COMMITTEE MEETING

There being no further business the Corporate, Government & Works Committee meeting closed at 5.45 pm.

TENDERS AND CONTRACTS FOR SUPPLY

ITEM 16.008/19 T19/007 – SUPPLY OF TWO BACKHOE LOADERS

Meeting	Council	23 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

Tenders were called (Tender T19/007) for the supply of two new Backhoe Loaders in accordance with the adopted plant replacement program. This report assesses the conforming tenders received and makes a recommendation to Council for the purchase of the new backhoe loaders.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender from Westrac Pty Ltd for T19/007 of two Caterpillar 432F Backhoe Loaders at a total cost of \$463,150.00 (GST inclusive) to be funded from PJ 558500 Heavy Fleet Reserve and the Council seal be attached.
2. Dispose of the two current fleet assets 3401.02 and 3406.02 at public auction and the Council seal be attached.

COUNCIL RESOLUTION – 16.008/19

Kingsley/Novak

That Council:

1. **Accept the tender from Westrac Pty Ltd for T19/007 of two Caterpillar 432F Backhoe Loaders at a total cost of \$463,150.00 (GST inclusive) to be funded from PJ 558500 Heavy Fleet Reserve and the Council seal be attached.**
2. **Dispose of the two current fleet assets 3401.02 and 3406.02 at public auction and the Council seal be attached.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 currently operate a number of backhoe loaders in both the maintenance and construction works programs plus on call response for water and sewer crews. The backhoe loaders are well equipped and are

able to meet and exceed operational specifications during these works. Council staff rate them highly for ease of use and adaptability on the work sites. The specifications for the supply of the new backhoe loaders allow the continuation of this type of works within Council.

Tenders were called through the Local Government Procurement Vendor Panel site utilising contract LGP707-3 Heavy Plant and Equipment.

Tenders were received as follows

Tenderer	Description	Conforming
Komatsu Australia Pty Ltd	Komatsu WB97R-5EO	Yes
Earthmoving Equipment Australia	Case 580ST	Yes
Westrac Pty Ltd	Caterpillar 432F2	Yes

The tenders from all 3 suppliers were deemed to be conforming as the tenders supplied meet all the specification requirements detailed in the tender documents. (Refer to Tender Assessment attachment).

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements
- Tendered price offer (whole of life)
- Mechanical assessment
- Operator assessment
- Warranty offered, Local service and parts backup

Following this review the evaluation team concluded that the Caterpillar 432F2 Backhoe Loaders offered Council a machine that is appropriate for our requirements.

COUNCIL IMPLICATIONS

Budget/Financial

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed the backhoes Item No's. 3401.02 and 3406.02 for replacement in the 2018/19 financial year. The recommended tender is within the funds allocated for the replacement of these 2 plant items. Funds are available from the Heavy Plant Fleet Reserve to fund the \$421,045.45 GST exclusive price.

Asset Management

Replacement of this plant item is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant item.

Current Backhoes		
Plant item	3401.02	3406.02
Machine purchased	20/02/2008	20/02/2008
Operating hours	4450	6350
Disposal method	Auction	Auction
Estimated sale price	\$28,000	\$28,000

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.

Consultation

Council Plant Coordinator, Workshop Staff and Senior Operators have been consulted during the tender development and evaluation process

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the Local Government Act and Regulations while the evaluation processed was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Prepared by	Paul Gallagher, Fleet Coordinator and Nathan Binns, Manager Finance & Supply
Attachment	Confidential – Tender Assessment

ITEM 16.009/19 T19/010 – SUPPLY OF ONE ROLLER

Meeting	Council	23 April 2019
Directorate	Works & Civil	
Reviewed by	Director - Works & Civil (Troy Anderson)	
Attachment	Confidential	

SUMMARY

Tenders were called (Tender T19/010) for the supply of one new 12T Roller in accordance with the adopted plant replacement program. This report assesses the conforming tenders received and makes a recommendation to Council for the purchase of the new roller.

OFFICER RECOMMENDATION

That Council:

1. Accept the tender from Westrac Pty Ltd for T19/010 of one Caterpillar CS56B Roller at a total cost of \$185,170.00 (GST inclusive) to be funded from PJ 558500 Heavy Fleet Reserve and the Council seal be attached.
2. Dispose of the current fleet asset 3707.02 at public auction and the Council seal be attached.

COUNCIL RESOLUTION – 16.009/19

Kingsley/Novak

That Council:

1. **Accept the tender from Westrac Pty Ltd for T19/010 of one Caterpillar CS56B Roller at a total cost of \$185,170.00 (GST inclusive) to be funded from PJ 558500 Heavy Fleet Reserve and the Council seal be attached.**
2. **Dispose of the current fleet asset 3707.02 at public auction and the Council seal be attached.**

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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 currently operate Caterpillar 12T rollers in the maintenance and construction works programs. The rollers are well equipped and are able to meet and exceed operational specifications during these works. Council staff rate them highly for ease of use with excellent reliability and ease of serviceability. The specifications for the supply of the new roller allow the continuation of this type of works within Council.

Tenders were called through the Local Government Procurement Vendor Panel site utilising contract LGP707-3 Heavy Plant and Equipment.

Tenders were received as follows

Tenderer	Description	Conforming
Conplant Pty Ltd	ASC110D/ASC130D	No
Westrac Pty Ltd	Caterpillar CS56B	Yes
Tutt Bryant Equipment Pty Ltd	Bomag BW213D	No

The tenders from Conplant Pty Ltd and Tutt Bryant Equipment Pty Ltd were deemed non-conforming as the tenders supplied did not meet the specification requirements detailed in the tender (refer to Tender Assessment attachment).

KEY ISSUES

The evaluation team has undertaken an assessment of the conforming tenders taking into consideration the following factors:

- Operational requirements
- Tendered price offer (whole of life)
- Mechanical assessment
- Operator assessment
- Warranty offered, Local service and parts backup

Following this review the evaluation team concluded that the Caterpillar CS56B Roller offered Council a machine that is appropriate for our requirements.

COUNCIL IMPLICATIONS

Budget/Financial

Council's adopted Uniqco Plant and Fleet Asset Management Plan has listed roller 3707.02 for replacement in the 2018/19 financial year. The recommended tender is within the funds allocated for the replacement of this plant item. Funds are available from the Heavy Plant Fleet Reserve to fund the \$168,336.40 GST exclusive price.

Asset Management

Replacement of this plant item is in accordance with the adopted plant replacement program. Council's asset records will be updated upon receipt of the plant item.

Roller	
Plant item	3707-02
Machine purchased	01/10/2010
Operating hours	2755
Disposal method	Auction
Estimated sale price	\$30,000.00

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.

Consultation

Council Plant Coordinator, Workshop Staff and Senior Operators have been consulted during the tender development and evaluation process.

Legal and Risk Management

The tendering and evaluation process followed was consistent with the requirements of the Local Government Act and Regulations while the evaluation processed was based on the evaluation criteria contained within the tender documentation. The confidential attachment provides details of the evaluation assessment.

Prepared by	Paul Gallagher, Nathan Binns
Attachment	Confidential – Tender Assessment

ITEM 16.010/19 TENDER FOR THE PROVISION OF BANKING AND BILL PAYMENT SERVICES

Meeting	Council	23 April 2019
Directorate	Corporate & Governance	
Reviewed by	Director - Corporate & Governance (Laura Black)	
Attachment	Confidential	

SUMMARY

The purpose of this report is to seek Council's approval to re-appoint the Commonwealth Bank of Australia as Council's transactional banking services provider for a five year period from 1 July 2019 to 30 June 2024, as recommended by the Tender Assessment Panel.

OFFICER RECOMMENDATION

That:

1. Council accept the tender from the Commonwealth Bank of Australia (CBA) for RFT T19/002 – Provision of Banking and Bill Payment Services for a five year period from 1 July 2019 to 30 June 2024 at a total cost of approximately \$570,000 to \$650,000 (GST inclusive) to be funded from Financial Accounting (PJ 993065 Cost Centre 711).
2. The common seal be affixed to the Contract Agreement with CBA.

COUNCIL RESOLUTION – 16.010/19

Kingsley/Novak

That:

1. Council accept the tender from the Commonwealth Bank of Australia (CBA) for RFT T19/002 – Provision of Banking and Bill Payment Services for a five year period from 1 July 2019 to 30 June 2024 at a total cost of approximately \$570,000 to \$650,000 (GST inclusive) to be funded from Financial Accounting (PJ 993065 Cost Centre 711).
2. The common seal be affixed to the Contract Agreement with CBA.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

The Northern Rivers Regional Group of Councils issued a Request For Tender (RFT) for the Provision of Banking and Bill Payment Services for a Five Year Period (1 July 2019 to 30 June 2024) on 25 January 2019. Tenders closed at 3pm 22 February 2019.

The Northern Rivers Regional Group of Councils (NRRGC) members that participated in the joint tender process are as follows:

- Ballina Shire Council
- Byron Shire Council
- Clarence Valley Council
- Kyogle Shire Council
- Rous County Council
- Tweed Shire Council

Clarence Valley Council took the role as lead council in terms of managing the tender process. The NRRGC's agreements with the current banking service provider, Commonwealth Bank of Australia (CBA), are due to expire on 30 June 2019.

The NRRGC sought requests for tenders from financial institutions for the provision of transactional banking and bill payment services.

The objective of the NRRGC is to secure services of a bank with the necessary expertise and capacity to accommodate the NRRGC's current and future transactional banking requirements on a cost effective basis.

KEY ISSUES

Two financial institutions submitted tenders being:

1. Commonwealth Bank of Australia (CBA) and
2. National Australia Bank (NAB)

The Tender Assessment Panel, which comprised of NRRGC representatives, met on 27 March 2019 and agreed that the group offer from the CBA was the most attractive package for all Councils. Each member of the NRRGC will be putting forward their individual recommendation to their respective Council/Executive meeting.

Based on the overall assessment of financial and non-financial criteria each member of the NRRGC rated the CBA first.

In terms of CVC's assessment of the tenders, on price, the CBA rated slightly better than the NAB and when non-price factors were considered the tender from CBA was given the higher ranking overall.

The NAB recognised that there would be implementation costs in moving to a new transactional banker and thus offered a one-off payment to be distributed to the group if all members transitioned to NAB, negotiable in the event that all members do not accept NAB's offer. The Panel took this offer into consideration when assessing the tenders.

The CBA has a proven specialist Local Government support department, a long relationship history with the NRRGC, and Council has no underlying reason to change its banking provider.

There are no required changes to Council's current systems and processes, however, management will continue to work closely with the CBA to take advantage of some of their various payment mechanisms on offer.

The majority of costs estimates are derived based on historical transaction volumes hence costs outlined in this report are indicative only.

A copy of the tender evaluation report is included as a confidential attachment.

COUNCIL IMPLICATIONS**Budget/Financial**

The available budget for the tender is Financial Accounting, PJ 993065 Cost Centre 711 and the GST exclusive tender price is approximately \$518,182 to \$590,909 over the five year period. Noting, costs are dependent on the volume and types of transactions.

Asset Management

N/A

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.

In accordance with Council's Sustainable Procurement Policy the following processes were undertaken:

- The local supply provisions of the Policy were assessed by the Project Manager as not being relevant due to the specialist nature of the goods/services being sourced by the tender.

Consultation

Representatives from Ballina Shire Council, Byron Shire Council, Kyogle Shire Council, Rous County Council, and Tweed Shire Council.

Legal and Risk Management

N/A

Prepared by	Michael Salvestro, Financial Accountant
Attachment	Tender Evaluation Report - Confidential

ITEM 16.011/19 RECONSTRUCTION OF ROAD PAVEMENT – CAMERON PARK AREA, MACLEAN

Meeting	Council	23 April 2019
Directorate	Works & Civil	
Reviewed by	Manager - Water Cycle (Greg Mashiah)	
Attachment	Yes	

SUMMARY

This report discusses Council's contribution to road works on Council land adjacent to the Maclean IGA supermarket.

OFFICER RECOMMENDATION

That:

1. Council contribute \$290,656.93 (inclusive of GST) to the reconstruction of Council's road pavement areas on the eastern and northern sides of the Maclean IGA Supermarket, as defined in the trg drawing A1.03 CVC Outside of Title Boundary Works as Attachment 1 to this report, to be funded from Project Number 220164.
2. The reconstruction be carried out on Council's behalf by CIRCON Constructions P/L (the site contractor), for the agreed amount identified in this report.

COUNCIL RESOLUTION – 16.011/19

Kingsley/Novak

That:

1. Council contribute \$290,656.93 (inclusive of GST) to the reconstruction of Council's road pavement areas on the eastern and northern sides of the Maclean IGA Supermarket, as defined in the trg drawing A1.03 CVC Outside of Title Boundary Works as Attachment 1 to this report, to be funded from Project Number 220164.
2. The reconstruction be carried out on Council's behalf by CIRCON Constructions P/L (the site contractor), for the agreed amount identified in this report.

Voting recorded as follows:

For: Simmons, Kingsley, Baker, Ellem, Clancy, 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

The current construction of the IGA supermarket will involve reconstruction of car parking within the property owned by the supermarket developer, and also some works on Council land outside the developer's title boundary. Construction of the supermarket will change the traffic situation in the area, most particularly where the goods deliveries will be made.

KEY ISSUES

The former car park and internal roads were constructed to cater predominantly for cars and other light vehicles and not large delivery vehicles. In general, the developer is required to upgrade the areas where the changes to the traffic loading require strengthening of the road pavement. In discussions with Council officers, the principle has been agreed that for locations where the former pavement is in an acceptable condition for the former use, then any upgrading should be at the full expense of the developer. In areas where the pavement was in a poor state, and not adequate for the former traffic loadings, then it is appropriate that Council contributes to the cost to upgrade the pavement to cater for the new traffic loadings.

The sections of the road pavement in Council's car park at Cameron Park Maclean that have been in a poor condition for some time are shown as the orange shaded areas in Attachment 1 (Areas A, B and C). The blue shaded area (Area D), is existing car parking along the western side of the bowling green, is in better condition, and is also not expected to cater for heavy vehicles. It is reasonable to expect that this area will require reconstruction within the next 5 years, so it is considered desirable to undertake the work at this stage as the cost to do this work in isolation in the future will be more expensive and create a greater disruption.

It is also considered advantageous for the work to be carried out concurrently with the supermarket construction by the site contractor, as this will minimise disruption and additional project management costs for Council. As the site is currently under the control of the Contractor, were Council to undertake this project it could not be commenced until the supermarket is completed – extending the disruption to the public and the operation of the supermarket.

It should be noted that the areas proposed for reconstruction are all Council owned land. The proposal to renew these areas does not include any work on the land that is owned by the Maclean & District Bowling Club.

COUNCIL IMPLICATIONS**Budget/Financial**

The developer provided a quote to Council for the cost to upgrade the areas identified in Attachment 1 in the second half of 2018. At that stage the quote was based on expected costs, rather than actual tendered amounts. In order to be confident that the amount is providing good value for Council, input was sought from a Quantity Surveyor (QS). The QS checked the quantities that were identified for the various components of the work, as well as industry rates for each component. The QS identified some difference in quantities and made comments about the rates that had been provided. Subsequently, a revised amount has been provided by the developer using the actual rates tendered for the works by the Civil Contractor. Applying the actual tendered rates to the quantities determined by the QS shows a 5% lower total cost from using the Developer/Contractor quantities. This difference is considered to be acceptable. For further detail refer to Confidential Attachment 2.

If all of the areas identified in Attachment 1 are to be reconstructed (A, B, C and D) the contribution from Council to the developer would be \$264,233.57 plus GST (\$290,656.93).

The available budget in the 2018-19 Operational Plan is \$300,000.00 (Project Number 220164 Maclean Car Park Road Surface Renewal).

Asset Management

Areas A, B and C are in very poor condition and warrant renewal. Area D is in better condition, however, there is merit in completing the renewal over the complete precinct at the same time.

Policy or Regulation

Roads Policy

Consultation

Developer, Operations section

Legal and Risk Management

N/A

Prepared by	Nigel Sutton, Development Engineer
Attachment	CVC Outside of Title Boundary Works
Confidential Attachment	Cost comparisons

MOTIONS ON NOTICE

ITEM	17.009/19	PROPOSED REVIEW OF THE CLARENCE VALLEY COUNCIL TOURISM LOGO
Meeting	Council	23 April 2019
Directorate	Notice of Motion	
Submitted by	Cr Greg Clancy	
Attachment	Nil	

Having been deferred from Council's March Ordinary Meeting (refer Item 17.005/19), this motion is now resubmitted for decision.

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

SUMMARY

The current Clarence Valley Council tourism logo is a cluster of helium balloons flying in the air. They have been described as 'bubbles of happiness'. The Clarence valley Community Climate Change Committee is currently submitting a motion to ban balloons on all council lands and at council approved function centres. To have a logo that celebrates and thereby encourages the release of balloons is contradictory and hypocritical.

PROPOSED MOTION

That Council:

1. Undertake a review of the Clarence Valley Tourism logo to assess the cost of replacing it with a more appropriate logo.
2. Receive a report to the June 2019 meeting covering the costs and submitting possible alternative logos.

MOTION

Clancy/Novak

That Council:

1. Undertake a review of the Clarence Valley Tourism logo to assess the cost of replacing it with a more appropriate logo and/or using the corporate logo for tourism promotion as well, allowing the existing logo to be phased out.
2. Receive a report to the June 2019 meeting covering the costs and submitting possible alternative logos.

AMENDMENT TO MOTION

Toms/Ellem

That Council phase out the tourism logo over time to ensure minimal cost to Council and use the corporate logo for tourism promotion in future branding.

Voting recorded as follows:

For: Toms, Clancy

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

The Amendment to Motion was put and declared LOST.

AMENDMENT TO MOTION

Baker/Ellem

That Council:

1. Undertake a review of the Clarence Valley Council logos.
2. Receive a report to the July 2019 meeting.

Voting recorded as follows:

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

Against: Lysaught, Kingsley, Clancy

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

COUNCIL RESOLUTION – 17.009/19

Clancy/Novak

That Council:

- 1. Undertake a review of the Clarence Valley Council logos.**
- 2. Receive a report to the July 2019 meeting.**

Voting recorded as follows:

For: Novak, Baker, Toms, Ellem, Clancy, Simmons

Against: Williamson, Lysaught, Kingsley

FORESHADOWED MOTION

Williamson

That Council acknowledge the current tourism logo features bubbles of family enjoyment as outlined in the branding documents and is not featuring balloons and Council expend no monies in acknowledging the bubbles.

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

Public concerns have been raised about the harm that helium balloons cause to the environment, in particular the impact on marine animals. The Clarence Valley Community Climate Change Committee is addressing this issue and council should be proactive in banning these balloons and discouraging them from being use and released.

KEY ISSUES

Council can and should review policies, protocols and management procedures from time to time in particular where public interest indicates a need for review. Should the motion be adopted, Council will

have the opportunity to consider the merits of phasing out the current logo and introducing a more appropriate one.

COUNCIL IMPLICATIONS

Budget/Financial

The General Manager might advise on likely costs associated with adoption of this motion and whether the costs are manageable within current budgets for operational matters.

Policy or Regulation

Policy review.

Consultation

The issue has been raised by residents with the Clarence Valley Community Climate Change Committee and a motion is being forwarded to council.

Legal and Risk Management

None known.

STAFF COMMENT

The Clarence Valley Council Tourism Advisory Committee adopted the tourism brand and logo. The Committee consisted of tourism industry representatives (including some with marketing qualifications and skills) and the following Councillors; Cr Jeremy Challacombe (Chair), Cr Margaret McKenna (Deputy), Cr Richie Williamson and Cr Sue Hughes.

The logo was the final piece of the brand development process, which included workshops that determined the Clarence Valley attributes, values, target market and positioning.

The logo was launched in 2015. Ongoing and consistent use of a logo is key to customer messaging. It is therefore recommended that if there is a new logo a swift change over be implemented and all collateral updated; for example; website, signage, street banners, Aboriginal Tourist Drive signs, large maps perspex at hubs, brochures and maps, billboards, uniforms, guides, promotional material, airport promotion. It is estimated this would cost \$75,000. Cost and timeframe to design a new logo including consultation is estimated at \$5,000 and 3 – 4 months. Implementation would likely take a further 4 months with concerted effort and there may be additional costs required to launch the new brand (including new logo) to gain recognition the current brand has, these are unknown until take up and responsiveness is understood.

Budget allocation would be required.

FUNCTIONS ATTENDED AND REPORTS FROM COUNCIL DELEGATES

ITEM	18.005/19	FUNCTIONS ATTENDED BY MAYOR JIM SIMMONS – 1 MARCH 2019 TO 31 MARCH 2019
Meeting		Council
Directorate		General Manager
Reviewed by		General Manager - Ashley Lindsay
Submitted by		Cr Jim Simmons

23 April 2019

01.03.19	Meeting with Birrigan Gargle CEO – Maclean
05.03.19	Funding announcement by Chris Gulaptis MP for Grafton Base Hospital – Grafton Meeting with the Executive of the Maclean Chamber of Commerce – Maclean
08.03.19	Meeting with the Maclean Chamber of Commerce – Maclean
09.03.19	Maclean Lions Club 2019 Region One Youth of the Year Final Judging – Maclean
12.03.19	Maclean Business Chamber March Meeting Breakfast – Maclean Councillors Workshop – Grafton
13.03.19	Cheque giving for event sponsorship – Grafton Meeting with resident – Maclean
19.03.19	Signing of MOU with Yaegl Native Title Holders for sites mapping project – Maclean Extraordinary Council Meeting – Grafton
19.02.19	Corporate, Governance & Works Committee meeting and Environment, Planning & Community Committee meeting – Grafton
20.03.19	Grafton Chamber of Commerce Breakfast meeting – Grafton
22.03.19	Meeting with resident – Grafton Tucabia Public School Waterwise School Refresher Program Assembly – Tucabia Lower Clarence Arts & Crafts Association opening of Small Works Exhibition – Maclean
23.03.19	Pilipino Community Induction Ceremony – Grafton
26.03.19	Ordinary Council Meeting – Grafton
27.03.19	Patrick Deegan visit with Shadow Minister for Local Government Stephen Jones MP – Grafton
28.03.19	Citizenship Ceremony – Maclean and Grafton Present awards to InFocus photo competition winners at the plunge festival and exhibition launch – Grafton
29.03.19	Meeting with business owner – Maclean Maclean Highland Gathering - present sponsorship cheque and photo shoot – Maclean
30.03.19	Aviation Support Centre & Storage Facility Opening (NSW RFS) – Glenugie Copmanhurst Shire Council Honour Boards handover – Copmanhurst

Jim Simmons
MAYOR

AUTHORITY TO AFFIX THE COMMON SEAL OF COUNCIL FOR ITEMS NOT INCLUDED IN REPORTS

- Nil Items

OPEN FORUM - Nil**FORWARD MEETING DATES**

Description	Date	Time	Venue
Corporate, Governance & Works Committee	Tuesday 21 May 2018	2:00pm	Grafton Chambers
Environment, Planning & Community Committee	Tuesday 21 May 2018	3.30pm	Grafton Chambers
Council Meeting	Tuesday 28 May 2018	2.00pm	Grafton Chambers

CONFIDENTIAL BUSINESS

Mr Lindsay left the Ordinary Council meeting at 7.48 pm.

MOTION

Clancy/Williamson

That Council move into Confidential Session to consider the Mayoral Minute 11.002/19 on the General Manager's 2018/19 Mid Term Assessment under LGA Section 10A (2a) as it contains personnel matters concerning particular individuals.

Voting recorded as follows:

For: Novak, Toms, Ellem, Clancy, Simmons, Baker

Against: Lysaught, Williamson, Kingsley

The Motion was put and declared CARRIED.

Council moved into confidential session at 7.57 pm. The microphones were turned off and the public excluded from the gallery.

MOTION

Williamson/Lysaught

That Council move into open session. CARRIED

Council moved into open session at 8.07 pm and considered Item 11.002/19.

The microphones were turned on and the gallery opened to the public.

CLOSE OF ORDINARY MEETING

There being no further business the Ordinary Council meeting closed at 8.11 pm.